

NMC SIFCA Netting Bylaw Consultation Response

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Interest in the net fishing:

Major stakeholder in inshore waters

If applicable what is the name of your organisation?

The National Mullet Club

What is your role in the organisation? Conservation Officer

Would you like your response to be confidential? No

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

The National Mullet Club are pleased that SIFCA are addressing the net management in harbours and estuaries and hope to see the same level of protection implemented as per Devon & Severn and Cornwall IFCA's. These inshore waters and especially the intertidal areas are critical for several species of major interest to recreational anglers such as mullet and bass. They are also where salmonid species are at the most vulnerable as they migrate through these constricted areas.

It also makes no sense to net in what is supposed to be official Bass Nursery Areas. Bass are an important species for commercial fishing and every effort should be made to ensure the maximum number can reach maturity and spawn. Grey mullet use these same nursery areas and are arguably more vulnerable than bass. Data from the NMC catch returns, MMO landing data and Environment Agency surveys all highlight a fall in numbers especially with respect to the most important species for recreational and commercial fishermen the thick lip mullet. It highlights that a once small and sustainable fishery is no longer most likely due to reasons such as;

- Habitat destruction
- Increase in commercial activities as high value bass can no longer be targeted
- Increase in unregulated / illegal netting activities

It is the last point that likely has the biggest impact as monofilament nets and boats to deploy them have become ridiculously cheap, easily available, transported, launched and recovered. Grey mullet have become a convenient species to hide illegal fishing activities for bass and salmonids. The unregulated and unlicensed fishing is also extremely damaging to the previously small scale and sustainable fishery. This is demonstrated by the consistent landings over many years until about 2010 when a spike occurred and subsequently numbers have fallen year upon year despite no fall in effort.

Please see the NMC report [Vulnerability and Over-Exploitation of Grey Mullet in UK Waters](#) submitted along with this submission.

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Question 2: In areas where a minimum headline depth restriction of 3 metres has been proposed (Southampton Water and Lyme Bay), do you feel that the risk to salmonid interception will be suitably mitigated? *If no, can you suggest an alternative approach?*

The NMC has no direct knowledge or information that would add to that already submitted by the Environment Agency and other organisations with specific knowledge of salmonids in these areas and generally. We are aware that many of these organisations are asking for a 5m headline depth as a minimum. We are aware that the 3m headline restriction has in the past been abused and prosecutions difficult likely due to a lack of resources and a bylaw that can be hard to enforce. To mitigate this a pragmatic approach may be to;

- Adequately define the maximum depth of the net
- prevent these nets being deployed in areas where the headroom could become less than 5m with zonal restrictions
- **If clearly identified** nets could vary in depth within set guidelines

This would allow important demersal species such as sole and plaice to be netted in relatively shallow water with little risk to salmonids and protect the crucial intertidal and shallow nursery areas.

Question 3: Do you agree with the proposed pier net management areas measures for the Southern IFCA district? *Please provide a rationale.*

The NMC welcomes the IFCA's proposal to ban all netting within 100 metres of popular pier fishing locations and believe that this should be extended to 200 metres and expanded to include other popular angling areas and areas where inshore commercial fishing conflicts with recreational angling. The consultation document describes the huge social and economic benefits of Sea Angling and as such the measures described go nowhere near far enough to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district as described in the Marine and Coastal Access Act 2009 and quoted in the SIFCA consultation document para 2.32, especially given the low impact sea angling has in these areas upon fish stocks and the environment.

Definition of Ring Net Use

Please refer to Section 2.2

Question 4: Do you agree with the principles for the definition of ring net use? *Please provide a rationale.*

The NMC objects to the definition of ring net use as stated in the consultation. There is no appreciable guidance as to what mesh type or size is to be used. As such it can reasonably be assumed that it will be of a monofilament gill net. In practice when these nets are fished it is usual to frighten the fish by making a lot of noise usually with an outboard motor. This makes the fish bolt at the mesh and become gilled or entangled. It is therefore a gill net. The net can be fished right up to the shore and then dragged in it is also a seine net.

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As fish are forced to panic and bolt into the net which will often be slack they will become gilled, wedged and entangled and the resulting struggling mean that survival of bycatch is severely compromised and subsequent spawning likely to be impaired even if they survive.

It has historically been the case that a ring net fished in the SIFCA district has not been classed as a fixed net as it is not 'fixed' to the bottom. The NMC are however unsure about this definition, the definition was flowed down to SIFCA from the Environment Agency.

2. In this Order—

“fixed engine” (“offer gosod”) includes—

- (a) a stake net, bag net, putt or putcher;
- (b) any fixed implement or engine for taking or facilitating the taking of fish;
- (c) any net secured by anchors and any net or other implement for taking fish fixed to the soil, or made stationary in any other way; and
- (d) any net placed or suspended in any inland waters or tidal waters unattended by the owner or a person duly authorised by the owner to use it for taking sea fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary;

NMC concerns with the definition and consequences are therefore;

- (a) as a weight is used to aid shooting the net the net will be made stationary and is therefore a fixed net
- (b) as the net is allowed to stand for 10 minutes before retrieval it will be stationary and therefore is a fixed net
- (c) as the net is permitted to be shot against the shore it will have most of its mass on the sea bed and therefore stationary and a fixed net. It will be retrieved as a seine net
- (d) there is a 10 minute delay for a vessel to enter the net, the vessel is then motored around the inside of the net. This is to scare the fish and make them panic therefore bolting into the mesh and become gilled, wedged or entangled. Therefore, this is a gill net. 10 minutes is an extremely long time for a fish to struggle in a net and bycatch of juveniles or non-target species chance of survival will be extremely compromised. If permitted the net should be shot and retrieved without delay and fish not panicked into being entangled and struggling as this will reduce survival chances of any fish needing to be released.
- (e) If a ring net is set across a channel or creek due to the high site fidelity of mullet the whole area will become devoid for a considerable time. 75% will inevitably become more as the tide falls and salmonids will become caught as they make their way up channels. With limited resources it would be extremely hard to ever enforce this rule.

The SIFCA netting proposal defines ring netting as;

Ring nets are commonly used in the district's harbours and estuaries and are typically hand-hauled by single operators on small (6-8m) shallow drafted vessels, commonly targeting grey mullet species and bass.

Devon & Severn IFCA's bylaw defines a fixed net as;

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“fixed net” means a net that comes into contact with any part of the foreshore or sea bed or any object or structure thereon or therein;

This definition was written after abuse of the ambiguous definition in use by SIFCA and others. Therefore the NMC questions that a ring net that becomes fixed or can be deployed as stationary, not solely and obviously by the D&S IFCA definition, but also as per the current definition in use in SIFCA is by either definition fixed. It is not a case that ring netting is not or can be a fixed net method but simply that it has never been previously questioned or interpreted as such.

It also makes no sense that a method defined as commonly targeting bass is proposed to be allowed to continue in all the SIFCA BNAs (Bass Nursery Areas) completely unregulated in order to catch low commercial value grey mullet! Therefore any bass caught cannot by definition be accidental and will be illegally netted. Although in certain areas the method would appear selective comparisons to other gear namely gill and seine nets are obvious and substantial quantities of species other than grey mullet would reasonably be expected. The risk of mortality of these fish primarily bass and salmonids would be high for reasons already stated. the low value of grey mullet and high value of potential bycatch would make illegal retention of such fish likely and discard extremely distasteful.

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

The NMC obviously has no experience of using ring nets. However members have time spent working in the trout farming industry and the Environment Agency means there is experience of netting trout and their behaviour. If the net is shot around sea trout or salmon and the fish panicked they will bolt into the mesh and become gilled, wedged and entangled as per grey mullet and bass. The mouths of males especially will readily become entangled in loose mesh, the streamlined body means they are easily wedged or gilled. The only way to stop salmon or sea trout being caught in a ring net is to either ensure there are none in the area to be netted or not deploy the net!

This question is loaded as of course if you are asking for experience solely in ring netting it will be from those wishing to ring net and the answer would undoubtedly be ‘very little likelihood!’ A better question would be ‘if a salmon or sea trout became trapped within the confines of a shot ring net what natural mechanism would facilitate it’s escape unharmed and how are grey mullet and bass unable to use the same route?’

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?

The only way to stop salmon or sea trout being caught in a ring net is to either ensure there are none in the area to be netted or not deploy the net!

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Grey Mullet Minimum Size Increase

Please refer to Section 2.3

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

Grey Mullet MCRS

The national Mullet would like to see option 4 introduced for the MCRS and detail the reasons below.

It is believed **option 5** is unpractical because;

- Commercial landings of the 3 species are all grouped together as a generic term 'grey mullet'. To try and differentiate would require a fisherman to positively identify which species is being landed and segregate and sort appropriately taking into consideration at the time the different MCRS and releasing any undersize mullet unharmed
- An experienced fisheries representative would need to identify the species at first sale.
- The 3 species are not easy to identify to the extent that Oliver Crimmen from the Natural History Museum requires the carcass to properly identify the 3 species
- Two of the three species, thin and thick lipped which are the most common species netted commercially are particularly easy to get mixed up and are often found together

It is therefore believed that option 5 is unworkable.

The two pictures below show how easy it is to mistake one species for another with the golden mark associated with golden greys evident on both species (thick lip and golden grey)



Option 1 although better than most IFCA's this offers very little protection to juvenile mullet and encourages the use of inappropriate gear in so far as mesh sizes and methods used

Option 2 all species 38cm. The rationale for a MCRS as stated in the public consultation para 2.2 is for 50% maturity. Setting the size one wants to sell has nothing to do with conservation and ensuring a sustainable fishery. It is highly inappropriate and simply a commercial goal showing a total disregard for the natural and public resource, sustainability of the fishery and other stakeholders. It is a throw back to the setting of a MLS (Minimum Landing Size), a commercial market driven size and

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not a scientifically based size to facilitate a sustainable fishery unlike the evidence based maturity sizes that should be used to set a MCRS

Option 3 all species 42cm. It is quite common for an assumption to be made that aligning a grey mullet MCRS at the same size as bass would somehow make sense. It is though still not setting a 50% maturity size and would not offer any increased chance of not netting juvenile bass as the later are not as slim in profile and are even more 'spikey', meaning that a taught mesh that gills a 42cm grey mullet would gill or entangle bass at a much smaller size

Option 4 L50 for all 3 species. When deciding upon this or any of the previous options golden grey mullet should not be considered. Golden grey mullet are considerably smaller than the other two species. Although not much is known about their maturity size what we do know is that the majority are under the current 30cm MCRS, they rarely go above 35cm so they are not aligned with the market requirement of 38cm. The golden grey in the picture above weighed 3lb 2oz and was 47cm long, this was quite exceptional, the British rod caught record is 3lb 8oz.

Golden greys are also quite rare in estuaries and harbours and are not, unlike thick and thin lips, tolerant of fresh water. NMC catch data shows in Christchurch harbour in the last 10 years 11 golden grey mullet reported and only 2 over 2lb, about 30cm. They are commonly found on sandy beaches where they can be caught with worms and mackerel flesh. They are the most predatory of the 3 species and therefore the easiest to catch recreationally. These two reasons taken into consideration how easy it is to incorrectly identify the 3 mullet species make it unlikely that a significant number of golden greys are netted within the areas covered by this bylaw and particularly in Poole and Christchurch.

It must be emphasised that the NMC are not intending to be derogatory in stating we believe that commercial fisherman with many years' experience could incorrectly identify mullet, rather that unless one was to look closely it is easy to assume.

Therefore, when considering a MCRS for mullet it should be considered for thin and thick lip mullet only.

The NMC has long stated that there is evidence confirming numbers of grey mullet are falling. Even if this cannot be agreed what is beyond doubt is that mullet species are extremely vulnerable to overfishing as explained in our report 'Vulnerability and Over Exploitation of Grey Mullet in UK waters'. The IFCA has a duties as stated at the beginning of the consultation paper, among these is the need to make sure that the fishery is exploited in a sustainable way.

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?

The NMC believes that these proposed measures do not go nearly far enough in any of the three areas stated above in question 8. The NMC draws attention to the Institute for Fishery Management position statement 'Sustainable Fisheries Management in Estuaries'.

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These areas are the most crucial for recruitment of species already in decline such as bass and mullet. The NMC believes that SIFCA would be failing in its duties to not afford complete protection from netting in these areas.

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

The NMC believe that there is no, or certainly very little netting undertaken for recreation within the context of the MMO definition; 'Fishing for the purposes of pleasure, tourism or sport from the shore or from a vessel is regarded as 'recreational' fishing. It is illegal to sell any of the catch from recreational fisheries.' Instead the activity is simply unlicensed and uncontrolled commercial fishing. The NMC would like to see all unlicensed / unpermitted netting stopped not least to make enforcement easier and legitimise those who do not currently require a fishing license, it should be compulsory to record all landings to facilitate management of the fishery. All netting from the shore should be banned as it could not be easily enforced, any net operated from the shore would simply act as a seine net and be particularly unselective in the critical intertidal areas.

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

Clearly marked with boat and license / permit number with adequate marking buoys above water to prevent a hazard to navigation. Tags should be issued as per D&S IFCA and restricted in number to prevent misuse. Nets must be easily traced to owner if lost.

Question 11: What are the anticipated costs or benefits to you as a result of these measures? *Where possible, please provide financial estimates.*

Costs to the NMC are of the proposals as written and current management of the fishery are a growing number of anglers going to other areas of the country, going abroad to fish for grey mullet or going less, even stopping angling completely as fishing continues to deteriorate. This is also extremely disappointing as Hampshire and Dorset have been the traditional home of mullet angling and where the majority of NMC members used to reside.

NMC member surveys demonstrate that it is not uncommon for an individual member to spend over £1000 a year solely on mullet fishing with an average of over £500. An improved fishery would carry with it the huge social and financial benefits to the SIFCA region of which SIFCA are aware as the data is well documented and discussed in question 3.

Question 12: Are there any further comments you would like to make on the impact of the proposal?

Has a risk assessment been done to check the impact upon shad? Shad are extremely easy to net having watched the activity on the river Severn and after witnessing the capture and having caught them accidentally on rod and line they are extremely delicate and any contact with a net likely to have severe consequences. Both twaite and allis shad are given legal protection. It is listed in annexes II

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and V of the EU Habitats and Species Directive, Appendix III of the Bern Convention, and as a Priority Species in the UK Biodiversity Action Plan. The rivers and estuaries of Dorset and Hampshire would appear to be an ideal spawning and nursery habitat.

The NMC believes that grey mullet are an important recreational species and that numbers especially of thick lipped mullet are and have been for a considerable time steadily decreasing. This bylaw is an opportunity to reverse the current trend by protecting the nursery areas so important to grey mullet and bass. They are also a species of little commercial value and extremely high recreational value with a growing number of anglers now fishing for grey mullet further protecting them will demonstrate SIFCA's desire to balance the needs of all stakeholders. The size of the estuaries and harbours within SIFCA would highlight this region as the most important within the UK for juvenile grey mullet.

The NMC does not seek a complete ban on commercial fishing for grey mullet, we do however have grave concerns about the exploitation of grey mullet and seek a sustainable fishery for both recreational and commercial interests. The NMC understands that plaice and especially sole are important species for the SIFCA U10 fleet and the hardship faced by many in the industry. It would not be the club's intention whilst seeking to achieve a sustainable grey mullet population to prevent sustainable exploitation of these species and hope that appropriate management regulations can be placed to allow the continuation of these demersal fisheries in a sustainable manner that does not adversely affect other species particularly juvenile, within these vital nursery areas.