

174 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the NWIFCA Carnforth Office, on 15th August 2014

MEMBERS PRESENT

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| Mr R. Graham | (Chairman) | MMO appointee (Fishing Industry- Cumbria) |
| Mr R. Benson | | MMO appointee (Fishery Industry – North West) |
| Dr E. Baxter | | MMO appointee (Marine Environment) |
| Dr J. A. Clark | | MMO appointee (Marine Science) |
| Mr W. Darbyshire | | Environment Agency |
| Mr T. Jones | | MMO appointee (Aquaculture) |
| Mr R. Littleton | | Marine Management Organisation |
| Councillor A. J. Markley | | Cumbria County Council |
| Mrs M. R. Owen | | MMO appointee (Fishing- Various) |
| Mrs J. Bayes | | Natural England |

OFFICERS

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

APOLOGIES

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| Mr C. Lumb | Natural England |
| Prof C. Frid | MMO (Marine Science) |

175 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive opened the meeting by inviting nominations for Chairman for the year. Mr Ron Graham was nominated by Mrs Margaret Owen and seconded by Mr Trevor Jones. There were no other nominations.

RESOLVED

Mr R. Graham be re-appointed Chairman of the Technical, Science and Byelaw Sub-Committee for the forthcoming year.

176 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman welcomed members and said he hoped he would be able to fulfil everyone's expectations.
2. The Chairman announced apologies.
3. The Chairman welcomed new members Dr E. Baxter and Mr R. Benson, also Mrs J. Bayes attending as a substitute for Mr C. Lumb.

177 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

The Chairman asked for nominations for Vice-Chairman for the year. Mr Trevor Jones was proposed by Councillor Markley and seconded by Mrs Owen.

RESOLVED

Mr T. Jones be reappointed Vice-Chairman of the Technical, Science and Byelaw Sub-Committee for the forthcoming year.

178 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 4)

Agenda Item 7. Potential Mussel Fisheries. Mr R. Benson, Mr T. Jones, Mrs M. R. Owen
Agenda Item 8. Morecambe Bay Hybrid Fishery Order – Issues to be discussed. Mr R. Benson, Mr T. Jones, Mrs M. R. Owen.
Agenda Item 9. Progress with Byelaw Review. Mr R. Graham, Mr T. Jones

179 TO RECEIVE THE MINUTES OF THE TSB SUB-COMMITTEE MEETING HELD ON 2ND MAY 2014 (Agenda Item 5)

The Chairman reported that Authority members not on the TSB had commented that his verbal reports of TSB proceedings were difficult to follow without having the minutes available. The problem arises because minutes are approved at the following TSB meeting so are not available for any intervening Authority meetings. TSB Members were concerned that unapproved minutes should not be published. Dr Clark said it should be made clear that they are draft minutes but it was paramount that the Authority had an understanding of what the TSB Sub-Committee does. The Chairman requested that the draft minutes should be approved by the TSB Chairman and Vice-Chairman prior to the NWIFCA meeting and made available to inform the verbal report to the Authority. They will be marked as draft and not put on the website with other meeting papers until after they have been ratified by the TSB. Officers commented that this will be attempted but may be made difficult by limited time and workloads between the meetings. The proposal was moved by Councillor Markley and seconded by Dr Clark.

RESOLVED

1. Draft minutes of future TSB meetings be approved by the Chairman and Vice-Chairman of TSB prior to NWIFCA meetings and circulated to members to inform a verbal report to the full Authority.
2. The minutes of the TSB Sub-Committee meeting held on 2nd May 2014 be approved and signed as a correct record.

180 MATTERS ARISING (Agenda Item 6)

There were no matters arising.

181 POTENTIAL MUSSEL AND COCKLE FISHERIES (Agenda Item 7)

Officers requested delegated powers from the Authority to make non-controversial decisions to manage mussel fisheries quickly. Mussel fisheries can grow rapidly over summer months creating ephemeral beds subject to loss in adverse weather so beds sometimes need to be assessed and opened quickly to make best use of available stock. Such powers were regularly granted in the past by the Sea fisheries Committee and IFCA. If there were contentious issues that members needed to be involved in, then correspondence could be conducted via email but difficult or marginal decisions will only be taken at TSB meetings. The sub-committee agreed to delegate these powers.

South America Seed Mussel Fishery

Ms Knott gave an update on the seed mussel dredge fishery in north Morecambe Bay. It was proposed that due to the limited stock and area this year that the fishery be restricted to four companies, and the authorisations issued based on track record. A meeting had taken place with Natural England to discuss all the potential up-coming mussel fisheries in the District. It had been agreed that the HRA for South America could be submitted retrospectively as methods and risk of environmental impact were no different from previous years. After discussion it was agreed that the fees for the authorisations would be the same as last year.

Dr Emily Baxter questioned the proposed dredge area with regards to how protection for the site features could be assured under the retrospective HRA. Ms Knott explained that there is no contact from gear with site features as the seed mussel sits on a deep layer of mussel mud and only the surface of mud is taken by the dredge. The potential for impact on bird prey resource was mitigated due to other mussel beds which had high stocks remaining in the Bay.

Heysham Flat Seed Mussel Fishery

Officers had held meetings with Lancaster City Council to discuss beach access and the number of quad bike permits they issued. The council will not increase the number from 15 issued on a first come first served basis. The council are also now happy for buyers to use the Oakley Road slipway as access on to the beach with tractors and trailers to remove this activity from the Battery car park.

The sub-committee was shown how a new area of mussels on Knott End skear at the bottom of Heysham Flat has now become accessible. It was explained to the sub-committee that any access to this area must avoid the *Sabellaria alveolata* reef. Members were opposed to allocating a designated route for gatherers. IFCO Steve Brown suggested that if there are enough mussels to satisfy the hand gatherers then perhaps it could be dredged. The sub-committee thought it seemed sensible to allow gatherers to access Knott End Skear via the buffer zone mapped in Byelaw 6 in the northern area of the *Sabellaria alveolata* reef. Natural England agreed that this was the best option as long as it was made clear to fishers that they must not cross or fish the mussel from the worm reef area.

It was felt that access via the northern route would be sensible due to problems that could be encountered on the southern route due to high tides.

Fleetwood Seed Mussels

A proposal was put forward to authorise the dredging of seed mussel at Perch Scar, which is a small skear at the end of the Wyre channel. Mr Brown thought that dredging was the best option as there was not time to agree access with the council for hand gathering. Mr Jones thought it was unacceptable for the council to block fishermen's access to a fishery. Mrs Owen thought that the Authority should be communicating better about where fisheries occur. Ms Knott explained that this was not a bias towards dredge fishing, that hand gatherers have had more or less continual fishing for all year on the size mussels and that it is worked on what resources are available and a fair distribution of them. Ms Knott said that there did not appear to be any interest from hand gatherers to work Perch Scar. Mrs Owen thought that the Authority should continue to work on the old principle that if a fishery was accessible to hand gathering then dredging would not be authorised and that this was an opportunity to prove that we are trying hard to make shellfishing work and helping the industry.

Ms Knott explained that one vessel and two companies would take two-three days to fish the scar. Mrs Owen suggested sending a text message to all Byelaw 3 permit holders asking if they were interested in fishing the scar and if not it will be open to dredging. Mr Brown thought that all the hand gatherers interested in seed mussel in this part of the District would be engaged on Heysham Flat. Mrs Owen thought that the hand gatherers should be given a week to start and then it could be left to the dredgers. The Chairman agreed they should be given the opportunity.

Foulney Mussel Management

Mr Jones asked for an estimate of the quantity of mussels on Foulney. Ms Knott explained that a comprehensive survey of the mussel bed in terms of stock assessment had not yet been carried out, but would be dependent on the committee's decision. She reported that there had been a good settlement on Foulney following the fishing over the winter and that

some areas looked to be vulnerable to scour and wash-out. A meeting had been organised with Byelaw 3 permit holders to discuss options for the management of this bed, e.g. whether to allow some of it to be harvested for undersize mussel. Any such plans would be subject to HRA. The sub-committee approved Officers' proposals.

Solway Firth mussel bed.

Due to the limited capacity of the NWIFCAs vessels to carry out mussel surveys and the inability to perform surveys on the Solway mussel beds in the past few years, an offer from the industry led to a recommendation by Officers that the TSB authorise the use of a Menai Strait mussel boat to assist the NWIFCA to carry out a mussel survey in the Solway.

At the request of Solway fishermen, a meeting was held with them in Silloth on Monday, 11th August. The views opinions, recollections from past fisheries and suggestions put forward at this meeting influenced an alternative recommendation that was put to the TSB. Officers advised that the mussels only normally settled in a small area, that navigation could be difficult, that the bed is not ephemeral and that the reported heavy predation from starfish and crabs was the exception rather than the norm. It was explained that the authorisation to dredge issued by Cumbria SFC in 1993/94 was because of an extreme settlement. The science team reported that the area would be likely to be fished in days if large vessels were authorised to fish and how Solway fishermen only wanted small boats to be granted permission to dredge once the mussel had grown on to size.

It was proposed that officers should work with one of the fishermen, John Watson, to survey the area under a dispensation. A decision on whether to authorise a seed or size fishery would depend on the results of this survey. Mrs Owen thought this was a brilliant method of appraisal of a fishery. Councillor Markley approved of how it allowed local economics and fishermen to be involved in the running of the fishery.

Mr Jones agreed with bottom up management of the fishery that Mrs Owen suggested saying that the 'Mare Gratia' could survey the area quickly producing high quality data that would benefit all, with multi-beam sonar and towfish equipment. There would be no charge for this survey which could inform the local community of what the best method of prosecuting the fishery would be. Mr Jones also wished that a representative from the 'Mare Gratia' could have been invited to the Silloth meeting to explain this as it could have then moved towards cooperative working between all parties. The CEO said that this was a good offer as ground-truthing with a dredge or grab is not adequate. The only other alternative was to charter a specified survey vessel such as the Cefas 'Endeavour' to carry out the work.

Dr Clark questioned why the Authority had received survey equipment from Defra which was not being used. Dr Atkins explained that it had taken time for the equipment to be acquired, installed and tested. Staff would then require training in its use.

Mr Graham reported a number of attempts to bring fishermen together in the north of the District and that the success of the meeting was to be commended.

Ms Knott was concerned that as there was a high demand for seed mussel from the aquaculture industry there may be an expectation that an authorisation to fish would follow the offer to assist with survey work.

The Chairman said that in working to identify stock for the local community to harvest, a large dredge boat could result in the exclusion of smaller boats and the local community. Mr Jones wished to reinforce that the survey would not be pre-judging any outcome as it was to broaden knowledge of the resource. Councillor Markley was concerned that the arrival of a large vessel in the area may harm relationships with the Solway fishermen which had been strengthened at the stakeholder meeting.

The sub-committee agreed that a joint approach to the surveying of the mussel bed would be most appropriate. This would involve initial low tech dredge survey by a local vessel followed by use of sonar later if necessary.

Solway Firth Cockles

Solway fishermen have requested permission to prospect for cockles on Middle Bank. Low stocks (6 per square foot) have been reported but cockles are deeply embedded in coarse sediment so using a jumbo to survey would under-estimate stock. It is suggested that a suction dredge would provide a more accurate assessment of numbers.

Officers suggested that a derogation is issued against CSFC Byelaw 2 for a suction dredge survey from a Solway fishing boat, with Science Officers and IFCOs in attendance. An HRA will be needed and no extraction will be allowed, therefore all cockles will be returned immediately. The sub-committee supported this test of the efficiency of a suction dredge. An assessment of breakage rates should be included.

RESOLVED

1. Delegated powers to Officers to make decisions on the management of mussel fisheries in the District be approved. Officers to consult with TSB members via email where necessary with full reporting to the Authority at quarterly meetings.
2. Authorisation of defined vessels to dredge seed mussel from South America/Falklands with conditions as set out in the report be approved.
3. Opening of Heysham Flat seed mussel for hand-gathering in August be approved.
4. Considerations by Officers of the partial harvesting of the seed mussel at Foulney be approved.
5. Officers proposals for a consultation with Byelaw 3 permit holders on their ideas and opinions for future management of mussel fisheries at Foulney be approved.
6. A joint approach to surveying seed mussel in the Solway be approved with a local vessel being given dispensation to carry out an initial survey. If necessary the Welsh seed mussel dredger 'Mare Gratia' could be used to investigate further.

182 **MORECAMBE BAY HYBRID FISHERY ORDER – ISSUES TO BE DISCUSSED (Agenda Item 8)**

Dr Atkins reported that Defra legal had been asked for advice over the differences of using Regulating Orders versus byelaws now that IFCAs' byelaw powers had improved under the Marine Act. Whatever the decision on a Regulating Order, a Several Order for aquaculture would still be required. Dr Clark asked for a TSB sub-group to meet to provide a more simplistic evaluation of the report, however at a first reading it seems that byelaws provide a more district-wide approach. The Chairman thought that the Authority should be hesitant to jettison the Regulating Order application without further evaluation. Councillor Markley proposed that this issue is moved to a special TSB meeting. Mr Jones proposed that Mrs Sue Utting, Chair of the Menai Strait Mussel Fishery Order Management Association should be asked to describe that Order at the meeting.

RESOLVED

A special meeting of the TSB Sub-Committee be arranged to discuss the issue of a Regulating Order versus byelaws.

183 BYELAW REVIEW (Agenda Item 9)

Dr Atkins reported progress with the review of byelaws as follows:

Byelaw 1 (minimum landing size (MLS) byelaw). Mr Deary said that other IFCA's are delaying their MLS byelaws pending review of the Common Fisheries Policy. The implementation of a discard ban may remove the need for MLS. Mr Brown requested further consideration of winkle sizes and inclusion of thornback ray. TSB agreed to postpone this byelaw pending decisions at EU level.

Byelaw 7 (non-commercial potting regulations): TSB agreed that Prawns (*Palaemon.spp*) should be included as in legacy byelaws but Nephrops should not be in the byelaw as it is not a target species for recreational pot fishermen. With regards to escape gaps there should be an exception for prawn pots.

Paragraph 8f (confiscation of permits) may be outside IFCA powers so may be removed by MMO. Dr Atkins agreed to refer this question to MMO.

Byelaw 8 (Prohibition of foul hooking) a typing error was noted in paragraph 2. Mr Darbyshire queried any implications for the Environment Agency byelaws. It was also noted that the use of 'Omega' refers to a brand name and that the net measuring instrument should be referred to as a gauge. The definition will be referred to MMO

Byelaw 9 – Restrictions on fishing for shrimps and prawns was briefly discussed and minor amendments were proposed. The byelaw was referred to the TSB for further discussion.

Dr Clark expressed the loss of Mr David Dobson from the Authority as a shame as he had contributed a great deal towards the review of byelaws since the formation of NWIFCA.

RESOLVED:

1. To halt progress with Byelaw 1 until CFP changes are concluded and then reconsider the need for this byelaw.
2. Officers to progress Byelaws 7, 8 and 9 as discussed

184 BYELAW 3 COCKLE AND MUSSEL RETURNS: UPDATE (Agenda Item 10)

Implementation of Byelaw 3 returns had been generally successful. The Chairman thought that those who did not comply with submitting shellfish returns should not be able to fish as on the River Dee (under the Cockle Regulating Order).

185 EA/NWIFCA CROSS WARRANTING (Agenda Item 11)

Several other IFCA's have successful cross-warranting with the Environment Agency and Mr Darbyshire explained how this would improve cooperation when the two enforcement bodies are on joint patrols. The formal MoU is almost completed.

It was agreed that further work was required on cross warranting.

186 SCIENCE TEAM SUMMARY REPORT (Agenda Item 12)

Science Officers presented a summary of work carried out over the last quarter. There was a discussion over the amount of fish that has been reported for many years being taken in through the cooling water intakes at Heysham Power Station. The Science Team have followed up these complaints through correspondence with the EA who regulate these activities. Mr Darbyshire said he would check what the current position is with EDF

and the Improvement Condition and would also investigate the possibilities of a joint site inspection with EA and NWIFCA. Mr Littleton also said the MMO would investigate.

Razor clam progress report

It was reported that it was likely that the Cefas Fisheries Science Project would be trialled off Walney Island now as Liverpool Bay is no longer an option.

187 A.O.B. (Agenda Item 13)

Mrs Owen requested that Mrs Irene Andrews be given the requisite assistance to complete the administration of permit renewals. Mr Moulton said he had already arranged to assist Mrs Andrews.

The Chairman thanked members for attending and declared the meeting closed at 15.00 hours.