

- 163 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the NWIFCA Carnforth Office, on 2nd May 2014

MEMBERS PRESENT

Mr R. Graham	(Chairman)	MMO appointee (Fishing Industry- Cumbria)
Mrs J. Butler		MMO appointee (Shellfish)
Dr J. A. Clark		MMO appointee (Marine Science)
Prof C. Frid		MMO appointee (Marine Science)
Mr T. Jones		MMO appointee (Aquaculture)
Mr R. Littleton		MMO (Officer)
Mr C. Lumb		Natural England (Officer)
Councillor A. J. Markley		Cumbria County Council
Mrs M. R. Owen		MMO appointee (Fishing- Various)
Mr C. J. Woods		MMO appointee (Shellfish)
Ms L. Talbot		Environment Agency

OFFICERS

Dr S. Atkins	Ms A. Leadbeater
Mr S. Brown	Mr J. Moulton
Mr A. Deary	Mr S. Temple
Ms M. Knott	

IN ATTENDANCE

Mr D. Dobson	MMO (Fishing Industry)
Ms Sofia Kochalski	Liverpool University

APOLOGIES

Mr B. Crawford	MMO (Anglers and Recreation)
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- 164 CHAIRMANS ANNOUNCEMENTS (Agenda Item 1)

The Chairman Introduced Mr D. Dobson who was present for discussions on the proposed Byelaw 2 when as a previous officer he had contributed greatly towards the development of the byelaw. The Chairman also introduced Sofia Kochalski the PhD student working on the jointly funded project with CMACS, Liverpool University and the NWIFCA on the sustainability of fisheries in the North West.

- 165 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 2)

Agenda Item 6. Morecambe Bay Hybrid Fishery Order – Issues to be discussed. Mrs J. Butler, Mr T. Jones, Mrs M. R. Owen, Mr C. J. Woods
Agenda Item 7. Byelaw Review. Mr R. Graham, Mr T. Jones
Agenda Item 8. Use of Track Record for Management of Seed Mussel Fishery at South America. Mrs J. Butler, Mr T. Jones

- 166 TO RECEIVE THE MINUTES OF THE TSB SUB-COMMITTEE MEETING HELD ON 7TH FEBRUARY 2014 (Agenda Item 3)

RESOLVED. The minutes of the TSB Sub-Committee meeting held on 7th February 2014 be approved and signed as a correct record.

167 MATTERS ARISING (Agenda Item 4)

From the previous minutes it was noted by the Chairman and other members who are also a part of the Cumbria FLAG that the Expression of Interest from Natural England for funding for a project to enable fishermen in the FLAG area to carry out opportunistic surveys from their vessels of subtidal habitats had been accepted. Further information would be required on what would happen to survey equipment after the project had expired and whether the equipment could be resourced from elsewhere. Senior Scientist Mandy Knott will pass on this information to Natural England. She also asked for a change of wording under Minute 160 on the subject of quota to distinguish between Total Allowable Catch and quota, a point that had been made in the meeting by Prof Frid.

168 SUSTAINABILITY PHD PRESENTATION BY SOFIA KOCHALSKI (Agenda Item 5)

Sofia gave an excellent and well received presentation on her project findings over the last 18 months, based on questionnaire responses from fishermen prosecuting the cockle fisheries. It was pointed out by members that the project only covered the south of the District and it would be interesting to see what would have been said in the northern areas such as the Solway Firth. Several issues were raised which the sub-committee felt had been addressed by the Authority since the surveys had been carried out, and members were interested to see how this develops in the second stage of the project. Dr Atkins proposed that the results may be slightly skewed by the time period which featured the opening of the Foulnaze fishery. It was noted by Mrs Butler that perhaps there are communication issues between the Authority and fishermen. Sofia intends to carry out a further questionnaire and the TSB requested a written report after this stage.

This raised a debate between members on the role of the Authority within the fishing industry. Mr Lumb thought it was important to consider how we engage with the industry outside of authority meetings and that it was important to gain the benefits of the up and coming community meetings. Prof Frid reminded members that they were on the sub-committee because of their particular expertise and not to represent the industry directly.

The Chairman asked for members of the TSB to be sent copies of Sofia's power point presentation.

169 MORECAMBE BAY HYBRID FISHERY ORDER (Agenda Item 6)

Dr Atkins introduced the report. There had been difficulties in getting the Order progressed and still a large amount of work to be completed including complex issues. The work from Defra on MCZs and EMS was largely responsible for the delay and this was likely to continue for the foreseeable future. Currently there are two major issues to sort out: whether the finances generated by the Order would be sufficient to cover costs; and whether IFCA byelaw-making powers under MACAA 2009 provide for more adaptive management across the entire District than a Regulating Order. Many of the measures within the Management Plan proposed under the Hybrid Order can be done already under NWIFCA Byelaw 3 and other shellfish byelaws. The priority was to develop a Several Order to secure areas for aquaculture development. The Chairman said that a review of the existing Byelaw 3 could facilitate an alternative approach but it should be recognised that this byelaw did not suit everyone.

In discussion members were content to reconsider the need for a Morecambe Bay Regulating Order but agreed the need for a Several Order. It was acknowledged by Mrs Owen that perhaps the Authority had out-grown the Regulating Order concept through the use of Byelaw 3 and the new powers available under byelaw. The work completed in the process has moved the fisheries management in the North West a great deal. Mr Lumb agreed and suggested that the management being formulated in Morecambe Bay should be rolled out across the District. Mr Woods suggested that the Order had ceased to be effective in the current fisheries and that its introduction could be too complicated. Mr Dobson concurred with Dr Atkins that the increased byelaw powers under MACAA 2009

were more effective as tools for fisheries management. However Mr Dobson proposed a review of Byelaw 3 and supported the greater use of byelaws. Prof. Frid raised the issue that the sanctions under the Order licence scheme lacked teeth as well as the time frame for pursuing Several Orders. Mrs Owen cautioned against taking a hasty decision without having the full evidence required and suggested any decision to change policy needed careful consideration.

Mr Lumb raised the point of whether the IFCA needed to pursue the Several Order proposal as industry could submit its own individual application for Several Orders. It should be in the interest of the developers to seek to apply for the Several Orders which would be subject to consultation, therefore removing a substantial amount of work from the Authority. It was discussed by the sub-committee that some advice from Defra should be requested. Dr Atkins will consult with Defra legal advisors over the use of byelaws versus Regulating Order.

RECOMMENDATIONS

1. Officers to seek legal view from Defra on the relative merits of a byelaw versus the Hybrid Order.
2. Following advice from Defra, a more detailed report should be returned to the TSB and any final decision on the future of the Order should be taken by the full NWIFCA.

170 BYELAW REVIEW: Byelaw 2 (Agenda Item 7)

Dr Atkins introduced this report. The byelaw now includes a restriction on the maximum engine power for a fishing vessel within the District in addition to vessel length of 221kw. Other new measures included gear restrictions, such as single trawls only which has been a success in Cumbrian waters and the use of dredges for bivalve molluscs.

Prof Frid supported the byelaw and endorses the introduction of restrictions on vessel power but requested assurance that the requirement for returns was sufficiently robust. Mr Jones pointed out an error in paragraph 6. CEO agreed to provide a stronger returns clause and correct paragraph 6.

Mr Jones questioned how the byelaw would allow for sustainable prosecution of new bivalve fisheries. Officers Deary and Knott suggested that paragraph 9 would be sufficient to cover new and developing bivalve fisheries.

Mr Dobson said that the byelaw was almost complete but thought that engine capacity should be removed as this was an action to reduce beam trawling within the 12nm limit and not closer inshore. The Chairman suggested that the byelaw would need the collaboration of the MMO and MCA to enforce engine capacity. CEO replied that the Authority would only be enforcing what is stated on the vessel certificate of registry.

A question was raised about future permits for vessels that had an historic rights entitlement to fish within the 0-3 nm and the 3-6 nm limits. The Chairman made the point that it would not be a permit scheme as such but rather an authorisation to fish and that there would be little in the way of administrative costs to the NWIFCA and so suggested that there should be no fee for such authorisations.

Byelaw 7 and 8 were not presented at this meeting and deferred to a future meeting.

171 USE OF TRACK RECORD FOR MANAGEMENT OF SEED MUSSEL FISHERY AT SOUTH AMERICA (Agenda Item 8)

The report presented by the Senior Scientist provided proposals for establishing track record of companies involved in the seed mussel dredge fishery for use in all future

fisheries. At the present time there is uncertainty whether a substantial fishery will occur this year as industry observations at the end of April are that the area is sanded over and therefore no suitable substrate for settlement is exposed. Heysham Flat has seen a substantial settlement. The Chairman asked how many vessels would be allowed to fish the area. Ms Knott responded by saying that the area would be surveyed and mapped, the biomass of the area would be estimated, and a Habitats Regulations Assessment carried out before consulting the Authority on the appropriate number of vessel which would be permitted to fish the area. The Chairman reminded the sub-committee that transshipment of mussels at sea as had previously taken place is illegal under EU legislation. Ms Knott also concurred that the MMO have also agreed this legal point. Officer Deary suggested that perhaps the MMO could designate Barrow as port to allow transshipment to which Officer Brown said that the port limits extend out to sea anyway.

172 SCIENCE PLAN (Agenda Item 9)

Ms Knott introduced the draft Science Plan for 2014-15 and updated the TSB Committee on the on-going work of the Science Team. Ms Knott reported that as well as cockle and mussel stock assessments, there was a vast range of additional work generated from the EMS Review of Fisheries Management and the MCZ Tranche 1 and 2 designations.

Prof. Frid suggested that there was a degree of volatility in the plan and that the committee needs to recognise the pressure being exerted and therefore understand the challenges ahead and designate resources accordingly while providing steering and direction. It should also be investigated how we can secure external funding and partnerships when required, to answer some of the outstanding questions on our fishery resources. Councillor Markley said that the committee must continue to understand the tremendous work load of the science team. Mrs Owen suggested that perhaps some science work could be delegated to the shrimp fishermen. Mr Lumb congratulated Ms Knott on having volunteered to become the TAG 'Champion' of intertidal cockle and mussel fisheries. Mr Woods thought that too much of the science work was focused in the central area of the District.

173 SCIENCE TEAM SUMMARY REPORT INCLUDING BIOSECURITY DRAFT (Agenda Item 10)

The Chairman enquired of Mrs Janet Butler if she was comfortable to remain in the meeting whilst a proposed application for a mussel dredging permit by a member of her family was discussed. Mrs Butler confirmed that she would remain in the meeting.

Mr Robert Butler's application for an authorisation to conduct a mussel dredge trial in the channel between Foulney and South America had not been progressed and no dredging could take place until reliable stock data had been provided to the Authority by the applicant. The Senior Scientist stated that Mr Butler must contact the science team to progress the authorisation and no dredging could take place until a survey had been done.

An update was given on the Duddon mussel bed, where officers have been conducting regular shellfish hygiene samplings. Classification should be ready by the week following the meeting. The industry has also speculated that they may leave it until September to allow the size and condition to improve. Mr Jones suggested that returns from the fishery should be required to assist in recording and managing what is removed. Councillor Markley said that there should be a mechanism for buyers to provide data and compel recording. Prof. Frid agreed that returns should be required as provided for in Byelaw 3. Mr Deary agreed to develop and implement a returns system as soon as possible.

Dr Clark had requested information on fracking to be presented at the full Authority meeting by the Environment Agency. Officers said that links to the EA website and factsheet on fracking had been provided to members. CEO said that there was not time for an EA presentation at the June meeting and fracking was not a core issue for the NWIFCA. EA is

responsible for consenting fracking. NWIFCA should await involvement until consent applications likely to have a marine impact were under consultation.

Ms Temple gave a brief explanation of the draft proposed Biosecurity Plan. The Chairman thought it was extremely well prepared. Mr Lumb stated that Natural England had had a look both regionally and nationally, that it was an excellent start and that they would be providing comments to assist in moving it forward.

The Chairman thanked members for attending and declared the meeting closed at 1330 hours