

**NWIFCA Technical, Science and Byelaw
Sub-Committee**

6th November 2015: 10:00 a.m.

**AGENDA
ITEM NO.**

7

HEYSHAM FLAT MUSSELS

Recommendations:

- 1. Members approve the work of Officers.**
- 2. Members consider a verbal update from the Senior Scientist on the state of the skear and whether management practices should be adapted to reflect the changes on the skear.**
- 3. Members approve the proposal for industry to provide information or draft HRAs to assist the NWIFCA as competent authority to progress applications swiftly.**

Background:

1. Heysham Flat mussel stock has been classed as ephemeral over recent years. Management has focused around authorising a hand-gathered seed mussel fishery there since 2005 due to the unstable nature of the bed and the mussel mud put down by the mass aggregations of juvenile mussel. Evidence has shown that the mud becomes very deep, soft and loose and gets washed out in autumn and winter storms taking the mussel with it. To date, although industry has put effort into locating the washed out mussel, it has not been found and remains an enigma.
2. The hand-gathered seed fishery at Heysham has been subject to HRA since the seed fishery began. The key feature of conservation interest on the skear is the *Sabellaria alveolata* reef and management extends to protect this feature from fisheries activity by including an exclusion zone. Compliance is generally very good. However, the reef is often totally inundated with mussel and endures smothering. It appears remarkably resilient and puts up a feisty battle in the annual competition, generally returning to a healthy state during the spring prior to the mussel settlement.
3. Some of the long-standing fishers have reported that Heysham always used to be a size mussel fishery, and that it is only in recent years that it has been fished for seed (Owen, M. June 2012 pers. comm. Manning, S. Oct. 2015 pers. comm). According to Trevor Owen of Morecambe and Heysham Fishermen's Association, it had only become a seed fishery in around 2005-6 (June 2012. pers. comm).
4. Investigations into past NW&NWSFC reports show that the size fishery was closed between 1997 and 2000 due to lack of 'harvestable stock'. The stock was surveyed annually from 2000, and there are reports of losses of larger mussel, generally found on the lower shore, to erosion. Recruitment was also variable in this time. In 2005 the industry requested hasty action for a seed fishery to be authorised as a heavy settlement had dominated the skear but was washing out. Since 2005, the seed fishery has been prosecuted annually bar 2011, when recruitment had been of a lower density, and perhaps market demand had also been less.

Present:

5. The whole of the Bay appears to be undergoing a period of dramatic change at the moment. In the past two years, the bottom skears at Heysham have become heavily settled on, while the skears at South America and the Falklands in the north of the Bay are becoming lost under sand.
6. The channels around the skears at Heysham are also changing. To the south there used to be a fairly deep channel but this has filled with sand making walking round this area now possible. Dallam Dyke, which separates the main skear from the bottom skears, has also been filling in, with a 'dam' appearing at the northern end (Fig. 1).



Aerial photograph Heysham Mussel Fisheries – 30th September 2015

7. The increase in elevation caused by the build-up of mussel and mussel mud, plus the change in channel depth and position may be affecting how the skear floods and ebbs, and the persistence of the mussels. Unlike in more recent years, over the winter of 2014-15 the majority of mussel did not scour out and remained, growing on into the spring. A proportion of it had reached size, and was gathered by a handful of Byelaw 3 permit holders, with the remainder growing through, when it was smothered by a vast settlement in late spring. The new mussel began to grow very quickly and started to put down mud and the 2014 mussel was buried beneath it.
8. The 2015 mussel grew very quickly, making up for the lateness of the settlement, and was putting down mud in its usual way. Following HRA, an authorisation to hand-gather this stock was issued in mid-August and was being prosecuted by Byelaw 3 permit holders bringing off around 40 tonnes per tide.
9. The seed mussel dredge industry expressed an interest in an authorisation to dredge mussel off the bottom skears. Officers were considering this request and on 15th October invited TSB and BMWG to provide their views via email.
10. On the last inspection on 1st October it was evident that the mussel was 'going back in' and the ground becoming harder again. This observation was echoed by industry who were stating

that the fishing was becoming less easy. This process of the mussel hardening could continue as the weather turns colder.

11. Officers consider that in view of all the changes occurring on this skear that it might not necessarily be classed as ephemeral at the present time. From an ecology point of view, if mussel is now persisting and growing through to reach sexual maturity, management should be adapting to this change, to at least allow the mussels to spawn.
12. Officers intend on taking advantage of the last set of big spring tides accessible during daylight and inspect the skears on Friday 30th October to assess what is happening to the stock and report back to the TSB meeting. Invitations to accompany Officers have been extended to all TSB Members and BMWG representatives.

Industry conducting Habitats Regulations Assessments

13. As members are very aware, the NWIFCA's coastal environment and rapid changes that can occur often necessitate swift decision-making, causing problems for both Members and Officers alike when those decisions could be perceived to be of a contentious nature.
14. The requirement under EU legislation to carry out HRAs for all these fisheries is a pressure on Officer time, and often delay proposals from progressing, causing frustration to industry. For the seed dredge proposal the industry offered to draw up the HRA to speed the process up.
15. Under the Habitats Directive the NWIFCA is the competent authority for fisheries within its District, and has the duty to ensure that permission to carry out fishery activities is only granted after ascertaining that no adverse effect on the integrity of the European Sites will occur.
16. Under the Directive 'A person applying for any such consent, permission or other authorisation shall provide such information as the competent authority may reasonably require for the purposes of the assessment'.
17. It is common in other sectors for the industry/developer to conduct the HRA and supply it to the competent authority.
18. Officers consider it to be legal and acceptable for industry to provide any information that would assist in the carrying out of the assessment. It is the NWIFCA's responsibility to ensure that the information and the conclusions drawn within the assessment are correct. Should a conclusion of No Likely Significant Effect be reached the competent authority does not have to consult with Natural England. If the assessment cannot reach a No Likely Significant Effect conclusion a full Appropriate Assessment is required, when the Statutory Nature Conservation Body (Natural England) must be consulted.
19. NWIFCA Science Officers consider it good practice to consult with Natural England from the start of the process.
20. It therefore stands that there is no legal reason not to allow industry to provide a draft HRA, to be scrutinised and approved by Officers, and therefore Officers would ask that Members approve this course of action from all sectors of industry when timescales are tight.

Mandy Knott
Senior Scientist
24th October 2015