

**Fisheries Unit
Welsh Government
Rhodfa Padarn
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15 November 2013

Re: Natural Resources Wales' response to Welsh Government's consultation "Further Review of the Exceptions to Regulations Regarding the Maximum Length of Fishing Boats in the 0 - 6 Nautical Mile (nm) Zone"

Summary Comments

Natural Resources Wales welcomes the opportunity to respond to the Welsh Government's second consultation document on the removal of the current Historic Access Rights exemptions in Wales.

A summary of Natural Resources Wales key points is provided in this opening section. The format of our response then comprises a nature conservation section responding to the content of the consultation document and an annex containing Natural Resources Wales completed consultation questionnaire.

Key Points

1. Natural Resources Wales support the removal of Historic Access Rights for nature conservation reasons.
2. The Welsh Government and Natural Resources Wales have a unique opportunity afforded to them under the Ministers review of Welsh fishery legislation to adopt a fresh approach to assessing and subsequently managing the impacts from Welsh fisheries in a sustainable and ecosystem based manner.

Nature Conservation

Background

3. In 2012 the Environment Agency Wales and the Countryside Council for Wales, legacy bodies of Natural Resources Wales, independently commented on the first *'Review of the exceptions to regulations regarding the maximum length of fishing boats in the 0 – 6*

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

nm zone' consultation. Both the Environment Agency Wales and the Countryside Council for Wales supported the Welsh Government's intention to remove Historic Access Rights from a limited number of larger fishing vessels currently able to fish in the Welsh inshore area.

4. Following the publication in August 2012 of the 'Summary of Responses' to the first consultation on the removal of Historic Access Rights the Welsh Government decided that a further period of consultation was needed. This second consultation is being undertaken to ensure the Minister has the fullest possible understanding of the current situation and the subsequent effects of the proposed removal of Historic Access Rights.
5. The second Historic Access Rights consultation considers impacts on the following areas:
 - Equality in the fishing sector
 - Fish stocks
 - The marine environment
 - Socio-economic
6. The proposals within the second consultation are the same as the first consultation with the addition of the following two proposals:
 1. All fishing gear on vessels over the relevant prescribed vessel size or capacity limits must be lashed and stowed onboard whenever the vessel is within either the Southern or Northern region. This will not apply to aquaculture vessels or rod and line vessels.
 2. Welsh Government is considering a phased approach to the removal of the Historic Access Rights in the 0-3nm zone 6 months after the proposed secondary legislation comes into force and in the 3-6nm zone 12 months after the proposed secondary legislation comes into force.

Environmental Considerations

- 7.** Larger vessels, by virtue of their size and power may have a greater environmental impact than smaller vessels for the following reasons:
 - Larger, more powerful vessels are typically able to fish for more days each year due to such boats being less affected by adverse sea and weather conditions and are equipped to handle much longer fishing expeditions.
 - The catching potential of boats increases as vessel size increases. Larger vessels can catch, carry and process more fish before needing to return to shore.
 - Larger, more powerful vessels can typically carry and operate more and larger fishing gear.
 - Larger, more powerful vessels are able to fish over greater distances and can force towed gear over more seabed habitat types than smaller, less powerful vessels.
 - Larger, more powerful vessels operating towed gear in shallow areas are less discriminatory in catch and are more likely to catch protected migratory and undersize species.

- 8.** Natural Resources Wales continue to support the removal of Historic Access Rights for nature conservation reasons. By limiting the maximum size of vessels that may operate in the 0 – 6 nm zone this offers a greater level of protection to features that may be sensitive to the impacts of heavier fishing gear, increased fishing effort or duration.

- 9.** Natural Resources Wales has no specific nature conservation related comments to make with regard to the two additional consultation proposals outlined in paragraph 7.

- 10.** Natural Resources Wales has no objections to the exceptions for Several and/or Regulating Order shellfish boat operators and angling boats currently available in north Wales being extended to similar operators in south Wales.

11. Natural Resources Wales appreciate that mussel boat operators in south Wales will still have to apply to the Welsh Government for a Byelaw 40 permit to fish for bivalve *Molluscan* shellfish when operating within the former South Wales Sea Fishery Committee district. This provides a mechanism for the appropriate Habitats Regulation Assessment to be undertaken if a fishery is to take place within a European Marine Site.

Habitats Regulation Assessment

12. In July 2013, Natural Resources Wales supported the conclusions of Welsh Government's Habitats Regulation Assessment that considered the removal of Historic Access Rights exceptions as not having a significant effect on the features of Welsh European Marine Sites. The additional proposals within this new consultation do not change that advice.
13. The issue of displacement was considered within the Welsh Government's 2013 Habitats Regulation Assessment as the change in legislation recommended within this consultation will result in the displacement of larger vessels from the 0-6nm area. This displacement may subsequently increase fishing effort occurring upon protected features outside the 6nm area. To mitigate against this potential effect, Welsh Government will monitor the fishing activity of displaced vessels to ensure that effort and associated impact does not reach levels which would be cause for concern.
14. Natural Resources Wales encourage Welsh Government to provide more specific details about the proposed monitoring programme to ensure that displaced fishing effort does not reach levels that may cause adverse effects on protected features.

Fish Stocks and the Marine Environment

15. Within this consultation, Welsh Government has provided detailed information on the environmental rationale for their proposals. This includes information on the impacts of various fishing gear on fish stocks and the marine environment. Natural Resources Wales has extensive scientific information available to Welsh Government that provides evidence on the potential impacts of fishing gears upon fish stocks and the marine environment.

16. The fisheries sensitivity work underpinning the FishMap Mon pilot currently being delivered by Natural Resources Wales under the European Fisheries Fund could be utilised to evidence the potential impacts of larger, heavier fishing gear upon protected habitats.

Managing Environmental impacts in Welsh waters.

17. Within this consultation, Welsh Government highlight that measurements of vessel size and power are frequently used as an effective management tool for determining both the potential catch and environmental impact of fishing activities
18. The new consolidated Statutory Instrument proposed by this consultation *Sea Fish (Specified Sea Areas) (Prohibition of Specified Fishing Boats) (Wales) Order 2014* removes current exceptions and rationalises the remaining conditions within former Sea Fishery Committee Byelaws 9 and 38. However, disparities remain with regards to accessing provisions depending upon geographical location in Wales.
19. It is understood that under their ongoing review of Welsh fishery legislation, Welsh Government intend to undertake a further exercise to bring transparency and consistency to the varying access provisions that currently exist between the north and the south of Wales. This would establish a consistent set of access provisions across all Wales.
20. The method of restricting access to fisheries according to vessel power and size has been used effectively when information on potential environmental impacts was lacking. Welsh Government however, has an opportunity to move to a more informed management approach on assessing environmental impacts from fishing activities. Natural Resources Wales would encourage the Welsh Government to further examine this method of management as restricting vessel size or power will not necessarily fit all circumstances. For example, a large potting vessel may cause no more environmental impact than a small potting vessel in certain inshore areas.
21. To sustainably manager Welsh fisheries, Welsh Government could assess the impacts from fisheries activities based on the fishing sensitivity work developed by Natural Resources Wales and the FishMap Mon pilot. This would assist in establishing levels of fishing effort that various habitats can sustain before becoming adversely impacted.

- 22.** Combining this work with ongoing work on fish and shellfish stock assessments in line with Common Fishery policy and Marine Strategy Framework Directive obligations would allow Wales to be a world leader in managing our fisheries in a truly transparent and sustainable manner.
- 23.** Moving to a model of fisheries management based on controlled effort, knowledge about gear interactions with protected features and stock assessments would allow informed decisions to be made with regards to the Habitats Directive for Welsh European Marine Sites.

In conclusion, Natural Resources Wales support the proposals as set out in the consultation document to remove Historic Access Rights from the Welsh Inshore Area. Natural Resources Wales' staff would be pleased to share any scientific knowledge or references to evidence Welsh Governments position.

Natural Resources Wales would also be willing to work in partnership with Welsh Government to further develop the approach to manage the environmental impacts of Welsh fisheries discussed in the last section

Should you have any further queries please contact Colin Charman, Marine Fisheries Advisor colin.charman@cyforthnaturiolcymru.gov.uk

Yours Sincerely



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