

Menai Strait Fishery Order Management Association

Meeting, 18th December 2014
FV Mare Gratia, Porth Penrhyn

Minutes

Attendance

Sue Utting
Lewis le Vay
James Wilson
Rowland Sharp

Chair
Bangor University
Bangor Mussel Producers Ltd
Natural Resources Wales

Guests

Rhyn ap Iorwerth
Bill Somerfield

AM, Ynys Môn
Welsh Government

Advisors

Jim Andrews

1. Chair's announcements

2. Apologies

Mike Barton
Keith Andrews
Ioan Thomas
Trevor Jones
Tim Croucher

Ynys Môn County Council
Licensed hand pickers
Gwynedd County Council
Menai Strait (West)
Welsh Assembly Government

3. Minutes of last meeting

The minutes of the meeting that took place on 10th October 2014 were accepted.

4. Matters Arising

It was considered that most of the matters arising from the last meeting were addressed on the agenda for the current meeting.

It was reported that lawyers have been instructed to draw up the leases for the new leased areas in the eastern Menai Strait.

5. Membership of the Association

There were no new Members of the Association.

6. Financial Update

James Wilson indicated that the reserves held by the Association were accumulating in line with the financial plan agreed at previous meetings.

7. Welsh Government Activity

a) Meetings and Correspondence

James Wilson reported that a very productive meeting had been held in Cardiff on 3rd September with the then Deputy Minister for Fisheries, Rebecca Evans. Arrangements were now being made to organise a meeting with her successor, Mr Carl Sargeant.

The meeting reviewed and discussed the correspondence with Welsh Government concerning the new leased areas in the eastern Menai Strait and also the proposed new fishery order in the western Menai Strait.

b) Progress with new leased areas

It was reported that Ministerial approval had been granted to the creation of the new leased areas, and that lawyers had been instructed to draw up leases for these areas.

The meeting thanked Mr Somerfield and his colleagues for progressing this matter.

c) Menai Strait West

There was a lengthy discussion about the legal, policy and procedural issues that have delayed progress with the creation of a new Fishery Order in the western Menai Strait.

In summary, WG remain of the view that a Fishery Order cannot be granted for the western Menai Strait for a period of more than 7 years, because this is a European Marine Site. The members of the Association indicated that a period of 7 years would not be commercially viable, and that the Association's own lawyers had found no reason to limit a Fishery Order to a period of 7 years or less in a European Marine Site.

The Chair confirmed that the operators in the western Menai Strait wanted a Fishery Order that would endure for a period of 28 years. The application submitted to WG had made this clear, and it was a matter of concern that WG officials seemed to have become confused about the requested duration.

Mr Somerfield indicated that WG did not have the option of being able to make byelaws to regulate fishing activities and prevent damage to European Marine Sites if this should become apparent (by contrast he indicated that IFCAs in England have this option). The members of the Association disagreed with this interpretation, and offered to direct Mr Somerfield to the relevant sections of the Marine Act which empowered WG to regulate fisheries in a manner akin to an IFCA.

Action: Secretariat

Mr Somerfield also indicated that under the Environment Bill it was hoped that there would be new powers, notably the ability to make a site protection notice for a European Marine Site, and also the power for the Minister to amend or revoke a Fishery Order. These new powers might help to address some of the constraints that are presently hindering progress.

Concerns were raised by the members of the Association that the Welsh Government's objectives for developing aquaculture (which are themselves part of a UK commitment to EU aquaculture and fisheries objectives) will not be delivered unless a solution can be found to the challenge of creating new aquaculture areas in European Marine Sites. It was also noted that the application of the Waddensee ruling to this issue means that the policy interpretation applies in equal measure to established aquaculture sites, and also should apply throughout England and Wales.

Mr Somerfield acknowledged the sense of frustration raised by the Association. He indicated that WG legal advice could not be made available to explain the thinking behind the policy position.

All agreed that it had been useful to discuss these issues, and thanked Mr Somerfield for attending the meeting to provide an update from WG at first hand.

The members of the Association also thanked Mr Rhun ap Iorwerth for his efforts to progress this matter with the Minister.

It was agreed that a meeting with the new Minister would provide an opportunity for further discussion of these important matters.

8. NW IFCA Activity

The Chair indicated that she had attended the IFCA meeting in Carnforth on Tuesday 16th December along with other representatives of the Association. This had been a useful opportunity to express the Association's support for the IFCA and discuss matters of mutual interest.

a) Seed mussel fishery, Morecambe Bay

IFCA staff were proposing to set up a new Shellfish Working Group to facilitate management of the Morecambe Bay seed mussel fishery.

It was noted that the key problem in the 2014 seed mussel fishery had not been a lack of resource, but rather delays in management of the fishery. These delays had been detrimental both to the Menai Strait fishery and also to the hand gatherers in Morecambe Bay. It was hoped that lessons would be learned for the 2015 season.

It was also noted that the Morecambe Bay seed mussel fishery is of fundamental importance to the Menai Strait and hence to the Welsh Government's aquaculture strategy.

It was agreed that the Association and its members should offer support to the IFCA to assist in whatever way possible with the management of the seed mussel fishery in future years.

Action: Chair

b) Vessel size proposals

The report on this matter was received, noting that no significant progress has been made.

c) Morecambe Bay Fishery Order

At the meeting in Carnforth it had been confirmed that the hybrid fishery order proposal would not be progressed. IFCA staff have concluded that the regulation of the wild fishery is now best achieved through the use of IFCA byelaws (Byelaw 3 & Byelaw 2).

The IFCA were considering an application for a Several Order for Morecambe Bay, as the basis for shellfish cultivation in the Bay. It was understood that this would require a new application to Defra.

The Association noted this report and would keep a watching brief on these proposals.

9. Fishery Management Issues

a) Bangor Pier

There had been no further news on this issue.

b) *Bonamia*

It was reported that Cefas had inspected the western Menai Strait again in October, and that *Bonamia* had been detected. The industry have met with Cefas to discuss research opportunities, particularly to determine the carrier species for the disease.

c) Invasive Alien Species (IAS)

Didemnum vexillum

Rowland Sharp reported that funding for an isolation berth in Holyhead has been provided by Welsh Government, along with funding for a wider survey of the harbour area to see if this species occurred outside the marina area. A bid has also been submitted to progress containment measures in other locations (isolation berths).

Japanese shore crab *Hemigrapsus sanguineus*

There have been no records of this species in North Wales and the only record from Wales remains that from South Wales.

The Association discussed the reporting processes available, and also the need to educate sea users in the identification of this and other IAS.

d) *Norovirus*

James Wilson reported that he had attended a restrictive bivalve aquaculture area meeting in Brussels. The EU Directorate General for Health and Consumers (DG SANCO) is working with Cefas to develop ideas for end-product labelling for *Norovirus*.

DG SANCO were looking at 3 initiatives to manage *Norovirus* risks. These were monitoring of *Norovirus* in shellfish areas; establishing buffer zones; and 28 day closures of shellfish beds if illness should arise.

JW noted that the meeting in Brussels had been hosted at Wales House, and that Bangor University had provided invaluable support. Thanks were offered to both the University and Welsh Government for their assistance.

10. Any Other Business

a) Correspondence

No correspondence other than that referred to in reports had been received.

11. Date for next meeting

The next meeting is set for 19th March 2015 at 10am.