

**NWIFCA Technical, Science and Byelaw
Sub-Committee
16 August 2013: 10:00am**

**REPORT
NUMBER
1**

NWIFCA Byelaw 6: Protection of EMS Features

Background

Since the last Authority meeting where this Byelaw was discussed officers have been working on the draft. The closed areas have been amended and continue to change with input from various stakeholders.

The NWIFCA is still waiting for the final formal advice from Natural England. The timescales are getting tight now and without that advice and confidence in the data it may be advisable to remove some areas from the Byelaw (ie. Lune Deep and areas of un-corroborated seagrass).

Officers have been working with Natural England to draft the closed areas. A letter outlining the expected Natural England advice is attached in Annex 2. Issues raised will be addressed below in the appropriate area section. Members should note that advice from Natural England has been delayed by their current work on the MCZ process.

Targeted stakeholder engagement has continued. A community meeting at Barrow Nautical Club was held on 30th July to discuss issues arising from the Walney Channel and Seagrass closed areas (Annex 3). This meeting was constructive and raised some good points (again discussed below). Science officers have also spoken to the one fisherman that trawls in the Lune Deep area to get feedback on how the Byelaw may affect his activity.

The final draft of the Byelaw must be completed by 6th September 2013. This allows time for it to be viewed by Members before signing off at the Authority Meeting on 20th September 2013. The Byelaw must be signed at this meeting in order to meet the December 2013 deadline set by Defra.

A current draft of the Byelaw with illustrative maps is attached (Annex 1).

A draft of the Byelaw has been sent to the MMO and officers are awaiting comment from them.

Officers envision sending a draft of the Byelaw to TSB members for comment before this 6th September date.

Commercial vs Recreational Activity

Defra has confirmed that the revised approach to fisheries activity in EMS sites applies to commercial fishing activity only. However, it has been left to IFCAs to prohibit activity as they see fit.

The Byelaw, as it is worded currently, does not distinguish between commercial and recreational activity. This is in line with most of the current NWIFCA byelaws.

The Byelaw is written in this way for two reasons; enforcement (distinguishing between commercial and recreational activity is often difficult) and environmental (for the Red risks damage is caused by gear regardless of its status).

Solway Firth Reef

As mentioned in the June Authority meeting, a stakeholder meeting with shrimp fishermen in this region revealed problems with the provided data which formed the basis of this closed area. The boulder and cobble in the northern part of the original closed box is often covered with sand and therefore fishable.

Natural England are yet to issue formal advice for this area. Instead their letter sets out two possible avenues of advice. The first is a flexible closed area via a permit scheme, iVMS and monitoring. The second is a precautionary approach using existing data.

Information on where shrimp fishing has occurred has been provided by the fishermen. The current Byelaw uses their suggestions for the closed area.

Lune Deep (and Morecambe Bay) Bedrock and Boulder & Cobble Reef

Natural England are concerned that current exclusion box is not large enough to protect reef. However, this is not the case. The closed area exceeds the recommended buffers and so currently there is no chance of contact.

However, because of the narrow nature of the feature Officers are concerned that a closed area will prohibit legitimate, non-damaging fishing activity. When fishing in this area the position of the boat does not directly relate to the position of the gear on the bottom. The one fisherman that currently works this area has confirmed that his boat can appear to be on top of the reef when fishing on the sand beside it. It is access to the deep part of trench at the south west of the feature that is of most concern. The fisherman also reiterated that it would be unsafe for his gear to come in contact with the reef feature.

Without formal advice from Natural England on how to overcome this issue it may be prudent to omit this area from the Byelaw at this stage.

Morecambe Bay Seagrass

Natural England, North West Wildlife Trusts and Marine Conservation Society have suggested various small changes to points in order to ensure that buffers are encompassed fully. These amendments have been made to the Byelaw.

Feedback from the community meeting showed that crab collection activity occurs within the original closed area to the east of Roa Island. The boundary of this closed area has been changed to remove this activity, although the recommended buffer zone remains inside.

Questions were also raised about the ability of the IFCA to create byelaws that affected private land (in this case that owned by Roa Island Boat Club). Officers believe that IFCA authority does apply to this land, but are awaiting clarification from the MMO/Defra.

The quality of the data for the areas around Piel Island and Foulney was also questioned. One member of the boat club stated he had had a mooring there for 50 years and had never seen seagrass in the southern extent of the proposed closed area. This information comes from a Natural History Museum survey completed in 1999. Natural England Officers are due to survey the area in the near future and it is hoped that this information comes soon enough to be incorporated into the Byelaw ie. by 23rd August at the latest. However if it is not received by then it may be sensible to omit the areas with data of low confidence from the Byelaw at this present time.

The prohibition of vehicular access in these areas was also of particular concern to local stakeholders. IFCAs would only have powers to restrict vehicular access when it was directly related to fishing activity. Comment from the MMO on this part of the Byelaw is required.

Morecambe Bay Walney Channel Boulder & Cobble Reef

Comments from the stakeholder meeting revealed that a limited amount of recreational shrimping and trawling activity does occur along the southern, sandy edge of the Walney Channel. The closed area could be reduced in this area (into the buffer zone) to allow this activity to continue.

Morecambe Bay Heysham Flat Sabellaria

After comments by Natural England at the June Authority meeting, the closed area has been extended slightly to encompass the whole recommended buffer for all historical accounts of *Sabellaria alveolata*.

Natural England have also suggested that the skear area without *Sabellaria alveolata* also be subject to a protective buffer. Officers feel that this is unnecessary as this skear area is acting as a precautionary buffer in its own right.

Currently the closed area encompasses all the skear area up to MHW. This is a highly precautionary approach.

Dee Estuary Hilbre Island Sabellaria

There have been no comments or further advice on this closed area.