



**Isle of Man  
Government**

*Reiltys Ellan Vannin*

## **Department of Environment, Food and Agriculture**

*Rheynn Chymmiltaght, Bee as Eirinys*

### **Proposals for the Management of the Isle of Man Queen Scallop Fishery 2014**

#### **Consultation Summary**

**April 2014**



## **Part 1 Introduction**

In 2013 new byelaws were adopted for the Isle of Man queen scallop fishery which introduced a range of revised or new regulatory measures intended to both protect the stock within the Territorial Sea and allow a continuing sustainable fishery. The fishery achieved MSC accreditation in 2010 and is audited on an annual basis.

Although the new measures of 2013 were deemed successful by the Department and the Isle of Man Queen Scallop Management Board (QMB) in that there was no requirement for early closure of the fishery, it was agreed there remained a need to review and revise the regulatory measures for 2014.

## **Part 2 The Consultation Exercise**

In compliance with the Fisheries Management Agreement 2012, an impact assessment was prepared by Bangor University in advance of the consultation launch, and this and the draft consultation was forwarded to the UK Fisheries Administrations for information and comment in November 2013.

The Department of Environment, Food and Agriculture (DEFA) issued the formal consultation paper on 16<sup>th</sup> December 2013 seeking the views and opinions of the fishing industry and other stakeholders on proposed new regulatory measures to ensure the effective management of the Isle of Man queen scallop fishery in 2014. The document also asked for feedback on suggested initiatives for future management regimes.

The consultation document was available on the Government website and also distributed by email (a list of consultees is appended). A news release coincided with the launch.

The consultation closed on 7<sup>th</sup> February 2014, after an extension of one week. A total of 30 responses were received.

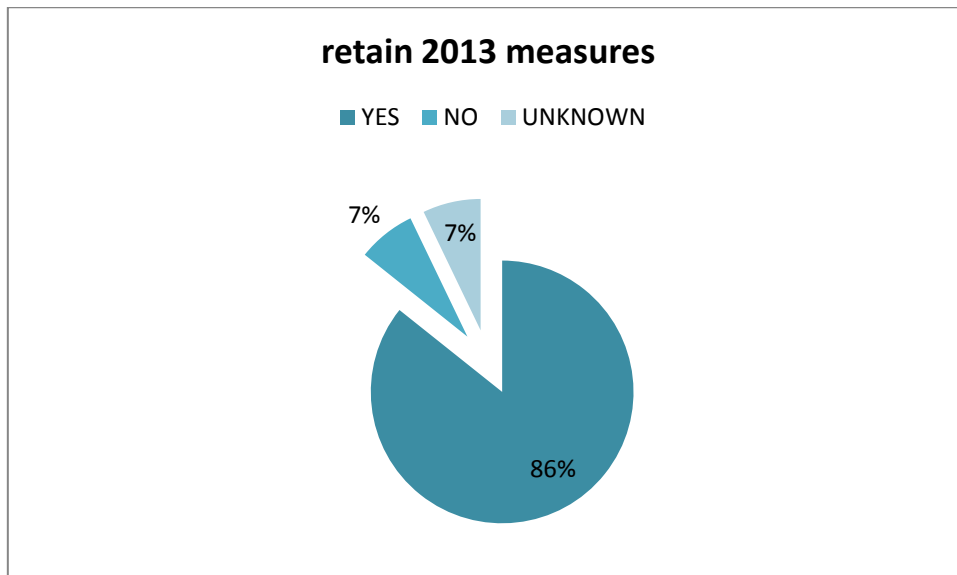
## **Part 3 The Responses**

### **Question 1**

The consultation sought views on the retention of the regulatory measures introduced in 2013, which in the Department's view were accepted and recognised by the industry as contributing to the success of the fishery.

86% of respondents were in favour of retaining the measures, which include the Minimum Landing size (MLS) of 55mm, the Minimum Mesh Size (MMS) of 85mm, a weekend ban on fishing and a daily curfew of 1800 to 0600.

7% (2 responses) rejected the proposal and 7% had no opinion.



There was support for the continuation of the bag limit introduced by Emergency Byelaw in July 2013, with some suggesting the removal of the curfew if a bag limit was imposed, and 2 respondents suggesting that the weekend ban should be lifted if the number of fishing days was restricted, as was the case in 2013.

*DEFA response:*

*The following regulatory measures, introduced through the Sea-Fisheries (Queen Scallop Fishing) Byelaws 2013 will be retained in full for the 2014 queen scallop season:-*

- *Minimum landing size of 55mm*
- *Minimum mesh size of 85mm*
- *Weekend ban on fishing*
- *Curfew of 1800 to 0600 Monday to Friday*
- *A defined dredge zone included (location flexible through variation of licence, allowing the dredge area to be changed, or indeed removed altogether)*
- *The definition of 'qualifying vessel' in relation to engine power*
- *A permitted queen scallop bycatch of 20% when fishing for king scallops with dredge (to be included in the TAC)*
- *A Total Allowable Catch to be set by the Department based on scientific advice from Bangor University and further to discussion with the QMB*
- *No fishing during a specified spawning & settlement period – the period to be defined in the Regulations, which may be varied by the Department on scientific advice from Bangor University*

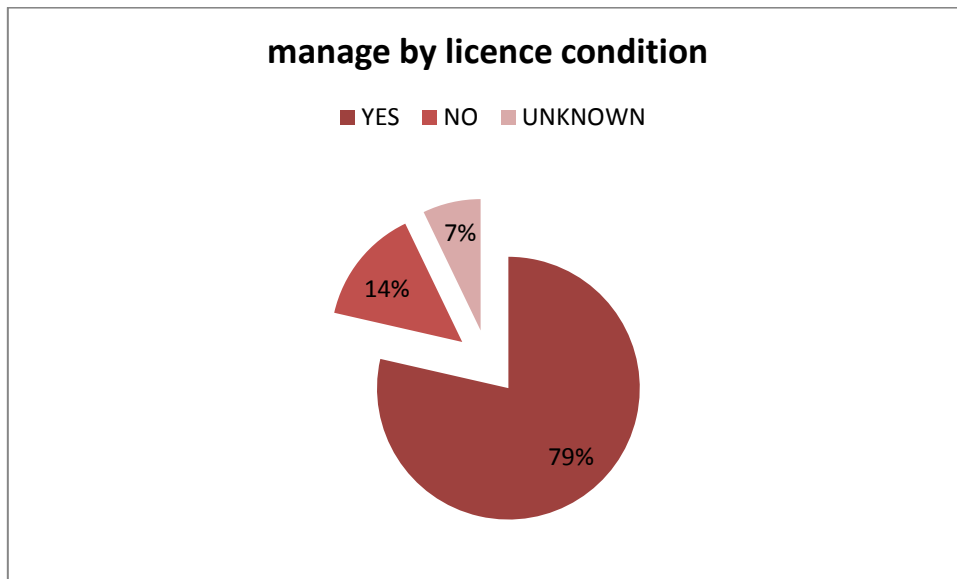
## **Question 2**

During the 2013 season, the Department and the QMB recognised that to avoid early closure of the fishery, it was necessary to introduce further regulation to prolong the fishery. This was achieved through the issuing of two sets of emergency byelaws; one in July and

another in September. The administrative process associated with these byelaws was onerous for the Department and received criticism from the industry.

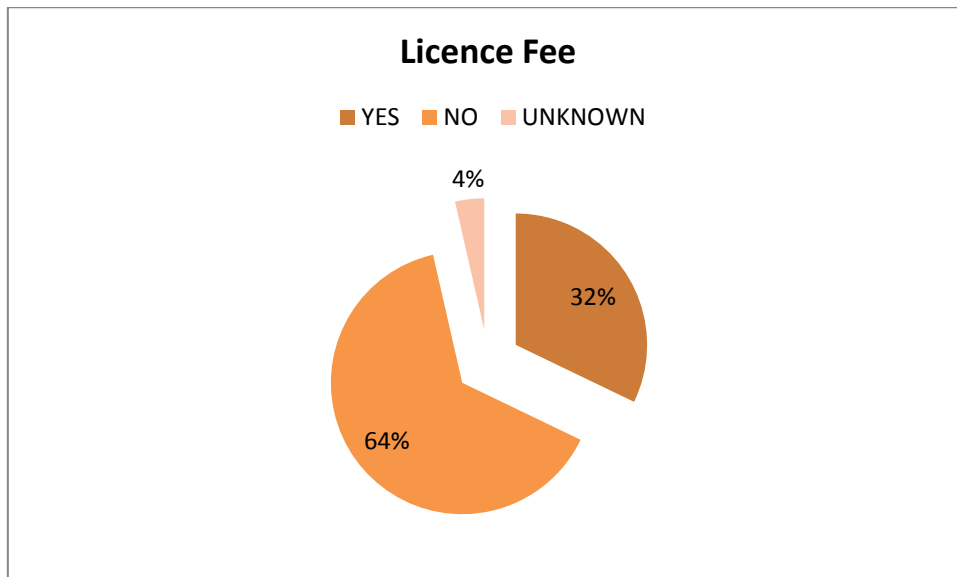
In the long term, issuing emergency byelaws is not an appropriate mechanism for regulating the fishery. Therefore, to improve the process, a system of issuing a specific queen scallop licence with associated conditions and licence variation has been proposed as an alternative means of management.

Of those who responded, 79% were in favour of the principle of fishery management by licence condition and variation. 14% were against the proposal, and 7% had no view.



In conjunction with this process, the consultation sought views on the proposed intention of the Department to introduce a fee to enable recovery of the associated administrative costs.

The majority of respondents (64%) were against the introduction of such a fee, with 32% in favour and 4% with no view either way.



Of those who objected to the fee proposal, 6 (out of 18) noted that the industry is already charged a fee for the issuing of an Isle of Man fishing licence.

*DEFA Response:*

*A separate Queen Scallop licence for the 2014 season will be introduced upon application as part of the Isle of Man consolidated licence for fishing in the Territorial Sea.*

*The Department will set conditions of licence, to include:-*

- *Spatial closures;*
- *Temporal closures;*
- *Gear restrictions;*
- *Daily, weekly, fortnightly or monthly catch limits*

*These conditions may be varied, in accordance with the advice and guidance of the QMB and on approval of the Minister of the Department (see Appendix A).*

*The Department will contact each licence holder to determine whether they wish to have their licence amended to include a queen scallop entitlement. New licences will include conditions, and any subsequent variation to these will be notified on the DEFA website, supported by FishText if necessary. It is important therefore that the Department has up to date contact details for the owner and master.*

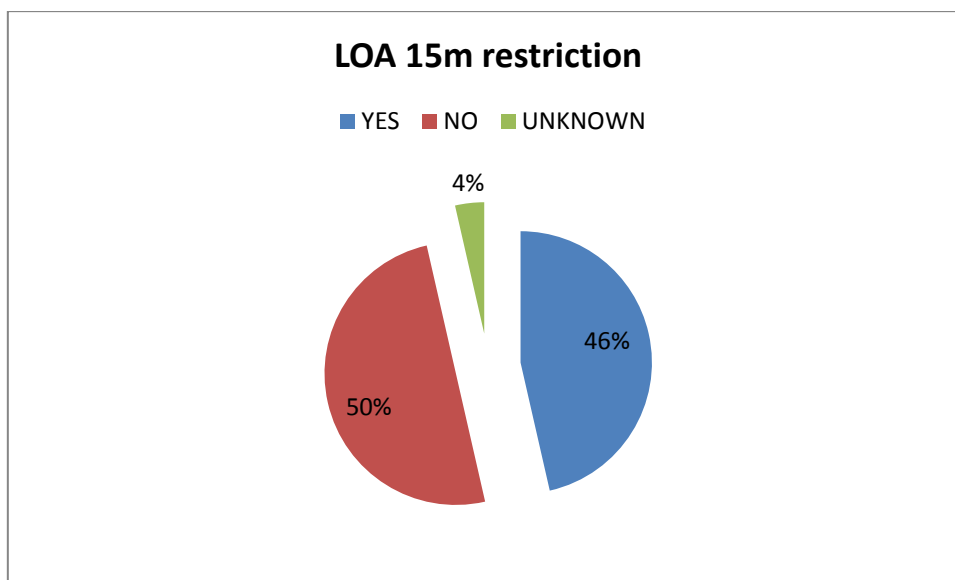
*The costs associated with this process will be assessed during the 2014 season and any additional charge for the new queen scallop licence will be included within the next licence renewal period in March 2015.*

### **Question 3**

The Isle of Man queen scallop fishery is vulnerable to increased effort from the potential latent capacity existing within the fleet. Although management of the fishery worked well in

2013, there is a risk of increasing interest exerting further pressure on the fishery, e.g. from vessels wishing to diversify from current target species. The consultation sought views on further restrictions on entry to the fishery, to ensure the continued sustainability of the Isle of Man's queen scallop stocks.

A suggestion to use a maximum vessel length of 15 metres Overall Length (LOA) as a condition for entry to the fishery was made. 50% of the respondents opposed this idea, 46% supported it and 4% had no opinion.

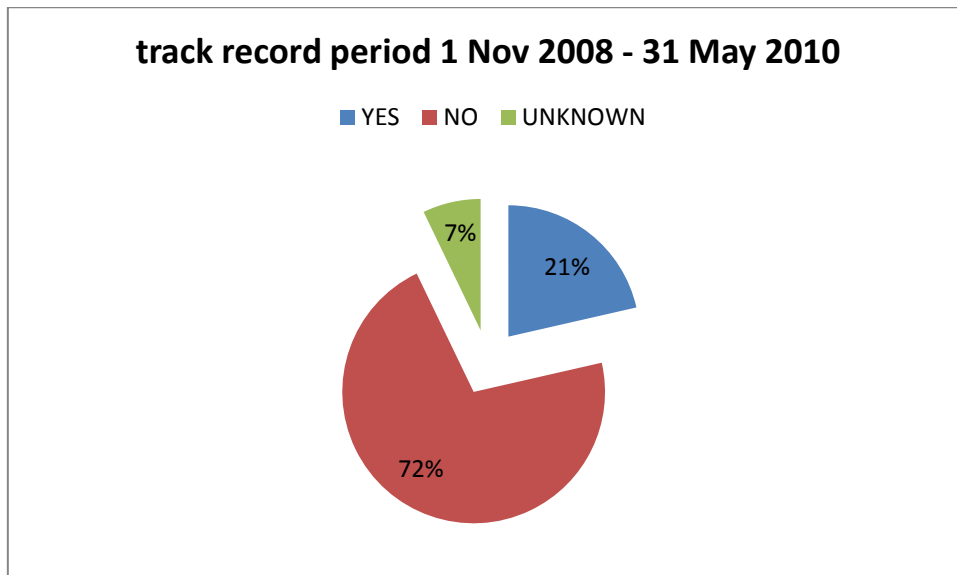


Two respondents indicated support for the proposal provided a 'sunset provision' was incorporated to allow continued fishing until such time as the vessel was replaced.

Two comments were made on the risks and dangers associated with down-sizing of vessels and also the resulting limitations on future ability to diversify.

In conjunction with the proposed restriction based on vessel length, views were sought on a proposed track record period of 1 November 2008 to 31 May 2010; i.e. only vessels over 15m LOA, that had fished for queen scallop within this period would be eligible.

72% of respondents were opposed to the suggested reference period, 21% were in favour and 7% had no opinion. Of those who rejected the proposal, many commented that the period was very limited, only covering one season, and that it needed to be more up to date e.g. include 2012 or 2013 fishing seasons.



#### *DEFA Response*

*Following prolonged discussions with the Queen Scallop Management Board, it has been decided that the management regime of licence condition and licence variation be trialled in the fishery to determine whether this is an effective means of proactively managing the fishery. In order to fully monitor the effectiveness of this new management regime, a vessel length restriction will not be introduced in 2014.*

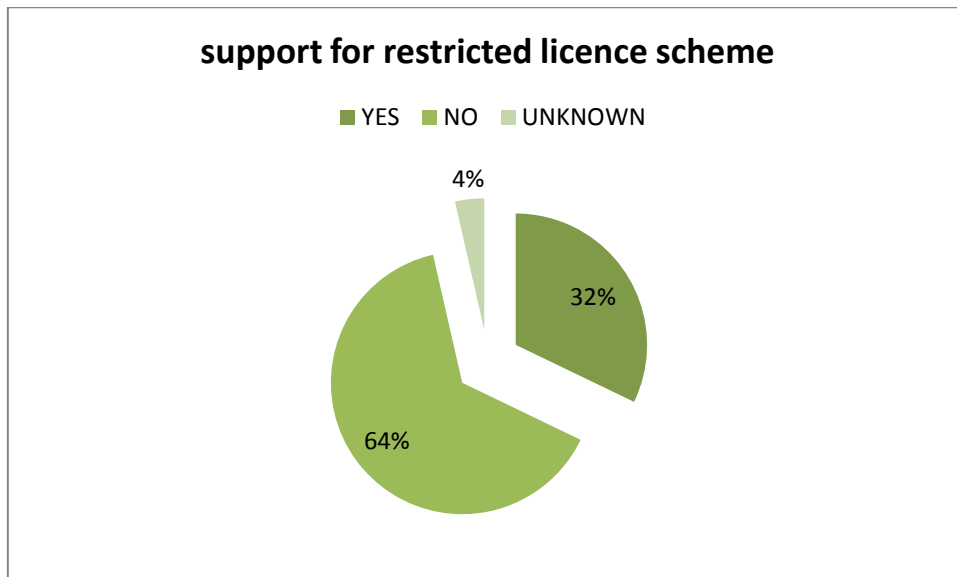
*Vessel and crew safety are extremely important factors to be considered when considering a vessel size restriction and also the need to safeguard the long term future of the local fleet, e.g. should vessels wish to diversify to fish for other species.*

*However, if licence condition is deemed not sufficient for the successful sustainable management of the fishery, the 15m LOA vessel restriction will be considered again in 2015 if necessary, with a track record to be determined by the QMB and the Department.*

#### **Question 4**

An alternative means of regulation of fishing for queen scallops within the Isle of Man Territorial Sea would be the introduction and issue of a finite number of specific queen scallop licences. Licences enabling access to the fishery would be introduced to those vessels with an appropriate track record. The disadvantages of this option include no means of accommodating new entrants to the fishery and the risk of such licences being regarded as commodities of some value.

64% of respondents were opposed to the introduction of a restricted licence scheme, whilst 32% were in favour. 4% (1 respondent) had no opinion.



Within the consultation document, the Department raised two concerns in relation to the restricted licence scheme:-

- i) How would new entrants be accommodated?
- ii) How would the scheme be managed without encouraging trade?

In response to i), there was widespread acknowledgment that the system would in effect exclude new entrants, although some suggested DEFA retain a number of 'dormant' licences for issue to new entrants who met all other criteria. It was noted that new entrants are vital to the future of the industry.

In response to ii), many respondents recognised the risk of tradeability should licences become restricted. Several suggested that licences remained the property of the Department, and a use-it-or-lose-it approach be adopted or alternatively the licence be returned should the vessel leave the fishery.

Other comments recognised that such a system of restrictive licencing would be cumbersome and resource-intensive to manage (e.g. Isle of Man whelk licencing).

*DEFA Response:*

*Although there is merit in the introduction of restrictive licencing system, the issue of allowing new entrants to the fishery cannot be resolved without significant resource input and at present this is not an option for the Department. It may be reconsidered as an option at a later time.*

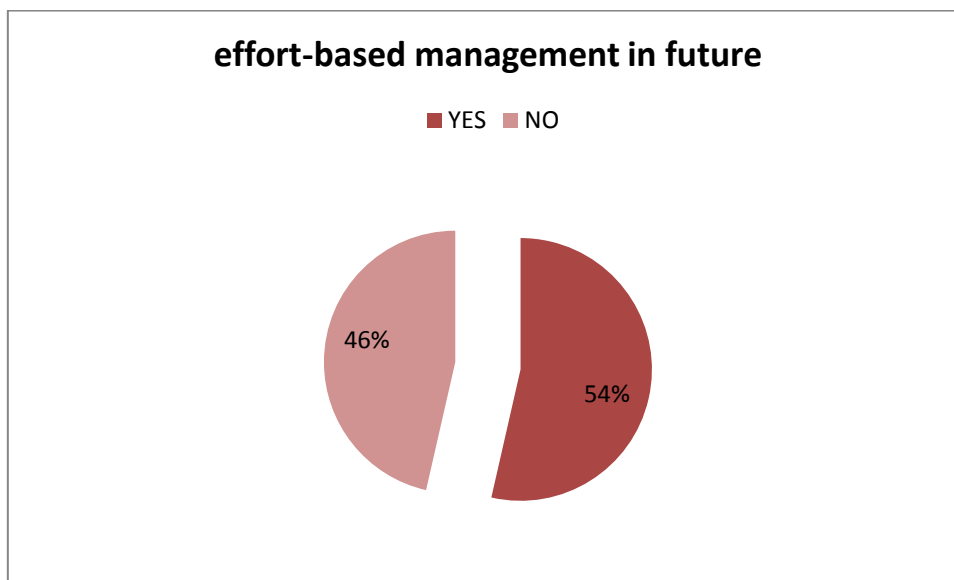
**Question 5**

Whilst recognising that effort-based fisheries management was not an option for introduction in 2014, the QMB was keen to seek the views of the industry on this as a management option in the future.

54% of respondents were in favour of such a regime, and 46% were against the idea. It was recognised by some that the method was fair, but required more investigation as effort



can impinge on efficiency and profitability. Others commented that effort-based management has compromised fishing activity and that there are simpler and cheaper means of effective fisheries management.



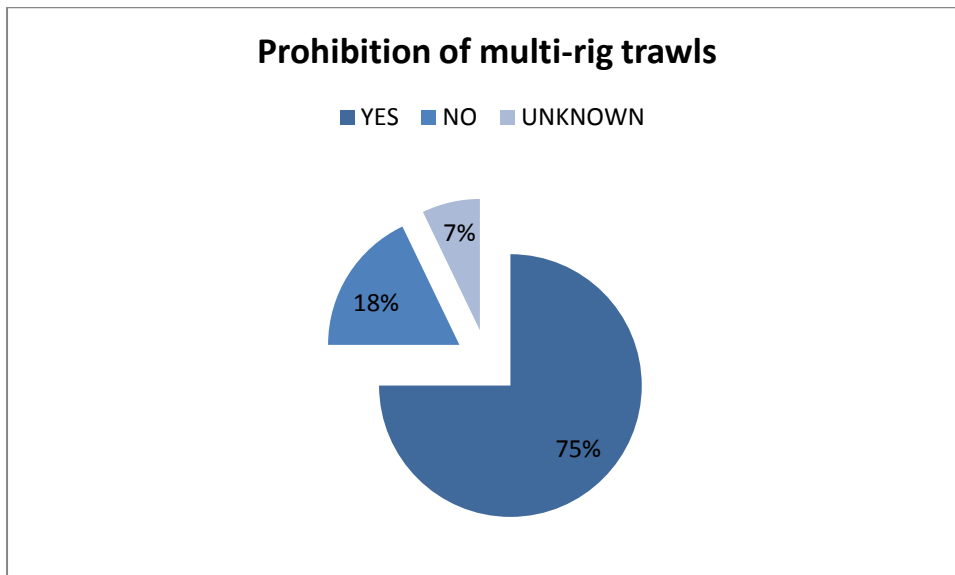
*DEFA Response:*

*Effort-based management of the fishery may be considered in future, however further research into the value of such a measure is essential, and there is concern over the amount of resource required to effectively manage and enforce such a regime.*

*However, regulating the fishery by capping effort may provide the ability to accommodate new entrants and is worthy of further consideration in the future.*

**Question 6**

The consultation asked for views on whether the use of multi-rig trawls within the fishery should be prohibited. 75% of respondents supported a ban on the use of such trawls, 18 were opposed to a ban, and 7% offered no opinion.



Comments included concern regarding the perceived danger of over-fishing through the use of such gear, and the need for more studies to be carried out on the ecological impact, suggesting a short-term ban in the meantime.

However, others noted that multi-rigs were more efficient, and as ecological damage was unproven, their use should not be prohibited. In other UK fisheries the use of multi-rigs is causing some antagonism and their continued use has been left to the discretion of local fishery managers.

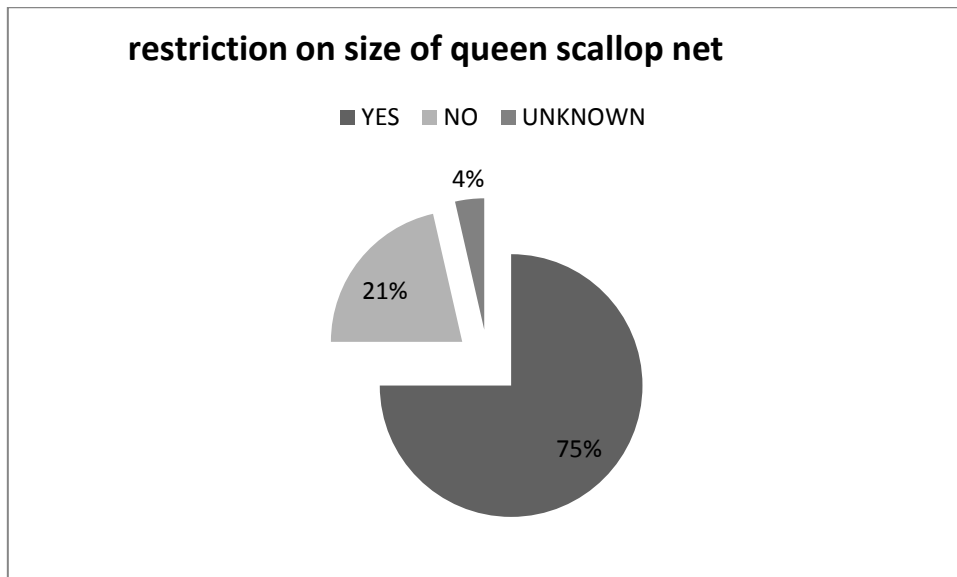
*DEFA Response*

*In view of the overall support for the prohibition of multi-rig trawls and as they are not a major feature of the fishery at present, the use of this gear will be prohibited in the fishery from 2014.*

**Question 7**

Trawl net width is an important factor affecting catchability and in view of recent concern that the width of a queen scallop net may have an effect on the ecology of the sea bed and the proportion of by-catch taken, the consultation sought opinions on a proposed size restriction of no greater than 12 fathoms wing-end to wing-end.

There was overall support for the proposal, with 75% in favour, 21% opposed and 4% expressed no opinion.



Supportive comments stated that this was a sensible precaution and that 12' was about the limit for vessels with an engine power of 221kW. Others considered that 15' would be more appropriate, and that the restriction could be brought in at a later date should science demonstrate that larger nets do have a detrimental effect.

*DEFA Response:*

*In view of the overall support for the restriction on size, and the fact that a 12 fathom net is the maximum in use at present, this restriction will be adopted as a precautionary measure within the fishery from 2014.*

#### **Part 4 Outcomes and Timescale**

As a result of this consultation exercise, the following actions are proposed:

- New Regulations will be prepared for the 2014 Isle of Man queen scallop season to include many of the regulatory measures introduced in 2013 and also prohibit the use of multi-rig trawls and restrict trawl net width to no greater than 12 fathoms.
- Isle of Man consolidated fishing licences will be re-issued, specifying the entitlements of each vessel for fishing in the Territorial Sea. Conditions associated with the queen scallop licence will include spatial and temporal closures and gear restrictions.
- The DEFA website will be amended to allow for the notification of all subsequent licence variations.
- A cost-analysis of the new management regime will be carried out during 2014 and any new charge for the queen scallop licence will be introduced in March 2015.

- A Queen Scallop Management Board meeting will be arranged for mid-May, to receive feedback from the Bangor University scallop survey and to discuss and make recommendations to the Department on the Total Allowable Catch for the forthcoming season.

The outcomes from this consultation will be presented to the Department for endorsement with a view to the new Regulations being prepared and submitted to the June sitting of Tynwald for ratification.

The start date of the queen scallop season will be determined by the QMB at the May meeting of the Board once the TAC for the season has been determined.

## Appendix A

### Licence issue, conditions and variations

As a guide, the suggested process would be:-

- DEFA contacts each licence holder to determine whether they wish to have their licence amended to include a queen scallop entitlement. Licences will then be re-issued reflecting inclusion of the queen scallop entitlement. Only those vessels meeting the appropriate eligibility criteria would be granted a Queen Scallop Licence.
- Bangor University carries out the annual stock assessment and recommends a precautionary TAC for queen scallops to the QMB
- The QMB considers this advice and requests DEFA to set a TAC
- Minister for DEFA considers the request and sets the TAC
- The QMB requests an initial daily, weekly or monthly quota allocation or catch limit per vessel.
- DEFA considers the QMB request and sets an initial allocation to be associated with each licence
- DEFA provides QMB with regular reports providing data on:-
  - Quota uptake
  - TAC remaining
  - Estimated number of weeks remaining in fishery
- QMB considers DEFA figures and requests changes to quota allocation if required
- DEFA issues licence variation to reflect requested increase/decrease, and notifies the fleet via text and website.
- QMB may also request DEFA to vary other conditions of licence e.g. temporal closures to ensure fishing may continue throughout the season.
- DEFA acts to close the fishery as soon as the TAC is reached.

As examples, this would allow the QMB to decide on when the fishery should open (depending on weather and demand); how much quota should be allocated on a weekly, fortnightly or monthly basis, whether to introduce limits on gear use, fishing days and closures to certain areas.

## **Appendix B                    Consultation Stakeholder List**

### **Individual owners of:**

Isle of Man registered fishing vessels  
UK registered fishing vessels holding Isle of Man licences

### **Fishermen's Organisations:**

Manx Fish Producers Organisation Ltd  
Anglo-North Irish Fish Producers Organisation Ltd  
Northern Ireland Fish Producers Organisation Ltd  
South Western Fish Producers Organisation Ltd  
Scottish Fishermen's Organisation Ltd  
Scottish Fishermen's Federation  
National Federation Fishermen's Organisations  
Clyde Fishermen's Association  
Welsh Federation of Fishermen's Organisations  
Maryport & Solway Fishing Co-op Ltd  
Mallaig & North West Fishermen's Association  
Welsh Federation of Fishermen's Associations

### **Processors & their organisations:**

UK Scallop Association  
Scottish White Fish Producers Association  
IOM Scallop Processors Association  
Gourmet Foods  
Devereaus  
West Coast Sea Products Ltd  
Island Seafare  
Isle of Man Seafood Products Ltd  
C B Horne and Co  
AM Seafoods  
Robinsons  
Falfish  
Macduff Shellfish

### **Environmental Groups:**

Manx Wildlife Trust  
Manx Basking Shark Watch Manx Whale & Dolphin Watch Sea Search  
Friends of the Earth  
Manx Conservation Forum  
Manx National Heritage  
Society for the Preservation of Manx Countryside & the Environment  
Marine Conservation Society

### **Other:**

All Members of Tynwald  
Isle of Man Government Departments  
Bangor University  
University of York  
Herriot Watt University  
Queens University Belfast

Dr A Brand  
Marine Stewardship Council Assessment Team  
Fishing News  
DEFRA  
DARD  
Marine Scotland  
Welsh Assembly Government

## **Appendix C                    List of Respondents to the Consultation**

Mr A Watterson  
Mr A C Maddrell  
Mr A R Humphreys  
Mr A Ironside  
Manx Wildlife Trust  
NIFPO  
Mr M Martin  
Mr G Chambers  
Seasearch  
Mr S Shiels  
Messrs Magell  
Mr J Morton  
Mr R Melville  
Scottish Fishermen's Federation  
ANIFPO  
Manx Fish Producers Organisation  
Scottish White Fish Producers Associations  
DARD  
DEFRA  
C B Horne & Co.  
Marine Scotland  
Scallop Association  
National Federation of Fishermen's Organisation  
Mr P Comber  
Mr L Simpson  
Mr A Gate  
Mr J McKinley  
Mr M McGreevy  
DoI  
MNH