

THE ASSOCIATION OF SEA FISHERIES COMMITTEES OF ENGLAND AND WALES

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Dear Nicola

CONSULTATION ON MEASURES TO INCREASE THE NUMBER AND SIZE OF BASS AVAILABLE TO COMMERCIAL AND RECREATIONAL FISHERMEN

This Association discussed DEFRA's proposals on the bass fishery at its meeting on 11 January. This is a vexed topic and one where there are very different fishing realities on many areas of the coast. The Sea Fisheries Committees will, therefore, be responding to the consultation individually to draw DEFRA's attention to the practical realities of the proposals as they affect each Sea Fisheries District. (The Northumberland Committee will probably not write to you for the sufficient reason that bass have yet to make any significant appearance in that District.)

This letter concentrates, therefore, on the general issues.

RIA : PARAGRAPHS 32 AND 35 - ENFORCEMENT COSTS

It is inaccurate to report to Ministers that the enforcement work would be achieved within existing budgets without adding the all important rider that to achieve this, enforcement and monitoring priorities will need to be reassessed and it is inevitable that some other work will be given a far lower priority or be abandoned altogether to make room for the bass work. Actual costs for securing compliance are a function of the general acceptability of the proposal. There are few signs at the moment that the proposal is understood let alone welcomed by the commercial fleet. To enforce the measures effectively enforcement effort will be required not just on registered vessels but also on all other vessels and captures. This will be costly. The Sea Fish (Conservation) Act 1967 is known to be defective in providing authority to enforce mls from any shore fisheries. This needs to be put right.

RIA : PARAGRAPHS 33 AND 34 - COMPETITION ASSESSMENT

It is at best simplistic to tell Ministers that there would be no negative competitive impact arising from this measure. All along the English Channel, Bristol Channel and

in many parts of the North Sea bass are targeted and taken outside the spawning season. Continental vessels do as UK vessels do and land where convenient and economically advantageous. They do not invariably go home. Bass will continue to be landed from continental vessels into UK ports. Bass will also be moved across the Channel from continental ports by ferry. We have been told that French merchants are already seeking outlets for bass in the UK against the day that they can become the monopoly suppliers of bass in the 36 – 45 cms range. This needs to be recognised and the economic cost to the English (UK) fleet costed and drawn to the Minister's attention before he is asked to sign the RIA. It needs to be put far more strongly than the current phrase in paragraph 34 of the RIA "...would not, therefore, suffer the short or medium term losses that are envisaged for UK fishermen". The implication from the proposal is a potentially significant economic gain to continental vessels and a potentially significant loss to the UK fleet. There is a further disadvantageous implication for the UK fleet in particular which is that the removal of the UK commercial landings between 36 cms and 45 cms also increases the opportunity for landings from unregistered vessels and leisure sources to meet the demand for fish in these sizes. Anecdotal information is that the new buyers and sellers legislation has not stopped this trade.

More generally :

Reliance on the figures in the Drew Report is not a good basis from which to develop policy. This report sets the value of recreational fishing 'high' by counting in all economic activity from buying fishing tackle to bed and breakfast benefits to the local economy. It values commercial fishing 'low' by relying on first hand landing prices for fish and ignoring all other economic activity generated by the fishing industry. This includes boat maintenance and repair, fuel, fishing gear, chandlery, food for consumption at sea, charts, electronic equipment (and its maintenance) as well as the value added in the economy as the hotel and food industry turns first hand fish into value added products.

Because bass is part of the economic catch of a significant number of UK vessels the measure proposed would discriminate against UK fishermen. Their continental competitors would be able to catch and sell fish from 36 cms. This happens to be a near ideal plate size for the restaurant trade and thus a significant market will be lost to UK fishermen either to continental vessels landing in the UK or to farmed bass or to unlicensed vessels, which may or may not include vessels used by recreational anglers, and to shore based leisure fishing.

Restricting through unilateral mls or otherwise disadvantages the UK fleet if/when bass quotas are set. They will inevitably be set to match then existing recorded proportions of the total bass landed by the EC fleet.

Note that bass are not always taken as a bycatch. Even outside the spawning season there is a serious fishery for bass as they move from inshore waters to offshore waters and as returning spawned fish move back to feeding grounds. Bass move quickly. I have been made aware that some UK inshore fishermen have already moved up to powerful vessels that can chase bass and overhaul them with a trawl. Any increase in landing size without increasing the trawl mesh size would simply generate a new discard problem both for true bycatch and for targeted fish if these turn out to be too small. All fish under 45 cms would have to be discarded. However, the proposals contain a suggestion for a 10% bycatch tolerance on fish below the new landing size. This then implies that these fish are to be landed and marketed and it follows that a defence is provided that 'these 'undersized' fish were

landed under the tolerance rules' i.e. that no prosecution can ever be successful on undersized bass because there will always be reasonable doubt.

The proposed increase in fixed gear mesh size for bass is welcome as far as it goes. I am advised, however, that in some areas an increase to 105 mm will make it more likely that salmonids will be retained – again to be discarded, dead. No doubt you will put this point to the Environment Agency. No doubt you will also be considering whether the mesh bands in Annex 2 to EC Regulation 850/92 need revising to fit the proposed new reality. I am also advised that 105 mm mesh is not manufactured at present. As nearly all fixed mesh nets are manufactured abroad and imported as sheet netting to be made into fleets in the UK a very long lead time will be required. Special-manufacture costs are likely to result in significantly higher costs to fishermen.

What is colloquially referred to as global warming has produced a mixed mullet, gilt-head bream and bass fishery in the Channel worked with fixed nets. An increased fixed mesh size would end this new fishery; equally no increase in mesh size but an increase in mls can only result in discarding of bass.

CONCLUSION

If there is a demonstrable need to increase the bass mls we urge that this is done in stages – perhaps the route outlined as option 3 plus an appropriate increase in trawl mesh size is a fair starting point. It would be important though that:

this initiative should be taken forward on an EC basis. As the Commission is believed to be redrafting the technical conservation regulation they would be receptive to ideas about bass. If the proposed measures go ahead in whatever form, they stand more chance of being accepted in the UK fleet if they were to be applied through Community rules to all vessels fishing in the 0-12 mile limit. You will be aware that there are latent powers in the Basic EC Regulation to allow this. Otherwise this exercise will simply be seen and labelled as conserving fish/wantonly foregoing UK fishing opportunities for other countries' benefit. And the visible beneficiary will be the Continental vessel fishing alongside the UK vessel

after each change in mls a scientific review is carried out to see whether and what benefits to bass stocks, anglers and commercial fishermen had accrued. Reliance on 'experience from enforcement activities, together with monitoring work by CEFAS, and anecdotal information...' as stated at paragraph 35 of the RIA will not be enough in this case. There must be a full dress review of the whole picture at each stage before the next stage is attempted

enforceable bag limits are introduced for anglers and other unregistered fishermen. This is not an idle thought. If BASS's own figures are used 400,000 anglers taking 1kg of bass each year implies 400 tonnes to anglers. 4 kg of Bass implies 1600 tonnes. UK commercial landings are 533 tonnes. Allowing for misreporting inherent in both figures the anglers are having at least the same effect on Bass stocks as the commercial fleet. The stock has to be maintained to the benefit of all sectors – and the obligation to help

defend the status of that stock through commonly applicable and equally enforced rules is only common sense.

It is unfortunate that DEFRA chose not to seek the views of the inshore managers established by Act of Parliament before going public with these proposals. If DEFRA had done so I am sure that a lot of the issues raised here and in the separate letters sent by the Sea Fisheries Committees could have been factored into the proposals. Consequently a lot of the antagonism that the proposals have generated in the commercial fleet might have been avoided.

I am copying this letter to the Chief Executive of the Marine Fisheries Agency in view of my remarks about enforcement costs and defences to prosecutions.

Yours sincerely

pp. Peter Winterbottom

P. D. WINTERBOTTOM