

151 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at 1, Preston Street, Carnforth on 7<sup>th</sup> February 2014

PRESENT – MEMBERS

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

OFFICERS

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

IN ATTENDANCE

Mr D. Howarth	MMO (Officer)
Mr L. Talbot	Environment Agency (Officer)

APOLOGIES

Dr J. A. Clark	MMO (Marine Science)
Mr W. Darbyshire	Environment Agency
Mr B. Crawford	MMO (Angling and Recreation)

152 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive explained the reasons for this Agenda item stating that Mr R. Graham had been elected as Vice-Chairman of the Authority at the December 2013 meeting and that the TSB Sub-Committee were invited to consider the recommendation that a new Chairman should be appointed for the remainder of the electoral year.

A discussion took place with regard to the current election. This concluded with Mrs Owen proposing Mr Graham as Chairman, this was seconded by Councillor Markley. Professor Frid then proposed Mr Jones as Chairman which was seconded by Mr Lumb. A vote was held resulting in 5 votes cast for Mr Graham and 4 for Mr Jones. Mr Graham was promptly congratulated on his appointment as Chairman. The Chairman stated that everybody on the committee was fully committed to the NWIFCA, there will be difficult and possibly abrasive issues in the future, but these will be overcome.

RESOLVED

Mr Graham be appointed Chairman of the Technical, Science and Byelaw Sub-Committee until the Annual Meeting 2014.

153 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman welcomed members and announced apologies.
2. The Chairman welcomed Mr Dan Howarth from the MMO.

154 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 3)

Agenda Item 6. Review of Byelaw 2. Mr R. Graham, Mr T. Jones.

Agenda Item 7. Byelaw 6 (Protection for EMS features): Update. Mr R. Graham, Mr T. Jones.

Agenda Item 8. Request to dredge size Mussel in North Morecambe Bay. Mrs J. Butler, Mr T. Jones.

Agenda Item 9. Seed Mussel Dredging: Track Record. Mr T. Jones

Agenda Item 10. Morecambe Bay Hybrid Fishery Order. Mr T. Jones, Mrs M. Owen, Mrs J. Butler, Mr C. Woods.

155 TO RECEIVE MINUTES OF THE TECHNICAL, SCIENCE AND BYELAWS SUB-COMMITTEE MEETING HELD ON 1<sup>ST</sup> OF NOVEMBER AND 6<sup>TH</sup> DECEMBER 2013 (Agenda Item 4)

**Minutes of 1<sup>st</sup> November 2013. Paragraph 139 - Matters Arising.** At the previous meeting the Chairman advised the committee that match funding from FLAG may be available. The Chairman again raised a possible match funding application between FLAG and NE. Mr Lumb has been working towards this but needed to know firstly if equipment was available such as drop down cameras and secondly if evidence from fishermen would be provided to contribute towards surveying. Members discussed whether the Authority had a role in applying for funding which could be used by the fishing industry as well as if funding could be applied for use by NWIFCA and contributes towards core finances.

It was noted that the industry did already have routes to this through liaison officers. Prof Frid reminded members that the Authority's role laid out by MACAA 2009 is not to be a conduit between marine industry and the fishing community and that if marine industry can contribute financially towards the IFCA then it should be on a project basis, core business should come from the core finance.

The Chairman said that there was no need for the fishing industry to have such a conduit as they already had formal links with wind farm developers in Morecambe Bay.

**Paragraph 144 – Foulaze Cockle Fishery.** The TSB requested a further report. The Head of Enforcement had given a written report to the full committee on the 6<sup>th</sup> of December 2013.

**Paragraph 145 – Dee Estuary.** The issue of cooperation with Natural Resources Wales concerning fishing in the River Dee was raised by members. It was suggested that the Authority is not performing on communications with the River Dee liaison group. Dr Atkins confirmed that Dee liaison meetings are attended. Mr Woods emphasised the importance of being involved in the Dee groups as decisions made in Wales affects what happens on the English side of the Estuary. Mr Jones suggested that communications are improved to address issues in the Dee region.

**Paragraph 147 – Removal of Mussels from Morecambe Bay Oyster Farm**

Mrs Butler questioned where allegedly illegally gathered mussels had gone. The CEO and Head of Enforcement reassured Mrs Butler that action was being taken and that the Authority appreciates that the control over seed mussel gathering had not been perfect.

RESOLVED

The minutes of the TSB meetings held on 1<sup>st</sup> November and 6<sup>th</sup> December 2013 be approved and signed as a correct record.

156 MATTERS ARISING (Agenda Item 5)

The Chairman agreed that any matters arising had been sufficiently discussed in the previous agenda item

157 REVIEW OF BYELAW 2 (Agenda Item 6)

IFCO S. Brown introduced this report which describes the development of Byelaw 2 which has the objective of modernising vessel management within the NWIFCA District. The byelaw would replace Cumbria Sea Fisheries Committee Byelaw 3 and North West Sea Fisheries Committee Byelaw 9. The new byelaw would provide a long-term strategy for restructuring the fleet in the IFCA District. A table of changes upon the advice of the Marine Management Organisation was included in the report.

The sub-committee widely supported the changes contained within the report but a number of issues were discussed. It was questioned why a time period of 12 months for a new build boat within paragraph 6C of the byelaw was needed. Prof Frid suggested that the consultation period would already provide this. Officer Brown noted that new boats must already have the licences in place and contracts secured but the 12 month period may ease the transition period. It was proposed that this byelaw be given the widest possible publicity given the extent of fishing interests in the NE Irish Sea.

Mr Jones raised the issue of new build under 10m rule beater boats which may prosecute inshore fisheries. Officer Brown replied that he understood the issue but it was outside the IFCA's powers to limit this. Mr Graham concluded that the rule beater boats would be restricted unless they had historic rights to the fishing area.

Paragraph 4C was debated as it had been suggested as a route to allow the razor clam fishery to operate. A number of members stated that this would not be applicable as the operations would be for commercial. Prof Frid said that the Authority should be allowing the development of fisheries which fit IFCA specifications. If Paragraph 4a was used to be more specific then fisheries could be controlled effectively and sustainably, possibly under permit schemes.

**Action**

The byelaw be amended and sent to the MMO for legal advice.

158 BYELAW 6 (PROTECTION FOR EMS FEATURES): UPDATE (Agenda Item 7)

This report was presented by the Senior Scientist, Ms Knott, to update the sub-committee on the progress of the EMS Byelaw 6. Members commented on the investigation of new vessels claiming entitlement to the Lune Deep area. The Chairman questioned how a fisherman would demonstrate that they do not damage the site features and the science team stated that this would be through a demonstration of the necessary skills and knowledge of the local area. Dr Atkins added that as the price of gear technology showing the exact position of trawls reduces, vessels may then be more easily allowed to prosecute the fisheries adjacent to delicate features. Members agreed that the handling of the byelaw is sufficient.

**Action**

The byelaw progresses to the next step after consultation.

159 REQUEST TO DREDGE SIZE MUSSEL IN NORTH MORECAMBE BAY (Agenda Item 8)

A request has been received from a local fisherman, Mr Robert Butler of Newbiggin, Cumbria, for consent to dredge size mussels from an area of mussel bed which is not accessible by hand gatherers. Mrs Butler was allowed to stay in the meeting but not to

take part in the discussion due to a pecuniary interest. There was some discussion and clarification on shellfish hygiene classification. The science team currently don't know how large the biomass of mussel available is or the importance of this size stock to the rest of Morecambe Bay mussel beds. IFCO Brown proposes the use of a scientific derogation under Byelaw 1 as it is only a small boat and could operate on a trial basis. Ms Knott agreed as a trial by the operator would relieve the burden on the science team. Prof Frid disagreed as a trial is not science and this must take precedence. It must be seen as a project and should be able to recoup the costs associated.

Across the committee there is a general consensus of support towards smaller operators who are willing to utilise niche small fisheries. Mrs Owen states that it is an EU Directive to encourage inshore fishermen.

Mr Lumb asked the question of why this mussel fishery should be treated differently to any other. A stock assessment needs to be conducted and considered in the context of the greater scheme of mussel fisheries in Morecambe Bay to prevent a reduction in spawning biomass. The impacts of the proposed method should be examined and compared to the techniques used by seed mussel dredgers. There is also the logic of and opportunity to use Mr Butler's aspirations to assess the stocks.

A trial under Byelaw 1 is proposed and the operator would be able to sell the mussels to recoup costs. One boat will be immediately sustainable. If more boats become interested then the committee can decide upon the limitations of the area through a track record of proposed operators.

### **Action**

A Byelaw 1 derogation for a limited scientific experiment by the operator be authorised. If sufficient stock then a HRA will be conducted and procedures of communicating with the TSB followed.

## 160 SEED MUSSEL DREDGING: TRACK RECORD (Agenda Item 9)

The Senior Scientist opened the discussion with the proposal that the period for which a track record would be required is between 1978 and 2013. Mrs Owen suggested this was a good period for limiting the numbers of vessels which can utilise the ephemeral mussel bed. Prof Frid emphasised a need to be forward thinking on a way to control numbers and this could perhaps be done through a permitting scheme. Again careful science is needed and we have no knowledge of where the mussels come from and what determines the level of recruitment. The Chairman agreed that the track record approach utilises evidence of experience and therefore sustainability without being discriminatory, Natural England also agrees with this approach. The use of a quota was debated and the sub-committee decided that a permit scheme and delegation of area and time period allow for better adaptive management over setting the total allowable catch.

Single vessel track record was discussed and it was agreed that the track record should be on companies and individuals not on vessels. This also removes the need to determine landings.

### **Action**

Members agree with the principle of the report and what was discussed. The proposal can be firmed up at a later date.

The sub-committee also discussed transshipping by vessels at sea. This operation which took place last year is now confirmed by the MMO as being illegal. The industry will have to cease carrying out this activity and may limit the number of Irish vessels which transiently visit the fishery. The MMO suggests that the Irish vessels perhaps should not even be within the 12 nm limit.

161 MORECAMBE BAY HYBRID FISHERY ORDER (Agenda item 10)

A report was tabled with Ms Knott detailing the main points raised at the special meetings held concerning the Morecambe Bay Hybrid Fishery Order. Three recommendations were put forward in this report.

1. The summary notes of the previous meetings are correct.
2. The management plan should be re-drafted taking into account any amendments required.
3. Officers return comments and answer questions raised from the last draft which had been sent to Defra legal.

Discussion also took place surrounding imposing a levy on landed cockles. It was suggested that buyers could perhaps be charged as a mechanism to know how much shellfish had been landed. This may bypass the need to charge for specific cockle bags which have been as a route that could easily be cheated. The Chairman summarised that this was an opportunity to represent the views of different stakeholders even though it is difficult to satisfy everybody's aspirations.

Dr Atkins drew to members' attention that Officers are working towards gaining a legal view on the Boughton Estate fishery rights. Currently the Authority will not change from its view that the area is a public fishery and it is up to Boughton Estate to challenge in a judicial review. NWIFCA has been left with the issue that an aquaculture operation was put in place with no formative legal basis. The Chairman concluded that the sooner we receive legal clarity the better.

**Action**

All recommendations be agreed. In addition the area available for aquaculture be reduced from 33% to 23%.

162 A.O.B. (Agenda Item 11)

Fracking

This item was raised by Mrs Owen who is concerned at the possible effects of fracking in the North West intertidal areas. The Authority should be made aware of the developments by energy companies at every stage of the way. Cefas radiation samples have been reduced from 600 to 80 per year and according to recent events in the media there may be possible increases in radiation in outflow water. Mr Lumb asked that the Environment Agency circulate information at every development. Since the meeting this has been passed on.

There being no further business the meeting closed at 1430 hours.