

# Southern IFCA - Net Fishing Management Consultation

## Introduction

The Angling Trust is recognised by the Government and its agencies as the national representative body for all coarse, sea and game anglers in England. Our mission is to protect and improve the aquatic environment for people and fish, thereby benefiting recreational angling and fish stocks. We undertake this work on behalf of a membership of 1,600 angling clubs (with more than 350,000 members) and 17,000 individual members. Within recreational sea angling (RSA) we have a number of affiliated specialist groups such as the National Mullet Club (NMC) and the Bass Anglers Sportfishing Society (BASS) with whom we work closely.

The Angling Trust is joined in a collaborative relationship with Fish Legal, an unincorporated association which takes legal action to protect the water environment and fishing rights of its member clubs and riparian and fishery owners throughout the UK. Fish Legal is the successor organisation to the Anglers Conservation Association (ACA), a body which has been successfully battling pollution and other damage to fisheries for over 65 years.

## Background

In 2016 the Angling Trust published a comprehensive report calling for far greater protection for Britain's estuaries and for a radical overhaul of the outdated rules governing inshore netting, which is doing huge damage to fish stocks and endangering the survival of important species such as bass, wrasse, mullet, salmon and sea trout. The dossier - *Inshore Netting and Estuarine Protection - A New Approach to Inshore Fisheries for the 21st Century* - was produced in partnership with representatives from angling and fisheries groups and aimed to inform the review of byelaws by the Inshore Fishery and Conservation Authorities (IFCAs), which is required under the 2009 Marine and Coastal Access Act. A copy of the dossier was sent to all ten regional IFCAs in the UK and to the Fisheries Minister, George Eustice.

[https://www.anglingtrust.net/core/core\\_picker/download.asp?id=7911](https://www.anglingtrust.net/core/core_picker/download.asp?id=7911)

The dossier details the dramatic increase in the impact of netting on inshore fish stocks and recreational angling as a result of the introduction of cheap monofilament nets, and makes recommendations for modernisation of the outdated, complex and poorly-enforced legislation regulating the use of nets in home waters. Among the recommendations are calls for:

- All those catching fish for sale to be licensed and the removal of the current 'grey areas' between commercial/non-commercial and licensed/unlicensed types of fishing which are often exploited for personal gain.
- Net-free zones to be designated to prevent overfishing in localised areas of sensitivity for specific stocks and species - such as estuaries, which act as nursery grounds and migration routes for a number of threatened and protected species.
- Spawning, aggregating and migrating stocks of species such as bass, mullet, salmon, sea trout and others to be protected from inshore netting through temporal or spatial closures.
- The Marine and Coastal Access Act to be reviewed to ensure that local fisheries management and enforcement authorities have the powers to introduce and enforce regulations around the coast for both marine and migratory species.

- Streamlining of netting regulations to make control, monitoring and enforcement more efficient and more effective.
- Juvenile and spawning fish stocks to be afforded better protection to allow them to complete their lifecycles, which would be of benefit to commercial fishermen, anglers and the environment.
- Reducing the number of lost monofilament nets, which can continue catching and killing fish, seabirds, seals and other marine mammals for many years - the so called 'ghost nets'.

Many inshore and migratory fish stocks have suffered severe declines since the proliferation of monofilament nets. More than 70% of sea anglers surveyed stated that the biggest factor stopping them going fishing was poor fish stocks. Sea angling activity currently results in a total overall spend of over £2bn to the English economy.

The Angling Trust believes that the current regime covering inshore netting is chaotic, piecemeal, outdated, unenforceable, unsustainable and bad for fish, the economy and the environment. We want to see the regulations modernised to reflect the fact that fish stocks are a publicly-owned resource and should be managed for the benefit of society as a whole. Over-fishing in inshore waters by commercial netting has seen a decline in biodiversity, fish stocks and angling participation, which deprives thousands of small businesses in coastal communities of vital income.

We believe that the on-going review of byelaws by the IFCA presents an opportunity to reform and modernise these regulations and make them fit for purpose.

## Completed or on-going Netting Reviews

Two IFCA have recently introduced reforms to their netting byelaws and the Sussex IFCA has a set of proposals under consideration.

### Devon & Severn

The Devon & Severn IFCA introduced a new permitting byelaw for netting on March 1st 2018. Only those with valid permits will be allowed to fish with nets within the district. Permits will only be issued for seine nets targeting sand eels within any of the estuaries within the district. Landings nets, drop nets and small hand-held nets used by anglers will be allowed but will not require permits. This will help contribute to the recovery of bass, salmon and sea trout stocks and improve recreational angling.

### Cornwall

In January 2018 the Cornwall IFCA introduced a new River and Estuarine Fishing Nets byelaw. It is now an offence, with specific exceptions listed below, to use a net for the purposes of taking sea fish from any of the rivers or estuaries in the Cornwall IFCA district. In addition, it is also an offence to carry a net on board a vessel while undertaking any fishing activity for sea fish (including shellfish) in any of the rivers or estuaries in the Cornwall IFCA district. The prohibition on carrying or using a net does not apply to ebb nets, sandeel seine nets and a number of 'low impact' nets.

### Sussex

The Sussex IFCA is proposing a ban on netting all year round in tidal river reaches, enclosed coastal waters, estuaries, river mouths and harbour entrances and where appropriate align with more extensive harbour boundaries. No person shall place or use any fixed engine, drift net, gill net, seine net, **ring net**, cast net and unlicensed (according to Environment Agency regulation)

fyke nets within any tidal reaches of Sussex rivers and adjoining waterbodies which maybe at any time be subject to tidal exchange.

The Angling Trust has welcomed the conclusions of the reviews in Cornwall and Devon & Severn which we believe were consistent with their statutory duties to - *“balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment”*.

**We further note the intention of the Sussex IFCA to specifically prohibit ring netting.**

## **Powers and Duties of IFCA's**

Under Section 153 of the Marine and Coastal Access Act 2009, the Southern IFCA must manage the exploitation of sea fisheries resources in the district. In doing so, the Authority must:

*(a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,*

*(b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or to promote its recovery from, the effects of such exploitation,*

*(c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and*

*(d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.*

Furthermore, under the Habitats Directive, the Authority has responsibilities to manage fishing activities within sites of conservation importance such as Special Areas of Conservation (SAC) or Sites of Specific Scientific Interest (SSSI). This is of particular relevance to this review as, within the district, the Atlantic salmon (*Salmo salar*) is listed as a species of Community Interest in the two SACs (Itchen and Avon) and both the Atlantic salmon (*Salmo salar*) and the brown/sea trout (*Salmo trutta*) are referenced in the citations of several SSSIs. Additionally, the Atlantic salmon was identified as a priority species under the UK Biodiversity Action Plan (BAP).

## **SIFCA Netting Proposals**

The proposals include:

- a range of new net or amended net management orders in various parts of the district including Lymington, Keyhaven, Isle of Wight, Christchurch, Poole, Langstone and Portsmouth harbours, Southampton Water and the Test, Meon, Hamble and Itchen estuaries, Lyme Bay and various piers.
- A ban on netting within 100 metres of designated piers
- Options for a new minimum landing size (MLS) for the three species of mullet
- Promotion of ring netting in most locations to cover 75% of the river channels, 350 metres in length, 6 metres depth and which can be set from shore or boat.

## Angling Trust Summary Response

The Angling Trust is deeply unhappy at nature of this review which, in our opinion, manifestly fails to deliver on SIFCA's duties with regard to sustainability, balance between exploitation and marine conservation, assessing economic and social benefits, impacts on salmonids, protections of the Itchen and Avon SACs.

The consultation even suggests that targeting bass with nets is permissible which is an extraordinary statement for a regulatory body when targeted bass netting has been unlawful for nearly two years!

We note that the Environment Agency have registered well documented and evidenced concerns about the impact of ring netting on salmon and sea trout with which we concur. In fact, they claim that salmon and sea trout are likely to be 'encountered in all waters throughout the Southern IFCA District and, as such, protective measures should be implemented to protect these species'.

Specifically, the EA have stated that in Poole and Christchurch harbours measures should be taken to stop the netting of all sea fish species to protect the recovery of bass stocks and migratory salmonid runs. However, despite this warning the proposals envisage no netting restrictions in the bulk of Poole Harbour and very few in either Portsmouth or Langstone.

The EA's 2016 Poole and Christchurch Harbour Study (1) clearly states -

*"Beach seine nets are still used by some fishermen targeting sea fish in the location shown in Figure 7 above. Netting in this area poses an unacceptably high risk to migratory fish. This area was used by the Environment Agency licenced salmon nets when the legal fishery was operating because it was the optimal area for catching migratory fish."*

**However, these proposals permit netting to continue in the very same place identified as optimal for catching salmonids.**

Having consulted with our own fisheries experts we conclude that the ring netting as proposed is simply gill and seine netting with a different name. As it is not set taught the mesh collapses and it also operates as a tangle net. The use of nylon monofilament means that fish are damaged and that live release of non-target species or undersized specimens would be problematic. Mullet in particular are prone to large scale loss in mono nets.

Ideally we believe estuaries should be net free zones for all the reasons set out in our 2016 Dossier and this remains our position.

The proposals envisage ring nets up to 6 metres deep and 350 metres long strung across 75% of the river channel. This represents a 2000 square metre wall of lethal monofilament which could cause untold damage to salmon, sea trout and bass in addition to further reducing already declining mullet stocks.

The prospects for the safe return of any by-catch are slim as evidenced by the Poole and Christchurch Harbour Study which states - *"Over 80% of the nets checked by Environment Agency Fisheries Enforcement Officers over the last 25 years have contained migratory fish. Migratory fish have made up 30% of the catch in some instances. The majority of migratory fish were already badly damaged or dead and only a few able to be released when net inspections were carried out by Environment Agency Fisheries Officers ...(who)...have also observed sea trout caught as a bycatch dumped in the water off the Mudeford slipway."*

We note that the SIFCA proposals are in marked contrast to the reviews carried out by other IFCA's, which is of concern given the evidence base applied by the neighbouring authorities.

Whilst there are some welcome proposals for net management in parts of the District, such as the Isle of Wight, much of the document focuses on the promotion of ring netting, presumably at the behest of commercial interests, without putting forward any credible economic case.

It is indisputable that mullet numbers have declined markedly as evidenced by MMO data and NMC returns. Any proposals should put the fish and the fishery first before either commercial or recreational interests. Yet SIFCA is proposing an open access fishery with no limits which is the opposite of sustainable fisheries management.

The SIFCA consultation document is unable to put forward an evidenced based case for making special provision for commercial as opposed to recreational mullet fishing where nearly all fish are returned to the fishery.

The UK 'top earner' from a grey mullet vessel declared just £10000 in earnings. Within the SIFCA the top vessel, V01865, posted just £11615 total earnings in 2017 and grey mullet is number 12 in list of importance to the SIFCA U10 fleet. The total value of the grey mullet fishery was £96045 or 1.14% of total. This is hardly surprising when mullet often fetch as little as £2 per kilo.

These figures pale into insignificance beside either the value of recreational sea angling in the SIFCA District - which is famous for its mullet fishing - or the extended value of an individual salmon currently estimated at £15,655. The Economic Significance of the fisheries of the Test and Itchen, 2005 survey, published in the 2005 Report by the Test and Itchen Association valued the fisheries at £3,819,504 in 2005 which when inflation is added is £4,948,627 in 2015.

Lack of resources means that enforcement is problematic in most IFCAs and the confused nature of current netting rules means that there is very little prospect of people knowing what to report. The establishment of clearly defined net free areas means that the public can report illegal activity and aid both enforcement and compliance. The EA report (2) on illegal netting in the SIFCA District from 2013 to 2016 shows **the highest concentration of incidents in precisely the same areas that are proposed for ring netting with The Test, Itchen, Avon and Frome estuaries most at risk.**

If limited ring netting were to be allowed in some areas there would need to be much tighter controls - for example: no mono nets - soft twine only - and to be deployed like purse seines so undersized fish and salmonids could be returned, no netting in Bass Nursery Areas, no night netting to avoid poaching and interaction with migratory salmonid runs and the introduction of a close season to protect spawning aggregations of mullet in February, March and April

Furthermore, there should be absolutely no shore netting, no recreational netting whatsoever and only those currently ring netting to be invited to apply for a small number of permits which would operate a fully documented fishery to enable monitoring of impacts.

We do welcome the inclusion of a net free zone around piers but believe this should be extended to 200 metres and applied to pontoons and other permanent structures. The consultation document acknowledges that the structures provide 'artificial refuge and nursery benefits' and for recreational anglers it is not only about where we fish from but the structures we fish towards. Permanent structures of all types should be free of any form of netting in order to give the fish some measure of protection and to allow anglers space to practice their sport.

On minimum size limits the Angling Trust would want to see the same size limit of 47cms for all three mullet species until there is better evidence for golden-greys in particular. We would also favour a slot size to protect the bigger spawning fish, particularly as mullet can take up to 12 years to fully mature making them especially vulnerable to unsustainable commercial exploitation.

## Conclusion

We find very little in these proposals to commend save for the introduction of net management measures in locations where there were previously none. No economic case has been made for promoting a ring net mullet fishery in which salmon, seatrout and bass will inevitably feature as a high value, and unlawful by-catch. Many of these protected species will end up being sold on the black market and the measures are likely to be used as a cover for increased poaching.

Furthermore, with a declining mullet population this slow growing, low value species should really be the subject of a stock recovery programme in a sustainably managed fishery rather the target of a highly dubious proposal for further exploitation.

Finally, with six principal salmon rivers within the Southern IFCA District constituting 10% of the principle salmon rivers in England and Wales and representing an economic value vastly greater than the existing commercial mullet fishery it is difficult to accept what justification there is for bringing forward these proposals.

## References:

1) RISKS POSED TO MIGRATORY SALMONID FISH SPECIES BY SEA FISH NETTING IN POOLE AND CHRISTCHURCH HARBOURS - Environment Agency December 2016

2) Maps showing illegal fishing reports to the Environment Agency across the Southern IFCA district.

## Consultation Response

Our response to the specific questions in the Consultation document are as follows:

**Question 1. Do you agree with the proposed harbour and estuarine net management areas measures for the Southern IFCA district?**

No. In common with other conservation and fishery organisations we believe that the proposed changes to the SIFCA byelaws do not provide sufficient protection for vulnerable stocks of salmon and sea trout and will put increasing pressure on declining stocks of slow growing grey mullet and bass. The natural harbours, estuaries and creeks need additional protection from commercial netting, including ring netting, which will still be hugely damaging for all by-catch species. The only sustainable option is to have net exclusion zones in all harbours, creeks and estuaries.

**Question 2. In areas where a minimum headline depth restriction of 3m has been proposed (Southampton Water and Lyme Bay), do you feel that the risk to salmonid interception will be suitably mitigated?**

No. Several scientific studies suggest that sea trout will often be in water where they will still be intercepted in drift or fixed nets fished below the 3m mark. Given their importance for salmonids Lyme Bay and Southampton Water should be year round net exclusion zones.

**Question 3. Do you agree with the proposed pier net management area measures for the Southern IFCA district?**

We support the netting exclusion around piers but would like to see this extended to 200 metres around all pontoons, piers, jetties and permanent structures in harbours and estuaries.

**Question 4. Do you agree with the principles for the definition of ring net use?**

No. Ring nets will not ensure the safe “catch and return” of non-target species and could easily be deployed at the wrong time and in the wrong place and intercept a substantial proportion of the entire year’s migratory spawning stock of salmon and sea trout in any river, particularly with the proposed 75% channel coverage which is excessive.

If ring nets were to be permitted in estuaries, harbours and creeks then they must have a maximum/minimum mesh size and be constructed from soft, knotless twine rather than monofilament.

**Question 5. From your experience, can you describe the likelihood of catching a salmon or a sea trout in a ring net?**

Very likely indeed. We refer to our colleagues from the Wild Trout Trust who state: *I have never seen a purpose-built ring net in operation in the Southern IFCA area. I have, however, seen drift nets used in a very similar fashion in Southampton Water, where a wall of mono is set in an ark and drifted for a short period on either a flooding or ebbing tide and then retrieved. It will only be luck, not judgement or skill, whether or not a ring net will catch salmonids if they are set in vulnerable locations.*

*In effect the beach seine net that used to operate in Christchurch harbour was a “ring net” which did catch salmonids on a regular basis.*

**Question 6. From your own experience, are there any steps that can be taken to avoid catching salmon or sea trout in a ring net?**

Yes. Prohibit the use of ring nets in estuaries, harbours or creeks.

**Question 7. What would be your preferred option for the minimum size of grey mullet species in the Southern IFCA district?**

On minimum size limits the Angling Trust would want to see the same size limit of 47cms for all three mullet species until there is better evidence for golden-greys in particular. We would also favour a slot size to protect the bigger spawning fish, particularly as mullet can take up to 12 years to fully mature making them especially vulnerable to unsustainable commercial exploitation.

**Question 8. Do you agree that the proposed measures will A. support fish nursery areas; B. provide areas of refuge for fish; C. provide protection for migratory species, such as salmon and sea trout?**

A. No. Fish nursery areas cannot function if the larger brood fish are being excessively exploited. Mullet numbers are in decline and allowing netting in the bass nursery areas inevitably results in a by catch which is either damaged or illegally removed. The only true nursery area is one that is net free.

B. No. Unlike the netting reviews in Devon & Severn and in Cornwall the SIFCA proposals contain virtually no commercial fishery exclusion zones. Allowing ring netting to take place in highly sensitive locations for salmonids does not afford the migrating fish vital refuge as they prepare for the transition from sea to freshwater. A point made strongly by the EA with which we concur.

C. No. Estuaries, harbours and creeks should be excluded from commercial netting in order to support the inshore sea species and to provide adequate protection for endangered salmonids.

**Question 9. How do you believe net fishing by recreational users should be managed?**

We do not believe there should be any such thing as recreational netting.

**Question 10. How would you like to see fishing nets marked in the district?**

Clearly it is important that enforcement officers are able to easily identify the owners of all fishing gear that has been deployed.

**Question 11. What are the anticipated costs or benefits to you as a result of these measures?**

The further over exploitation of mullet and bass stocks that would result from these proposals would damage recreational sea angling in the District while the disruption of migratory runs of salmon and sea trout would threaten the recovery of these highly valued species in a number of SAC and other rivers.

SIFCA has a statutory duty in the management of estuaries to ensure the long-term sustainability of highly threatened fish stocks, such as salmon and sea trout. Other species need to be managed sustainably balancing economic, social and conservation objectives. It is difficult to see how the current proposals meet any of these objectives.

**Angling Trust  
23rd November 2018**