

- 101 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at NWIFCA Offices, Carnforth on May 17<sup>th</sup> 2013

PRESENT – MEMBERS

Mr R. Graham	(Chairman)	MMO (Fishing Industry – Cumbria)
Mrs J. Butler		MMO (Shellfish)
Dr J. A. Clark		MMO (Marine Science)
Mr B. Crawford		MMO (Angers and Recreation)
Prof C. Friday		MMO (Marine Science)
Mr T. Jones		MMO (Aquaculture)
Mr C. Lumb		Natural England (Officer)
Mr N. Robinson		MMO (Officer)
Ms L. Talbot		Environment Agency (Officer)
Mr C. J. Woods		MMO (Shellfish)
Mrs M. R. Owen		MO (Fishing – various)

OFFICERS

Dr S. Atkins	Mr A. Deary
Mr A. Lindop	Ms M. Knott
Ms A. Leadbeater	Mr S. Brown

IN ATTENDANCE

Mr R. Littleton	Marine Management Organisation
Mr M. Atkins	NWIFCA

APOLOGIES

Mr W. Darbyshire	Environment Agency
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- 102 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

Reports for TSB meetings should be sent out a minimum of 7 days before a meeting if possible. The Chief Executive apologized for the late delivery of papers and gave assurances that all efforts will be made to post papers for future meetings in good time.

- 103 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS

Agenda Item 5. Exclusion Zones for EMS byelaws: Mr R. Graham; Mrs M. Owen.  
Agenda Item 6. Foulhaze summer opening: Mrs M. Owen; Mrs J. Butler  
Agenda Item 7. Shellfish and Habitats Regulations Assessments (HRAs): Mr T. Jones; Mrs M. Owen; Mrs J. Butler  
Agenda Item 9. Draft netting Byelaws: Mrs M. Owen; Mrs J Butler;  
Agenda Item 10. Razor clam update: Prof C. Frid; Mr T. Jones  
Agenda Item 12. Catch returns for hand gathered shellfish: Mr T. Jones  
Agenda Item 13. Morecambe Bay Hybrid Fishery Order Update: Mr T. Jones; Mrs, M. Owen; Mrs J. Butler  
Agenda Item 14. Fishermen's cockle forum: Mr C. Woods; Mrs M. Owen; Mrs J. Butler

- 104 TO RECEIVE MINUTES OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE MEETING HELD ON 11<sup>TH</sup> DECEMBER 2012 (Agenda Item 3)

Minute No. 96: Mr Woods reiterated the importance of having local fishermen involved in the consultation process of management decisions affecting the Dee Estuary. The NWIFCA Chairman requested that any interested local parties are invited to discussions on regulatory management for the Dee.

Minute No. 97: The Chairman asked whether the conversation regarding giving officers delegated powers for fisheries decisions took place. It was confirmed that it did, but noted that a framework to support officers for such decisions hadn't been put forward.

#### RESOLVED

1. Science Officers to draft a framework to guide decisions.
2. It was agreed that local representatives from the Dee Estuary should be involved in discussions with the EA and NRW.
3. The minutes of the Technical, Science and Byelaw Sub-Committee meeting held on 11<sup>th</sup> December 2012 were approved and signed as a correct record.

#### 105 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

#### 106 EXCLUSION ZONES FOR EMS BYELAW (Agenda Item 5)

A report was presented, summarising the NWIFCA's responsibility to manage European Marine Sites in line with Defra's 'new approach' and the proposed exclusion zones for the NWIFCA's District. The Committee was reminded by the Chairman that today's deliberations would be fed into the Annual General Meeting in June.

*Paragraph numbers in this section refer to the sections in the report.*

**7. Lune Deep** - It was recognized that enforcement would be difficult in such a deep and highly tidal area. A boat could have its gear well away from the feature but be within the box at the sea surface. A solution could be to look at methodologies on the south coast where transponders are placed on the fishing gear; however no indication was given whether it would be financially viable. It was agreed the variable buffer (Map 3) might be appropriate but advice should be sought from the National EMS Working Group at which due consideration should be given to the socio economic effects in this area.

#### RESOLVED

Map 3 was approved with the variable buffer zone.

Advice should be requested from the National EMS Working Group

**4.2 Solway subtidal boulder and cobble reef (skear)** – Data was received from Natural England showing the position of so-called reef features from studies in 1999 and 2006. The natural sand movement in the Solway can lead to temporary covering of permanent skears. Options for an exclusion zone are: (1) two boxes, with one covering each main boulder and cobble area, or (2) one large box covering both. Two boxes would make enforcement difficult. The proposed MCZ lies contiguous to the SAC boundary, which would be taken into consideration if proposed for designation in a later tranche of MCZ. Mussel dredging in the area could be impacted because the mussels grow on the cobble skear in some years. Derogations against the byelaw, subject to Habitats Regulations Assessments could be used to permit mussel fishing.

#### RESOLVED

It was proposed and agreed that a single box be created, including the skear grounds outside and to the south of the SAC.

**4.1 Solway Sabellaria alveolata** – Survey in April 2013 found no *Sabellaria alveolata* reefs within the SAC, but historical data suggests that they do occur on a cyclical basis.

Frustration was expressed by several members at the need to protect something that hasn't occurred for several years. Two options for management were presented: One with reactive closure, using temporary exclusion zones when reefs appear, which would require a lot of officer time for evidence gathering, assessments and enforcement, or an exclusion zone that boxes the whole area of suitable *Sabellaria alveolata* habitat.

#### RESOLVED

It was proposed and agreed that a single box encompassing all potential *Sabellaria alveolata* and boulder and cobble skear grounds (4.2 above) should be used. Derogations after HRA permitting certain fishing activities when reefs are not present or away from reefs when they are present may be possible, as are provided at Heysham Flat where *Sabellaria alveolata* reefs are excluded from mussel fishing grounds.

**Post meeting note:** On seeing the new data, Cumbria IFCOs presented evidence that shrimp fishing occurs on the subtidal boulder and cobble skear areas when they are covered with sand and wider inshore waters of the Solway Firth. The byelaw will be prepared as planned to meet the requirements for the EMS project and Officers are urgently planning a consultation meeting with shrimp fishing interests in the Silloth to Whitehaven area of the Solway.

**Heysham Flat** – The exclusion zone for towed gear will be a box to include existing and potential habitat for *Sabellaria alveolata*.

#### RESOLVED

A single box covering the area was agreed.

**5.2.2 Heysham Lake** – Data for this area are limited and there is no confidence that boulder and cobble reefs occur in the areas mapped. In order for designations to have credibility, the evidence must exist.

#### RESOLVED

1. Natural England to contact CMACS as a top priority to see if there is more data.
2. A decision is deferred, if no further data on Heysham Lake is identified, it will be dropped from the Byelaw.

**5.2.1 Walney Channel** - In this shallow area, an 80m buffer zone might be too big; however, survey data provided by Envision suggests that the habitat is more extensive than the scope of the first survey, so keeping the 80m buffer would be more precautionary. There is no towing activity there anyway.

#### RESOLVED

It was agreed to keep the buffer zones as presented in the report.

**6. Hilbre Island** – Local knowledge indicates historically some shrimping on both sides of the main island but this hasn't occurred for several years. The only other activity is occasional bait digging. If shrimping did occur in the future, it would only happen in shallow waters in the NW corner, so a very narrow buffer could be used.

#### RESOLVED

It was proposed and agreed to utilise a linear boundary around the site with a narrow (40-50m) buffer.

**5.1 Morecambe Bay seagrass** – A survey is planned in late summer when plant are visible. The byelaw should prohibit all extraction, given the importance of seagrass habitat. There was concern over public and recreation access but the main concern is damage to the underground parts of the seagrass by digging or heavy machinery. The number of exclusion boxes was discussed. From an enforcement perspective one box would be better, given the number of activities being enforced. However it was argued that the features are very discrete and 3 boxes, one each side of the channel and one for the outliers, would be more suitable recognising the access route issues.

#### RESOLVED

It was proposed and agreed that the seagrass be protected from towed bottom gear by 3 exclusion zones, including the buffer zones as proposed in the report.

#### 107 FOULNAZE SUMMER OPENING (Agenda Item 6)

The Chairman gave a verbal summary of the recent consultation with the cockle industry on whether to open Foulnaze earlier this year or to leave it until the summer, giving the cockle stock the chance to spawn and maintain a sustainable population. The industry provided a split decision and the decision was made to leave it until the summer. An IFCO recently observed some stock dying off. The Senior Science Officer confirmed that the intention is to re-survey at the end of June, after spawning with a view to opening in July if stock remained. It was recognised that it was vitally important to get the assessment right.

Industry members commented that this is one of the worst years on record to predict and therefore decisions need to be made on a tight timescale. In the Dee, prevailing winds are shifting beds, and elsewhere, catch of prawns and fish has been highly unusual.

#### 108 EFFECT OF LIMESTONE ROCK ARMOUR ON MUSSEL BEDS (Agenda Item 8)

The Senior Science Officer summarised the report explaining the issue and confusion surrounding the potential impact of limestone on mussel beds, which has been raised again recently by the Rossall sea defence works. The science team requested policy for NWIFCA consultations involving use of limestone.

Industry members related anecdotal incidences where limestone rock armour had been used as part of wider marine works and negative effects had been observed: one with a large marine kill of starfish, and another at West Kirby where a worm bed died and cockle beds were no longer productive.

There are limestone cliffs around the country and limestone isn't inherently toxic in the marine environment. Our concern should be more to do with placement and siltation and sedimentation impacts.

In their own research, Wyre Borough Council came to similar conclusions about the lack of information available, and said they would be keen to look into ways of doing research whilst the project is on-going to help inform future decisions, which would be something for the NWIFCA to consider getting involved in.

The Marine Management Organisation representative requested that the NWIFCA make recommendations clear on any responses to licence applications, such as rock placement and whether rock is treated/rinsed before installation.

#### RESOLVED

1. The report was received.
2. Future NWIFCA responses to marine works using limestone rock armour will focus on the placement and treatment of rock, rather than its type.

109 DRAFT NETTING BYELAW (Agenda Item 9)

A report was presented, outlining the need to regulate recreational netting, a part of the industry that has gone somewhat unregulated in the past.

There was strong concern from industry members over the length of net permitted for recreational fishing, particularly that the proposed 275m being too much given that catches from this method of fishing is for personal consumption and that it should be limited to 50-100m to protect professional fishermen. There was also concern that commercial fishermen would have to pay for yet another permit, and only the recreational fishermen should pay.

Permits are required to aid enforcement and data collection and should address a loophole allowing a fisherman to have several boats, but only one registered. Permits should put all catch through the one registration system. Permits should limit the amount of gear allowable on a boat. Permits should measure catch returns, so that the IFCA has some idea of effort and what is being removed from the water by non-commercial boats.

RESOLVED

1. The report was received.
2. TSB agreed that recreational netting needed regulation, and that net length limitations and permitting were important.
3. NWIFCA officers to continue drafting the byelaw.

110 RAZOR CLAM UPDATE (Agenda Item 10)

Cefas have advertised a project to develop razor clam fishing in the Irish Sea, inviting operators to tender until June 7<sup>th</sup>. Cefas had put the project out to tender without initially consulting or informing the NWIFCA.

The project scope is far too limited. The two 5-day fishing periods will only really be able to report on the effectiveness of the gear, rather than information that will help us develop a sustainable fishery. This could also bring the NWIFCA into conflict with operators, by getting their hopes up, but not being able to cover enough that helps the IFCA meet our regulatory obligations.

It was concluded that the NWIFCA has 2 issues with the project. One is the lack of initial engagement, and the other is the quality of the project. Fishermen are expecting trials to help develop a sustainable fishery, but this project will just develop gear. We need to make it clear to industry that it is merely a first step and not get their hopes up unnecessarily.

RESOLVED

Chairman of the NWIFCA should send a letter to Cefas addressing both the NWIFCA's concerns about engagement, the scope of the project and encouraging collaborative working.

111 CUMBRIA SHORE SURVEYS (Agenda Item 11)

Jane Lancaster has conducted annual surveys for many years, but will no longer be available after the 2013 survey. The IFCA has 4 options: (1) to continue the surveys ourselves, (2) to get another consultant to conduct them, (3) to suspend the surveys for now, (4) using Wildlife Trust, other NGO or a student from a local university. This could work because the data collected is not rigorously quantitative.

The surveys have not proved of use for EMS or MCZ work and NWIFCA should identify the data needed to underpin our work, and set priorities for data collection and long term data series. A collaborative priorities program with partners is required along the lines of the Menai Strait industry which does a lot of collaboration with Bangor University and provides funding.

#### RESOLVED

1. The NWIFCA will not continue the Cumbria Coast surveys.
2. The Senior Science Officer will convene a specialist group to identify the gaps and priorities for forward work and consider if the Cumbria surveys should be repeated in future years.

#### 112 CATCH RETURNS FOR HAND GATHERED SHELLFISH (Agenda Item 12)

Trevor Jones brought forward the issue that the current lack of data gathering for hand gatherers in both the mussel and cockle fisheries is an anomaly to a full approach to ecosystem based management.

There was general agreement amongst the TSB and the point raised that if the NWIFCA is to discharge its duties on the basis of evidence, a catch return should be a requirement for every permit we issue. It should be mandatory to submit returns, and if a fisherman doesn't, their licence is not renewed.

Industry members pointed out that buyers keep and retain movement documents, so it would be possible to look at records to work out catch data, but there was concern that going through the buyers as a method would have a negative impact on sole traders who would be forced to go through particular buyers. However, if all permit holders were required to submit catch returns, buyers would only need to be used to back up claims and wouldn't need to be bothered routinely.

The NWIFCA could follow examples in the Dee, where fishers who aren't working self-declare themselves off, and permit holders get given a week each calendar month to declare their catch.

#### RESOLVED

1. The TSB agrees that catch returns should be obtained from hand gatherers.
2. Chief Executive to draw up a methodology to address the issue.

#### 113 MORECAMBE BAY HYBRID FISHERY ORDER UPDATE (Agenda Item 13)

The Senior Science Officer gave a verbal update on the progress of the Hybrid Order. The second draft Statutory Instrument has been supplied by Defra with a few amendments to be made. A meeting was held recently with representatives from the Menai Strait Fishery Order Management Association and it was agreed to begin the process of drafting a procedure for allocating mussel dredge licences. This was originally not included in the Order as there were only a couple of boats working the seed, but as demand has increased, the need for an allocation procedure for licences has become apparent. Once the draft has been completed it will be circulated to all operators for comments.

A meeting will also take place in the near future with Boughton Estates, to clarify their position and facilitate discussion on the incorporation of a ground rent charge for Several Area leases. However, completion of the Order is not anticipated to be until 2014 at the earliest.

114 COCKLE FISHERS FORUM (Agenda Item 14)

A report was presented outlining the requests from industry for a forum of cockle representatives where the NWIFCA can engage with them over specific cockle issues. This idea has been supported in principle by officers, but a steer from the TSB is required over whether this is a good suggestion and if so, how to select fair representation.

Several members of the TSB commented that this was not the best solution. In particular the problem is that the industry is fragmented, with many individuals looking primarily at financial considerations rather than conservation. Industry members of the TSB have at least had some vetting by the MMO – another group feeding in could provide a large voice that might override opinions with the wrong motivations.

Many fishermen don't want to be represented any further than being part of an association. A better and fairer idea would be to keep the large open meetings such as the one in Heversham last year. Everyone with an interest gets invited, members can attend and outcomes can feed into the TSB. This means everyone can get heard, rather than just those who shout the loudest.

RESOLVED

It was agreed not to pursue the representative forum idea, but to keep with large open meetings, where everyone with an interest is invited.

115 SHELLFISHERIES AND HABITATS REGULATION ASSESSMENTS (HRAs) (Agenda Item 7)

A report was presented which outlined the significance of HRAs in fisheries management, and the need for an agreed template for shellfish HRAs in the district, so that the NWIFCA can make rapid decisions without waiting for NE advice, and NE can have confidence the IFCA is using agreed criteria for sustainability.

Members agreed that this is a good way to structure approaches and it should be encouraged.

Currently, 20mm is the minimum landing size, which is based on size and sexual maturity of cockles in our District. One suggestion was that the general science opinion says cockles mature at around 15mm. Whilst 20mm might seem quite small, at the present we should continue on the best available evidence, but if more evidence should come available, we should be prepared to change.

The question was raised whether we can go back over historical data and fishery officer logs to look at what management measures were used and what effect they had. It would make a useful research project for someone. However, a counter-point was made that much of the data might not be as useful because there have been significant changes over time, but cycles might be able to be identified and matched to weather records. It was also raised that the report was lacking any mention of habitat protection measures, in terms of gear closures or specifications, and these should be included and considered.

Natural England stated that they have a lot of data available which can be provided as the best available evidence in terms of the birds, which will also identify gaps for which research might be commissioned. However, there still needs to be agreement what measures to use now whilst that is being collated.

RESOLVED

The TSB are happy to continue using the measures included in the report (20mm MLS and threshold of 20m<sup>-2</sup>. Seasonal closures were not discussed.

Officers were requested to produce a paper on management measures used in the past, justifications for such measures and any evidence of the effects on the sustainability of the stocks and impacts on conservation features.

116 COMMUNICATIONS UPDATE (Agenda Item 15)

The Communications Officer presented a short report highlighting the NWIFCA's intentions to improve communication with stakeholders by introducing a text messaging service. This will be used for a variety of purposes within the NWIFCA's remit, such as informing permit holders of important fisheries information and safety updates, engaging them in consultations about management decisions or letting a wider range of stakeholders know about community events.

There was some concern that some members might not engage due to a lack of confidence with texting, but there were assurances that the main aim of the service was to be a proactive information distribution service, rather than requiring stakeholders to primarily contact the IFCA through this method.

RESOLVED

The report was received.

117 A.O.B. (Agenda Item 16)

1. Belted Beauty Moth. TSB were asked to be aware of the Walney Extension windfarm landfall works occurring at Sunderland Point. The cable is being diverted through important and protected habitat for a rare moth, which has only two habitats in the North West. After consultation, the developers DONG have amended the plan to divert the cable slightly and protecting a larger portion of the habitat, but damage is still occurring.
2. National Grid update – The Senior Scientist attended the recent National Grid Stakeholder Reference Group meeting, where National Grid stated the tunnel under Morecambe Bay is the preferred option for routing the high voltage cable from the Furness Peninsula to Heysham power station. There are several advantages to this option and stakeholders need to be fully consulted on this option. The marine option is still on the table, but is much less likely, and National Grid have requested two lists of marine interests for each of the areas so they can engage properly if they pursue either. The Senior Scientist requested that members supply her with names and contact details of relevant parties which will be passed over to National Grid.