

73 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 7th February 2017

PRESENT – MEMBERS

Mr R. Graham	(Chairman)	MMO appointee (Commercial)
Dr J. W. Andrews		MMO appointee (Marine Environment)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr C. Booth		MMO appointee (Marine Environment)
Ms E. Hardman		Natural England
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Councillor A. J. Markley		Cumbria County Council
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)
Mr D. Ward		MMO (Officer)

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement, Clerk, Senior Science Officer, Science Officer Ms A. Aitkin, Digital Communications Officer

IN ATTENDANCE

Mr R. Benson

APOLOGIES FOR ABSENCE

Mr D. Bedworth	Environment Agency
Mr D. Clarke	MMO appointee (Fishing Industry - Cumbria)
Mr M. Johnston	Natural England
S. Mounsey	Environment Agency

74 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman moved Agenda Item 5 to the end to allow other items a fair discussion.
2. The Chairman requested everyone present introduced themselves.
3. The Chairman reminded members of the importance of declaring pecuniary and non-pecuniary interests in Agenda items.
4. The Chairman announced that an IFCO is on long term sick leave and wished him a swift and full recovery.
5. The Chairman informed the committee of the tabled item: C BASS PROJECT REPORT.

75 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 2)

Agenda Item 5 Byelaw 11 - Permit to Dredge Byelaw Dr J. Andrews, Mr R Graham, Mr T. Jones, Mr K Thompson
Agenda Item 8 Cockle and Mussel Fisheries Mr T Jones, Mr K Thompson

76 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 1ST NOVEMBER 2016 (Agenda Item 3)

RESOLVED

Minutes of the TSB Committee meeting held on 1st November 2016 be approved and signed as a correct record.

77 MATTERS ARISING (Agenda Item 4)

Minute No. 73. Any Other Business Mr T. Jones clarified that acoustic ground discrimination surveys cannot verify cockle stocks as they are underneath the substrate.

78 BYELAW 11 - PERMIT TO DREDGE BYELAW (Agenda Item 5)

Moved to the end to allow other items a fair discussion.

79 LEVEN AND PILLING COCKLE FISHERIES REPORT (Agenda Item 6)

The attendance at the fishery is as expected. Early minimum size compliance issues were expected and did occur. The report outlines where fixed administrative penalties were used on individuals with previous sanctions. All of the fixed administrative penalties have now been paid and the sanctions have been disposed of. There has been no minimum size compliance issue since then.

Returns show that 136.3t of cockle has been removed from Leven and 16.8t from Pilling.

Following the outbreak of Bird Flu at a nearby farm, IFCA activity around Pilling has been restricted and will only occur if there is a specific need. The Head of Enforcement is not aware of any industry activity in the area since the outbreak. A sample run is due at the end of February which will be considered closer to the date.

Mr Leigh raised the issue of unmarketable Cockle being left on the beach and whether the authorisation prevented this. The Head of Enforcement said that it is only an offence if sacks are being discarded. The Senior Scientist clarified it is not currently an offence to discard size Cockle on the beach and this should be addressed when the byelaw is revised.

The Chairman asked how the returns totals compared to the estimate of biomass prior to opening. The Senior Scientist said that approximately 300t was estimated at Leven and there is no indication that the 200t mark will not be reached. The current fishery has improved confidence in the method used to gauge biomass.

RESOLVED

The report was received.

80 SCIENCE REPORT (Agenda Item 7)

The Senior Scientist introduced the new Science Officer, Ms Alex Aitkin.

The report covered

- a. An update on EMS Work - Work required to meet the 2016 deadline for European Marine Sites is close to completion.
- b. The Bird Food Model - The science team attended a workshop with colleagues from Natural England, the RSPB and NRW on the use of a bird food model to assess bird feeding requirements which is a recurring issue when carrying out HRAs.

- c. The Recreational Sea Angling Strategy - The strategy has been started and is a working document. A dedicated angling email address has been established: angling@nw-ifca.gov.uk. IFCOs have been tasked to collect details from interested anglers.

Dr Andrews asked if the Recreational Angling Strategy was a template that had been adopted over all IFCAs or an internal project and raised the omission of bait, highlighting the opportunity to engage anglers about responsibly sourced bait. The Senior Scientist said that the strategy is in the early stages and currently looking at opening a dialogue with a sector that feels neglected before approaching issues such as best practice.

- d. North West Coast Connections
- e. Fylde Coast Protection Scheme
- f. Halite Gas Storage Caverns - Preesall, Wyre

RESOLVED

The report was received.

81 COCKLE AND MUSSEL FISHERIES (Agenda Item 8)

The report covered three topics.

- a. The meeting with industry in the Solway - Surveys last year showed a stock of subtidal mussel in the Solway. If the stock has persisted through winter there will be interest from people who have fished in the area historically and from outside the area. Dispensation was issued to a Silloth operator with a small dredge to test to see if the stock had persisted.

A meeting was convened which was attended by eight Solway fishermen, three seed mussel dredge fishermen from Wales and Northern Ireland, NWIFCA representatives from Natural England and the RSPB, and NWIFCA science and enforcement officers. There are byelaws in place for vessel length and engine capacity restrictions in the Solway under CSFC Byelaws 3 and 5, with no history of derogating for seed mussel dredgers as there is in Morecambe Bay. The aquaculture industry representatives requested access to any fishery in the Solway; the Solway fishermen rejected this call.

It was accepted to keep the current restrictions in place, although the aquaculture interest still stands. The results of the test dredging showed that most of the mussel had gone from the area. As it is subtidal mussel it is not clear, without further investigation, whether the mussel remains within the estuary. A proposal was put forward to allow some of the shrimp fishermen in the area to occasionally put down a dredge and provide information to the IFCA and Natural England about how the area functions. Officers agreed to bring this to TSB.

The report brought forward three recommendations:

That members approve the issuing of annual scientific dispensations to named fishing vessels to provide information to the science team on the state of stocks:

1. Three vessels for use of a mussel dredge in the Solway;
2. One vessel for use of a cockle suction dredge in the Solway
3. Two vessels for use of a mussel dredge in Morecambe Bay.

Recommendation 1

Discussion revolved around concerns about the type of dredge proposed, the frequency of dredging and potential damage to Honeycomb worm that may be in the area. The Senior Scientist clarified that the dredging would be restricted within the dispensation.

Recommendation 2

The cockle bed at Middle Bank cannot be worked with a jumbo and has been suction dredged in the past. The dispensation will state a number of days and other restrictions it may be performed and the dredging will be attended by IFCA staff.

Concerns were raised about the method of dredge and breakage rates. The Senior Scientist clarified that the IFCA had worked with the vessel in the past with acceptable breakage rates.

Dr Andrews suggested drying out in a RIB as a preliminary inspection and drying out following the dredge to inspect any impact. Officers will investigate the possibilities of doing so.

Recommendation 3

Last year seed mussel dredgers were issued dispensations to put down a small scientific dredge to ground truth data from acoustic ground discrimination equipment. The recommendation is to allow this to continue. The range of restrictions will be the same as the previous recommendations that have been discussed.

Mr T. Jones provided clarification on the methodology and accuracy of acoustic ground discrimination equipment.

- b. An update on other fisheries - There is potential for more cockle fisheries within Morecambe Bay and on the Ribble at Flookburgh, North Penfold and Leasowe. These beds will be targeted for survey first. The results will be reported back to the TSB.
- c. The Bird Food Model - The issue has been discussed inconclusively over a long period of time and is holding up the management plans for cockles and mussels in Morecambe Bay. Officers have concerns around using the model and propose further work with Natural England, RSPB and Wildlife Trusts to agree the use of condition tables for each bed. A figure needs to be agreed for a cut-off point where a fishery must be stopped due to biomass being too low to support birds.

RESOLVED

- 1. Recommendation 1 approved with the following suggested changes to the dispensation:
 - a. A clause is added stating that if any *Sabellaria sp.* is present dredging in the area stops.
 - b. A clause is added stating that the catch must not be landed and immediately returned to the sea.
 - c. The Science Team will look into the equipment the dredgers are using.

2. Recommendation 2 approved with the following suggested changes to the dispensation:
 - a. A clause is added to allow the IFCA to decline fishing.
 - b. The dispensation is only until the end of the year subject to review.
3. Recommendation 3 approved.
4. Birds and their Food to be an Agenda item at the next TSB.
5. The Senior Scientist will distribute her PowerPoint presentation on the concerns of NWIFCA on the use of the bird food model.

82 BASS UPDATE (Agenda Item 9)

The 2017 Bass regulations have been delivered as an insertion into the TAC and Quota Regulations 2017. It applies catch and release for recreational fishing during the first half of the year.

Discussion covered the wording of the regulations specifically around "unintentional bycatch" and the enforceability aspects of the legislation.

RESOLVED

The report was received.

83 ANY OTHER BUSINESS (Agenda Item 10)

The Senior Scientist presented the tabled item: C BASS PROJECT REPORT

The Cefas C-Bass project has been tagging Bass on the South Coast along with a sister project in France. A small pot of Defra underspend from the project has been allocated to carry out fishermen's stakeholder engagement within the North West. The workshops will bring the stakeholders up to date on the project and data so far. Cefas will be asking fishers for information on the timings and locations of bass and for volunteers to be trained in tagging techniques. NWIFCA Officers will be helping the project identify stakeholders within the district. The project will help investigate claims of discrete bass populations within the North West, which would provide justification for more localised management.

RESOLVED

The report was received.

84 BYELAW 11 - PERMIT TO DREDGE BYELAW (Agenda Item 5)

The extension to the emergency byelaw was granted until 1st August 2017. The CEO explained the timescale required to implement the new byelaw once approved by the TSB. The issue of a workable charging scheme is still on going with the treasury favouring a flat charge instead of the flexible charging scheme based on vessel length.

Discussion covered:

- a. Different options for charging as an alternative to the preferred method in the byelaw. The following alternatives were suggested and discussed: a levy per tonne, a charge per metre of vessel, a charge per vessel capacity unit or a flat rate divided between the expected numbers of boats. The CEO clarified that the NWIFCA cannot be a taxing authority.

- b. Changing the threshold for the higher charge from 10m to 15m vessel length.

85 ADJOURNMENT OF MEETING The Chairman announced an adjournment for lunch.
MEETING RECONVENED AT 1330 HOURS

86 BYELAW 11 - PERMIT TO DREDGE BYELAW (Agenda Item 5)

Discussion covered:

- c. Who would be responsible in the event of an offence.
- d. The method of calculating cost recovery beyond the fisheries in Morecambe Bay.
- e. Wording of the byelaw in relation to obstruction of an IFC officer.
- f. The requirement for AIS. Concerns were raised that by requiring AIS the IFCA may be acting ultra vires and that further clarification from Defra may be required.
- g. The triggers for the review processes in paragraphs 16, 17 and 18 and whether they meet the Marine Management Organisations guidance on sub delegation. Specifically in relation to identifying triggers for reviewing and mending.

RESOLVED

1. To change the threshold for the upper charge to 15m overall length.
2. To pursue the preferred option of a flexible charge based on overall length and fall back to a flat rate should the MMO refuse the preferred option.
3. The following changes to be made to the text of the byelaw:
 - a. Obstruction of an officer to be changed from 'it is a permit condition...' to a 'permit holder must not...'
 - b. Overall vessel length to be specified in the charging scheme.
 - c. Clarification to be added on Class A and Class B in relation to AIS.
 - d. Conditions to be reviewed and specified added where applicable e.g. changing 'area' to 'specified area'.

Meeting ended 1430 hours.