

188 AT A SPECIAL MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at 1 Preston Street, Carnforth on 13th October 2014

PRESENT – MEMBERS

Mr R. Graham	(Chairman)	MMO appointee
Dr E. Baxter		MMO appointee
Mr R. Benson		MMO appointee
Councillor K. Brown		Lancashire County Council
Dr J. A. Clark		MMO appointee
Mr T. Jones		MMO appointee
Councillor A. J. Markley		Cumbria County Council
Mrs M. R. Owen		MMO appointee
Ms H. Ake		Natural England (Officer)

OFFICERS

Dr S. M. Atkins	Ms A. Leadbeater
Mrs I. V. Andrews	Mr J. Moulton
Mr A. Deary	Ms S. Temple
Ms M. Knott	

APOLOGIES

Mr W. Darbyshire	Environment Agency (Officer)
Prof C. Frid	MMO appointee
Mr C. Lumb	Natural England (Officer)
Mr R. Littleton	MO (Officer)

189 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies.
2. The Chairman welcomed Ms Ake attending as a substitute for Mr C. Lumb.
3. Agenda Item 4. An observation paper from Prof Chris Frid had been tabled.
4. The Chairman informed members that the Special Meeting to discuss the proposed Morecambe Bay Hybrid Fishery Order on 21st October has been cancelled.

190 EXCLUSION OF THE PUBLIC (Agenda Item 2)

Members agreed that the public be excluded from the meeting for discussion of Agenda Item 4 in accordance with NWIFCA Standing Order 8.3(d).

191 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda No. 3)

Agenda Item 4. South America skear mussel beds. Mr R. Benson, Mr T. Jones.

192 SOUTH AMERICA SKEAR MUSSEL BEDS (Agenda Item 4)

The Chairman reminded members that the meeting had been called under Standing Order 8.5 to discuss a request from seed mussel dredge fishermen to open a further area of Morecambe Bay to seed mussel dredging. There had been a number of developments on this item since the papers were prepared, one of which is the tabled paper from Prof Frid giving his observations on the report to the sub-committee. The application from the

commercial operators is considered to be complex and contentious and it was felt due to the sensitive nature of this request the public should be excluded from the meeting under Standing Order 8.3(d). The Chairman reminded members of the need to declare pecuniary interests and that any member declaring such interest will be allowed to participate in the discussion but not to vote.

Mrs Owen asked members to note that she no longer holds a Byelaw 3 permit and has no pecuniary interest in the matter and this was agreed.

The Chairman provided some background to the request for a meeting. The TSB Sub-Committee agreed in August to delegate powers to officers to make decisions on the management of mussel fisheries in the District. The sub-committee had looked at a number of areas for seed mussel dredging at that time such as Heysham Flat, Perch Scar and South America and agreed to the authorisation of defined vessels to dredge seed mussel from South America. The Senior Scientist had subsequently brought to members' attention a contentious issue between certain seed mussel fisheries that could be accessible by hand gatherers and Ms Knott was seeking guidance from the TSB on how to manage this fishery. Members were reminded of the NWIFCA policy that if a bed is accessible to intertidal hand gatherers, Byelaw 3 permit holders should be given first opportunity to fish that bed. If it is inaccessible to hand gathering then seed mussel dredging could be authorised. The area requested by the seed mussel dredge operators is the northern end of an extended area close to the oyster trestles. The resource there is thought to be around 4,000 tonnes and it was suggested by industry that the area will be under water between now and Christmas and unlikely to be accessible by Byelaw 3 permit holders.

The Chairman drew attention to the recommendations in the report from the CEO and Senior Scientist and suggested that recommendation 2, to undertake a multi-sectoral study of the Morecambe Bay mussel stock to produce a management plan for its long-term sustainable future needed more detailed discussion at a future TSB meeting.

The Senior Scientist pointed out the three options in the report for members' consideration. The original authorised area granted in August has been extended twice but there was not a great deal of resource available for the dredge boats in the extended area. The requested area is shown in Fig 1 of the report as Box 1. The areas indicated by the green diamonds have only been accessible in the past by helicopter, RIB or hovercraft. In the inspection carried out on 10th October Officers were able to access the area directly to the east of these points by quadbike coming round the north eastern area of the oyster frames. The area round the right hand strip alongside (east of) the southern part of Box 1 is now sandbank. Officers also inspected the area to the north of Box 1, round the oyster frames, and along the intertidal area. That area holds a dense stock of seed mussel covering an estimated area of 1km². The area requested is the bottom end of the area between the oyster frames and Foulney. Box 2 in Fig 1 has previously been opened as a dredge fishery this year. Officers do not think the area between the oyster frames and Foulney is truly ephemeral as it scours so some of it will get washed out but it is likely some will persist. At the western end local hand gatherers have fished that area for size mussel this year and there has been a great deal of interest from Byelaw 3 permit holders asking the Authority to look at zoning the areas from Foulney round to the oyster frame. Officers have been trying to work with the fishermen on this.

Mr Jones asked members' agreement to make a presentation to the meeting and this was agreed. He handed out copies of the original application for Box 1 and maps of the area.

In response to a question from Mr Benson as to whether there were any issues with the area agreed and fished in 2008 Mr Jones said he was not aware of any issues with that fishery. The appropriate HRA had been carried out and agreed with the relevant conservation bodies at that time. Ms Knott said she understood the 2008 fishery was a

similar situation to the present one in that there was no stock on South America. Industry had made representation to the SFC to be allowed to dredge an area called Low Bottom. Agreement was reached to allow boats to dredge if they relaid 25% of the catch on to intertidal area at Foulney to grow on for the hand gatherers.

Mr Jones pointed out the current application differed to the first proposal. The dredge fishermen are fully supportive of the hand gatherers but it was hoped they would realistically utilise the resource. The application makes reference to the resource in and around the oyster trestles which are marked on the maps as we have them plotted. The dotted line shown in Mr Jones' map, tabled at the meeting, was created from the coordinates taken on a survey by industry of the area at the lowest tide on 10th September (0.3m tide). Mr Jones stated that the resource is under water and not accessible to hand gatherers.

Mrs Owen asked Mr Jones if he was sure the area was under water as she understood this was not the case. It has also previously been said that the hand gatherers have not shown much interest in fishing the area but her information is that hand gatherers have expressed an interest. She pointed that since dredging was stopped, for the first time in years there has been a shrimp fishery in the channel where the dredge fishermen want to fish. The fishermen have started to make a living and their biggest fear is that if dredging is authorised the shrimping channel will be lost. The new shrimping opportunity is something not to be ignored and the mussels that are left, even after scouring, are big size mussels. In some years the area is scoured out but because it is not being dredged the mussels come back in good quantities, grow rapidly and would be of benefit to the small inshore fishermen.

The Chairman said there seems to be conflicting information as to whether the area is accessible or not. The area which has been fished in the past by dredgers is close to the oyster trestles and is a contentious area. It is estimated that 4,000 tonnes of mussel is thought to be available in the area and it has been suggested that this 4,000 tonnes can be accessed by hand gatherers but it is understood that the tides are not suitable to do this before Christmas. If the area is not fished by either hand gatherers or dredgers it raises the question of whether the seed will survive and grow to size for next year for hand gatherers if they can get access now. The Chief Executive made the point at a meeting on 6th October that removal of seed mussel is a concession and subject to authorisation from NWIFCA. The problem then arises that it is a benefit because it is a resource that people can make a living from as long as the necessary conservation measures are in place. The Chairman suggested members should recognise the different positions of industry and try to work together to reach a compromise.

Councillor Brown said his assessment of the situation is that the undersized mussels are permanently under water. Mrs Owen said the mussels are not always under water and suggested that people with limited knowledge of fishing should take note of those comments. The point she is trying to clarify is whether in fact they are under water. The IFCA is trying to work with the fishermen and have asked if officers can look into the possibility of zoning of these areas.

Councillor Brown said Mrs Owen's assumption that he knew nothing about fishing was incorrect and voiced concerns that if the resource is not harvested then the danger is this useful resource will be washed away.

Mrs Owen then asked to be excused and left the meeting at that point.

Dr Clark said she has been involved in every decision and discussion around this matter. Prof Frid's paper concluded that no action should be taken as scientific logic has to take precedence over everything else. The Authority has resources it is commanded to, mandated to and statutory obliged to look after and manage both for the environment and

for the socio-economics of the region. She felt the case has been made on a number of occasions that the hand gatherers although being given priority could not harvest all the resource as the beds are ephemeral. She strongly urged members to consider approval of the application and to permit the opening of the bed to the seed mussel dredge fishermen.

Mr Benson suggested that regarding a point raised previously as to where the area could be divided between hand gathering and dredging, the information provided by Mr Jones shows the line which had been taken at low water which is unlikely to be accessible to fishing. The Senior Scientist showed a map to illustrate the area of the survey carried out on 10th October. An area down the right hand side of Box 1 dries out and is accessible. Moving over to the west into Box 1 is the area that will be under water. Ms Knott said from her knowledge of the area the only area that will have dense mussel is the northern part of Box 1 and the northern line has been the extent of the intertidal fishery on the best tides. As an IFCA we should be looking at how it makes best use of the resources. If the resource is likely to be washed out it should be fished if it can be agreed with environmental concerns. She said she would like to meet with stakeholders each year to work out how to manage the fisheries in Morecambe Bay and her recommendation for the best way of doing this would be to resurrect the former Mussel Working Group.

Mr Jones pointed out that whether or not the bulk of the stock is at the top end of Box 1 is irrelevant because it is under water most of the time. On asking Mr Jones to define the term 'most of the time' he said that perhaps there would be two days a month when it would be accessible which he did not feel was sustainable. He further pointed out that there is a lot of stock elsewhere in the District which is more readily accessible to hand gatherers.

In response to a question from Councillor Brown as to if the sub-committee agreed to the application what measures would be in place to ensure the activity would be properly regulated, Mr Deary said the fishery can be monitored fairly accurately using AIS.

Ms Ake commented on the conservation aspects from NE point of view. If it is an ephemeral fishery and open to dredging then NE are fairly comfortable with that and it is the same with the hand gathered fishery. If it is intertidal it still has to go through a HRA. The key point is that it has to be adequately shown the activity will not have an adverse effect on the integrity of the site. There has to be adequate food resource for the birds to go into winter across Morecambe Bay and that has to be demonstrated in the HRA before the NWIFCA as the competent authority opens it. What is happening in Morecambe Bay has to be taken in combination with any other fishing activity or other activities that will have a similar impact upon the bird species. Ms Knott said if the Authority is to subsequently look at zoning some of the intertidal area for hand gatherers it will have an impact on the HRA done for that work.

In response to a question from Dr Clark as to what the Science Team feel the resource available to birds in winter stands at the moment, Ms Knott said in terms of bird resource at the present time there is sufficient within the Bay to support both the fishing industry and the bird population.

The Chief Executive pointed out that the amount of work generated for officers by the work required on the South America fishery has been excessive. It is important that a meeting should be arranged each year before the season starts in order to agree the management of this fishery for the year. Any request from industry to open new smaller areas regularly during the course of summer and autumn generates a level of work which is out of proportion to the level of seed mussel harvested. Dr Atkins said the repeated requests from industry had resulted in delays to work on byelaws and cancellation of the agreed special meeting to discuss Fishery Orders.

Councillor Markley suggested the two recommendations in the report should be agreed individually. The Chairman felt that recommendation 2 would require further work and a separate meeting to discuss the recommendation was needed.

Dr Clark said bearing in mind what the CE has said about pressure on staff and work resources and comments from the industry that they do not understand the decisions being made by the Authority she felt it is essential for the Authority to agree a management plan with stakeholders and that this should be done at a specific time of the year.

Ms Knott suggested that if members consider opening Box 1 to dredge fishing a limit should be set on the amount that could be taken and then look at opening some of the intertidal areas further north and over on to the Foulney bed with some zoning of the area. Some discussion on the suggested limit took place and Mr Jones made the point that it is not for the Authority to agree the limit but that this should come from the statutory conservation information provided for the HRA.

The Chairman proposed that the application made by commercial operators to open a further area of Morecambe Bay to seed mussel dredging into Box 1 subject to HRA and agreement between NE and NWIFCA be approved.

Mr Jones declared an interest in the proposal and stated he would not vote on the proposal. Mr Benson also stated his intention not to vote.

Following a vote the motion was carried.

RESOLVED

1. The sub-committee agrees to opening of the area requested, Box 1, for removal of seed mussel by dredge.
2. That any limit for removal of seed should be subject to HRA and agreement between NE and NWIFCA.
3. The question of a management plan for the long-term sustainable future of the Morecambe Bay mussel stock be referred to a future meeting of the TSB Sub-Committee.

There being no further business the Chairman thanked members for attending and declared the meeting closed at 1545 hours.