

42 AT AN EXTRAORDINARY MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 30th June 2021 AT TRUCKHAVEN, CARNFORTH 10.30 AM.

PRESENT – MEMBERS

Dr. E. Baxter	(Chair)	MMO Appointee
Mr S. Brown		MMO Appointee
Mr R. Benson		MMO Appointee
Mr K. Thompson		MMO Appointee
Dr J. Andrews	(Vice Chair)	MMO Appointee
Mr T. Jones		MMO Appointee
Mr B. Leigh		MMO Appointee
Mr L. Browning		Natural England

NWIFCA OFFICERS ATTENDING

J Haines Acting SS, J Moulton HoE, A Graham DCO, A Nicholson Clerk

There were two members of the public in attendance, T Davies and S Ward, and MMO Appointee Mr S Manning

APOLOGIES FOR ABSENCE

Mark Taylor MMO, Cllr P Williams, G Pidduck MMO Appointee, S Kennedy EA, Dr S Atkins CEO

43 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

The Chair reminded delegates of COVID-19 guidelines and protocols and welcomed everyone to the first face to face meeting in over a year.

The Chair also thanked Mr Trevor Jones for his 11 years of service as a much valued member, this being the last meeting of his tenure.

44 DECLARATIONS OF INTEREST (Agenda Item 3)

Declarations of Interest were received from Mr R Benson, Dr J Andrews and T. Jones. The Chair also stated she had recently attended a helicopter survey as an observer along with the Acting SS to gain a better understanding of the seed mussel distribution in Morecambe Bay.

45 OPENING OF SHELLFISHERIES WITHIN THE NWIFCA DISTRICT (Agenda Item 4)

The Acting Senior Scientist presented his report on the cockle stocks within the NWIFCA District. He outlined the 2021 cockle closed season consultation with Byelaw 3 permit holders in April. There were 13 responses recorded, 12 of which stating that the beds should close as usual on May 1st. One respondent commented it would be beneficial to remain open but would prefer to see an earlier opening to the 2021-22 season. Responses included varying opinions on opening cockle beds early after the closed season. Further decisions on the opening of the cockle beds would be dependent on stock surveys of both cockle and mussel beds together with HRA considerations.

Although the last TSB meeting was cancelled and therefore there was no agreement on the prioritisation of work for the potential of opening cockle beds early to assist with the impacts of leaving the EU and shellfish exports, officers completed the survey work in May and early June. The survey effort was concentrated on the Morecambe Bay beds. It was evident when surveying several beds; many did not have significant stock present, a marked reduction on previous years with a distinct lack of juvenile stock.

It was reported that Pilling carried a significant amount of adult stock, similar to previous years. However on taking Morecambe Bay in its entirety, the stocks were found to be significant lower, approximately 10,000 tonnes lower than in the last couple of years.

Taking all the data into consideration the recommendation from Officers was for the beds to remain closed for the remainder of the closed season and on September 1st close all Morecambe Bay cockle beds under NWSFC Byelaw 13a and / or NWSFC Byelaw 16.

It was highlighted that there is still a question over the location of the brood stock for Morecambe Bay, and that from a fisheries perspective it would be unwise to remove adult stock from Pilling as it is the only bed with significant densities. Removing it will only further reduce the chance of future settlements.

Mr T Davies, stated that there was 6,000 tonnes of small cockle that could reseed the bed, and may already be in the water column or could come from the Dee. In response, the Acting Senior Scientist informed the Sub-Committee that small spat under 5mm is disregarded for biomass purposes due to the rate of survivability. The middle size class is missing in density, which has a tendency to make up 5-6000 tonnes in previous years. Evidence shows there is a lack of small and middle size classes, and uncertainties remain over the location of the spawning biomass, if the only area of dense adult stock is removed, it could have a longer-term impact on recruit and future fisheries.

Mr Davies stated that this wasn't helpful for permit holders, the Dee fishery is already open there should be sufficient stock to support local gatherers; he felt it unlikely there would be a large influx of people and therefore the risk of it being fished out.

Dr Andrews thanked the Acting SS and officers for undertaking the surveys at short notice and with limited staff resources.

Referring to his industry experience, he stated that in some fisheries a stock recruitment relationship is evident, but does not apply to shellfish, retaining brood stock is often futile. He commented on the imponderables and stated that now the Authority has a control button, which can be utilised, cockles being the only current opportunity with mussels having little value, there is a requirement for a sensible discussion and balance. It is the Authority's remit to care for stock, but it must also champion the industry.

Mr S Brown commented on the quality of the surveys, he stated that in the 1980's Southport was in a similar position, an isolated bed in an isolated watermass. Cockles are mobile, will migrate, and will stay until the bed is spoilt. Removing adult stock will allow smaller stock to move to the middle area. It was Mr Brown's recommendation that fishing of Pilling be allowed but in a buoyed off area with quotas applied. Once a defined tonnage has been removed, the bed should be closed and re-surveyed.

The Acting SS felt that the likelihood of stock dying off due to density if left was minimal as the stock is similar to the last few years; Mr Brown asked what year group the cockles were. The Acting SS stated that age groups are no longer recorded due to the amount of time taken to process the cockles for age and the difficulty of aging older cockle with accuracy. He also said that there was no need for a TAC as fishing will stop once density reduces as it no longer becomes viable to gather at lower densities, as has been seen on most of the beds over the last few years, i.e. the fishery will diminish naturally.

Mr Thompson stated that the chances of cockles spawning in Morecambe Bay was remote, and illustrated his point by showing a map that tracked a drogue released off Ireland to the eastern Irish Sea in a matter of days. Mr Benson asked how long it took from spawning to settlement, the response being upwards of 30 days.

Mr Leigh asked to what extent does the science state that brood stock in Morecambe Bay provides the spat for the area. Dr Andrews responded that it was an impossible question to answer, 99% of larvae die prior to settling out as small spat on the cockle bed. Larval cockle

mortality rate is very high and their reproductive output incredible, however larger cockles will not live indefinitely and the chances of the current size cockle on the bed living to reproduce next year are approximately 50/50. Different authorities have differing methods of managing fisheries, and the issue needs to be dealt with practically and strategically.

Mr Brown stated that Pilling is a slow growing area, and he was sceptical of the results from the drogue, he is confident that there are trapped water masses within the district, and within those masses, there are areas, which grow at different speeds. Pilling is the most defined, where the wreckage of the Riverdance ended up indicates this. The Authority has an ideal opportunity to monitor this area so informed decision can be made in other areas of the Bay.

Mr Manning disagreed with the previous comments and referred to figures from July 2020 survey, with 2,400 tonnes of size cockle, in 2,200-2,300 tonnes in 2021. This suggests that only 100 tonnes has gone from the bed in a year. The prices from Flookburgh were exceedingly high, Mr Manning himself together with Mr Benson inspected Pilling two months ago, the adults were small with not a lot of value, mainly concentrated in an area half a mile wide, with approximately only 300-400 tonnes available. Mr Manning raised the question if it is fair to charge £500 for a permit if people are unable to fish. He requested that Newbiggin and Aldingham be opened, as a fishery would be low key. Mr Davies thought it more likely only 50-60 tonnes would come off Pilling last year with a low market value.

The Head of Enforcement commented that last year there were four fisheries open, and this year it was proposed to only open one, therefore there was an increased likelihood of a greater turnout.

Mr Leigh asked if setting quotas was an option. In response Mr Manning remarked that only hardened local fishermen would turn up, if this not the case then it could be reviewed and the bed closed.

The Acting SS stated the reason for the recommendation was due to reproductive stock, if it was felt that there was no requirement to keep stock in Morecambe Bay then there would be no need for a TAC. The Chair stated there was little difference in the biomass of size on Pilling and Aldingham; therefore, could Aldingham and Newbiggin also be opened. Responding, the Acting SS commented that there was a requirement to be mindful of HRAs and cockle densities for bird food must be taken into consideration. There is an active mussel fishery on Foulney and the potential for numerous seed mussel areas to be opened up, when overall shellfish stocks are low, this may lead to a potential impact on other fisheries such as Foulney.

Dr Andrews referred to the statutory obligation of the Authority to be mindful of HRAs, however, a balance needs to be struck to manage the fishery when the industry in such difficulties.

Mr Browning highlighted Natural England's rationale on HRAs and allowing the opening of beds is down to the availability of food for the birds.

The Acting SS stated that in terms of opening Pilling, the mussels resource around Morecambe Bay would probably be sufficient food resource. However, a proposal to open Aldingham and Newbiggin would require further assessment as it removes another area of alternate bird feeding.

Mr Brown commented that large cockles are not a feeding resource for birds, therefore it was not a major consideration in relation to bird food requirements. Mr Manning raised the subject of tellins, which are plentiful around the Bay, and primary food for flat fish and birds. Dr Andrews concurred.

Mr Browning stated that birds feed on whatever is energetically optimal, and if cockles are dense they will stay and feed, so they don't have to move around. He was in agreement

regarding tellins and said further research would need to be factored in, which would again depend on manpower and resources.

The Chair asked for a proposer to the Recommendation as per report. There were no proposers.

The Chair asked if there were any alternative recommendations. Mr Leigh proposed a recommendation to approve a limited fishery subject to HRA.

PROPOSAL: TO APPROVE OPENING OF PILLING COCKLE BED SUBJECT TO HRA AS SOON AS IS POSSIBLE

Proposed: B Leigh Seconded: S Brown Votes: all in favour

Comfort break 11.40 am Resumed 11.50 am

Mr Thompson recommended that Newbiggin and Aldingham be opened on the same basis; Acting SS considered this move would cause HRA difficulties and may have the potential to impact mussel fisheries. Mr Brown was in favour of this action, as it would potentially reduce the influx of fishermen to one bed. Mr Browning accepted the point made by the Acting SS, stating opening one bed and leaving others undisturbed would make it easier to be HRA compliant. In mitigation, Warton and Flookburgh could remain shut commented S Brown.

Mr Benson stated that Newbiggin is Class B and would suit people with purifications systems even if numbers were limited. The Acting SS reiterated his earlier point that the Authority is considering opening a lot of Morecambe Bay in a relatively poor year for cockle.

The Head of Enforcement referred to discussions held last year with the previous Senior Scientist, that it was on the cusp of what was safe to open, if too many beds were opened it could result in a total failure this time next year. Responding, Dr Andrews commented that cockles had reproduced already this year and there is a chance of next year's stock being lower due to low recruitment, he considered that the long-term future of stock would not be jeopardised by removing size stock that have reproduced, especially when the location of the spawning stock was unknown.

PROPOSAL: TO OPEN NEWBIGGIN AND ALDINGHAM FROM 1st SEPTEMBER SUBJECT TO HRA

Proposed: K Thompson Seconded: S Brown 4 in favour, 1 abstention.

Mussel Report

The Acting SS presented the mussel section of the report and updates from the Bivalve Mollusc Working Group (BMWG).

The Chair read out comments received from Mr Pidduck prior to the meeting with regard to relaying the seed bed in Walney Channel. Comments from two members of the dredge industry were also reported on, in one requesting that both the Falklands and South America should be opened simultaneously to maximise potential return, and secondly that if proved viable there would be scope to relay some mussel in designated areas for hand gatherers.

Dr Andrews requested an update on *Sabellaria alveolata* and starfish, as some areas where there is potential for dredging, starfish are a rapidly changing the picture. The Chair commented on the report that at higher levels of *Sabellaria alveolata* were evident at Heysham than in previous years, Acting SS responded in the affirmative.

Mr Manning asked if it was only seed mussel being discussed. This was confirmed by the Chair due to the fact that it is an extraordinary meeting, and hence only the single agenda item tabled can be discussed. Mr Manning continued to raise concerns regarding the number of surveys on the outer skears when inner skears have yet to be surveyed properly. He reported that virtually all mussels on Foulney are non-commercial and there is a new seed settlement on top of it this year. Mr Manning felt that new mussels would be needed as last year's settlement was washed away, and raised the question of all Morecambe Bay mussel beds' ephemerality.

Acting SS confirmed that Foulney and Walney are surveyed each year and asked what more was required from these surveys. He reported that surveys on Foulney are conducted to collect data, and it is not suggested it is all a fishable stock. Officers, do not have sufficient experience and time to decide what is and is not marketable, as opinions will vary between members of the industry.

Dr Andrews declared an interest but commented that different areas have contrasting views on managing fisheries in relation to stock versus commercial interests. He asked the question if 45mm an appropriate size for sale and considered 40mm a preferable option but recognised that this would need evaluating from a biomass point of view. In his opinion, it is a seed mussel resource that could be fished.

With regard to relaying mussel from the potential dredge area onto Walney Channel and Foulney, Mr Leigh and the Acting SS stated that an agreement could not be forced between private individuals, this could be done voluntarily outside of any authorisation.

Mr Browning remarked that any relaying would constitute an aquaculture business and would require authorisation from Cefas, and that they would be advised to consider SSSI consent and land owner agreement. Responding, Mr Jones said that the suitability of the area would need to be assessed and permissions be on a voluntary basis. Mr Benson commented that Cefas involvement would take time and mussel may be lost.

Mr Manning questioned if gatherers even wanted it and stated that *Sabellaria* had become a significant issue across the Heysham area, and could a way not be found through it. In response, the Chair stated that it was a protected feature of the Special Area of Conservation and that the IFCA must enforce the closure over the reef. Mr Browning concurred. Mr Manning reported approximately 100 tonnes may be required but was unable to confirm this.

Mr Benson raised the issues of Brexit and Chinese mitten crab, stating that the Northern Ireland will not take seed mussel any due to Chinese mitten crab, and exporting to the Republic of Ireland has same issues as exporting to the EU. If there was a way of assuring customers as to the absence of mitten crab would be helpful.

The Acting SS confirmed that all other regulators had been contacted, with no response other than one who indicated the reasoning for not being able to use the survey data provided, stating the life cycle of Chinese mitten crab remained a potential risk is at certain times of the year; the Chair also commented that previously the Senior Scientist Mandy Knott had gone to great lengths to get responses but also without success.

Mr Jones commented that there was a good code of conduct in place for working with the Dee with mitten crab surveys.

The recommendations as set out in the Officers' report were taken to a vote.

RECOMMENDATIONS:

Open Perch and Black Scar as a permitted dredge seed mussel fishery

Open Heysham Flat as a Byelaw 3 hand gathered seed mussel fishery with the *Sabellaria alveolata* reef outside of the authorised fishing and transiting area.

Open South America as a permitted dredge seed mussel fishery or a permitted dredge seed mussel fishery and Byelaw 3 hand gathered seed mussel fishery.

Open Falklands as a permitted dredge seed mussel fishery if further data requirements have been met on the depth of mud for the fishery to be HRA compliant.

Proposed: B Leigh Seconded: K Thompson all in favour

Mr Manning voiced his disapproval citing lack of consultation. Responding the Chair stated that responses from BMWG had been relayed, with very little interest in seed, HoE commented that no hand gatherers had responded.

The Acting SS sought clarity on the requirement to provide evidence to TSB members on stock, and also asked for confirmation as to whether South America would be a hand gathered and dredge fishery, and if split would it be split by area as done last year or would the area be opened to both industries at the same time.

B Leigh sought agreement from Officers to provide further information about the condition of the stock prior to a fishery being opened.

Mr Manning also asked about dredgers relaying seed, the Chair stated this was outside the remit of the Authorities authorisation process and that private agreements should be subject to appropriate licences.

Mr Thompson recommended that South America be open to both dredgers and hand gatherers.

PROPOSAL: TO OPEN SOUTH AMERICA TO BOTH DREDGERS AND HAND GATHERERS WITH NO SEPERATION IN HAND GATHERING AND DREDGING AREAS

Proposed: K Thompson seconded: B Leigh 4 in favour

Meeting Ended 12.50pm