

NWIFCA Technical, Science and Byelaw Sub-Committee

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**REPORT
NUMBER**

8

NORTH MORECAMBE BAY SEED MUSSEL FISHERY 2013

Background

The seed mussel dredge fishery in North Morecambe Bay was regulated under a Fishery Order from 1978 – 2009. Since then authorisations to dredge seed mussel have been issued as derogations against byelaws until such time as the new Morecambe Bay Hybrid Fishery Order is granted, when the Authority will have the powers to restrict numbers annually according to stock assessments, and charge a fee based on vessel length. It is proposed that track record of active historical interest in this fishery will be used to determine licence allocation (see separate report number 9. The main historical interest has been from the Menai Strait Mussel Producer operators, whose area of operation in North Wales was previously included in the old NW&NWSFC District. Every fishery authorised under derogation is subject to a Habitats Regulations Assessment and discussion with Natural England.

Under the current regime the Authority does not have the powers to restrict the numbers of authorisations to fish it issues. There was no fishery in 2010 as the skewer was covered in sand. In 2011, an estimate of biomass gave 20 – 30,000 tonnes of seed mussel. Five authorisations were issued on request, after approval of the dredge to be used. These were issued to two vessels operated by long-standing interested parties from the Menai Strait, one North Morecambe Bay operator and two Northern Ireland (NI) operators. Only one of the NI operators worked the fishery – for 4 days and harvesting around 400 tonnes. 7900 tonnes was fished, with around 94% being fished by the Welsh boats, approximately 5% by the NI boat and 0.25% by the Morecambe Bay boat. Consignments destined to Northern Ireland and Eire are subject to DARD and CEFAS Fish Health Inspections.

2012 saw the heaviest spatfall that Officers and operators can recall on this skewer with an estimated overall biomass of around 50,000 tonnes. There was an increased interest from industry - from eight operators including two operators new to the NWIFCA from NI and one from within the District. However despite encouragement the latter did not provide any dredge or vessel information, and subsequently seven authorisations were issued and six used. Just under 12500 tonnes was harvested – 67% by the Welsh boats, 37% by the NI boats and 1.4% by the Morecambe Bay boat. One of the NI operators requested permission to use two Southern Irish registered boats to transport the mussel back to NI. Following discussion with the then Enforcement Director permission to do so was granted.

2013 seed mussel recruitment

The first signs of mussel settlement around Morecambe Bay were observed in April 2013, and again appeared to be of a substantial volume. Three helicopter flight inspections and one foot inspection were carried out between April and June. Officers from both the NWIFCA and Natural England took part in the flight inspections financed by Welsh operators. Inspections confirmed a widespread spat settlement across the skews, some scouring and evidence of persisting 2012 mussel, along with vast swarms of starfish on the 2012 mussel on the Falklands bed, threatening to wipe out the stock in that area. A June foot inspection revealed how much of the bed in the northern section had been covered in sand. There have been requests from Natural England in the past to leave part of the beds un-dredged during a year of good settlement. As there was a natural delineation of stock this year caused by the sand covering, this was incorporated by restricting the authorised area to the southern section of the skewer, with the intention of monitoring the stock in the northern section.

2013 industry interest

With obvious increased interest from previously unknown operators NWIFCA Officers were concerned about the lack of mechanism to restrict the number of authorisations and looked at the possibility of introducing a track record system for 2013. This work was unfortunately not completed in time for the opening of the fishery. However other measures were brought in to regulate the fishery more stringently.

An agreement was made with the industry that a payment should be made for authorisations, and an application form was introduced. Applications had to be accompanied by a copy of the vessel's certificate of registry, and MMO (or equivalent) fishing licence. Derogations were also only issued to individual Registered Shellfish Farms / Aquaculture Production Businesses registered under the Aquatic Animal Health (England and Wales) Regulations 2009 or Aquatic Animal Health Regulations (NI) 2009, and relevant registration numbers had to be supplied along with details of where the mussel seed was to be relaid.

Following discussion with operators various management conditions were also incorporated into the authorisations, including:

- restricting the tides and times dredging was permitted to specific neap tides and 3 hours before and after high water. This was as a precautionary measure to ensure minimal risk from increased level of effort of damage to the stock or the skear or surrounding sand substrate and based on methods used by the long-standing operators and therefore proven to be effective;
- restricting fishing to a defined authorised area (as in previous years). The area was defined from stock assessments and GPS tracking carried out by helicopter fly-overs and hovercraft inspections (financed by Menai Strait operators), and foot inspections accessing the bed using the NWIFCA's RIB;
- requirement to have AIS tracking systems switched on in order for IFCOs to monitor position and vessel speed (this was introduced after the first few days of the fishery);
- requirement to phone the Carnforth office with start and finish times of fishing, and estimated landings;
- requirement to submit paper catch returns.

Officers received the same request to allow transport of stock to NI using the transport vessels as in 2012, and an additional request from another operator to do likewise. As no issues or concerns about this had been raised in 2012, Officers agreed.

Derogations to dredge the seed mussel were issued to 7 operators and the fishery opened on 12th August. Overall vessel lengths ranged from 13.71 to 43.51m, with gross tonnage of vessels ranging from 18.66 to 388 tonnes. Revenue raised was £21,000.00. Science Officers facilitated Natural England and RSPB representatives observing the dredge seed fishery in action, with assistance from the industry.

Initially all seven vessels prosecuted the fishery. There were a number of enforcement issues raised in phone calls and emails to the office from some of the operators. These included allegations that some vessels were fishing outside of the authorised box, and beyond the authorised times. Email and phone correspondence reiterated the conditions within the authorisation and the requirement to use AIS was introduced. Enforcement officers increased their surveillance of the fishing activity and a number of emails sent by the Enforcement Director and CEO. One warning letter was issued to a vessel for having AIS switched off while in the authorised area. Another suspected offence was investigated in detail following shore based, radar and AIS monitoring but was established the vessel was within the box for the duration.

Further allegations were made about the NI vessels. Officers were informed that the Irish seed mussel fishery had previously been destroyed by damaging fishing practices of dredging until the underlying substrate of cobble and stone had been brought up in the dredges. NWIFCA Officers were involved here in carrying out Fish Health Inspections of seed mussel destined for Northern Ireland and therefore had regular sight of the catch. They did not witness any evidence that this was occurring here, but as a precautionary measure Officers made contact with DARD (Department of Agriculture and Rural Development) NI officers who also inspected landings as it arrived in NI. They reported that there was no evidence to support this claim that this was occurring in this fishery.

Trevor Jones brought to Officers' attention that the practice of transferring the mussel seed to transport vessels constituted transshipment, which is illegal under EU Directive 1224/09. This Directive was introduced as a measure to control Illegal, Unreported and Unregulated (IUU) Fishing, but on reading does appear to include aquaculture products in a prohibition of transshipment at sea without consent at a relevant port. The MMO were immediately contacted for advice as NWIFCA Officers have no experience of this legislation. A definitive answer is still awaited. In the meantime an email was sent to the two operators carrying out this activity that it was their responsibility to ensure they complied with all EU regulations in relation to transfer and transport of the stock.

If MMO confirm that transshipment is illegal and that vessels operating in Morecambe Bay do not have the required consent, NWIFCA will inform the operators and take enforcement action.

From the beginning of September fishing effort reduced. There were reports that seed mussel beds in Ireland had opened and subsequently fishing by the NI vessels in Morecambe Bay was limited. The derogations run until the end of October. However the level of stock and the weather affects the fishability of the stock. To date (4th October) just under 5775 tonnes of seed mussel has been fished and landings reported have substantially reduced. Discussions have taken place with two operators who are of the opinion that the fishery is over as the amount of catch is not now making it financially viable to continue fishing. Officers will look to inform all parties of the closure of the fishery before the next set of authorised tides (beginning 11th October).

Future issues

This year's fishery has highlighted the need for a more robust regulatory framework under which the NWIFCA can manage the seed mussel dredge fishery in north Morecambe Bay. The proposals under the Hybrid Fishery Order will provide the framework for limiting licence numbers if necessary. The accompanying report numbers 9 and 11 provide updates on the MBFO application and information for the basis of discussing the implementation of track record for use with the Fishery Order if it has been granted in time for the 2014 fishery, or in allocation of derogations should the Authority decide this is necessary.

Enforcement Officers are also conducting a review of the radar van use, and investigating on/off iVMS for future use.

However the issues around enforcement are relevant in both scenarios and officers would recommend that the Authority considers financing an increased science and enforcement capacity from the revenue raised from this fishery.

Mandy Knott
Senior Scientist and Morecambe Bay Fishery Order Officer
17th October 2013