

## **Sea Bass Consultation – Review of Proposals Following Consultation Responses**

### **Background**

1. The Department issued a consultation on the 1 June 2010 seeking the views of stakeholders on proposed Regulations for the protection and conservation of Sea Bass (*dicentrarchus labrax*).
2. The responses tended to split along sectoral lines with the recreational sector generally in favour of the proposals and the commercial sector generally opposed, particularly on the matter of retaining fish that were caught as the result of a by-catch.
3. The Department has considered the responses to the proposals and the following sections discuss each proposal and reach a conclusion on whether each proposal should remain, be amended or be withdrawn.

### **A bag limit of 2 sea bass per person retained over a 24 hour period**

4. This measure which is primarily designed to restrict recreational fishing effort on sea bass was well supported by the recreational fishing sector. The commercial sector either agreed with this proposal or made no comment.
5. The Department has concluded that this proposal has broad support and should go forward.

### **A closed sea bass angling season from the 15<sup>th</sup> May to the 15<sup>th</sup> June both dates inclusive**

6. This measure is designed to protect sea bass during the spawning season so that spawning is maximised therefore assisting stock conservation and growth.
7. The measure well supported by the sea angling sector but some argued that recreational fishing should continue throughout the period on a catch and release basis and that the presence of sea anglers would deter “poachers”.

8. With regard to catch and release during the “closed” season, the idea is not well supported and the trauma of catch and release may itself reduce spawning potential.
9. With regard to the presence of anglers acting as a deterrent to poaching it could be difficult to distinguish between a legitimate angler and a “poacher” and therefore a simple prohibition during the closed season would be preferred. However, the Department recognises the valuable role that anglers will have in ensuring compliance and assisting enforcement authorities if the proposals proceed.
10. The commercial sector expressed no views on this proposal and the Department therefore recommends that this proposal is adopted.

### **Prohibition on the first sale of Bass**

11. The aim of this measure is to remove any incentive to develop a commercial targeted fishery for sea bass and to remove any incentive for recreational sea anglers to catch and retain more than their permitted allowance of two bass per person per day.
12. The recreational fishing sector strongly supported this measure but the commercial sector was strongly opposed. The main arguments from the commercial against a prohibition were that it would lead to discards of sea bass caught as a by—catch, and that recorded landings provide the authorities with data that would help to assess the size of the stock.
13. In recent months the issue of discards has become very prominent with the public and the commercial fishing industry alike condemning this practice. As a result proposals on common fisheries policy reform are likely to recommend a ban on discards for most commercial fish stocks. The Department is therefore conscious of the need to avoid introducing measures that may directly or indirectly result in more discards.
14. We also recognise the value of data on fish stocks. If there was no commercial catch of sea bass, useful data would be lost thus hindering future assessment of stock trends. For example it would be more difficult to demonstrate an increase in the stock as a consequence of climate change or the effects of bass conservation measures themselves.
15. Whilst data could be obtained from anglers we have no plans at present to introduce a permit scheme for recreational anglers that would require the submission of catch records. On the other hand the commercial sector is required to submit records of all their catches. The new EU “Control Regulation” requires the daily electronic recording and reporting of

catches as well as two hourly reporting of position for all vessels of 12 metres and over from 1 January 2012. This will allow authorities to analyse not only total quantities of catch but also catch location over a wide area around our coast.

16. An analysis of the catches of bass in commercial trawl nets shows that annual landings into NI ports have been very small ranging from 17kgs to 89kgs over the period 2007 to 2009. We therefore consider the risk to bass stocks from commercial trawling for whitefish, Nephrops (prawns) and pelagic species (herring and mackerel) to be insignificant. This form of fishing takes place mainly in offshore waters whereas sea bass tend to be located in the inshore zone. We consider the main commercial threat to sea bass to be from inshore drift nets, gill nets, and hand lines.
17. We therefore support the proposal for a general prohibition on the sale of bass, but with an exemption for licensed fishing vessels that catch bass accidentally in trawl gear. The justification for this is:
  - that their catches of bass are small and infrequent;
  - bass caught by this method cannot be released alive;
  - prohibiting landing and sale will increase discards; and,
  - applying the prohibitions to these vessels will not have any impact on sea bass conservation.
18. This exemption would also apply for minimum landing size, prescription of fishing method and retention on board
19. Some may suggest that other commercial gear such as pots, gill nets, hand lines or long lines should also qualify for an exemption however we believe that the crucial difference between these gears and trawl gears is that there is more opportunity to release fish unharmed with static gears.

### **Prohibition on the retention of Bass less than 40cm length**

20. Most recreational sea anglers agreed with the proposal to raise the minimum landing size for sea bass to 40cms. Some proposed that the minimum landing size should be increased further and some argued for a weight limit rather than a size limit.
21. The commercial fishing sector argued that increasing the minimum landing size would result in increased discarding of fish since sea bass are caught as a by-catch in existing fisheries.
22. We consider that there is merit in increasing the minimum landing size as this should result in larger fish returning to the fishery to reproduce with a resulting improvement in the stock.

23. Since the majority of anglers supported the proposed size we do not consider that a further increase above 40cms is necessary at this time. With regard to introducing a weight limit we do not consider that this offers any significant benefit over a size limit. From an enforcement point of view size is more easily measured and cost effective compared to weight which would require officers to carry certified scales.
24. With regard to commercial fishing and discards we accept that in practice little could be done in trawl fisheries especially the Nephrops fishery to avoid catching undersized bass and therefore we propose to exempt commercial trawl fisheries from the minimum landing size requirement for the reasons set out previously in paragraphs 13 to 19

**Prohibition of fishing for Bass, within the Northern Ireland zone by any means other than rod and line**

25. The intention of this proposal was to restrict targeted fishing for bass to the recreational sector until such times as the stock in local waters grew to commercial levels. If the stock were to grow significantly the measures restricting commercial fishing could be reviewed.
26. This proposal was supported by the majority of the recreational angling sector, however a few respondents argued that spear fishing and hand lining should be permitted.
27. With regard to spear fishing we consider that it will be difficult for a spear fisherman to distinguish between fish at the margins of the minimum landing size and since fish caught by this method will be dead we have concluded that it is not appropriate to permit this means of fishing for bass.
28. We recognise that some recreational fishers may use a hand line to catch fish for personal use and bass caught by this method could be released alive. It would appear discriminatory if bass caught by this method had to be released whereas bass caught by rod could be retained. We therefore propose to permit catching by recreational hand line and such catches would be subject to the catch limit and minimum landing size restrictions.
29. Once again the commercial fishing sector highlighted the problem with bass caught as a by-catch and that under this proposal dead bass by-catch would have to be discarded. We accept that in practice little could be done in trawl fisheries to avoid catching bass and therefore we propose to exempt commercial trawl fisheries from the fishing method prohibition for the reasons set out previously in paragraphs 13 to 19

**Prohibition on the retention on board of Bass by any UK sea fishing vessel within the Northern Ireland zone**

30. The aim of this proposal was again to restrict directed fishing for bass to the recreational sector until such times as the stock in local waters grew to commercial levels. If the stock were to grow significantly the measures restricting commercial fishing could be reviewed.
31. The proposal was supported by the recreational angling sector and opposed by the commercial sector. The Commercial sector again raised the issue of by-catch and also the problem of vessels operating outside the NI zone but landing catch in NI. Again we accept that in practice little could be done in trawl fisheries to avoid catching bass and therefore we propose to exempt commercial trawl fisheries from the retention on board requirement for the reasons set out previously in paragraphs 13 to 19.