

98 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 8<sup>th</sup> August 2017

PRESENT – MEMBERS

Mr T. Jones (Vice-Chairman)	MMO appointee (Commercial/Aquaculture)
Dr J. W. Andrews	MMO appointee (Marine Environment)
Dr E. Baxter	MMO appointee (Marine Environment)
Mr C. Booth	MMO appointee (Marine Environment)
Ms H. Johnston	MMO (Officer)
Mr M. Johnston	Natural England
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Mr S. Manning	MMO appointee (Commercial)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Councillor P. Williams	Chairman of NWIFCA

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement, TSB Clerk (Comms Officer), Senior Science Officer.

IN ATTENDANCE

Mr R. Benson

APOLOGIES FOR ABSENCE

Mr R. Graham (Chairman)	MMO appointee (Commercial)
S. Mounsey	Environment Agency
Mr D. Ward	MMO (Officer)

99 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

1. CEO called for nominations.

RESOLVED

To appoint Mr R. Graham Chairman (in his absence).

Proposed: Dr Andrews      Seconded: Mr Thompson      Voted: Unanimous

100 APPOINTMENT OF VICE CHAIRMAN (Agenda Item 3)

1. Agenda Item 3 brought forward. CEO called for nominations.

RESOLVED

To appoint Mr T. Jones Vice-Chairman

Proposed: Mr Thompson      Seconded: Cllr Williams      Voted: Unanimous

101 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. Members were reminded of the importance of declaring pecuniary and non-pecuniary interests in Agenda items.
2. Andrew Deary was thanked for his service and wished all the best in his future career.

3. Dan Ward is on a 2 year secondment within the MMO and will no longer be the MMO representative on NWIFCA. The Chairman requested a letter be sent on behalf of the committee thanking Mr Ward for his contributions throughout his service.

102 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 4)

Agenda Item 7 Science Summary Report: Mr T. Jones, Mr S. Manning.

Agenda Item 8 Cockle and Mussel Report: Dr J. Andrews, Mr T. Jones, Mr S. Manning.

Agenda Item 9 Ravensglass (Muncaster Estate) Mussel Relaying: Dr J. Andrews, Mr T. Jones.

Agenda Item 12 Byelaw Review - Byelaw 3: Dr J. Andrews, Mr S. Manning.

103 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 16<sup>th</sup> May 2017 (Agenda Item 5)

RESOLVED

Minutes of the TSB Committee meeting held on 16<sup>th</sup> May 2017 be approved and signed as a correct record.

Proposed: Dr Baxter

Seconded: Cllr Williams

104 MATTERS ARISING (Agenda Item 6)

- a. Dredge Byelaw: The CEO reported the delay was caused by an apparent Defra policy change to not allow a requirement for AIS in IFCA byelaws. The Regulatory Impact Assessment also had to be adapted into a new template despite the content being the same.

Defra then clarified there was no policy change on AIS. Versions of the byelaw with and without AIS and a revised IA have been returned to MMO for transmission to Defra. Confirmation (or not) should be within 28 days but typically takes longer.

Dr Andrews voiced his frustration that issues were raised by MMO very late leaving the stocks that the Emergency Byelaw protected vulnerable to dredging.

- b. The Chairman requested an update regarding the strong light shining over Morecambe Bay raised by Mr Manning at 16<sup>th</sup> May meeting. Mr Manning reported the light as coming from the port at Heysham.

RESOLVED

- a. Mr Johnston NE and CEO for TSB write to Defra and the MMO highlighting the lack of protection from dredging due to the delays in byelaw confirmation.
- b. CEO to write to Port asking about the need for the light and raising concern about the impact on wildlife.

105 SCIENCE SUMMARY REPORT (Agenda Item 7) included:

- a) An update on Marine Protected Areas.
- b) Bait Collection Habitats Regulations Assessments: There is a December 2018 deadline for implementing management of damaging bait collection from both recreational and commercial gathering. From sightings data the Authority expects no management will be needed due to low level of effort recorded. Discussions will continue on management of bait collection with NE and Defra.

- c) C-Bass Tagging Project: Began in mid-June and is an example of successful joint working between, CEFAS, NWIFCA, MMO and industry. 34 data storage tags have been deployed in bass over 50 cm length and 35 T-Bar tags were inserted into smaller bass around 30cm. Work should continue in September.
- d) Moorside Nuclear Power Station development and associated North West Coast Connections projects are still on hold. IFCA involvement is reduced until work restarts. An announcement expected by the end of the year.
- e) West Cumbria Mine: A meeting with West Cumbria Mining, the MMO and fishermen in Whitehaven discussed variation of the Marine Licence for the exploratory borehole surveys. This involved an increase from 12 hours a day drilling to 24 hours. NWIFCA had expressed concerns over the cumulative impacts with other activities of the effects of vibration. CEFAS has recommended monitoring if 24 hour drilling takes place.
- f) Razor Clams: There are sub-tidal and intertidal beds in the District which Industry wishes to exploit. It would be not be possible to manage a fishery sustainably without full knowledge and understanding of the stock and ecology. One of the biggest issues is subtidal stock assessment. In order to explore future options Ms Aitken is approaching other regulators to see how they study the populations, assess subtidal stocks and how their fisheries are managed. She will produce a report for TSB.

The Chairman asked if regulators outside of the United Kingdom such as the Dutch who run a MSC certified razor clam fishery should be approached and offered to pass on his contacts. The Senior Scientist clarified they would approach regulators outside the United Kingdom.

- g) Research Projects:
  - i NE requested project ideas for underspend money. NWIFCA suggested three fisheries-focused projects as follows:
    - 1) Drone surveys of crab tiles in the Mersey Estuary and North Wirral Foreshore.
    - 2) Investigation with fishermen into use of Nephrops creel posts in the West of Walney MCZ.
    - 3) The use of sidescan sonar to investigate the presence and distribution of subtidal mussel and scar ground in the Solway.

The Senior Scientist stated that the sidescan project cannot go ahead at present due to staffing issues on the Solway Protector and malfunctioning of the sidescan sonar.
  - ii. PhD student at Manchester University is carrying out genetic research to assess the stock units of lobster fisheries around the UK and Ireland.
  - iii. Two Masters Students at Lancaster University are working on dissertation projects with the intention of aiding understanding of sediment and cockle movements within Morecambe Bay.
- h) Website - Species Ecology - Science Officers are working to populate information for individual species on the website.
- i) Monthly Shellfish Activity Returns Forms (MSARs) from permitted vessels that fish for crab and lobster are being digitised from 2006 to present.

- j) Oil Spill Response - Officers assisted the response to the oil spill from the Douglas Complex oil installation. Small oil deposits and tar balls washed up on the shore from Bispham to Cockerham Sands.
- k) St. Bees Head SSSI - Netting and Bird Entanglement and Disturbance. Officers met with both commercial and unlicensed fishing stakeholders, at separate meetings, to discuss management options to prevent the entanglement of and disturbance to nesting birds on the cliffs.

Dr Baxter asked how successful is the voluntary code of conduct expected to be. The Senior Scientist said that it will be closely monitored and if it is found ineffective the legislative route will be explored.

Mr Booth said that the 15th July is potentially too early due to post breeding adult moult and the presence of juvenile Guillemot until early August, instead recommending an end date of 1st August. Mr Johnston clarified that the period was set by the time the birds will be most vulnerable and concentrated, and that forcing a later end date may be difficult with the fishers. A solution of a flexible end date if required was discussed and agreed upon by members.

#### RESOLVED

The St Bees head Voluntary Code of Conduct be amended to allow for flexibility in the closure dates for presentation at the next TSB meeting.

#### 106 COCKLE AND MUSSEL REPORT (Agenda Item 8)

Mussels - Heysham flat seed mussel opened to Byelaw 3 permit holders on 7th August. The northern line was adjusted to protect the fringing areas of the *Sabellaria alveolata* reef. The mussel on the outer skears proposed for a dredge fishery has not reached the necessary condition for a seed mussel fishery to go ahead.

Mr Manning raised objection to a potential seed mussel dredge fishery citing concerns about the potential damage to the area and that the mussel could grow on to size. The Senior Scientist clarified that if there was a risk to the features of the site or the stock was not acting ephemerally a dredge fishery would not be authorised. The same applies to hand-gathering.

Cockles - Leasowe, Pilling, Flookburgh and Leven Sands show potential for cockle fisheries subject to HRAs and surveys. Ribble - Penfold North has a large abundance of slow growing undersize cockles in thick mud.

#### RESOLVED

It was resolved that the Science team will seek email approval from all Authority members to open cockle fisheries in the following weeks.

Proposed: Dr Andrews                      Seconded: Dr Baxter

#### 107 RAVENSGLOSS (MUNCASTER ESTATE) MUSSEL RELAYING (Agenda Item 9)

The CEO presented the report and stated that to his knowledge the plans are no longer going ahead.

Dr Andrews highlighted his declared interest in the Agenda Item, relayed Muncaster Estate's concerns that the report contains errors and is in the public domain, and stated that there was no doubt the Estate owned the fishery.

The Senior Scientist stated that she had written to Muncaster Estates in 2014 requesting information on their claims to fishery rights in Ravensglass. and clarified that she fully supports aquaculture however it must be done properly and fully documented.

The Chairman suggested that further discussion takes place outside the meeting and an updated report be re-submitted to the TSB when mussel relaying is planned.

RESOLVED

- a. The report be amended following further discussion with Muncaster Estate and re-presented to TSB when mussel relaying is planned.

108 SMALL FISH SURVEY PROGRAMME DEVELOPMENT (Agenda Item 10)

The Senior Scientist, provided clarification following concerns raised at the June meeting. The current focus is on trialling methods, identifying what can be done, and discovering training and experience needs. Once the preliminary trials are completed a programme will be discussed at TSB.

RESOLVED

- a. To receive the report.

109 PINK SALMON ALERT (Agenda Item 11)

American Pink Salmon have been caught in the North East of England. The Environment Agency is monitoring and has requested anglers to report catches. Pink Salmon have also been caught off the Irish West Irish Coast. However, there are no reports of Pink Salmon caught within the North West IFCA District to date.

RESOLVED

- a. To receive the report.

110 BYELAW REVIEW - BYELAW 3 (Agenda Item 11)

The report brought forward eleven recommendations based on the feedback from the informal consultation carried out by NWIFCA from 07/06/17 to 02/07/17. The Head of Enforcement delivered an overview of the consultation.

1. The new Byelaw should contain the current mechanisms in Byelaw 3 for managing permit numbers. Permits should be renewed annually and ten new permits should be issued from a waiting list per year. The transitional arrangements for the Dee and Cumbria should be time limited and phased out.

The purpose of the waiting list was discussed. The CEO clarified that it was introduced to control the numbers of permit holders within the District while still allowing new people into the industry.

2. In the current byelaw there is too much focus on the 1 September each year for renewing permits and opening fisheries. The new byelaw should contain a shorter limited renewal time period e.g. before the end of the calendar year. The dates of validity and renewal deadline should be separated. Validity and renewal should not coincide with any closed season.

Mr Manning queried why the IFCA does not accept card payment.

3. As at present, the Byelaw should contain a single fixed annual fee of £500 payable on renewal of the permit.

4. The new Byelaw should not contain provision for support worker permits.
5. The new Byelaw should not contain any apprentice scheme or preferential system based on age.

Members felt there should be a way for the next generation to enter the industry however creating a workable mechanism to allow for it would be difficult. It was agreed that any suggestions be submitted to the Head of Enforcement via email.

6. The regulation of safety (and its certification) regarding the use of boats should be decided by the full authority.
7. The current personal limits (5kg/day for both species) should be maintained in the new Byelaw. Officers should investigate regulatory mechanisms to manage the personal limits but implementation would have to be outside of the flexible permit scheme because flexible conditions only apply to permit holders.

The Head of Enforcement stated that with cockle fisheries opening in the commercial areas or being opened by derogation against Byelaw 13a very little experience has been gained of the 5kg allowance in practice and a better decision could be made following the fishery at Leasowe.

8. Further work on the Byelaw should include the principle of the regulation of buyers subject to full legal advice on its application and consultation with other government bodies and industry.

The regulation of buyers could both slow down the Byelaw 3 review and may not be appropriate for this byelaw. Dr Andrews suggested that the regulation of buyers is omitted from Byelaw 3 and is revisited as a separate issue at a later date.

9. The minimum sizes in the new Byelaw should be maintained as is currently in Byelaw 3.

The rationale for a MLS was discussed. Making the MLS a flexible permit condition was considered, however it would not apply to recreational gatherers and was therefore discounted. The Senior Scientist stated that the current sizes work well in terms of sustainability and that any alteration must be done with full understanding of the consequences on the whole system.

The Chairman requested proposals to alter the recommendation. None were raised.

10. Hand gathering methods should be treated as flexible permit conditions. Recreational hand gathering methods should be restricted to the current methods in Byelaw 3.
11. Rigid riddle use should be treated as a flexible permit condition. No rigid riddle requirement should be contained in the recreational methods.

#### RESOLVED

- a. The above recommendations were approved.

#### 111 A.O.B.

The Chairman asked for an update on Byelaw 3 returns. The Head of Enforcement stated that four permits had been suspended.