

66 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 6th FEBRUARY 2024 AT TRUCKHAVEN, CARNFORTH 10.00 AM.

PRESENT – MEMBERS

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|-----------------|--------------------|
| Mr. B. Leigh | MMO Appointee |
| Mr. P. Capper | MMO Appointee |
| Mr. R. Benson | MMO Appointee |
| Mr. N. Baxter | MMO Appointee |
| Mr. L. Browning | Natural England |
| Mr. S. Johnston | MMO |
| Mr. J. Turner | Environment Agency |

NWIFCA OFFICERS ATTENDING

M. Taylor CEO, J. Moulton HOE, A. Plumeridge HOS, A. Nicholson Clerk, C. Silverwood Clerk, S. Reid Clerk, I. Dixon SIFCO, A. Brownrigg SIFCO

MEMBERS OF INDUSTRY PRESENT

Mr. T. Davies, Mr. M. Rowlings, Mr. T. Jones, Mr. P. Harrison

67 APOLOGIES FOR ABSENCE

Dr. J. Andrews, Dr. C. Mihailovici, Mr. S. Brown, Mr. K. Thompson

68 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair extended a welcome to all members present and members of industry. He welcomed Stephanie Reid and Catherine Silverwood, new admin officers based at Carnforth who will be taking over the clerking duties from Alison Nicholson, also SIFCO Andy Brownrigg and SIFCO Ian Dixon who have joined us to observe.

The Chair reminded members to sign the attendance register and completed declarations of interest slips if required.

He asked that members of the public should notify staff if planning to attend the meeting.

69 DECLARATIONS OF INTEREST (Agenda item 2)

Mr. Benson declared an interest in Items 8, 9 and 10.

70 MINUTES OF TSB MEETING 7th November 2023 (Agenda item 3)

RESOLUTION: TO APPROVE THE MINUTES AS A TRUE AND ACCURATE RECORD OF THE MEETING

Proposed: Mr. Capper Seconded: Mr. Benson All in favour, carried

71 MATTERS ARISING FROM MINUTES (Agenda Item 4)

There were no matters raised.

72 BYELAW UPDATES – (Agenda Item 5)

A Verbal update was received from HOE.

The MCRS Byelaw is in place and on the website. There was a typographic issue on receipt from DEFRA however, this was resolved. Apologies received from DEFRA.

HOE reported that he was unable to submit a written report to the meeting on the netting byelaw. The working group had only met two weeks prior, but it had identified a number of key features. Members volunteered to sit on the Working Group and discuss the Byelaw

before bringing it in front of the committee for the formal process. Members were able to agree with the main key points:

- a) Remove the provision of whitebait filter nets.
- b) Transfer over the National Rivers Authority prohibited areas which are upstream of existing temporal closures. The National Rivers Authority Byelaw prohibits the use of any fishing equipment other than hook and line above certain points on the rivers right across the district.
- c) Minor amendments to the boxed areas that Officer Anthony Graham has produced using GIS. It standardises the use of straight lines, boxes, semi circles around rivers in the North of the District. Standardised approach to Lats and Longs to the closed areas.
- d) Within the Byelaw and flexible permit conditions, we may be able to provide a legislative mechanism to potentially allow the catch of Bass as by-catch. Proposed through the permit conditions we mirror the National Bass Legislation in terms of by-catch. Provisions around percentages and with a limit of 26 nets. We would have to bring in some sort of track record assessment. It may be possible to add an entitlement to a current netting permit e.g. Category 2 Inter-tidal Commercial Permit we would have the ability to add an entitlement to Bass as a by-catch to a certain number of people's permits.

The next step would be to undertake an informal consultation with stakeholders. Proposed meetings would be arranged across the district. An impact assessment would then be undertaken. The impact assessment sits alongside the byelaw and the flexible permit conditions and provides the rationale of the implementation of the legislation.

The CEO wanted to draw members attention to the proposed timeframe. The aim is to bring the final draft to the next meeting of the TSB. The full proposal to then go to the Authority meeting in June. If approved by the Authority, the Byelaw then goes to the MMO and then to DEFRA to sign off. Obviously, there are implications around the General Election and a possible change of government. Thanks to the Members who contributed to the working group and Mr. Browning from Natural England.

The Chair asked if a permit will be issued for hobby netters.

The Byelaw is structured in to 3 categories of permit.

Cat 1 Licenced vessels

Cat 2 Commercial intertidal fishers

Cat 3 Recreational (boat or shore).

Mr. Johnston asked to for clarification as to the difference between commercial and recreational netting., He asked would it be an offence under the Byelaw if they were issued with a recreational permit and then are found to be selling their fish. HOE responded in the affirmative.

There will be a difference in cost as between the cost of recreational and commercial permits. It would be easy to evidence commercial netting activity.

There will be a bedding in period. It will be approximately a 5 year process to ensure everyone is educated and compliant with the byelaw.

Mr. Rowlings asked what the cost of the permits would be. HOE could not confirm what the costs would be at this point, however, DEFRA needs the authority to achieve cost recovery on the implementation of legislation.

73 SURVEY AND INSPECTION REPORT (Agenda Item 6)

The Head of Science presented her report. It is usually quite quiet at this time of year in terms of surveys, so the team are focusing on inspections and looking at the cockle beds following the surveys in the summer. The report also included n update on the inspections

on the 3rd October 2023 to ensure that members had up to date and comprehensive information. The report is also available on the Authority website.

There were no questions from Members.

Mr. Davies a commercial fisher asked the findings from the survey at Piling from the 18th January 2024. The Head of Science reported that. It looks like the cockles have moved a bit, have grown about 3 to 5mm but need another 3 to 5mm to get to size. There are areas that were quite dense and therefore potential for the future. We will know the full extent when w a full survey is carried out.

The Head of Science reiterated that the last time they surveyed Piling was July 2023 so the cockle would have grown anyway.

RESOLUTION: TO RECEIVE THE REPORT.

Proposed: Mr. Leigh, all in favour, carried.

74 SCIENCE REPORT (Agenda Item 7)

The Science Officers have completed preliminary whelk MCRS research analysis, completed drone training and flight practice, developed methodologies for new QGIS software use and transition from MapInfo, progressed HPMA work with Natural England and Defra and responded to two consultation requests and one dispensation request.

The Permit Database is in development, and there have been discussions on how to educate stakeholders and industry members.

Natural England have contracted Professor Richard Stillman from the University of Bournemouth to develop a bird food model for Morecambe Bay. NWIFCA have been providing data from their longstanding cockle and mussel survey datasets. The aim of the work is to develop a baseline biomass of cockle and mussel required by the protected bird species in the area.

Morecambe Bay is the focus of marine Natural Capital study through the Association of IFCAs and Natural England. NWIFCA has provided information and historical data on Morecambe Bay to the Association.

NWIFCA is working alongside the Association to contribute to the development of the national cockle management plan. The early stages have involved discussions around development and structure of a plan that must consider multiple different cockle fisheries (Thames cockle fishery, Morecambe Bay, The Wash fishery etc.) and develop clear objectives.

The Head of Science confirmed gross biomass of cockles and mussels including undersize, size and oversize. The figure will potentially impact on the HRA and the compliance or otherwise. This process is undertaken in collaboration with Natural England. Following the report there will be discussion around what implications are for the HRAs or fisheries. The report could be very helpful to us as it will give us a baseline or a range within which to work with.

The use of the drone will still be affected by the weather but accessibility, speed of mapping the area and assessing the extent of the beds will be much improved. Itan also be used to identify what is live shell versus dead shell which can be developed in the future.

Mr. Johnston asked if the bird model was looking at individual bird species and the range of the mussels and cockles they consume? Mr. Browning replied it is what is called an individual based model. Within the model, individual birds are modelled in terms of behaviour, energy requirements and food preference. This ties in with surveying data. We have realistic historic data from the fisheries surveys and then you can use that to test the validity.

A New Science Officer is starting in March. This gives the team more survey capacity and frees up the Head of Science to progress some of these projects.

Mr. Davies asked if they would be looking at Fleetwood and Middleton too as they are rarely looked at. The historic data has been provided for the model. Clarified that the drones will be used for mussels and not fish.

RESOLUTION: TO RECEIVE THE REPORT.

Proposed: Mr. Leigh, all in favour, carried.

75 COCKLE OPEN SEASON PROPOSAL (Agenda Item 8)

The Head of Science presented her report.

At the TSB meeting on the 7th of November, NWIFCA officers presented important considerations and implications for a change in the cockle fishery open season. The investigation into facilitating an early fishery was the result of several industry members expressing interest in changing the open season for them to access stocks when meat yields are highest.

We have initiated a stakeholder consultation on the potential to change the open season dates. Invites were sent out last week via text. There will be three in person events from 20th February to 22nd February. People can come and book a time slot. Everyone will be asked to fill in a questionnaire and this is also on the website. If they are unable to attend the Head of Science is available on the phone. If we do not get sufficient engagement further people will be invited to participate, in order to get as many views as possible.

The main practical considerations to an early open season relate to changing of survey timings (currently July) to earlier in the season (April/May) to provide estimates of cockle stocks for opening. The main concern surrounding this consideration was that earlier surveys could provide lower biomass estimates. The proposal is to survey Flookburgh in April and use that as the proxy. Flookburgh is one of the main beds, with the highest interest and when previous survey work was done it looked like it had sufficient size biomass. If Flookburgh looks good the team will survey the other beds. If Flookburgh does not look good they will re-survey in July.

The Chair asked for clarification. Is Flookburgh indicative across the range of beds? The Head of Science responded that it is the biggest bed in Morecambe Bay, if Flookburgh is likely to be opened then it is likely that the other beds will be ready to be opened. Historic data will also be taken into account.

It was emphasised that the process a consultation on a trial for 2024/2025. It is not a permanent change as it might have implications for the future. If it works well, we will come back to consultation next year

The decision matrix is helpful, and we want to keep it as simple as possible. Mr Browning mentioned that if we do go down the 'grey' route of the decision-making process, having data points, from April and July, would be helpful and useful information to have.

Mr. Davies spoke to Mr. Wilson, prior to the meeting, who estimates that the cockles at Flookburgh will be to size by July. Flookburgh grows more quickly than Pilling. He also

mentioned that during the consultation process there will be negative comments from fishers in South Wales. They will not want our beds open in July as that is when their beds are open. They want a longer season for themselves. It is in their best interests for it not to be open in July.

The CEO mentioned that we have received an email from Mr. Simon Ward as he is unable to attend today. CEO paraphrased the email. Mr. Ward emailed that he was impressed by the 'pragmatic, positive progress for the authority and fishers working together for the improvement of the fishery'. He was concerned about the potential of taking two months off the end of the season, for Cockle Beds outside of Morecambe Bay, what about Leasowe and Penfold? The response was that these beds are more complicated and have different implications if we move to this time frame. Getting access to these areas during July is going to be almost impossible. It was again stressed that the process should be treated as a pilot year

Discussion took place around whether the classification or the quality of the cockles is more important and the market value at different times of the year.

The Head of Science reiterated that the consultation process finishes in February and asked if it was possible to have an extraordinary TSB meeting in March? Suggested dates included 4, 5, 6 March. We need to confirm if the meeting can be held over Teams. The Head of Science will email the members regarding dates.

RESOLUTION: TO RECEIVE THE REPORT.

Proposed: Mr. Leigh, all in favour, carried.

76 WHELKS MLS WORK (Agenda Item 9)

The Head of Science presented her report providing an update on the NWIFCA's research into the size of maturity of whelks. The flexible permit conditions of Byelaw 4 stipulate an annual increase in the whelk MCRS from 55mm to 65mm to 75mm each year from its inception. There are stakeholder concerns specifically around moving from 65mm to 75mm and the impact that might have.

We have been trying to gain an evidence base in our own district, although industry engagement has been quite low, there has been a lack of engagement from the fishers in the North part of the district, so the sample sizes are small and from limited areas, and also the unavailability of North Western Protector. Samples are affected by location, time of year and how they were collected. Sampling needs to be standardised.

Mr. Johnston asked about the historical data included in the report, however, there is a general lack of confidence in this data.

The Chair asked how important the commercial whelk fishery was in the North West. It is probably the single biggest commercial vessel-based fishery, but they operate both within the 6 and outside the 6 so they can fish outside the area. Restrictions have driven whelk fishing offshore.

The market wants to buy smaller whelks so if the whelks were larger there would be less demand.

There are about seven Byelaw 4 permit holders for whelk and their feedback is that the restrictions on number of pots and the increases in minimum size has affected their economic viability in the district. There are possible legal proceedings from one of these permit holders.

The recommendations are:

- a. The current MCRS for whelk be temporarily frozen at 65 mm until the 6th of June 2025 to allow officers to gather further evidence to demonstrate that an increase in 75 mm is necessary.
- b. NWIFCA officers will work to obtain the evidence before June 6th 2025. Without such evidence the intended increase to 75mm will come into force as of 6th June 2025 in accordance with the precautionary principle.
Revised to 'Affirm the intention to move the MLS to 75mm from June 2025 in the absence of evidence to the contrary.'

RESOLUTION: TO RECEIVE THE REPORT.

Proposed: Mr. Leigh, Seconded: Mr. Capper, five in favour, one against, one abstentions, carried

77 **SEED MUSSEL DEFINITION OF EPHEMERALITY (Agenda Item 10)**

The Head of Science presented her report and members discussed the definition of 'ephemerality' as it pertains to seed mussel beds. The following definition was agreed upon.

1. Approved definition of seed mussel ephemerality

'A seed mussel is defined as mussel that is less than 45mm in length AND less than 1 years of age.

Ephemerality (as it relates to seed mussel) is defined by NWIFCA as a high proportion of the seed mussel stock being lost to the fishery due to natural causes before it can reach a year post settlement.

All conditions listed below must be met for the NWIFCA to consider an area of seed mussel as ephemeral, these being:

- 1. A settlement of high abundance and density of seed mussel, that is
- 2. depositing high amounts of pseudofaeces (mussel mud), and
- 3. the settlement is at risk of being washed away before it can reach size.

In addition, there are occasions where settlements are lost due to the presence of large numbers of star fish heavily predated the stock. In this scenario, the above conditions do not need to be met in order for the stock to be defined as ephemeral.'

2. Approved process for determining ephemerality

The fishery is highly variable depending on the vagaries of the stock and the changes in the dynamic environment of the northwest coast and have to be assessed on a year-by-year basis. The first stage of assessment is to determine if the stock is ephemeral.

'During inspections, officers will assess the following criteria to determine whether stocks are 'imminently likely' to wash away and therefore likely to be considered ephemeral.'

Ephemerality Inspection Criteria

| <i>Inspection criteria</i> | <i>Reason</i> |
|---|---|
| <i>The presence, thickness and extent of mussel mud</i> | <i>The build-up of mussel mud can mean mussel is vulnerable to being washed away or 'scoured' as they do not typically have secure attachment to the mud.</i> |

| | |
|--|--|
| <i>Evidence of scouring and looseness of mussel</i> | <i>Areas where there is evidence mussel has already washed away (scoured), or where it has become loose and gathered in heaps is indicative of imminent wash off.</i> |
| <i>High densities of seed mussel from that year</i> | <i>High densities of a single current year class, means the previous year has washed out enabling the new spat settlement, and the possibility it will undergo wash out again (dependent on the presence of the other factors)</i> |
| <i>Low levels of size mussel or mix of sizes – indicative of surviving the winter to grow on</i> | <i>If there are low densities of seed, and mussel is patchy, or dispersed among size or a mix of sizes that have survived the winter and grown on, it may not be considered ephemeral.</i> |
| <i>Consideration of historical and geographic factors</i> | <i>Some beds are subject to local environmental conditions, which make them susceptible to loss. Often these beds have shown historical loss.</i> |
| <i>Presence of large numbers of star fish</i> | <i>Star fish can quickly remove large quantities of mussel if present.</i> |

1. Receive the Report
Proposed: Mr. Leigh, all in favour, carried
2. Approve the Definition of seed mussel ephemerality.
Proposed: Mr. Baxter, Seconded: Mr. Capper, five in favour, one against, one abstention, carried
3. Approve the Process by which Officers assess seed mussel ephemerality.
Proposed: Mr. Leigh, Seconded: Mr. Johnston, five in favour, one against, one abstention, carried

78 ANY OTHER BUSINESS (Agenda Item 12)

There was no additional business.

79 NEXT MEETING DATE (Agenda Item 11)

Extraordinary Meeting to be held in early March. Proposed dates 4th, 5th or 6th March.

Proposed date for next ordinary meeting 10am, Friday 24 May at Carnforth, Truckhaven.

The Chair thanked everyone for attending – meeting closed at 1.05pm