

## ANNEX A

### The Proposed Morecambe Bay Hybrid Fishery Order – Summary

#### **Introduction:**

The North Western IFCA (NWIFCA) is responsible for the management of a number of important areas for shellfishing within its district, the largest of which is Morecambe Bay.

Historically, inshore fisheries have been managed by byelaws. IFCA's can also use Fishery Orders made under the Sea Fisheries (Shellfish) Act 1967 (as amended by the Marine and Coastal Access Act 2009) to manage molluscan shellfish stocks.

Due to changing economics over recent years, managing shellfisheries through byelaws alone has become increasingly difficult and burdensome in terms of enforcement and administration. In order to establish greater control of fishing intensity, meet environmental duties (particularly under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') and the NERC Act 2006), develop mariculture of shellfish and better balance the interests of stakeholders, the NWIFCA is applying for a Hybrid Fishery Order under the Sea Fisheries (Shellfish) Act 1967 (as amended by the Marine and Coastal Access Act 2009) for Morecambe Bay and the Duddon Estuary. By building on established management principles, embedding the best practice from the current regime and using the wider and more flexible legislative framework under a Fishery Order the objective is to develop a modern, professional and sustainable molluscan bivalve fishery, with provision for the development of cultivation and aquaculture.

#### **Natural Environment:**

The natural environment of Morecambe Bay and the vast majority of the area covered by the Order has been designated for conservation under international, European and national legislation. The NWIFCA has a duty to have regard to the conservation needs of this site in carrying out its activities and has consulted widely on the conservation interests and needs of the designated sites in developing the Fishery Order proposals and Management Plan. The Fishery Order has undergone a process of Appropriate Assessment, which outlines the management measures to be used to mitigate the effects of specific identified activities on designated features. The Authority has been able to conclude, with the agreement of Natural England, that the fishing activities proposed within this Management Plan, subject to the specific avoidance and mitigation measures included, will not adversely affect the integrity of the Morecambe Bay or other European Marine Sites.

#### **The Current Fishery:**

The cockle fishery has a long-standing history of being highly variable in its production. Officers estimate that in years when cockle recruitment is exceptional the maximum area available for fishing in Morecambe Bay would be 7,000ha for cockles and 1,000ha for mussels. Past history has shown that commercial interest would be high with the consequent enforcement and management issues that the Committee is well aware of.

The permit scheme introduced in 2003 actively sought to control effort. It has not been possible to set a limit on the number of permits issued, and numbers at one point peaked at over 1000. Conditions imposed by the Byelaw 5 permit scheme did succeed in reducing effort to below 400, but a stipulation that 40 new permits should be issued each year means that numbers have begun to increase again.

With limited staff resources effective control of the fishing effort at potentially high levels is extremely difficult without the assistance of others. Consequently the Authority works closely with other organisations, facilitated at a strategic level through a Joint Liaison Group and delivered by the Morecambe Bay Action Group. This approach works well and has been of undoubted benefit to the management of the fishery and it is therefore intended that it be continued and developed under the proposed Fishery Order.

Management of the size and seed mussel fisheries has proved much less problematic. Stocks of size mussels are relatively stable. Recently hand-gathering for size mussels has declined to very low levels, due to low prices and a diminishing demand for the wild product compared to cultivated mussels.

The seed mussel fishery is managed by issuing derogations from the minimum landing size for mussels to allow for the hand gathering of undersized mussels by permit holders in specified areas.

The now expired Morecambe Bay Mussel Fishery Order 1978 was introduced specifically with regard to allowing managed exploitation of seed mussel by dredging on and around an area known as South America skear. The Authority has adopted the principles of the 1978 Order in its management of the dredge fishery for seed mussels until a new Fishery Order covering the whole of Morecambe Bay can be implemented.

There are ongoing attempts to establish and expand mussel cultivation in the Bay and various tests have been carried out on the viability of the relaying and growing-on of mussels. The Authority's current policy regarding authorising experimental plots will be carried over into the management regime for the Fishery Order. Officers assess any proposal with regard to their commercial viability, impact on the public fishery and possible impact on the nature conservation interest features. No application is granted in areas where an existing fishery might be adversely affected.

### **The Proposed Fishery Order:**

The proposed Order will continue for 30 years from the date of it coming into operation. A licence will be required to fish for any bivalve shellfish within the Fishery. It will be an offence to fish for bivalve shellfish without a licence or authorisation from the NWIFCA.

The Order will supplant the permit scheme and allow a suite of adaptive management measures that are flexible to stock levels and environmental considerations, including restricting numbers of licences, setting fees, implementing permanent and temporary spatial and temporal closures, designating access and landing points, enforcing TACs and restricting fishing hours.

### **Hand-gathering**

#### **Methods – Cockles**

Fishing for cockles will normally be by hand. The use of crams, rakes, spades and jumbos (tamps) is allowed. All cockles gathered under a Morecambe Bay Fishery Order licence must be landed in NWIFCA issue cockle bags. Cockles may be transported from the beds by tractor, ATV or boat.

#### **Mussels**

Fishing for mussels will normally be by hand. The use of a rake is permitted. Mussels may be transported from the beds by tractor, ATV or boat.

## **Licensing**

Licences will be available annually for hand gathering size mussels and cockles. From time to time authorisation may be granted for the taking of undersize mussels from intertidal beds through endorsement of the hand-gathering licence.

### **Allocation**

Licences will be allocated on a points system based on proven active and material participation in the commercial fisheries of Morecambe Bay, including length of history of shellfish permit holding since 2003, and proof of occupation as a commercial fisher within Morecambe Bay.

### **Number**

Licences for hand-gathering will be limited to a maximum of 50, excepting years when stocks are bountiful when additional temporary licences may be issued.

### **Levy**

A licence levy will be payable annually to the Authority. The monies raised will be administered for the direct improvement, development and benefit of the fishery, and the costs of the eventual renewal of the Order.

It is recognised that levels of enforcement and management are variable depending on fishable stocks. In order to adapt to the costs of enforcement and administration on the NWIFCA a flexible charging system will be implemented.

The levy for hand-gathering licences will be based on a dual fee system:

1. A set annual fee of £300 will be payable at the time of issuing of a licence. The Authority reserves the right to increase the annual fee in consultation with licence holders if cockle stocks are exceptional, to offset the additional cost of enforcement and management.
2. Cockles must be landed in NWIFCA issue cockle bags which may be purchased at a charge of £1.25 per bag.

### **Non-use of Licence**

Licences will only be renewed on condition that applicants provide satisfactory evidence of use of the licence during the previous year, subject to the shellfish beds within the Bay having been open to the fishery.

### **Waiting List**

It is anticipated that there will be an over-subscription for hand-gathering licences at the time of the initial allocation and therefore a waiting list will be established for people wishing to participate in the fishery as licences subsequently become available.

### **Temporary Licences**

The Authority reserves the right to issue temporary hand-gathering licences, up to a maximum of 150, as and when stock levels within the fishery allow. It is not anticipated that this would be a regular occurrence but more as a measure to be used when stock levels are exceptionally high. Temporary licences would be additional to the annual allocation of 50 hand-gathering licences, and applicants will

be invited from the waiting list in ranking order. Temporary licences will be non-renewable and will expire at the end of the stipulated temporary period. Granting of a temporary licence does not confer any rights to a full licence.

### **Young Persons Apprenticeship Scheme**

The Authority will closely monitor the age demographic of hand-gathering licence holders and reserves the right to introduce a Young Persons Apprenticeship Scheme if evidence suggests that young people are being prohibited from entering the fishery.

### **Unlicensed Gathering**

Notwithstanding all other regulations including those relating to bed closures, minimum landing sizes and fishing hours, a per person daily allowance of up to 5kg of cockles and up to 5kg of mussels will be allowed for personal consumption.

### **Fishing by Dredge**

#### **Methods - Cockles**

The Authority reserves the right to authorise the use of mechanical methods for experimental, scientific or development purposes as it sees fit, subject to proper consultation and agreement with licensees, relevant stakeholders and Natural England, and if necessary subject to Appropriate Assessment. Any dredge, appliance or other end gear shall be of a pattern approved by the Authority in writing.

#### **Mussels**

Subject to conservation considerations, dredging from boats will continue to be authorised for the taking of seed mussel from ephemeral beds and the lifting of any relayed mussels within the Order area. The size, number and pattern of dredges shall be required to be approved by the Authority as part of the authorisation process.

The Authority reserves the right to authorise the dredging for size mussel as it sees fit, subject to proper consultation and agreement with the licensees, relevant stakeholders and Natural England, and if necessary subject to Appropriate Assessment. Any dredge, appliance or other end gear shall be of a pattern approved by the Authority in writing.

### **Licensing**

Licences will be issued to accommodate the exploitation of seed mussels on ephemeral beds by boats. Should boat dredging for size mussels be authorised separate licences for size mussel will be issued. Should mechanical dredging for cockles be authorised separate licences will be issued.

### **Allocation**

Licences to dredge seed mussel from “ephemeral” beds will be allocated on a first come, first served basis providing applicants fit the suitability criteria, by having a proven track record of shellfish dredging and by providing proof of possession of an appropriate fishing licence.

Subject to proper consultation and agreement with licensees, relevant stakeholders and Natural England, under certain circumstances applications will be invited to be made to the NWIFCA for

licences to dredge for size cockles or mussels. These will again be allocated on a first come, first served basis providing applicants fit the suitability criteria as above.

### **Managing Effort**

The Authority will annually determine licence numbers, geographic area of the fishery and time period dependent on scientific survey of recruitment and stock availability.

### **Levy**

The charging structure for the dredging of seed and/or size mussels by boat or mechanical harvesting of cockles will be decided annually based on the cost of managing the fishery to the Authority in relation to the number of licences issued and vessel length, with an additional tonnage levy decided by the Authority. An indication of proposed licence levy based on 5 licences is shown below:

<b>Vessel Length (m)</b>	<b>Levy (£)</b>
up to 17m	600
17 - 20	1200
20 - 23	1800
23 - 26	2400
26 - 29	3000
over 29	3600

### **Several Areas**

The Authority shall have the right to grant Several Areas, subject to Appropriate Assessment and consultation with the Environmental Forum before being passed on for Ministerial approval. Several Areas will only be considered if the Authority feels the proposal has no impact on existing public fisheries and that the lessee is committed to the active improvement of the fishery.