

Shrimp Permit Byelaw 2018



Eastern Inshore Fisheries & Conservation Authority made this byelaw at its meeting on the 18th July 2018. A formal consultation is now being held in relation to this byelaw.

The deadline for responses is 3rd September 2018

This document is intended as a summary of the byelaws effects and the rationale for the byelaw. The wording of the proposed byelaw and the associated impact assessment is available on the Eastern IFCA website (www.eastern-ifca.gov.uk) or on demand from the Eastern IFCA Office.

What does the Byelaw do?

The byelaw introduces a permit scheme for commercial fishing for shrimps within the Eastern IFCA district. The byelaw will have the following effects:

- Prohibit fishing for shrimps within the Eastern IFCA district without a shrimp permit;
- Enable Eastern IFCA to limit the number of shrimp permits issued
- Enable Eastern IFCA to introduce, vary or revoke permit conditions and eligibility criteria for obtaining a shrimp permit;
- Prohibit shrimp fishing from a vessel unless the vessel has a functioning electronic monitoring device (either a Vessel Monitoring System (VMS) + device or an inshore VMS device) which reports every three minutes;
- Require all shrimp fishers to provide catch returns;
- Enable Eastern IFCA to temporarily suspend the issuing of permits or close the shrimp fishery within the Wash and North Norfolk Coast SAC if there is a risk to fisheries sustainability or site integrity;
- Enable Eastern IFCA to partially recover costs associated with shrimp management measures through a permit fee;
- Revoke 'Byelaw XII' inherited from North Eastern IFCA.

Permits

Permits will be valid from the date of issue to the following 31st July. Permit fees apply to the issuing of permits each year. There are two permits available as follows:

- Category One Shrimp Permits – these enable fishing within the Wash and North Norfolk Coast Special Area of Conservation. The permit fee for this permit is £100;
- Category Two Shrimp Permits – these enable fishing outside of the Wash and North Norfolk Coast Special Area of Conservation. The permit fee for this permit is £44.

A person may hold both permits but will only be required to pay the fee for the Category One Permit (i.e. £100).

The location of the Wash and North Norfolk Coast Special Area of Conservation (i.e. where a Category One permit is required) is shown on the attached chart. The coordinates for this area are set out in Schedule 2 of the byelaw, available on the Eastern IFCA website (www.eastern-ifca.gov.uk) .

Permit Conditions and eligibility criteria

Permit conditions and eligibility criteria are proposed as part of this byelaw and form part of this consultation.

The proposed permit conditions are as follows:

- To restrict ‘try nets’ (small fishing gear used in addition to the main shrimp fishing gear to test if shrimp are present) as follows:
 - Only one per vessel;
 - Must be hauled by hand;
 - Must have a beam width of no greater than 800 millimetres
 - Must weigh no more than 20 kilograms.
- To prohibit the use of ‘tickler chains’ or other fixtures which penetrate the seabed;
- To prohibit the use of ‘shoes’, guides or skids on shrimp trawls which are not flat across their entire length; and
- To prohibit the use of shrimp nets which do not have a separator trawl or sorting grid.

Eligibility for a permit is restricted as follows:

- Persons are not eligible to be named on a Shrimp Permit if they have received a Financial Administrative Penalty or have been convicted of two or more relevant offences within 36 months of making application for a permit;
- Relevant offences include:
 - Non-compliance with Eastern IFCA byelaws;
 - Non-compliance with technical conservation measures in articles 14, 15, 16 or 25 of Council regulation (EC) 850/98 (i.e. general provisions on nets and conditions for their use, and Restrictions on fishing for shrimps to protect flatfish); or
 - Non-compliance with the Shrimp Fishing Nets Order 2002.

Eastern IFCA does not intend to limit the number of permits issued or implement other effort limitations through the permit scheme until further consultation has taken place with the industry.

Why is it being brought in?

Eastern IFCA has undertaken an assessment of the impacts of shrimp fishing activity on the features of the Wash and North Norfolk Coast Special Area of Conservation. This assessment concluded that impacts on the site cannot be ruled out and that management would therefore be required.

Certain habitats will require closure to shrimp fishing gear. These closures are set out in the Marine Protected Areas Byelaw 2018. More information is available on the Eastern IFCA website.

Fishing outside of these areas is not considered to have an adverse effect on the site at current activity levels and as per current fishing practices. However, increases in effort or changes to fishing practices (such as the use of different, more damaging fishing gear) may have more impact. Therefore, Eastern IFCA is seeking to implement a permit scheme to ensure that such changes do not occur.

The proposed permit conditions initially seek to prevent changes in fishing practices by setting out technical gear requirements designed to limit impacts on the site.

Effort can be limited through the byelaw in several ways. At present, there is no proposed cap on the number of permits which may be issued and no limit on fishing effort through permit conditions. Eastern IFCA intends to undertake further consultation to decide on the best method to limit effort as our informal consultation has found no consensus amongst the industry on how best to do this.

In the interim, the byelaw will enable Eastern IFCA to close the fishery temporarily if there is an enhanced risk of the activity damaging the site.

Revocation of Byelaw XII

Eastern IFCA inherited Byelaw XII from North Eastern Sea Fisheries Committee in 2011. The Byelaw only has effect in the area inherited from that Sea Fisheries Committee (i.e. a circa 11 miles stretch of coast on the Humber estuary). The byelaw requires fishers to lift and clear shrimp fishing nets every hour within this area.

Given the limited application of the byelaw and the ability of Eastern IFCA to introduce, vary or revoke permit conditions under the proposed byelaw, it is proposed that the inherited byelaw is revoked. Any future similar or related requirements can be introduced using the permit scheme and will be informed by the planned assessment of shrimp fishing sustainability.

When will it take effect?

The byelaw will not take effect until it has been confirmed by the Minister for the Department for Environment, Food and Rural Affairs. Before the Minister confirms any byelaw, consideration is given to the impact assessment and consultation.

Where does it apply?

The byelaw and associated permit conditions and eligibility criteria will apply in the entire Eastern IFCA district. Further work is required to identify additional measures (i.e. effort limitation and technical gear measures) which may apply within the Wash and North Norfolk Coast Special Area of Conservation only (i.e. a Category One Shrimp Permit).

How does it affect my activity?

The impacts of the byelaw have been considered in full in the associated Impact Assessment. A summary of the main impacts are set out below:

- Permit fees - These are proposed to recover the cost of administrating the permit (estimated at £44 per year) and, in the case of Category One Permits, contribute to the cost of proposed monitoring and research work to be undertaken by Eastern IFCA (estimated to be an additional £56 per annum).
- Electronic monitoring devices – There is a cost associated with the device sending reports via mobile phone telephony. A national project utilising the European Maritime and Fisheries Fund bid will cover the cost associated with the provision of devices (in the case of vessels under 12m in length) and its installation. Vessels 12m and over in length already have devices (known as Vessel Monitoring System + devices) which are capable of reporting at the required frequencies.

The cost of sending reports is commercially sensitive but is thought to be in the region of £100 to £150 per year for any device.

In the context of the value of the fishery on an annual basis (the average of which is £1.6m in the period 2010 to 2016), the cost to fishers is considered not likely to have a significant effect on business continuity.

A minority of fishers will also be required to fit a separator trawl or sorting grid to their fishing gear at an estimated cost of £350 per vessel.

Are there any exemptions?

This byelaw does not apply to recreational fishers fishing for shrimp.

Will the byelaw be reviewed?

The byelaw will be reviewed after six years and any permits conditions or eligibility criteria will be reviewed after 4 years at most.

Eastern IFCA will be considering further permit conditions and eligibility criteria within this period. In particular, Eastern IFCA will be seeking to implement effort limitations in the near future through this byelaw and will be consulting with the industry on the best way to do this.

Where can I find more information?

The byelaw and associated impact assessment can be found on the Eastern IFCA website (www.eastern-ifca.gov.uk).

Eastern IFCA has set out a summary of the Habitats Regulation Assessment which underpins the need for the byelaw in Action Item 17 of the 32nd Eastern IFCA meeting of the 25th April 2018.

The rationale for the proposed mitigation including this byelaw is set out in Action Item 14 of the Eastern IFCA meeting of the 18th July 2018. Both of these papers are available on the 'publications' section of the Eastern IFCA website.

Can I make a comment?

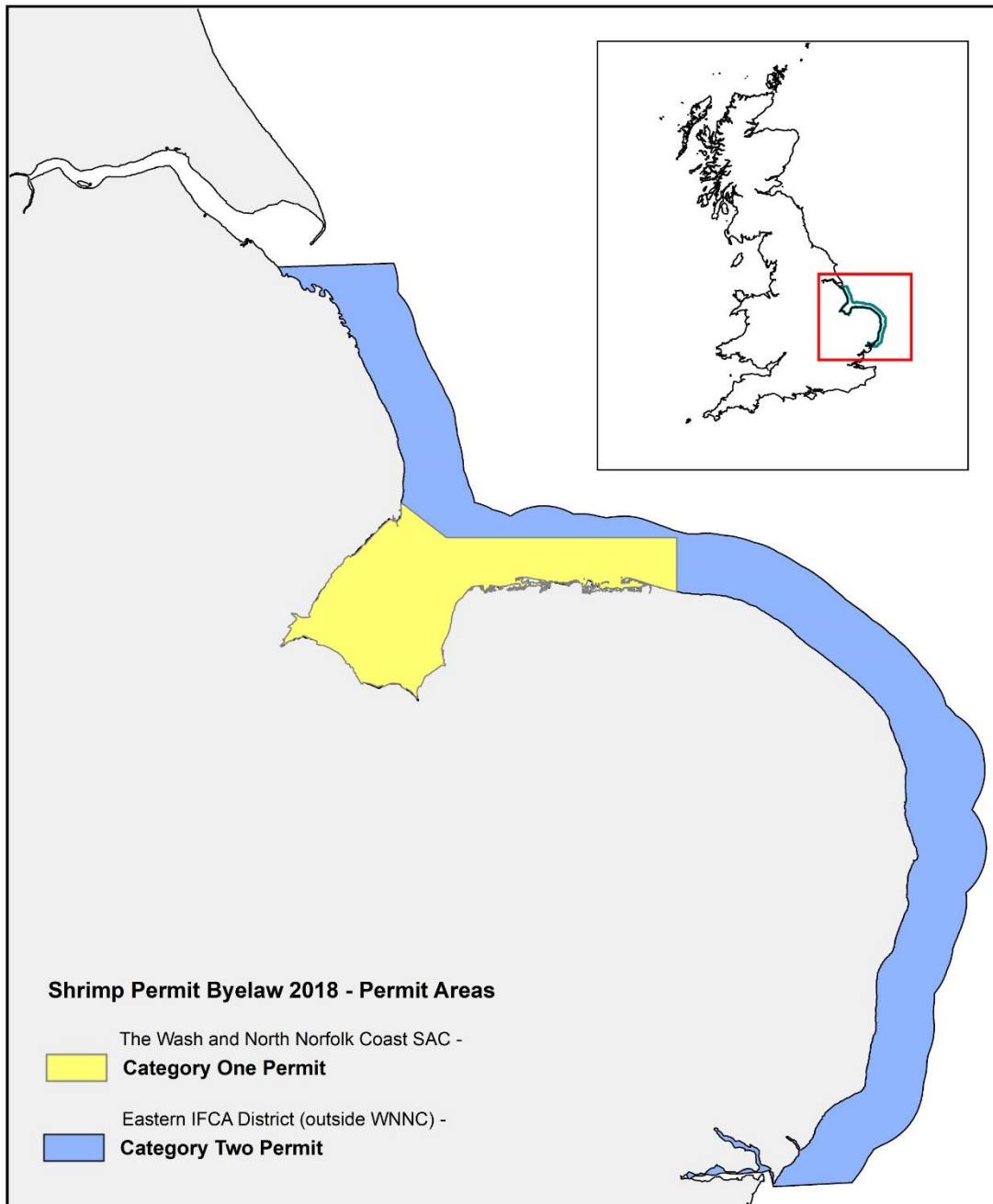
To take part in the consultation, please send written responses setting out your support, objections or comments addressed to the CEO of Eastern IFCA at the email or postal address below:

- Email address: mail@eastern-ifca.gov.uk
- Postal address: Eastern IFCA, Unit 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG

Please also send a copy of any response to the MMO at either of the the following:

- Email address: IFCAbyelaws@marinemanagement.org.uk
- Postal address: Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle-Upon-Tyne, NE4 7HY.

The deadline for responses is noon on the **3rd September 2018**.



Co-ordinates for The Wash and North Norfolk Coast Special Area of Conservation (Category One Permit area) are set out in Schedule 2 of the Shrimp Permit Byelaw 2018.