

Menai Strait Fishery Order Management Association: Menai Strait (West) Oyster and Mussel Fishery Order Operating Plan

Purpose

1. This Operating Plan sets out provisions for shellfish farming operations in the proposed Menai Strait (West) Oyster and Mussel Fishery Order (“**the Fishery Order**”) that will apply throughout the duration of the Fishery Order and are intended to:-
 - a. mitigate and address the objections that were made to the Order during the formal consultation period in October-November 2015; and
 - b. Address concerns about shellfish farming operations that may arise if the Fishery Order is subsequently approved by the appropriate Minister

Definitions

2. “**MSFOMA**” means the Menai Strait Fishery Order Management Association.
3. “**Liaison Group**” means the group of stakeholders with an interest in the western Menai Strait that has met on the 15th December 2015 and again on the 14th April 2016. The membership of this group is open to all. Terms of Reference for this group are set out in Annex 1 of this document.
4. “**Working Group**” means the group of representatives of the Liaison Group that may be established on an ad hoc basis to address specific tasks associated with the management of shellfish farming in the western Menai Strait. Terms of Reference for this group are set out in Annex 2 of this document.

Status

5. The provisions of this Operating Plan shall be incorporated in the statutory and legal management framework governing operations in the Order. It shall be incorporated in:-
 - a. The Management Plan approved by the appropriate Minister in support of the Fishery Order;
 - b. The leases issued to shellfish farmers by MSFOMA; and
 - c. Any other components of the statutory and legal framework deemed necessary to give a formal and binding effect to the provisions of this plan.
6. The incorporation of this Operating Plan in the statutory and legal framework for the Fishery Order shall make any act or omission that is not compatible with the terms of the Operating Plan a breach of the relevant provision (i.e. the Order and / or any leases issued under the authority of the Order).

Management of Shellfish farming activities

General provisions applying to entire area

7. In order to ensure that recreation and such activities can continue unhindered, neither the grantee of the Order nor any shellfish farmers operating in the areas shall take any action to prevent access to the Fishery Order areas in connection with activities (including recreational activities) that will cause no significant or malicious harm to either the shellfish under cultivation or any equipment being used for cultivation activities (such as oyster frames and bags). Nor will the grantees or

lessees take any enforcement action against any third parties who may innocently or inadvertently cause disturbance to the shellfish under cultivation or equipment used or cultivation activities.

8. In order to address concerns that shellfish cultivation activities could interfere with sailing races in the Menai Strait, neither the grantee of the Order nor any shellfish farmers operating in the areas shall take any action to prevent the installation of temporary racing marks within or adjacent to the areas. For the purpose of section 7(4) of the Sea Fisheries (Shellfish) Act 1967, it is agreed that the laying of race marks in the Fishery Order area for the purpose of recreational use is not prejudicial nor likely to be prejudicial to any such shellfish, bed or fishery, and the laying of race marks shall be deemed to be for a lawful purpose of navigation.
9. The existence and extent of the Fishery Order and its implications for members of the public shall be communicated at appropriate locations on the nearby seashore, in consultation with the Working Group. Additional communication mechanisms (such as direct communication and the use of electronic media) shall also be used, as appropriate.
10. In order to address concerns raised by recreational users and navigation authorities with respect to any navigation marks that may be required in the area, any navigation marks (such as buoys or perches) that the appropriate Minister requires to be installed in the Fishery Order area shall be compatible with the requirements of the local navigation authority.
11. In order to address concerns raised by recreational users of the area that mussel dredging operations will either interfere with, or pose a hazard to, watersports activities in the area, prior to shellfish farming operations that will require the use of vessels (either to relay or harvest shellfish), the operators shall consult with relevant recreational organisations (such as the Port Dinorwic Sailing Club, and Plas Menai) to plan operations in a way that will minimise and ideally avoid any interference with either casual or formal recreation activities in the area.
12. In order to address concerns raised about the potential hazard posed by old oyster frames on the shore, operators shall keep their area in good order and remove any redundant cultivation equipment from the shore that could pose a hazard to other users of the sea or seashore.
13. In order to ensure that the Operating Plan is adaptive, MSFOMA shall consult with the Liaison Group and if necessary convene meeting(s) of the Working Group prior to making any changes to the extent of shellfish farming operations in the Fishery Order area, to address impacts that these operations might cause.
14. In order to address concern that communication between MSFOMA and interested parties in the area has been poor, MSFOMA will maintain formal liaison arrangements to ensure regular meeting with stakeholders that have expressed an interest in this area through meetings of the Working Group and the Liaison Group. The location and frequency of such meetings will be agreed by the participants.
15. The preceding provisions are additional to, and can neither duplicate nor interfere with any statutory requirements to consult with the appropriate Minister, Welsh Government, Natural Resources Wales and/or other statutory bodies (or their successor bodies) by MSFOMA and shellfish farmers as required by the Fishery Order and any other relevant legislation.

Specific provisions for Plot A (mussel cultivation only)

16. In order to ensure that recreation on the Moel y Don sandbank is not affected by shellfish cultivation operations or ancillary activities, any leases issued for all or part of Plot A shall prohibit shellfish cultivation in the area to the north and east of a line drawn on a bearing 145°T (true) from point 53° 10.86667'N, 004° 14.0833'W to the low water mark (coordinates referenced to the WGS84 datum) (see Figure 1).

Specific provisions for Plot B (oyster and mussel cultivation)

17. No specific issues have been raised for this area.

Specific provisions for Plot C (mussel cultivation only)

18. No specific issues have been raised for this area.

Specific provisions for Plot D (oyster cultivation only)

19. In order to ensure that oyster frames are kept at an appropriate distance from areas where watersports activities may be taking place, oyster cultivation shall not take place further north and east of a line drawn 330° true from the point 53° 10.025'N 004° 14.885'W (coordinates referenced to the WGS84 datum) (see Figure 1).

Review of this plan

20. This Operating Plan shall be reviewed as required and at least on an annual basis by MSFOMA, the Liaison Group and Working Group. A review of the Operating Plan can be called for by any stakeholder during a Liaison Group meeting (see Terms of Reference for the Liaison Group at Annex I of this plan).
21. Any changes proposed to this Operating Plan shall be discussed by the Liaison Group and must be agreed by a majority of the members of the Working Group entitled to vote before being sent to the appropriate Minister for approval, subject to which approval the amended Operating Plan shall replace the previous version for all activities carried out under the authority of the Order.

MSFOMA
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Figure 1: Map of proposed cultivation plots (red) and operating lines for Plot A and Plot D. Image available to view on Google Maps here.

Annex I: Liaison Group Terms of Reference

Purpose

1. The Liaison Group has been established to provide a mechanism for regular formal and informal communication between stakeholders and shellfish farmers in the western end of the Menai Strait.
2. Meetings of the Liaison Group will provide an opportunity for:-
 - a. Raising issues of concern and requesting management and/or mitigation action in response to them;
 - b. Exchanging information between shellfish farmers and other stakeholders;
 - c. Discussing opportunities for better integration between shellfish farming activities, other users of the Menai Strait, and local community interests; and
 - d. Discussing management and/or mitigation proposals agreed by a smaller “Working Group” comprising representatives of the Liaison Group.
3. To provide a mechanism for gathering stakeholders’ views about shellfish farming in the Western Menai Strait for subsequent dissemination to the relevant statutory and non-statutory management organisations (e.g. Welsh Government, RYA), either by Liaison Group members or the Working Group.

Membership

1. Membership is open to all individuals and organisations that have an interest in the western Menai Strait.

Meetings

1. Liaison group meetings shall take place on an *ad-hoc* basis and at least annually.
2. Meetings shall be chaired by a representative of the Felinheli Community Council or its successor organisation.
3. Brief notes of meetings and agreed actions will be circulated to all participants and published by MSFOMA by appropriate means.
4. At least 3 weeks’ notice of meetings shall be given. Notices of meetings will be circulated to all previous participants and published by MSFOMA by appropriate means.

Review

1. These terms of reference will be reviewed annually by the Liaison Group.

Annex II: Working Group Terms of Reference

Purpose

1. The Working Group shall meet to discuss and identify possible solutions to
 - a. the concerns raised during the consultation on the proposed Fishery Order during 2015; and subsequently
 - b. ongoing management issues associated with shellfish cultivation in the Fishery Order if it is subsequently approved by the appropriate Minister
2. To prepare, agree, and keep under review, a set of mitigation and / or management options that will be implemented under the management regime for the proposed Fishery Order.
3. To produce an initial set of proposals for consideration by the Liaison Group in July 2016.
4. To provide a mechanism for communicating stakeholders' views about shellfish farming in the Western Menai Strait to the relevant management organisations (both statutory and non-statutory).

Membership

1. The membership of the Working Group emerged from the Liaison Group meeting held on 14th April 2016. This includes:-
 - a. Chair: Cyngor Cymuned Y Felinheli Community Council
 - b. MSFOMA representatives (3)
 - c. Porth Dinorwic Sailing Club representatives (3)
 - d. Y Felinheli residents (1)
 - e. RYA Cymru Wales (1)
 - f. RYA Cruising, Legal & Government Affairs Dept (1)
 - g. Plas Menai (1)
 - h. Plas Coch (1)
 - i. Ribride / Porth Daniel (1): Phil Scott
 - j. Anglesey Sea Salt (1)
 - k. Secretariat (non voting)
2. Additional members may be invited or co-opted to participate in meetings as required, with the agreement of the Working Group Members.

Meetings

1. Meetings shall be chaired by a representative of Cyngor Cymuned Y Felinheli Community Council or its successor organisation.
2. The quorum for a meeting shall be 7 (including the Chair).
3. Where a consensus view cannot be reached, resolutions shall be made in accordance with the majority of members present (and entitled to vote), except in the case of a revision to the Operating Plan where the revision must be agreed by a majority of the members of the Working Group entitled to vote.
4. In the event of a tie, the Chair shall have a casting vote.
5. Brief minutes and agreed actions shall be recorded and circulated to participants.

Review

1. These Terms of Reference shall be reviewed by the Working Group at least annually.