

Administration: GDPR Requirements

Background

MSFOMA holds electronic information about individuals for the purpose of providing updates on the work of the Association. This report provides an update on the actions that have been taken to ensure compliance with the new EU Regulations that govern how this information is held and managed.

Recommendations

1. That the actions taken to ensure GDPR compliance are noted.
2. That the Association keeps the GDPR compliance requirements under review.

1. Legal Requirements

- 1.1 The new EU General Data Protection Regulation (GDPR) came into force on the 25th May 2018.
- 1.2 The GDPR is intended to protect individuals and their personal data. It places duties on organisations in all sectors, both public and private. It applies to electronic and paper records.
- 1.3 Prior to the implementation deadline for the GDPR the Secretariat determined that the legislation applies to the Association.

2. Actions taken for compliance

- 2.1 To ensure that the Association is compliant with the GDPR, the Secretariat has taken the following actions to date:-
 - a) **Registration with the Information Commissioner's Office** - MSFOMA has been registered as a data holder with the Information Commissioner's Office;
 - b) **Review of Privacy Policy** - the Association's Privacy Policy has been updated to ensure it is GDPR compliant (see Annex A).
 - c) **Communication with subscribers** - all of the individuals in the Association's mailing list were sent an e-mail on the 24th May 2018 (prior to the implementation date of the GDPR) indicating what MSFOMA was doing to comply with the GDPR and offering the opportunity to unsubscribe from the MSFOMA mailing lists. This e-mail was sent to over 150 individuals and organisations.
- 2.2 Members are advised that no requests to unsubscribe from e-mail updates have been received.

3. Opportunities for improving compliance

- 3.1 Members will be aware that as with any new legislation, the understanding of the requirements for compliance with the GDPR will develop over time. The Secretariat will keep this under review, and will inform Members of any action that the Association may need to take to remain compliant.
- 3.2 Members are invited to offer their comments on improving compliance with the GDPR.

MSFOMA Secretariat
June 2018

Annex A: Copy of current MSFOMA Privacy Policy (from www.msfoma.org).

Privacy, Security & Cookies

Your privacy is important. This page describes the steps we take to protect your privacy.

Privacy

If you sign up for news updates on the MSFOMA website we will ask you for your e-mail address, first name and second name.

- We will only use the personal information you provide to allow us to send you information updates that you have requested, or as we are required to by legislation.
- We will not disclose this information to any third parties unless we are compelled or required to by law.
- All correspondence from our website will include a link to allow you to unsubscribe from non-statutory updates.

Security

We have security features on our site to protect your information:-

- **Personal authentication** - your subscription for updates will only be activated once you personally respond to a confirmation e-mail from us.
- **Secure storage** - all personal information held on this website is stored on our secure, dedicated servers.

Information held by MSFOMA

MSFOMA keeps a record of the name and e-mail address provided by individuals and organisations, and the identity of the mailing list which that individual or organisation has subscribed to.

MSFOMA also records information about the e-mail updates that have been sent to each individual on its mailing lists. This information is retained for the purpose of demonstrating that MSFOMA has complied with its statutory functions.

We will only retain personal information for as long as is reasonably necessary to fulfil the purpose it was collected for.

Individual Rights

Individuals have rights under the EU General Data Protection Regulation over the data held by MSFOMA. We will ensure our data processes comply with these rights, and will make all reasonable efforts to fulfil requests from an individual in relation to these rights, including:-

- Right of access: individuals can request to see the data that we hold and obtain confirmation of how it is being used.
- Right to rectify: individuals can request that their data be updated where it is inaccurate or incomplete.
- Right to object: individuals can object to their data being used for a particular process.
- Right to unsubscribe: individuals can unsubscribe from any mailing lists operated by MSFOMA. All e-mails sent from the MSFOMA website will include an unsubscribe link.

- Right to erasure: individuals can request that data held on them by MSFOMA is deleted, and providing that MSFOMA is not required to retain this information by law, it will be deleted.

Any request to access / rectify / object / unsubscribe or erase data should be submitted in writing to the Association, and will usually be actioned within a month.

Cookies

Cookies are small pieces of information sent to your computer or browsing device when you access a website. These files are not computer programs and cannot be used to cause damage to your computer.

Our website does not currently use cookies. If we start to use cookies, we will provide appropriate notices on the website to alert you to this and to seek your permission to use cookies.

Newsletters / e-mail updates

We use a program hosted on our website to send out newsletters and e-mails. We gather statistics around email opening and clicks using industry standard technologies including clear image files (gifs) to help us monitor and improve our communications.

Changes to our Privacy Notice

We reserve the right to update this privacy notice from time to time, and we will provide you with a new privacy notice when we make any substantial changes. Please check back frequently to see any updates or changes.

Welsh Government Activity

Background

The Welsh Government is responsible for managing inshore fisheries in Wales. This report provides a brief update on some Welsh Government Activities that may be relevant to the work of MSFOMA.

Recommendations

1. That the report is received, along with any verbal updates from the Welsh Government officials invited to the meeting.

1. Background

- 1.1 The Welsh Government website provides information about consultations and meetings of various stakeholder groups that are relevant to the Welsh Fishing industry. A brief summary of recent activity is provided below.

2. Meetings of Fisheries Groups

- 2.1 Welsh Government has established several groups to assist with the administration and management of Welsh fisheries. The key groups are:-
 - a) **Inshore Fisheries Groups** - these groups provide stakeholder with a forum for communicating and engaging with Welsh Government. There is no information available about these groups on the WG website at present. The Association has been advised that the future role of these groups will be determined by the Welsh Marine Fisheries Advisory Group.
 - b) **Welsh Marine Fisheries Advisory Group** - this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. The WG website reports that the most recent meeting of this group took place on March 7th 2018; the minutes of that meeting indicate that a further meeting was scheduled for 16th May 2018. The minutes of the March 7th meeting are attached at Annex A.
 - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet its targets for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No information about recent activities of this group is available on the WG website.
- 2.2 A verbal update on recent meetings of these and related groups will be provided at the meeting by Members who attend their meetings.

3. Consultations

- 3.1 Since the last Association meeting the Welsh Government Climate Change, Environment and Rural Affairs Committee sent out a call for written evidence about the impact of Brexit on fisheries in Wales. A draft response was prepared by the Secretariat and circulated to Members for comment, prior to submission of a formal response to this Committee on 15th June 2018 (see Annex B).
- 3.2 The Association has been invited to attend a workshop that has been organised by this Committee. The event is scheduled for the 12th July 2018 in Milford Haven. The invitation is attached at Annex C. The Secretariat has responded to thank Welsh Government for this invitation and to enquire if there will be any workshop meetings further north. It would seem it will be the only meeting held to inform the inquiry, and also that Welsh Government will pay for travel and overnight accommodation. They are prepared to accept a response from the Association on the 3rd July following our meeting.

4. Meeting with Welsh Government Officials

- 4.1 A very constructive site visit and meeting with Welsh Government officials (Stuart Evans and Janet Perry) took place on the 13th June 2018. The site visit took in some of the contentious areas in the western Menai Strait at low water, and concluded with a very productive meeting in Porth Penrhyn aboard FV *Valente*. A verbal report on the key points discussed will be provided at the Association meeting.

5. Meeting with Cabinet Secretary

- 5.1 It was reported to the last meeting that the Cabinet Secretary for Energy, Planning and Rural Affairs had been invited in March 2018 to visit the Menai Strait.
- 5.2 The Cabinet Secretary visited Port Penrhyn on the 21st June 2018 where she met with the Chair of the Association and shellfish farmers from both the eastern and western Menai Strait aboard the mussel dredger *Valente*.
- 5.3 The meeting with the Cabinet Secretary was very positive. She made a firm commitment to progress the application for renewal of the Menai West Fishery Order within 2 months; and demonstrated a keen understanding of the importance of renewing the Fishery Order in the Eastern Menai Strait. Photographs of the visit can be seen at <https://photos.app.goo.gl/qitYj2cuh7peOz7G8>.
- 5.4 The Chair wrote to the Cabinet Secretary to thank her for following the meeting and extending an invitation to visit Port Penrhyn again over the summer (Annex D).

MSFOMA Secretariat
June 2018

Annex A: Minutes of Wales Marine Fisheries Advisory Group meeting held on 7th March 2018.

Brief Note of Wales Marine Fisheries Advisory Group meeting 7 March 2018

Key Points

Operations Report: An update on the work of the operations team from October – January 18 was provided.

Key Points:

- 1) New 12m cabin RIB Catrin now undergoing sea trials in North Wales.
- 2) Investigations continue and there have been a number of recent prosecutions in court.
- 3) Team working on EMFF application to provide u10m vessels with iVMS.
- 4) Officers have provided information to members of the public about harbour porpoise strandings following misinformed media articles.

Summary of Key Workstreams:

3 Main areas include: Scallops, whelks and cockle management.

- 1) **Scallops** - Plans to launch 2nd consultation on the management of Scallop fishery in Cardigan has been delayed due to resource issues. Officers now considering powers available to the Cabinet Secretary to introduce a flexible permit.
- 2) **Whelks** – Officers looking at introducing new legislation in two phases – the first will include an increase in MCRS to 55mm across Wales and a possible closed season. There was mixed reaction to a closed season, members sought clarification about whether this could be considered on a regional basis.
Members put forward a number of options for consideration to manage the fishery including pot limitation, however, it was felt this would be impractical to manage and enforce.
It was also suggested a closed season could be implemented on a voluntary basis in some areas.
- 3) **Cockle Management** – Officers are now working on options for adaptive management measures for the fishery. Meetings will be held with cockle fishers to discuss the proposals in April.

Other areas discussed included:

EMFF –12% of total fund has been allocated to projects. Concerns were raised over the complexity of the application process. Bethan Jones offered to attend meetings with association members to provide help and support in completing documents and outlining exactly what is available to the fishing industry under EMFF.

Escape hatches – Item put forward by member from North Wales. BJ explained WG not able to apply for funding for such a project, however, associations would be able to do so. There was mixed reaction to the use of escape hatches. Chair suggested Sue Burton of the Pembs SAC should be invited to attend the next meeting and present her report to the group.

Queen Scallops – Cabinet Secretary has now agreed to licence conditions which would apply to Welsh vessels. Officials were in discussion with other devolved administrations seeking their agreement.

Seafood Expo Global Brussels – Only 2 companies had signed up to attend, if no further interest is expressed it is unlikely WG would be able to attend in the future.

Marine Plan – Consultation closes on 29 March.

CFP – Members advised of landing obligations which are currently not having an impact on Welsh vessels, however work is underway to consider species that may present a ‘choke’ as a result of the full implementation of the landing obligation on 1 January 2019. Bass will be of particular concern for Wales. All information regarding fisheries regulations is available on the fisheries webpage.

Bass – The result from December Council was better than expected for bass.

Authorisations for Bass fishing in 2018 would shortly be issued to those who qualified and received a permit in 2017. Increases for other quota species were given to Wales.

Emerging Fisheries – Included a discussion about a potential live Wrasse fishery although to date there had been very limited fishing activity.

Razor Clam Fishery – Work has been commissioned to understand the best methodology available to assess razor clam stocks in Wales. A report should be available by end of March following which recommendations would be put forward for consideration.

Potential Development Areas – Areas for potential development had previously been put forward by members; LW referred to policy decisions taken at WMFAG and by WG in regard to several fisheries which included bass, whelks, scallops, crustaceans, salmon and sewin. He explained decisions taken regarding these fisheries were having a detrimental effect on his and other fishers income, with some losing their businesses.

Whilst sympathetic to the concerns raised JB explained measures were needed to ensure fisheries remained sustainable for future years. After going through the list of proposals members agreed the following:

- High priority - Export Certificates and Under 10m catch reporting because of their connection to 'Day 1 readiness' after Brexit.
- Medium priority - Inshore VMS and restrictions on the taking of berried lobster to be considered under Part 2 of the Crustacean review.

It was agreed further information was required on recreational fishing/angling and The Dee estuary fishery will be considered.

EU transition – Members informed WG regularly meeting with UK Government and other devolved administrations to consider the key challenges being faced in regard to Welsh fisheries due to Brexit. Members will be provided with regular updates.

Options for Improving Stakeholder Engagement – Following the decision to continue with the suspension of regional Inshore Fisheries Groups, membership of the Wales Marine Fisheries Advisory Group had been extended to include representation from each of the Welsh fishing associations.

Overall members felt the new group was working well, however, officials asked for views on a number of further options in order to improve stakeholder engagement. The members agreed the following would be actioned:

- IFG members receiving meeting papers prior to WMFAG meeting.
- IFG members to receive draft Notes of WMFAG meeting within 2 weeks of the meeting.
- Consider options for informing those in the fishing industry who are not affiliated to any association.
- The Aquaculture Advisory Group would be reformed. Trevor Jones would act as link between WMFAG and the AAG.
- Marine & Fisheries webpage will improving/updating.
- Notes of meeting to be added to website

Items for information included:

1. Seafish Best Practice Guidance for Assessing the financial performance of fishing gear.
2. Holly Whitely informed members of the Seafish/Welsh Government initiative to provide members of the fishing industry with Personal Floatation Devices with location beacons for a charge of £15.
3. WEL Document – Priorities for Marine Environment & Fisheries Policy in Wales following the withdrawal from the European Union.
4. Pembrokeshire Sustainable Shellfish Initiative Summary Report – Sue Burton from Pembs SAC will be asked to present her report to members at the next meeting.

Date of next meeting – the next meeting of WMFAG will be held on 16 May 2018.

Annex B: MSFOMA response to Climate Change, Environment and Rural Affairs Committee.

Menai Strait Fishery Order Management Association

Port Penrhyn, Bangor, LL57 4HN

Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Pierhead Street
Cardiff
CF99 1NA

15th June 2018

By e-mail

Dear Sir / Madam

THE IMPACT OF BREXIT ON FISHERIES IN WALES

We are writing in response to the call for written evidence about the impact of Brexit on fisheries in Wales that was circulated in May 2018.

The Menai Strait Fishery Order Management Association (MSFOMA) was established in 2010 to oversee the management of mussel cultivation in the eastern Menai Strait. This part of the Menai Strait is the most productive shellfish farming location in the United Kingdom, which has been operating for over 50 years. It was also the first shellfish farming area in the world to attain the sustainability standard set by the Marine Stewardship Council for sustainable fishery operations in 2010.

The Menai Strait regularly produces several thousand tonnes of farmed mussels each year. Most of the mussels that we grow are exported fresh from the quayside in Port Penrhyn directly to our customers in Europe.

We therefore consider that we have some valuable expertise both in our sector and with regard to trade with the EU that can helpfully inform the Committee's deliberations on the impacts (and opportunities) of Brexit.

We have presented some of our views briefly below and would welcome the opportunity to participate further in discussions of this important matter.

1. To what extent do current Welsh fisheries policies and wider management measures deliver desired outcomes?

We were optimistic about the delivery of desired outcomes when the Welsh Government worked with us to establish MSFOMA in 2010 and subsequently in the *Wales Marine and Fisheries Strategic Action Plan* set out its target to double shellfish aquaculture to produce 16,000t by 2020. At that time in 2013 we considered that this was an ambitious but achievable target.

In the subsequent years the objectives for development of the fisheries sector have not been delivered. Our own experience of the implementation of the national policy for fishery development has been disappointing and frustrating: despite the support of the local Assembly

Menai Strait Fishery Order Management Association
Company registered in England and Wales No 07163689

Member and a green light from Natural Resources Wales we are still working to renew the small shellfish farming area in the western Menai Strait.

The lack of progress shellfish farming sector in Wales contrasts to progress in other aspects of the marine economy in Wales. When we started work on the renewal of the shellfish farming area in the western Menai Strait several years ago there were no offshore windfarms along the North Wales coast. Today there are several enormous windfarms, and now an experimental tidal energy scheme; but still no renewal of a small shellfish farming area. Over the same period we have also seen the creation of new Natura 2000 sites for the protection of marine wildlife.

The stagnation of the shellfish farming sector in Wales also contrasts to the situation in England and also in Ireland. Ireland will soon eclipse Wales as the most important mussel producing country in the British Isles.

Despite this, we still feel that there is tremendous potential for developing shellfish cultivation in Wales. The recent Draft Welsh National Marine Plan showed the extent of the "Strategic Resource Area" for aquaculture in the sea area around Wales. The area is vast, and the shellfish farming industry is keen to work with the Welsh Government to release the potential of our seas to create high quality shellfish sustainably and to create secure jobs in coastal communities.

The target of doubling shellfish production by 2020 cannot now be met. Rather than regarding this as a failure, we feel that the Government and policy makers should see this as an opportunity to learn, to reset the clock, and to try again. We know that Welsh shellfish farmers all want to achieve this target. With the right commitment from Government we are sure that it could be met in a very short time – perhaps as early as 2025.

We therefore urge this Committee to review and re-set the Government's policies for shellfish production for the benefit of the industry, local people, and the Welsh economy.

2. What outcomes and policies does Wales want to see from the UK Fisheries Bill? How can policy best reflect the needs of different sectors, including the fishing industry, aquaculture and coastal communities?

Most of the fishermen operating in Wales (ourselves included) catch non-quota species. These fishermen will not be affected by EU-UK arrangements for managing quota species such as cod, mackerel, or herring. The big issues facing most of the Welsh fishing and aquaculture sector post-Brexit will not be about access to stocks; it will be about access to markets.

Any post-Brexit changes to tariffs on trade with the EU and also hygiene checks of our product at Border Inspection Posts would be a major challenge. A favourable outcome to Brexit negotiations on these two issues will be vital to all Welsh fishing sectors and coastal communities.

In our view it is imperative that the settlement between the EU and UK must secure tariff-free trade with our existing customers in Europe; and it must also ensure that the fresh mussels that we export to Europe can continue to cross the Channel swiftly without being delayed by border inspections.

Although it cannot address these particular issues the UK Fisheries Bill provides a vital opportunity for ensuring that the legislative and administrative environment in which UK non-

quota fishermen (including shellfish farmers) can operate competitively, whatever the outcome of the wider negotiations on border controls and trade tariffs. We feel that there is a once-in-a-lifetime opportunity to streamline UK fisheries administration and make UK non-quota fisheries more competitive.

We have direct experience of the management regimes for shellfish cultivation in Ireland, the Netherlands, Denmark, Germany and other European countries. In these countries the national management regime is more dynamic and less bureaucratic than the UK system. If the UK fails to update its approach, then this sector will be at a huge disadvantage to our competitors in Europe.

We feel that the legislative foundation for shellfish cultivation in England & Wales (the Sea Fisheries (Shellfish) Act 1967) is capable of delivering what is required to transform the management and development of this sector with just a few relatively minor changes. The key areas that we feel should be addressed in the UK Fisheries Bill could include:-

- Creating a clearer process (and in particular setting deadlines for Government action) for the creation of new shellfish farming areas (known as Several Areas in this Shellfish Act);
- Introducing a formal “screening” stage for Several Area applications early in the process to allow nature conservation agencies and other statutory consultees to give “in principle” support for applications; and
- Updating the process for wider stakeholder consultation on the creation of Several areas to both provide for earlier engagement and also to avoid delays in the process.

We cannot stress highly enough that the national regime for developing shellfish cultivation in England and Wales does not allow us to compete on a level playing field with our European competitors. We would urge the Committee to use the opportunity of the UK Fisheries Bill to address this issue.

3. What are the main challenges and opportunities for fisheries during the transition period and post-Brexit?

Our comments above cover this question.

In brief, the main challenges will lie in the potential effect of Brexit on export trade. The Welsh shellfish industry (both for wild and cultivated species) depends very much on tariff-free trade with Europe and border controls that allow for the export of live shellfish. If either of these aspects of European trade is compromised, the future of the Welsh aquaculture sector, and indeed most fishermen in Wales, will be in doubt.

The key opportunity presented by Brexit is as a catalyst for streamlining and updating of the management regime for inshore fisheries. There are particular opportunities for the Welsh shellfish cultivation industry that would be easy to achieve (through amendments to UK legislation and a refresh of Welsh Government policy) and which would enable the Welsh Government to start to deliver on the objective of doubling the output of farmed shellfish. Such changes would help our industry to keep pace with our competitors in Ireland.

4. How effective is the Welsh Government's engagement with the UK Government on fisheries?
Are Welsh interests being given sufficient consideration within the Brexit negotiations

We have no direct experience of the Welsh Government's engagement with the UK Government, so cannot comment on this matter.

We hope that these comments are helpful. We would very much welcome the opportunity to work with the Committee to help develop Government policy in this area. We would be happy to attend meetings in Cardiff, and would also extend an open invitation to all members of the Committee to visit Port Penrhyn in North Wales to see how we grow and harvest mussels sustainably here.

If you have any queries at all or require any clarification of the points raised in this response please do not hesitate to get in touch with me.

Yours sincerely



ALAN WINSTONE
Chair, MSFOMA

Annex C: Invitation from Climate Change, Environment & Rural Affairs Committee to attend a workshop meeting in Milford Haven.

From: Climate Change, Environment and Rural Affairs Committee | Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig <SeneddCCERA@Assembly.Wales>
Sent: 27 June 2018 08:08
Subject: Invitation to attend a workshop on the impact of Brexit on fisheries in Wales, hosted by the National Assembly for Wales in Havens Head Business Park, Milford Haven 12 July

Mae'r Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig yn cynnal ymchwiliad i effaith gadael yr Undeb Ewropeaidd ar bysgodfeydd yng Nghymru.

Er mwyn llywio'r ymchwiliad hwn, rydym yn cynnal gweithdy yn Ystafell 17, Cedar Court, Parc Busnes Havens Head, Aberdaugleddau, sir Benfro, SA73 3LS yn Awdurdod Porthladd Aberdaugleddau ar fore 12 Gorffennaf 2018.

Yn y gweithdy, trafodir, ymysg pethau eraill:

1. I ba raddau y mae polisiau pysgodfeydd a mesurau rheoli ehangach Cymru yn sicrhau'r canlyniadau a ddymunir?
2. Pa ganlyniadau a pholisïau y mae Cymru am eu gweld yn sgil Bil Pysgodfeydd y DU? Sut y gall polisiau adlewyrchu orau anghenion sectorau gwahanol, gan gynnwys y diwydiant pysgota, dyframaethu a chymunedau arfordirol?
3. Beth yw'r prif heriau a chyfleoedd i bysgodfeydd yn ystod y cyfnod pontio ac ar ôl Brexit?
4. Pa mor effeithiol yw gwaith ymgysylltu Llywodraeth Cymru â

The Climate Change, Environment and Rural Affairs Committee is carrying out an inquiry into the impact of Brexit on fisheries in Wales.

To inform this inquiry we are holding a workshop in Suite 17, Cedar Court, Havens Head Business Park, Milford Haven, Pembrokeshire, SA73 3LS room at Milford Haven Port Authority on the morning of 12 July 2018.

At the workshop the discussion will include, but is not restricted to:

1. To what extent do current Welsh fisheries policies and wider management measures deliver desired outcomes?
2. What outcomes and policies does Wales want to see from the UK Fisheries Bill? How can policy best reflect the needs of different sectors, including the fishing industry, aquaculture and coastal communities?
3. What are the main challenges and opportunities for fisheries during the transition period and post-Brexit?

Llywodraeth y DU ar bysgodfeydd? A yw buddiannau Cymru yn cael ystyriaeth ddigonol yn nhrefodaethau Brexit?

Anfonwch neges e-bost at seneddNHAMG@cynulliad.cymru erbyn 1 Gorffennaf 2018 i roi gwybod inni a allwch fod yn bresennol.

Cewch yr union amseroedd yn nes at y dyddiad. Bydd lluniaeth ar gael wrth ichi gyrraedd.

Mae croeso ichi gyflwyno eich sylwadau yn ysgrifenedig os na allwch fod yn bresennol.

4. How effective is the Welsh Government's engagement with the UK Government on fisheries? Are Welsh interests being given sufficient consideration within the Brexit negotiations?

Please email us to let us know if you are able to attend at SeneddCCERA@assembly.wales by 1 July 2018.

Exact timings will follow nearer the date. Refreshments will be provided on arrival.

We are also happy to receive your comments in writing if you cannot attend.

Martha Howells

Ail Glerc | Second Clerk

Gwasanaeth y Pwyllgorau Polisi a Deddfwriaeth | Policy and Legislation Committee Service

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Dilynwch ni ar Twitter: [@SeneddNHAMG](https://twitter.com/SeneddNHAMG)

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Cynulliad Cenedlaethol Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddfu ar gyfer Cymru, i gytuno ar drethi yng Nghymru, ac i ddwyn Llywodraeth Cymru i gyfrif.

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

Annex D: E-mail from Chair of MSFOMA to Lesley Griffiths AM.

From: Alan Winstone <alanjwinstone@gmail.com>
Sent: 22 June 2018 20:11
To: PS.CabSecEPandRA@gov.wales
Cc: jim@awjmarine.co.uk
Subject: VISIT OF CABINET SECRETARY TO PORTH PENRHYN 21ST JUNE 2018

Dear Lesley,

On behalf of MSFOMA and the shellfish farmers on the Menai Strait I just wanted to thank you for the visit to Porth Penrhyn on Thursday – it was much appreciated. I hope you found it useful in giving you an overview of the challenges and opportunities facing the shellfish farming industry on the Strait.

We were also pleased that you were able to give us a commitment to make a decision on the Menai Strait West Order application within 2 months.

You said that you would be interested in coming back for a trip on one of the mussel dredgers to see the mussel farming operations in more detail. The trip would take up to 2 hours and the boat is able to leave and enter the dock up to 3 hours each side of high tide. So any 2 hour 'slot' within the following 6 hour tidal windows would be possible on the dates below:

July 9th – 0500 – 1100
July 10th – 0600 – 1200
July 11th – 0700 – 1300
July 12th – 0800 - 1400
July 13th – 0845 – 1445
July 14th – 0930 - 1530
July 15th – 1045 - 1645
July 16th – 1130 - 1730
July 17th – 1215 – 1815
August 10th – 0745 – 1345
August 11th – 0830 – 1430
August 12th – 0915 – 1515
August 13th – 1000 – 1600
August 14th – 1045 – 1645
August 15th - 1145 – 1745
August 16th – 1230 – 1830
August 17th – 1300 - 1900

Please let me know if any of these dates/times are possible and we can then make the necessary arrangements. You may also be interested in seeing the photos taken at your visit via the following link:

<https://photos.app.goo.gl/qitYi2cuh7peQz7G8>

Once again many thanks.

With best wishes.

Alan Winstone
Chairman MSFOMA

North West Inshore Fisheries and Conservation Authority Activity

Background

The North West Inshore Fisheries and Conservation Authority (NWIFCA) are responsible for managing sea fisheries including mussel fisheries in the coastal waters lying between the Dee and the Solway Firth. This area includes the UK's largest seed mussel resource, which is vital to the ongoing success of the Menai Strait mussel fishery. This report provides a brief update on NWIFCA activities that could have an impact on the Menai Strait mussel fishery.

Recommendations

1. That the report is received.

1. IFCA Meetings

- 1.1 Since the last meeting of the Association the NW-IFCA has held one Quarterly Meeting (on the 28th May 2018). The Technical, Scientific and Byelaws Sub-Committee met on the 15th May 2018. The Bivalve Mollusc Working Group has also met (details of meetings of this group are not provided on the IFCA website however).
- 1.2 Some of the matters that are relevant to the Menai Strait mussel fishery that have been considered by the NW-IFCA are summarised briefly below.

2. Changes to Byelaws

- 2.1 It was noted at the last Association meeting that the IFCA has now introduced a new byelaw on the use of dredges. This will form the basis for managing any seed mussel dredging activity during 2018.
- 2.2 The NW-IFCA is continuing to work on a revision of its existing Byelaw 3 which establishes a permit scheme for cockles and mussels. There has been no significant progress with this since the last MSFOMA meeting.

3. Bivalve Mollusc Working Group

- 3.1 A meeting of the Bivalve Mollusc Working Group took place in June 2018. The meeting considered opportunities for seed mussel harvesting this year. Representatives from MSFOMA participate in BuMWaG and will provide a verbal update on any issues arising.

MSFOMA Secretariat
June 2018

Menai Strait Oyster & Mussel Fishery Order 1962

Background

The Menai Strait Oyster and Mussel Fishery Order was made in 1962, and provides the legal foundations for the mussel fishery in the eastern Menai Strait. The Order was made for a period of 60 years and is due to expire in 2022. MSFOMA needs to consider options for renewal of the Fishery Order to protect the local businesses and jobs that depend upon it.

Recommendations

1. That the report is received
2. Comments are invited on progress to date and proposals for work in the next quarter.
3. Members' views are sought on a proposal to review the Code of Good Practice for mussel seed movements.

1. Introduction

- 1.1 The Menai Strait Fishery Order sets out provision for both the cultivation of mussels and oysters and for the regulation of the fishery for wild mussels in the eastern end of the Menai Strait. It has been the most successful Fishery Order in the UK, allowing the Menai Strait mussel industry to develop and flourish.

2. Lease fees

- 2.1 At the meeting of the Association in February 2018 it was resolved that lease fees should be increased in line with inflation (2.8%pa) for the remainder of the duration of the Fishery Order. The income from the leases is used to fund the administration and renewal of the Fishery Order.
- 2.2 At the last meeting of the Association it was agreed that there should be a deferral of requests for lease fees for the two new cultivation areas in the Menai Strait. A letter has been received from the lessee of one of these areas asking the Association to consider the long term lease fee arrangements for this area. The letter is attached at Annex A for Members' consideration. A map of cultivation areas is provided at Annex B for reference.

3. Renewal of the Fishery Order

- 3.1 The existing Fishery Order will expire on 31st March 2022. The experience of the mussel farmers in the Western Menai Strait indicates that it can take many years for a Fishery Order to be renewed.
- 3.2 At the July 2016 meeting of the Authority it was resolved that work should start on the process of renewing this Fishery Order.
- 3.3 At meeting of the Association earlier in 2018 the documents supporting the application for renewal of the Order were discussed by the Association and comments were made on them. Following a recent meeting with Welsh Government officials, the Secretariat is now completing the application process.
- 3.4 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order. It is important that this is kept under review to ensure that adequate progress is being made. A copy of the timetable is attached at Annex C, along with an update on progress.
- 3.5 Members are advised that a meeting with Beaumaris Town Council has been scheduled for the evening of the 2nd July, immediately following the Association meeting.

4. Code of Good Practice for mussel seed movements

- 4.1 The Menai Strait mussel fishery operates in accordance with a Code of Good Practice which was drawn up in collaboration with the Countryside Council for Wales in 2008. The purpose of this Code is to manage the risk of Invasive Non Native Species (INNS) being translocated as a consequence of mussel seed movements. The Code identifies eight INNS that have the potential to become present in mussel seed areas and could subsequently be transported into North Wales.
- 4.2 It was agreed at the last meeting of the Association that this code should be reviewed. This review has not yet been progressed.
- 4.3 Given the importance of this issue, it is proposed that this should remain a standing agenda item until the review process is completed.

MSFOMA Secretariat
June 2018

Annex A: Copy of letter received from Menai Mussels Ltd in connection with lease fees.

36 Star,
Ty Croes
Llanfair PG
Ynys Mon
23 June 2018

Mr Jim Andrews
c/o MSFOMA
Porth Penrhyn

Dear Sir

We write in relation to Ballast Bank of the Menai Strait (East) Several Order.

We are two fishermen seeking to establish our mussel fishing business and have taken the lease on the above area. We are not currently well established, but are keen to develop, and keen to work with everyone within Bangor Mussels Producers and MSFOMA. We are two local individuals with a long connection to the fishing industry locally.

We currently are billed in the region of £3700 per year (£1896.70 per 6 months). We are surprised as to the level of the lease, hence this letter. We therefore put forward our case for a reduction in the £3700 level. We would stress we are not after something for nothing, but we are looking for a fairer and more economically viable level, in order to allow us to establish our business successfully. We have done some of this work, but the limited availability of seed in the last two to three years has limited our ability to operate. We accept we are currently on a rent free period of 12 months, something which is greatly appreciated.

We would politely point out that Ballast Bank has historically been regarded as a storage area for mussels, rather than an area for rapid growth to finish the mussels prior to market. Additionally, all of the area cannot be currently used for growing due to the need to clear rocks and larger stones from the bed. This represents a substantial investment in time and resources, one which we are keen to work with our mussel partners within the Bangor Mussel Producers / MSFOMA umbrella to mutual advantage.

The main gutter area is good growing area, we accept, but represents a small proportion overall of the surface area of the bed as a whole. However, this is not the general run of the bed, and is unlike the beds occupied by our partners in Bangor.

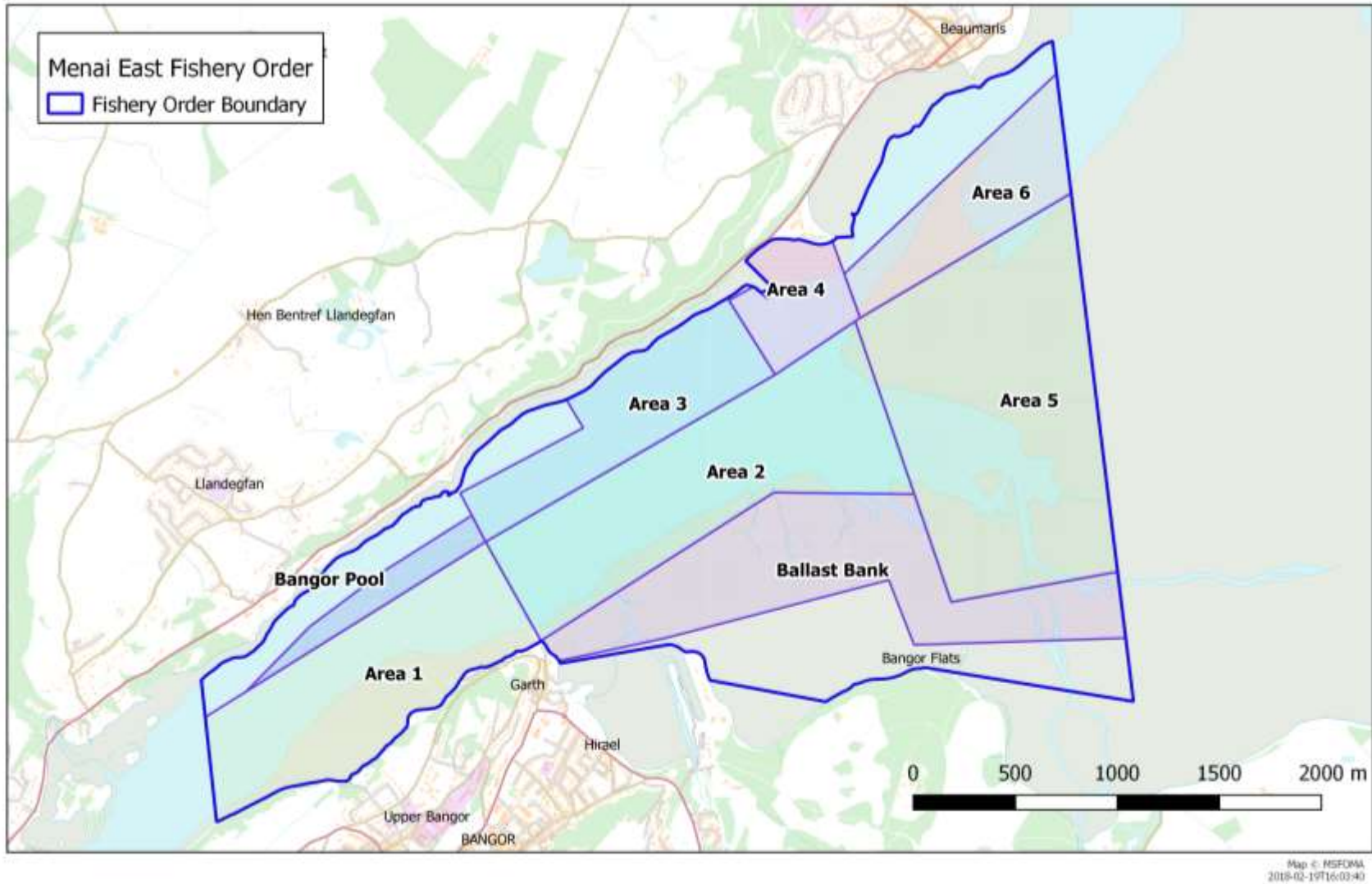
In summary, we would like to see an affordable level of the lease to something in the region of £1000 every 6 months. As we establish then we accept this may rise.

Yours Sincerely

Dewi Morris

Keith Andrews

Annex B: Map of cultivation areas (“layings”) in the Fishery Order area.



Annex C: Timetable for progressing the renewal of the Menai Strait Oyster and Mussel Fishery Order 1962.

Year	Quarter	Activities	Update / Progress
2016	Q4	a) Formal notice to WG of intent to renew Fishery Order	<ul style="list-style-type: none"> • Letter sent to WG in October 2016.
		b) Preparation for consultation activity (mapping of Order boundaries, communication with Crown Estate & Land Registry over land ownership and occupancy).	<ul style="list-style-type: none"> • Mapping completed.
2017	Q1 & 2	c) Continue preparation for consultation (land ownership & occupancy).	<ul style="list-style-type: none"> • Initial consultation with Crown Estate • Title deeds obtained from Land Registry
		d) Initiate consultation with NRW	<ul style="list-style-type: none"> • Formal consultation with NRW in January 2017 • Initial meeting with NRW staff March 2017 • Draft Assessment of Likely Significant Effect (ALSE) sent to NRW in July 2017.
		e) Initiate liaison with landowners.	<ul style="list-style-type: none"> • Ongoing. • Initial round of meetings commenced in February 2017 • Meetings now held with all major landowners / tenants
	Q3	f) Initial consultation with statutory bodies & utilities	<ul style="list-style-type: none"> • Completed Q1 2018.
	Q4	g) Ongoing liaison with stakeholders, NRW, land owners.	<ul style="list-style-type: none"> • Ongoing liaison with landowners. • Preparations made for consultation with public bodies. • HRA almost completed with NRW
2018	Q1	h) <u>Submit formal application for renewal of Fishery Order.</u>	<ul style="list-style-type: none"> • Draft application forms presented to MSFOMA meetings in January & February. • Application submitted in April 2018.
		i) Initial consultation with wider stakeholder community (public, recreational users, NGOs)	<ul style="list-style-type: none"> • In preparation
	Q2	j) Liaison with WG. k) Keep stakeholders informed.	

Year	Quarter	Activities	Update / Progress
	Q3	l) Liaison with WG m) Keep stakeholders informed	
	Q4	n) (Possible) Formal consultation on Fishery Order.	
2019		o) Respond to consultation feedback. p) Address consultation issues either informally or through Public Inquiry.	
2020		q) Progress application process.	
2021		r) Progress application process.	
2022	1st April	s) DEADLINE FOR NEW ORDER	

Menai Strait West Fishery Order Application

Background

In 2012 the Association resolved to work with shellfish farmers from the western Menai Strait to renew the Menai Strait West Fishery Order, which lapsed in 2008. The renewal of the Order is essential to secure the future development of shellfish farming in this area.

A public consultation on the proposal to renew the Menai Strait West Fishery Order was carried out by the Association in October-November 2015. A significant number of objections were submitted. Since then the Association has been working with local stakeholders to address these concerns.

This report provides an update on progress.

Recommendations

1. That the report is accepted

1. Update on Renewal of Fishery Order

- 1.1 The Menai Strait (West) Fishery Order was established in 1978 for a period of 30 years. This Fishery Order provided the basis for the development of some oyster and mussel farming activity in the western Strait. The Order lapsed in 2008, preventing the further development of these businesses.
- 1.2 Members will be aware that over the past few years the Association has been working to renew this Fishery Order. A draft Fishery Order was published for consultation in 2015, and generated many objections from the local community. The Association has worked closely with the objectors to allay and address their concerns.
- 1.3 In July 2017 the Chair of the Association wrote to the Cabinet Secretary to ask her to determine the application for the Fishery Order. This report provides an update on recent progress in response to that request.

2. Update

- 2.1 On the 13th June 2018, a meeting and site visit was held between Welsh Government officials and representatives from MSFOMA (the Chair, Jon King & Trevor Jones). The site visit took place on the Gwynedd coastline in the western Menai Strait. WG officials visited "Plot D", where there have been concerns about the interaction between oyster farming and the operation of the outfall from Roberts of Port Dinorwic; and also observed "Plot A", where there have been concerns raised about the impact of mussel cultivation on recreational activities.
- 2.2 The meeting and site visit was very constructive, and established a firm basis for progress. WG officials gave no indication what the Cabinet Secretary's determination would be, but made a commitment to expedite progress.

2.3 On the 21st June 2018 the Cabinet Secretary visited Port Penrhyn (see item 8 on the agenda). At that meeting she made a commitment to determine the application for this Fishery Order within 2 months.

3. Costs

3.1 At the last Association meeting it was resolved that all of the proponents of the Fishery Order should be advised of the costs accrued to date and the procedure for managing costs. Expenditure needs to be kept under careful review and the four proponents informed of costs accordingly.

MSFOMA Secretariat
June 2018