

# Menai Strait Fishery Order Management Association

Agenda & Papers- 22<sup>nd</sup> April 2020, 1000

## Quarterly Meeting

Telephone Conference: [REDACTED]

1. Chair's announcements
2. Apologies
3. Declarations of interest
4. Minutes of last meeting ([attached](#))
5. Matters Arising
6. Register of interests (verbal)
7. Financial update (verbal)
8. Public Profile of the Association (verbal)
9. Welsh Government Activity ([report](#))
10. North West IFCA Activity ([report](#))
11. Menai Strait East ([report](#))
12. Menai Strait West Fishery Order ([report](#))
13. Project funding update (verbal)
14. Fishery management issues
  - a. Coastal / marine developments
    - i. Bangor Pier maintenance
    - ii. Bangor Pier - Tea Room restoration
    - iii. Sand in the dock
  - b. Environmental / health issues
    - i. Bangor Beach Road to Treborth rising main repair
    - ii. Shellfish hygiene classifications
    - iii. *Bonamia* in the western Strait
    - iv. Non-native species
    - v. Norovirus - update
15. Any Other Business (verbal)
  - a. Correspondence
  - b. Future meetings - best medium to use (phone / Skype / Zoom / other)
16. Dates for next meetings:-
  - a. Q2 2020 - 17<sup>th</sup> June
  - b. Q3 2020 - 16<sup>th</sup> September
  - c. Q4 2020 - 2<sup>nd</sup> December [AGM]

# Menai Strait Fishery Order Management Association

Meeting, 4<sup>th</sup> December 2019  
Marine Centre Wales, Menai Bridge

## Minutes

### Attendance

#### Members

Alan Winstone\*

Chair

#### Observers

Gareth Roberts

Bangor City Council / Gwynedd C.C.

Iwan Huws

Isle of Anglesey County Council

Kim Mould

BMWAG

Michelle Billing

Welsh Government

Rowland Sharp

Natural Resources Wales

Trevor Jones

Menai Strait (West)

#### Advisors

Jim Andrews\*

MSFOMA Secretariat

#### Notes

*\* These individuals are also Directors of the Association*

### 1. Chair's announcements

The Chair announced that the AGM of the Association had just taken place. New Articles of Association had been adopted and the Chair and Jim Andrews had both been appointed Directors of the Association.

Prior to the meeting Rowland Sharp had informed the Chair that he was due to take on a new role at NRW from January 2020. The Chair and all present thanked Rowland for the expert input he has given to the Association since it was formed (and to the mussel industry for many years prior to that) and wished him success in his new position.

### 2. Apologies

Howard Mattocks

Beaumaris Town Council

Ioan Thomas

Gwynedd County Council

James Wilson\*

Bangor Mussel Producers Ltd

Julian Bray

Welsh Government

Keith Andrews\*

Licensed hand pickers

Laura Harris

Welsh Government

Lewis le Vay

Bangor University

### 3. Declarations of Interest

The Chair drew attention to the opportunity to declare an interest in agenda items on the meeting attendance register.

### 4. Minutes of last meeting

The minutes of the meeting that took place on the 17<sup>th</sup> September 2019 were accepted.

## **5. Matters Arising**

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

Some items raised at the September meeting were discussed:-

### **Community Fund**

It was agreed that it would be good for the Association to explore how it might make contributions to local community projects - such as local authority playgrounds; interpretation material / signage for the Menai Strait, and also school education projects. It was agreed that such ideas should be further considered at the next meeting and a sum allocated from the budget to support them.

**Action: Secretariat, All**

### **Sand in Penrhyn Dock**

It was reported that sand was still accumulating in the dock from the storage area on the western arm of the dock at Port Penrhyn. There was some discussion about whether this was a deposit in the sea that, whether accidental or not, should require a Marine Licence. It was felt that it would be appropriate to continue to try to find a voluntary rather than a regulatory solution to this problem in the short term and to review the situation at the next meeting.

**Action: Secretariat**

### **Moorings and pots in the Strait**

A query was raised about uncertainty in some quarters about whether the Fishery Order made the existing boat moorings in the Strait illegal, and also about illegal potting amongst the moorings.

The Secretariat provided an assurance that the moorings situated in the Fishery Order area were not illegal, and that both the Association and its predecessor organisation had provided assurances to Beaumaris Town Council and interested local residents on a number of occasions in the past. It was agreed that a copy of the correspondence to Beaumaris Town Council should be provided to Cllr Mattocks.

**Action: Secretariat**

With regard to potting activity, it was noted that MSFOMA has no remit or power to authorise or regulate potting for crabs or lobsters in the Menai Strait. This activity is managed by the Welsh Government. Jim Andrews provided a quick recap of the WG byelaw regulations which require that all pots are marked with buoys bearing the PLN of the vessel. There is no legal requirement for pot fishermen not to set their pots among moorings, but most pot fishermen do not do this as a matter of courtesy to other sea users.

## **6. Register of Interests**

Members were advised that their statements of interests are now shown on the MSFOMA website.

## **7. Financial Update**

Jim Andrews provided a verbal update on the status of the Association's financial position. The key points were income to the Association of £31,126 from lease fees in the past financial year, and a fall in total expenditure from £21,999 in 2017-18 to £16,726 in 2018-19. The Association had a surplus of £15,150 during 2018-19 and finished the FY with a bank balance of £44,023.

The AGM had agreed to a Financial Plan for the remaining duration of the Fishery Order under which the lease fees will continue to increase at 2.8%pa.

Quarterly financial statements will be provided at Association meetings during 2020.

**Action: JW, Secretariat**

## **8. Public Profile of the Association**

Jim Andrews provided a quick update. Andy Olivier has continued to maintain the Association's Twitter account. The number of tweets and profile of the Association continues to grow steadily.

All present were reminded of the value of the public profile of the Association and were asked to remember to send items of interest to Andy Olivier for him to Tweet.

**Action: All**

Any items can be sent directly to Andy Olivier ([avdsolivier@bangor.ac.uk](mailto:avdsolivier@bangor.ac.uk)).

## **9. Code of Good Practice for Non-Native Species**

Rowland Sharp reported that this document has now been revised and finalised. This code was felt to be a vital foundation for the management of environmental risks associated with mussel cultivation in the Menai Strait.

It was noted that the scope of the code is limited to mussel translocations and that other vectors which create a significant risk (such as commercial and recreational vessel movements) are beyond its scope and remit.

It was agreed that the Code should be made available on the MSFOMA website.

**Action: Secretariat**

## **10. Welsh Government Activity**

The Secretariat's report was noted and received.

### **a) Meetings**

Progress with the fisheries groups established by Welsh Government was reported by delegates who had attended these meetings as follows:-

- **Inshore Fisheries Groups** – is being kept under review.
- **Welsh Marine & Fisheries Advisory Group** – James Wilson is due to be attending the next meeting of this Group on the 5<sup>th</sup> December.
- **Aquaculture Advisory Group** – no meetings had been held recently.

It was again noted that for the WG food sector targets to be met it would be important to ensure that WG Fisheries and the sector-specific groups are integrated with them.

**b) Consultations**

It was noted that there are no current WG consultations underway of relevance to MSFOMA.

**c) Welsh National Marine Plan**

It was noted that this plan had been published on the 12<sup>th</sup> November. The policies set out in the plan are broadly supportive of shellfish cultivation. It was noted that the extent of the area considered to be suitable for shellfish cultivation in the WNMP remains excessively large, and may create a misleading impression that could lead to a view that the areas where shellfish cultivation currently takes place are less important than they actually are.

**d) WG officials**

It was noted that regular engagement with WG officials has continued and that this was proving to be beneficial.

**11. NW IFCA Activity**

The report on recent activities of the NW IFCA was received and accepted by the meeting.

It was noted that the CEO of the NWIFCA had replied to the Association's request that a more pragmatic approach to charging for mussel dredging permits should be considered. It was felt that the two NWIFCA Members present (Jim Andrews and Trevor Jones) should take this issue up with the NWIFCA at its upcoming meetings and report back to the Association.

**Action: TJ & Secretariat**

Rowland Sharpe reported that he has discussed the method for carrying out surveys for Chinese Mitten Crabs with IFCA Officers.

**12. Menai Strait East Fishery Order**

**• Renewal of the Order**

The report on this Fishery Order was received and discussed.

Michelle Billing (WG) reported that progress with the new order was on schedule and that internal consultation processes within WG were almost complete. Papers in support of the application had been sent to WG legal in November.

Michelle also reported that WG have an internal delivery plan for all Welsh fisheries and that work on Fishery Orders was part of this plan.

The news of progress was welcomed. It was agreed that regular (monthly) discussions should be held between MSFOMA and WG to ensure that progress was maintained and that deadlines were met. The Secretariat was asked to schedule meetings for this purpose.

**Action: Secretariat**

- **Engagement with stakeholders**

It was reported that a very constructive meeting had been held with the Royal Anglesey Yacht Club in October. Trevor Jones indicated that he had invited the RAYC members to visit Port Penrhyn, and was working with them to organise this event.

It was agreed that it would be appropriate to engage with the general public in the area now that there was certainty about the timescale for progress. It was further agreed that “drop in” sessions for the general public should be set up in Bangor and Beaumaris at the earliest opportunity.

**Action: Secretariat**

### **13. Menai Strait West**

The report was received and discussed.

Michelle Billing (WG) reported that discussions were underway about the conditions that would need to be associated with the new Fishery Order. The current legal advice indicated that the mechanism for ensuring that conditions associated with the Order would be met would be through the leases issued to operators. The terms of these leases would need to be approved by the Minister, which would give an appropriate level of Government control over activities.

The key issue for discussion remained the risks associated with the cultivation of Pacific Oysters. There was a lengthy discussion of both the practical issues associated with management of this risk (such as use of triploid oysters), and how such mitigation measures should be taken into account in both the management of the Order and also its assessment against the relevant environmental legislation.

It was agreed that this matter needed a swift resolution. The Secretariat was asked to set up a phone conference to discuss these issues before Christmas. It was agreed that this should involve the applicants for the Fishery Order, WG officials and NRW.

**Action: Secretariat**

### **14. Funding proposals**

Lewis LeVay had given his apologies to the meeting. He had attended the AGM over a video link earlier in the day and had agreed that he would provide a full update on the funding proposals being progressed by the University at the next meeting.

## **15. Fishery Management Issues**

### **1. Coastal / marine developments**

#### **i. Bangor Pier**

Further to the discussion at the September meeting, it was understood that Bangor City Council were keen to discuss options for managing any waste water discharge that could result from reinstating the tearooms on the pier. It was agreed that a response should be sent on this matter, and an invitation should be extended to the pier master to attend the next meeting in March.

**Action: Secretariat**

#### **ii. Dickies Boatyard Development**

There had been no further consultations about this project.

#### **iii. Beaumaris Pier**

Iwan Huws reported that the pier was due to be painted in May 2020, and that the Council is presently tendering for contractors to carry out this work.

Iwan also reported that a meeting of the Pier User Group had taken place on 2<sup>nd</sup> December, and that on the 12<sup>th</sup> December there would be a further meeting to develop a code of conduct for recreational users of the eastern Menai Strait. It was anticipated that this would result in new signage and information for recreational users in the area.

Trevor Jones had attended the recent meeting on behalf of MSFOMA. He noted that 3 senior officers from the MCA had attended and that the meeting had been productive. Trevor echoed the concerns raised at the meeting about certain recreational users in the area who have not had adequate training in the use of their craft, and welcomed the steps being taken in this regard.

#### **iv. Sand in the dock**

Further to the earlier discussion it was agreed that action should be taken to address this issue as appropriate.

**Action: JW, Secretariat**

### **2. Environmental / health issues**

#### **i. Bonamia**

No further update.

#### **ii. Invasive Alien Species (IAS) / Invasive Non Native Species (INNS)**

No further update.

#### **iii. Norovirus**

No further update.

#### **iv. Shellfish hygiene**

It was noted that the Chair had written to the CEO of NRW to recognise the progress that had been made to improve water quality in the Menai Strait, and that an acknowledgement had been received.

## **16.Any Other Business**

### **a) Shellfish Association of Great Britain & Fishmongers' Hall**

It was noted that the Association has close links to the SAGB and that many of its members regularly attended meetings at Fishmongers' Hall. It was agreed that a letter should be sent to offer support to the staff at the Hall following the recent tragic terrorist attack.

**Action: Secretariat**

## **17.Dates for next meetings**

It was agreed that the Association meetings in 2020 should all take place on a Wednesday, as follows:-

- d. Q1- 18<sup>th</sup> March 2020
- e. Q2- 17<sup>th</sup> June 2020
- f. Q3- 16<sup>th</sup> September 2020
- g. Q4- 2<sup>nd</sup> December 2020 [AGM]



## Summary of Actions

| Item | Action   | Responsibility   |
|------|--|------------------|
| 1.   | Community Fund - identify projects that MSFOMA could support and assign budget to them.  | All, Secretariat |
| 2.   | Sand in Dock -contact Penrhyn Estate to raise further concerns about this issue.   | JW / Secretariat |
| 3.   | Moorings in the Menai Strait - provide copy of correspondence sent to Beaumaris Town Council to Cllr Mattocks.   | Secretariat      |
| 4.   | Articles of Association to be signed by all and sent to Companies House.   | Secretariat      |
| 5.   | Finances - present quarterly updates to MSFOMA meetings.   | Secretariat & JW |
| 6.   | Social media - send any items suitable for the MSFOMA Twitter feed to Andy Olivier ( <a href="mailto:avdsolivier@bangor.ac.uk">avdsolivier@bangor.ac.uk</a> ). | All              |
| 7.   | Code of Good Practice - upload to MSFOMA website.  | Secretariat      |
| 8.   | NWIFCA - encourage a more pragmatic approach to dredge permit fees.  | Secretariat & TJ |
| 9.   | Menai East - organise monthly discussions with WG officials to ensure progress is maintained.  | Secretariat      |
| 10.  | Menai East - progress stakeholder engagement, set up "drop in" sessions.   | Secretariat      |
| 11.  | Menai West - organise discussions with WG & NRW to address concerns about Pacific Oysters.   | Secretariat      |
| 12.  | Bangor Pier - respond on issue of waster water discharge, invite pier master to next MSFOMA meeting.   | Secretariat      |
| 13.  | SAGB / Fishmongers' Hall - send letter of support.   | Secretariat      |
| 14.  | Date for next meeting - 4 <sup>th</sup> December 2019  | Secretariat      |

## **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 were established to provide stakeholders with a forum for communicating and engaging with Welsh Government. They were disbanded several years ago, and at the same time the membership of the Welsh Marine Fisheries Advisory Group (WMFAG) was broadened and supported by ad-hoc "Task and Finish" groups. The most recent WMFAG meeting resolved to maintain this arrangement and to review its effectiveness in December 2020 (see Annex A).
  - b) **Welsh Marine Fisheries Advisory Group (WMFAG)** - this group was established to assist with the formulation of appropriate policies, plans, strategies and laws relating to marine fisheries in Wales. Information about this group is now available from <https://beta.gov.wales/wales-marine-fisheries-advisory-group>. The most recent WMFAG meeting took place on 19<sup>th</sup> September 2019. Minutes of the meeting were published in January 2020 and are appended at Annex A for information. No items directly relevant to MSFOMA were discussed at the meeting.
  - c) **Aquaculture Advisory Group** - this Group was established to help Welsh Government meet the targets it set in the 2013 Wales Marine and Fisheries Strategic Action Plan for aquaculture production of 2,000t of finfish and 16,000t of shellfish by 2020. No meetings of this group have taken place recently. The most recent WMFAG meeting confirmed that the AAG has been "...suspended following poor attendance and dissatisfaction." WMFAG further resolved to remove a reference to the AAG from its own Terms of Reference "...as that sub-group was disbanded."

- 2.2 A verbal update on recent meetings of these and related groups will be provided at the meeting by Members and Observers who attend these meetings.

### 3. **Consultations**

- 3.1 There are presently no open consultations for “Marine and Fisheries” on the Welsh Government website, nor have any consultation responses been submitted since the last Association meeting.

### 4. **Welsh Government Officials**

- 4.1 MSFOMA representatives met with Gareth Bevington (Deputy Director, Marine & International Fisheries) in Port Penrhyn on the 29<sup>th</sup> January 2020. This proved to be a very productive meeting which provided an opportunity to discuss key issues associated with the renewal of both of the Menai Strait fishery orders.
- 4.2 There have been regular formal and informal discussions with WG officials about various issues connected with the renewal of the two Fishery Orders in the Menai Strait (see items 11& 12 on the agenda).

### 5. **Communications with Cabinet Minister**

- 5.1 There have been no communications with the Cabinet Minister since the last MSFOMA meeting in December 2019.

MSFOMA Secretariat  
April 2020

**Annex A:** Welsh Marine Fisheries Advisory Group (WMFAG) – Notes of meeting held on 19<sup>th</sup> September 2019

WMFAG (4) 2019 – Item 3 - Paper 1

**Wales Marine Fisheries Advisory Group (WMFAG)**

**Notes of meeting held on Thursday 19 September 2019, Trawscoed Room, WG office, Rhodfa Padarn – 10am to 4pm**

| PRESENT   |  |
|---|--|
| Nick O'Sullivan, Chair, Welsh Marine Fisheries Advisory Group   |  |
| Jim Evans, Welsh Fishermans Association   |  |
| John O'Connor, Welsh Federation of Sea Anglers  |  |
| Holly Whiteley, Seafish Wales   |  |
| Rowland Sharp, Natural Resources Wales  |  |
| Kevin Denman, South West Wales Fishing Communities  |  |
| Dean Parry, Cardigan Bay Fishermans Association   |  |
| Gill Bell, Wales Environment Link   |  |
| Trevor Jones, MSFOMA  |  |
| Gareth Bevington, Deputy Director, Marine and International Fisheries, Welsh Government                           |  |
| Julian Bray, Chief Officer, Fisheries Operations, Welsh Government  |  |
| Colin Charman, Senior Fisheries Advisor, Welsh Government   |  |
| Michelle Billing, Fisheries Policy Manager, Welsh Government (Item 7)   |  |
| Lisa Barnwell, Marine and Fisheries Digital Manager, Welsh Government (Catch recording application demonstration) |  |
| Gary Douch, Head of EMFF, Welsh Government (Item 6)   |  |
| Hilary Evans, Business, Finance and Comms Manager, Welsh Government   |  |
| Marged Jones, Secretariat, Welsh Marine Fisheries Advisory Group, Welsh Government                                |  |

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| 1 | <b>Welcome and Apologies:</b><br><br>Chair welcomed all to the meeting and introductions were made.<br>Chair introduced Marged Jones, the group's new secretariat.<br>Apologies were received from:<br>Mark Roberts, North Wales Fishermen's Cooperative, Brett Garner, Llyn Fisherman's Association, Sion William, Llyn Pot Fisherman's Association, Carwyn Thomas, Welsh Local Government Association, Len Waters, West Wales Shellfisherman's Association |
| 2 | <b>Introduction – progress since the last meeting:</b>   |

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|   | <p>Gareth briefly explained the new SMT structure, highlighting that we now have a dedicated team, led by Julian, which will focus specifically on developing domestic fisheries policy. The group welcomed this as a positive step.</p> <p>Gareth gave an update on the vacant Deputy Director Role which is currently being recruited.</p> <p>Gareth also informed the group that we are getting dedicated legal resource which should speed up delivery of work in future.</p> <p>Action 1 – Marged to send the group an electronic version of the organogram.</p> <p>Gareth briefly explained that the Fisheries Bill would be mentioned in the Queen's Speech but with the current turbulent political situation it may fall and therefore we must make the most of our current legislation. A more in-depth conversation about this matter will take place in the next meeting.</p>  |
| 3 | <p>I) Approval of notes of meeting held on 25 June<br/>Amendment: Page 1, Brett Garner and Mark Roberts missing from list of present attendees – to be added on<br/><b>APPROVED</b></p> <p>II) Progress on Actions from previous meeting</p> <p>Julian took members through the actions from the previous meeting, most of which had been completed.</p> <p>Action 5 – Julian explained that the Aquaculture Advisory Group had been suspended following poor attendance and dissatisfaction.</p> <p>Action 6 – Julian explained this will be considered after Brexit as part of the cockle management project. Kevin asked whether an intertidal fisheries advisory group would be restricted to cockles only, as there are other intertidal fishing activities taking place such as bait fishing in the South, and Periwinkle picking in the North. Initially the engagement will focus on cockles.</p> <p>Action 8 – Agreed that this should not have been a formal action. Jim advised that the WFA had not sent a formal response to the Climate Change, Environment and Rural Affairs Committee Report.</p> <p>Action 9 – Gareth confirmed that Welsh Government had responded to the report, and read out the response to members. This led to a further discussion amongst members were the following points were made:</p> <ul style="list-style-type: none"> <li>- Gill mentioned the beach cleans held by the MCS and how fishing gear are the largest source of marine litter.</li> <li>- There was some criticism that the committee's report was simplistic.</li> <li>- It was agreed that WMFAG, via a Task and Finish group would work with the Clean Seas Partnership to ensure the fishing industry is engaged with the work to reduce marine litter.</li> </ul> <p>Action 2 – Gareth to talk to Peter Davies from the Clean Seas Partnership to see if a subgroup could be set up with members of WMFAG.</p> <p>Action 3 – Gill to forward information about the sources of marine litter to the Secretariat who will circulate it.</p> |
| 4 | <p><b>Trial change to Fisheries Liaison Group Structures:</b></p>  |

Julian explained the history of the Inshore Fisheries Liaison Groups, and that the current model, i.e. disbanding the IFGs at the same time as broadening the membership of the WMFAG supported by task and finish groups, was still strictly speaking a trial which had not been finalised. This decision was reviewed in October 2017, and was meant to be reviewed again in October 2018 but this did not take place. He asked the group to consider whether the trial structure should be consolidated and confirmed as the 'operating model' or if another operating model should be considered. The group discussed the trial structure and the following points were made:

- Jim agreed that the current structure worked well and was happy for the trial to come to an end.
- Gill questioned whether WMFAG was the right place to discuss local issues and expressed concern that local people may feel like they are not being represented in the group.
- Trevor also questioned whether or not WMFAG truly represented the majority of the fishing community, pointing out that none of the North Wales representatives were present at the current meeting, meaning discussions would not be as complete as they could be.
- General feeling was that communication between WG and stakeholders was poor, and that there needed to be better and direct communication of outcomes from the group following each meeting.
- Julian suggested producing a one page summary that could be sent out to members after each meeting for them to forward to their contacts. Members agreed this would be beneficial.
- Gareth expressed a preference to stick with the current structure of the group, and supported the creation of a one pager to be sent out promptly following each meeting.
- It was agreed the current structure should be kept, but a review of this would be a standing item at each December meeting.

Action 4 – Julian/Marged to create an example of a one page summary of the meeting to send out to members for feedback.

Action 5 – Julian will write to IFG members to confirm the trial operating model will be consolidated as the permanent engagement structure and reviewed each year.

#### Revisions to Terms of Reference for the WMFAG

Following an action from the last meeting, Gareth made amendments to point 7 of the ToR, which the group accepted.

The following amendments were also made to the ToR and agreed by members:

- Page 3, 2.4, 'Aquaculture Advisory Group' was removed from the title of the group as that sub-group was disbanded.
- Page 3, 3.1, Seafish was added on to the list of associations who can have one representative in the group.



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|   | <p>The members present signed an updated copy of the ToR, however, Marged will send a hard copy to members who were not present for them to sign and return.</p> <p>Action 6 – Marged to send copies of the revised ToR to absent members for them to sign and return in a pre-paid envelope.</p>   |
| 5 | <p><b>Control and Enforcement</b></p> <p>Gareth explained that approval had been given to secure an additional 14 members of enforcement staff but that recruitment of these staff would take some time. He confirmed that these new staff would receive training to become fully warranted officers.</p> <p>A discussion took place around MEOs enforcing conservation measures, as well as illegal fishing.</p> <p>A number of members highlighted concerns about the current lack of MEO's on the ground, and welcomed the prospect of this additional resource, emphasising how important it was for MEO's to foster relationships with fishers.</p> <p>Julian explained that enforcement has been particularly stretched in North Wales. In addition, MEOs have been working through a back log of case files that needed to be processed. The majority of these cases have now gone through the courts and have resulted in prosecutions.</p> <p>Jim queried the frequency of patrols, referring to the statistics given in the paper. Julian explained the figures should be viewed as minimum numbers and may have missed out some Rib patrols. It was agreed it was important to ensure the statistics provided are more accurate in future.</p>   |
|   | <p><b>Demonstration of the new Electronic Catch Recording system</b></p> <p>Lisa Barnwell gave a presentation on the new electronic catch recording system, including a video demonstration of how the application worked.</p> <p>The following points were made by members of the group:</p> <ul style="list-style-type: none"> <li>- Concerns were raised in regard to those fishers that do not own or have access to smartphones or computers. Questions were asked on how they would be able to comply with the new regulations. Lisa assured members that there would be training and support provided.</li> <li>- Jim asked whether or not an impact assessment was carried out beforehand. Lisa said she would find out if one was carried out.</li> <li>- The point was made that there needed to be clear definitions and rules in the regulations accompanying the new system, mainly due to health and safety risks which could arise from having to input catches to the system before unloading from a vessel where a slipway is used for example.</li> <li>- A discussion was had on additional functions that could be added on to the application in order to collect further data. Lisa clarified that it is possible to potentially add additional features in future.</li> <li>- The need to collect good quality data was emphasised in order to achieve complete fisheries management.</li> </ul> |

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|   | <p>Action 7 – Lisa to send Marged the presentation to circulate to members electronically.</p> <p>Action 8 – Lisa to find out whether a Regulatory Impact assessment was carried out beforehand.</p>   |
| 6 | <p><b>Update for new EMFF Successor Scheme</b></p> <p>Gary Douch gave a presentation on the EMFF successor scheme and possible future schemes. The following feedback was given:</p> <ul style="list-style-type: none"> <li>- Kevin made the point that infrastructure in Wales needs expanding. Explained that fishing activity is restricted in the south because of access to resources. Suggested that auctions needed to be developed to expand markets.</li> <li>- The group discussed lockable skips which used to be provided in harbours for fishers to dispose of their rubbish including debris found at sea although there was no agreement on who should pick up the costs for these (Link to Action 2).</li> <li>- It was commented that the scheme was too slow and needed to be streamlined in future and that future schemes needed to be at a devolved level in order to make the chain shorter and speed up the process.</li> <li>- Gill asked whether the scheme could be extended to conservation by recording more data for sustainable fisheries.</li> </ul>  |
| 7 | <p><b>Domestic Fisheries Policy and Management</b></p> <p>Julian presented the paper.</p> <ul style="list-style-type: none"> <li>- Julian informed the group that 554 recreational potting permits had been issued in the last year.</li> <li>- Jim asked if the permit scheme could be revised to include a condition that all permit holders would have to use the new electronic catch recording system, as they don't currently have to record their catch.</li> <li>- Gareth acknowledged that things have not progressed as we had planned, but with Julian's new team focusing solely on domestic policy, things should now progress quickly.</li> <li>- Michelle Billing gave an update on the Whelk legislation work. SI to increase MCRS came into force in July, a further SI is currently being drafted as a priority.</li> <li>- Colin Charman reported good progress had been made on the Assessing Welsh Fisheries work. He thanked fishers for their co-operation in helping to ground truth some of the features and informed the group that the Prince Madog research vessel was currently surveying some of the areas of interest.</li> </ul> |
| 8 | <p><b>International Fisheries Policy/ 2020 Quota Negotiations</b></p> <p>Gareth briefly outlined the three possible Brexit scenarios.</p> <p>Gareth asked the group how we could best engage with members regarding Brexit discussions in advance of December council. Explained that there are</p>  |



|   |  |
|---|--|
|   | still questions on whether we would be represented there or not. Suggested setting up a Brexit Sounding Board with members to discuss this further.<br>Action 9 – Elin Gwynedd will set up a Brexit Sounding Board with some members of WMFAG. |
| 9 | <b>AOB</b><br>Julian informed the group that we received 57 responses for the Brexit and Our Seas Consultation and that a summary of responses would be published soon.  |
|   | <b>The Chair then drew the meeting to a close.</b>   |

## **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 10<sup>th</sup> December 2019.
- 1.2 No new management measures that are directly related to the activities of MSFOMA were discussed at the recent IFCA meeting.

#### **2. Changes to Byelaws**

- 2.1 The NW-IFCA is continuing to work on a revision of its byelaws regulating fishing for seafish using pots within its District. This byelaw has no implications for mussel fishing activities.

#### **3. Bivalve Mollusc Working Group**

- 3.1 There have been no meetings of the Bivalve Mollusc Working Group since the last MSFOMA meeting.

#### **4. Seed Mussels**

- 4.1 Mussel farmers from the Menai Strait visited the mussel skears in northern Morecambe Bay in early April 2020 to monitor the current extent of seed mussel settlement in the Bay. Initial reports are that there are signs of an extensive settlement of very small mussel spat in the Bay. There is also evidence that some of the 2019 mussel settlement has overwintered, and that there is a significant population of starfish feeding on the mussel skears.
- 4.2 NWIFCA scientific staff are reported to be working with the industry to monitor the extent of the seed mussel resource. The support of these staff under the current Covid-19 restrictions is commendable and has been welcomed by the industry.

MSFOMA Secretariat  
April 2020

## **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 is the basis for the most successful and productive aquaculture area in Wales.

The Order was made for a period of 60 years and is due to expire on 31<sup>st</sup> March 2022. MSFOMA needs to ensure that the Fishery Order is renewed on time to protect the local businesses and jobs that depend upon it.

This report considers the recent progress that has been made with the process for renewing this Fishery Order.

### **Recommendations**

1. That the report is received
2. Liaison with Welsh Government officials over the renewal process is noted.
3. Progress against the agreed timetable is noted.
4. Members are asked to confirm the scope of the Order required in terms of its nature (several or hybrid order); the species named within the Order; and its geographic extent.
5. Views are sought on the proposal to use video conferencing to facilitate stakeholder engagement during the period of lockdown to avoid delay to the renewal process.
6. Options for mitigating the risk of a delay in the renewal of the Fishery Order should be discussed.

### **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. Renewal of the Fishery Order**

- 2.1 The existing Fishery Order will expire on 31<sup>st</sup> March 2022. The formal application for renewal of the Fishery Order was submitted to the Cabinet Secretary for Environment and Rural Affairs (now the Minister for Environment, Energy & Rural Affairs) on the 9<sup>th</sup> August 2018.
- 2.2 During the period since this application was submitted there has been correspondence between the Association and Welsh Government about the process for progressing the application. A new procedure has been developed by Welsh Government for this process, and confirmation was received in October 2019. Since that date, WG and MSFOMA have been working closely together to progress the renewal of the Fishery Order.

- 2.3 A very constructive meeting was held with Welsh Government officials on October 17<sup>th</sup> in Port Penrhyn. During this meeting the timetable for renewal of the Fishery Order was discussed (a revised version is shown in Annex A). Key points identified at this meeting were:-
- a) The new Fishery Order must be ready for implementation at the latest by the date of expiry of the existing Order on 31<sup>st</sup> March 2022.
  - b) To achieve this deadline, the public consultation on draft Order: this should take place in June – July 2020. This would then allow adequate time for post-consultation activities and revision of the draft Order.
  - c) Before any public consultation on the new Order it would be appropriate for MSFOMA to provide feedback on the proposed Order. This implies that a proposed Order should be sent to MSFOMA for comment in February-March 2020.
  - d) Revision of the Order and provision of advice by WG lawyers could be a rate-limiting step in the process, as it has been for the Menai West application.
- 2.4 Since the last meeting of the Association in December the Secretariat has been liaising with WG officials to discuss progress. Telephone conference calls have also been held on the 8<sup>th</sup> January, 10<sup>th</sup> February, 9<sup>th</sup> March and 14<sup>th</sup> April to discuss progress.

### 3. **WG Progress**

- 3.1 A copy of the timetable for renewing the Order that was considered at the last Association meeting is attached at Annex A of this report.
- 3.2 WG officials will provide an update on progress with the renewal of this Fishery Order at the meeting.

### 4. **Current Issues / Challenges**

- 4.1 During discussions with WG officials since the last meeting, three issues have emerged which it is appropriate for MSFOMA to consider formally. These are the type of Fishery Order that is granted to the Association; the species that it applies to; and its geographic extent. These issues are briefly summarised here.
- 4.2 **Type of Fishery Order:** under the Sea Fisheries (Shellfish) Act 1967 it is possible to make three types of Fishery Order for different purposes:
- a) **Several Fishery Order** – this is a fishery that is “severed” from the public fishery and within which the Grantee of the Order has the right of fishery for the species named in the Order. This type of Order is used to allow shellfish cultivation.
  - b) **Regulated Fishery Order** – this is a fishery within which the Grantee can impose restrictions and regulations on fishing for the species named in the Order, and to charge a fee for permits to fish in the area. This type of Order is used to protect shellfish stocks, and to encourage husbandry of the named species.

- c) **“Hybrid” Fishery Order** – this is a term used to describe a fishery within which the Grantee has both the right of Several Fishery and of Regulating a fishery (i.e. both (a) and (b) above. The existing Menai Strait Oyster and Mussel Fishery Order is a “hybrid” Order. MSFOMA has applied for renewal on a like-for-like basis.
- d) **Issues to consider** – there are a number of issues to consider with respect to the type of Fishery Order that MSFOMA is granted:-
  - i. Utility – although the existing Fishery Order is a “hybrid”, MSFOMA is presently only issuing leases for the Several fishery, and has not issued licences for the Regulated fishery for a number of years.
  - ii. Economic flexibility – the shellfish industry faces challenges that it has never met before. Brexit is likely to change the market for shellfish, and Covid-19 will also impact markets and supply chains. The model for shellfish cultivation and management in the Menai Strait that has worked well for over 50 years may not be the ideal model for the future. It is important that a new Order provides a solid foundation for cultivation that allows the industry to respond to changes in market conditions.
  - iii. Complexity & timescales – the main risk to the shellfish industry in the area is that a new Order is not made by the end of March 2022. A “hybrid” Order may be more complex than a “several” order and it could take WG longer to process the application for a hybrid order as a consequence. It is appropriate for MSFOMA to consider the balance of costs and benefits of a “hybrid” Order in this context.

4.3 **Species listed in the Order:** the Shellfish Act allows Fishery Orders to be made for “...oysters, mussels cockles, clams, lobsters and any other molluscs or crustaceans of a kind specified in regulations made by the appropriate Minister...”. The rights referred to in para 4.2 above can only apply to the species falling in these categories that are named in the Order itself. The current Menai Strait Oyster and Mussel Fishery Order names “oysters” and “mussels” and does not identify the species of either type of shellfish. This point and other issues associated with the named species are summarised below:-

- a) **Mussels** – there are 3 native mussel species of the genus *Mytilus* that are found in northern Europe: the blue mussel *Mytilus edulis* (the species found in the Irish Sea and farmed in the Menai Strait); the Mediterranean mussel *Mytilus galloprovincialis* (found on the west coast of England, Ireland & Scotland outside the Irish Sea); the foolish mussel *Mytilus trossulus* (found in the Baltic Sea); and a hybrid between *M. edulis* and *M. galloprovincialis*, which is widespread outside the Irish Sea.

The different species are difficult to distinguish from one another in terms of their morphology, habitat preferences and ecological role. The distribution of *M. galloprovincialis* and its hybrid with *M. edulis* is expanding in the UK.

The only species of *Mytilus* farmed in the Menai Strait at present is *M. edulis*.

- b) **Oysters** – the only native oyster species in the British Isles is the flat oyster, *Ostrea edulis*. This species supported a massive fishery around the UK until the 19<sup>th</sup> century, but suffered a major decline in the early 20<sup>th</sup> century. In response

to this, various non-native oyster species have been farmed in the UK (initially the American oyster *Crassostrea virginica* and the Portuguese oyster *Crassostrea angulata*). Following disease problems with these species and successful trials conducted by the MAFF laboratory at Conwy in the 1960s, the Pacific oyster (*Crassostrea gigas*) has become the main cultivated oyster species in the UK. This species has good growth characteristics and was considered to be unable to become established in the wild because UK waters were too cold for it to reproduce successfully.

Since the 1960s, sea water temperatures have risen, and there have been problems in the UK and northern Europe with “feral” oyster populations becoming established in the wild at some locations. These feral oysters can impact natural habitats. The main solution to this risk is to cultivate “triploid” oysters which are sterile.

At present there is no cultivation of oysters of any species in the eastern Menai Strait (though oyster cultivation and husbandry was a major fishery in this area in the 19<sup>th</sup> century).

- c) ***Issues to consider*** – there are a number of issues to consider with respect to the species that should be named in a new Fishery Order for the eastern Menai Strait:-
- i. Utility – as noted above, no leases for oyster cultivation have been issued in the eastern Menai Strait for decades.
  - ii. Environmental change - it is possible that 10 or 20 years’ from now it may not be possible to profitably cultivate either *M. edulis* or *C. gigas* in the Order area: *M. edulis* could be usurped by *M. galloprovincialis* or their hybrid; and other oyster species may prove to be more appropriate to farm in this area than *C. gigas*.
  - iii. Economic flexibility – as noted above, the shellfish marketplace may change in the next few years, and a new Order must be capable of responding to economic as well as environmental changes.
  - iv. Scope of the Order – taking into account these issues, it would seem to be appropriate for the new Order to replicate the existing Order by referring to “mussels” and “oysters” (or perhaps “Mytilidae” and “Ostreidae” to seem more scientific) rather than specifying the species concerned. It should be noted that this would not provide *carte blanche* for MSFOMA to authorise the cultivation of new species, since any new Order will require that leases for shellfish cultivation are subject to the consent of the Minister.
  - v. Complexity & timescales – there is a risk that a wider definition of the named species could delay the process. It is hoped that the legal advice now being provided to WG officials may allay this risk, by showing that a “modular” approach to WG oversight of the industry can be implemented (i.e. that the Fishery Order is first subject to Ministerial approval, and then each new lease issued under that Order is also subject to Ministerial approval).

- 4.4 **Boundary of the Order** – the current boundary of the Menai Strait Oyster and Mussel Fishery Order is illustrated in Annex Z. The larger part of this area is leased for mussel cultivation. The remainder of this area forms the “Regulated Fishery” where mussels can be fished by any licensed operators. The issues arising from this are:-
- i. Utility – although the existing Fishery Order is a “hybrid”, MSFOMA is presently only issuing leases for the Several fishery, and has not issued licences for the Regulated fishery for a number of years. There is therefore an argument that this area may be surplus to requirements (but note the comments made above regarding environmental change and economic flexibility).
  - ii. Security, safety and coastal zone management – although no licences have been issued for the regulated fishery for a few years, the existence of the larger boundary has created an area within which shellfish gathering by itinerant gangs has never taken place. This means that the safety risks associated with such activity have not been an issue in this area, and neither have the adverse impacts on other coastal users which can be associated with such activity.
- 4.5 **Issues for consideration** – MSFOMA is asked to determine how best to approach these issues, taking into account the possible impacts on timescales:-
- a) **Type of Order** – should this still be a “hybrid order”?
  - b) **Species** – should these still be “oysters” and “mussels” (or perhaps the Families “Mytilidae” and “Ostreidae”) rather than limited to genera or species?
  - c) **Boundary** – should the existing boundary be retained?
5. **Engagement with stakeholders**
- 5.1 At previous meetings the Association has drawn up a timetable for progressing the renewal of the Fishery Order and ensuring that there is adequate engagement with stakeholders.
- 5.2 From this point in the process, it had been intended that meetings with stakeholders would be happening. With the implementation of the UK-wide lockdown in response to Covid-19 this is clearly not possible. Stakeholder meetings and “drop in” sessions seem very unlikely to be permissible or advisable for several months.
- 5.3 Despite these difficulties, it is imperative that progress is maintained with the renewal of this Order. The existing Order cannot be extended beyond its current 60-year duration for any purpose, including the pandemic.
- 5.4 The experience of Menai West shows the value of stakeholder engagement, and it would seem unwise to proceed to the public consultation phase of the statutory process without first liaising with local stakeholders. Experience also suggests that face to face dialogue with stakeholders is preferable to less personal communication media (such as e-mails, Twitter, website notifications or old-fashioned letters).
- 5.5 Members of the Association will be aware of the rising use of video conferencing services during the lockdown period (notably Skype and Zoom). These could provide

a viable alternative to actual meetings during the period of lockdown. It is therefore proposed that a MSFOMA account is registered with Zoom (the monthly fee is £11.99 for a package that enables up to 100 participants in a meeting), and that this medium is used as a platform for stakeholder engagement in the next few months.

## **6. Contingency Plans**

- 6.1 At the Association meetings earlier in the year it was resolved that contingency plans should be developed to address the risk of delay with the renewal of the Fishery Order. Discussions with the Association's lawyers are ongoing on this matter.

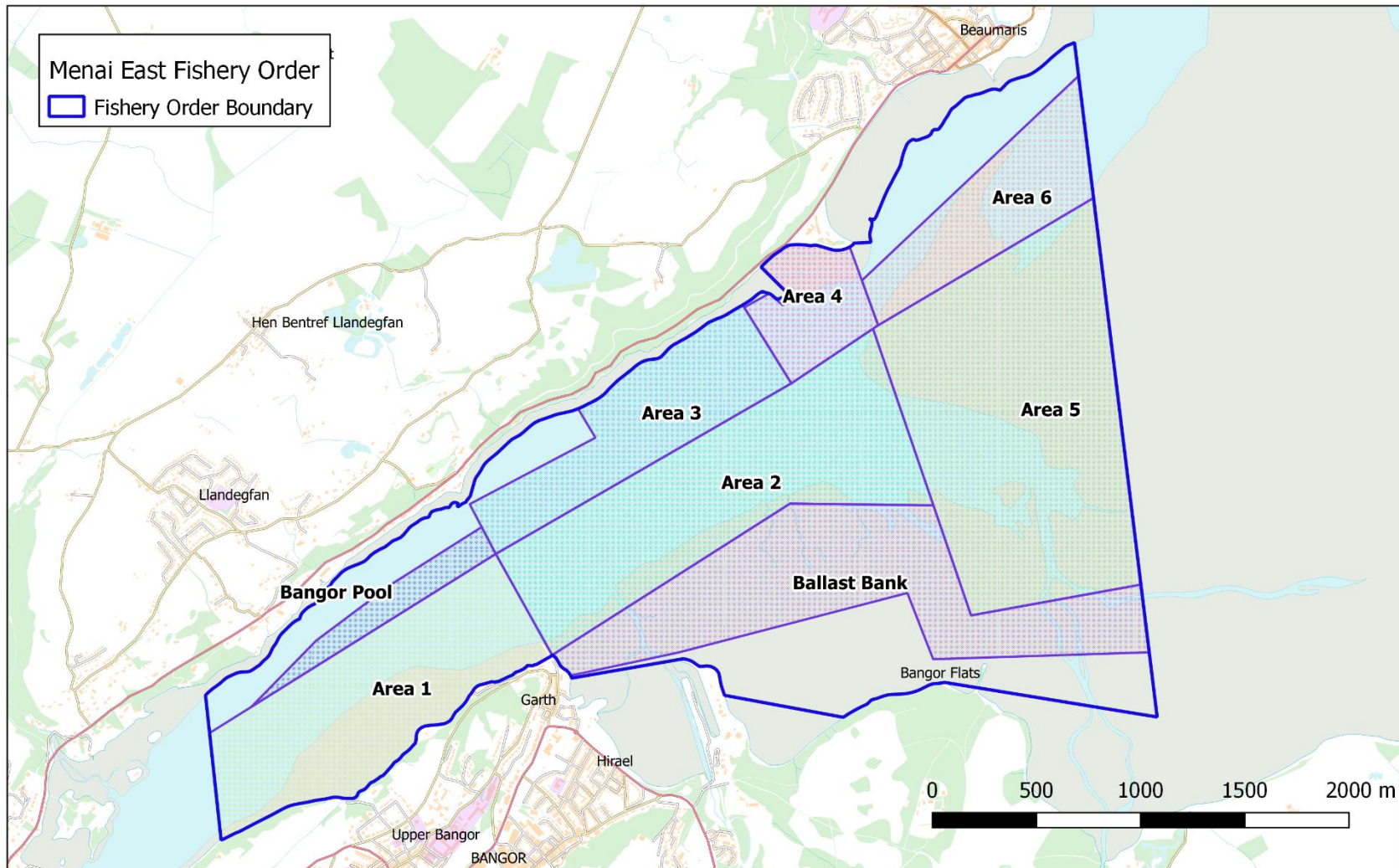
MSFOMA Secretariat  
April 2020



**Annex A:** Indicative schedule for the renewal of the Menai Strait Oyster & Mussel Fishery Order (from January 2020 discussions).

| Milestones   | Duration of step |          | Date              |                   |
|--|------------------|----------|-------------------|-------------------|
|  | Time             | w/m/d    | Start             | End               |
| <b>WG Internal processes</b>   |                  |          |                   |                   |
| Internal consultation period   | 32               | d        | 16/10/2019        | 17/11/2019        |
| Post-consultation activity - addressing feedback, legal advice, conditions                                 | 70               | d        | 17/11/2019        | 26/01/2020        |
| Agree drafting instructions for LS   | 21               | d        | 26/01/2020        | 16/02/2020        |
| Prepare draft SI (6 weeks)   | 42               | d        | 16/02/2020        | 29/03/2020        |
|  |                  | d        | 29/03/2020        | 29/03/2020        |
| <b>External processes</b>  |                  |          |                   |                   |
| MSFOMA comments on proposed order  | 1                | m        | 29/03/2020        | 29/04/2020        |
| Revision of proposed order after MSFOMA comments   | 2                | m        | 29/04/2020        | 29/06/2020        |
| Consultation on draft Order  | 1                | m        | 29/06/2020        | 29/07/2020        |
| Post-consultation activity (addressing consultation feedback, PI if necessary, Ministerial determination). | 12               | m        | 29/07/2020        | 29/07/2021        |
| Revision of Order after post-consultation activity - incl. translation & checking                          | 6                | m        | 29/07/2021        | 29/01/2022        |
| Signature MA/SI/EM etc to LS/LPGU  | 7                | d        | 29/01/2022        | 05/02/2022        |
| Signature MA/SI/EM etc to PS Office (within the above days)  |                  | d        | 05/02/2022        | 05/02/2022        |
| SI signed by Minister  | 2                | d        | 05/02/2022        | 07/02/2022        |
| SI register with OPSI  | 2                | d        | 07/02/2022        | 09/02/2022        |
| SI forwarded to LPGU for laying  | 1                | d        | 09/02/2022        | 10/02/2022        |
| 6  |                  | d        | 10/02/2022        | 10/02/2022        |
| Lay before WG  | 21               | d        | 10/02/2022        | 03/03/2022        |
| <b>New Order ready</b>   | <b>4.0</b>       | <b>w</b> | <b>03/03/2022</b> | <b>31/03/2022</b> |
| <b>Expiry of existing Order</b>  |                  |          | -                 | <b>31/03/2022</b> |

**Annex B:** Map of the current extent of the Menai Strait Oyster and Mussel Fishery Order 1962 and leased areas.



Map © MSFOMA  
2018-02-19T16:03:40

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

| Year | Quarter               | Activities  | Plan / Update / Progress   |
|------|-----------------------|---|--|
| 2018 | Q1                    | a) Prepare application for renewal of Fishery Order   | <ul style="list-style-type: none"> <li>Draft application forms presented to MSFOMA meetings in January &amp; February.</li> </ul>  |
|      |                       | b) Ongoing liaison with stakeholders, NRW, land owners.   | <ul style="list-style-type: none"> <li>Consultation carried out with public bodies (February 2018)</li> <li>Meetings held with Anglesey Boat Company, Ynys Môn County Council (landowners).</li> </ul> |
|      | Q2                    | c) Prepare application for renewal of Fishery Order   | <ul style="list-style-type: none"> <li>Review of application; discussions of requirements with Welsh Government.</li> </ul>  |
|      | Q3                    | d) <b><u>Submit formal application for renewal of Fishery Order.</u></b>  | <ul style="list-style-type: none"> <li><b><u>Application submitted in August 2018.</u></b></li> </ul>  |
|      |                       | e) Plan liaison with wider stakeholder community (public, recreational users, NGOs etc)   | <ul style="list-style-type: none"> <li>Organisations have been identified.</li> </ul>  |
|      | Q4                    | f) Liaison with wider stakeholder community.<br>g) Respond to WG queries about application.                                     | <ul style="list-style-type: none"> <li>Initial approaches made to key organisations.</li> <li>Arrangements for stakeholder events to be agreed by MSFOMA.</li> </ul>                                   |
| 2019 | Q1/Q2                 | h) Ongoing stakeholder liaison.<br>i) Respond to WG queries about application.  | <ul style="list-style-type: none"> <li>Attend Caernarfon Harbour Trust meeting.</li> <li>Liaison with WG officials about application</li> </ul>  |
|      | Q3/Q4                 | j) Respond to WG queries about application  | <ul style="list-style-type: none"> <li>Meeting held with Royal Anglesey Yacht Club.</li> <li>Ongoing liaison with WG officials</li> </ul>  |
| 2020 | Q1/Q2                 | k) Respond to WG queries about application  | <ul style="list-style-type: none"> <li>Ongoing liaison with WG officials</li> </ul>  |
|      | Q3/Q4                 | l) (Possible) Formal consultation on Fishery Order.<br>m) Progress application process.<br>n) Respond to consultation feedback. |  |
| 2021 | Q1/Q2                 | o) Progress application process.<br>p) Address consultation issues either informally or through Public Inquiry.                 |  |
|      | Q3/Q4                 | q) Progress application process.  |  |
| 2022 | 1 <sup>st</sup> April | r) 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. An application for renewal of this Fishery was submitted to Welsh Government in 2013. 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 recent progress.

### **Recommendations**

1. That the report is received
2. That MSFOMA and WG should continue to work together with the aim of producing a revised draft of the proposed new Fishery Order at the earliest opportunity.
3. That the Association considers whether the financial projection set out in this report for cost recovery from this Fishery Order application is appropriate.

### **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. An application for renewal of the Order was submitted to Welsh Government by MSFOMA in 2013.
- 1.2 After a series of discussions with Welsh Government officials in the years following this application, a draft Fishery Order was published for consultation in 2015. This consultation generated many objections from the local community. The Association worked closely with the objectors during the period 2015-17 to allay and address their concerns. In July 2017 the Chair of the Association wrote to the Cabinet Secretary to ask her to determine the application for the Fishery Order.
- 1.3 This report provides an update on recent progress with this application.

### **2. Update**

- 2.1 At the March 2019 meeting of the Association it was reported that the Minister for Energy, Planning and Rural Affairs Lesley Griffiths AM had made a commitment to complete the process for making a new Menai West Fishery Order by August 2019, pending a review of the Habitats Regulations Assessment that had been submitted with the application in 2013. This review was carried out by the Centre for Applied Marine Science at Bangor University, and was completed in Q2 of 2019, after which it was expected that a new Order would be drafted (a process expected to take 12-

16 weeks). After this, the draft Order would be laid before the Assembly for a period of 21 days.

- 2.2 At the Association meeting in September 2019 WG officials indicated that they were working with lawyers to determine the conditions that would be associated with the Fishery Order. It was anticipated that this would meet the December 2019 deadline proposed by the Minister.
- 2.3 In November 2019 WG officials provided some informal feedback from their legal advisors concerning a condition that could be included in the Order, requiring that Ministerial consent was given for leases before they were issued. This proposal was discussed at the last MSFOMA meeting and considered to be consistent with the approach set out in the 2015 Draft Order.
- 2.4 At the December 2019 Association meeting some concerns were raised about the mitigation approach for Pacific oysters. MSFOMA representatives have subsequently discussed these issues in detail with WG and NRW officials on several occasions (on 17<sup>th</sup> December 2019, 31<sup>st</sup> January, 13<sup>th</sup> March & 7<sup>th</sup> April 2020). The issues arising from these discussions have not yet been resolved and are considered in more detail below.

### 3. Pacific Oysters

- 3.1 The key issue that is presently delaying process is the need to determine an appropriate approach to managing and mitigating the risk of Pacific oysters (*Crassostrea gigas*) from cultivation areas becoming established in the wild as “feral” oysters (see the previous agenda item for some background on this issue).
- 3.2 Prior to submitting the application for the Fishery Order in 2013, MSFOMA had worked with NRW to agree a mitigation plan that was designed to manage the risk of Pacific oysters becoming established in the wild. This plan was based on monitoring the oysters in cultivation and the surrounding environment. If necessary (i.e. if there was evidence of cultivated oysters becoming mature and / or juvenile oysters colonising the Menai Strait), the mitigation plan would trigger a transition to cultivating triploid oysters, which are generally infertile. This approach was set out in a 5-year plan (2013-2018), which was revised in consultation with NRW in early 2019.
- 3.3 In the latter part of 2019 some new concerns were raised by WG Science and NRW about assessing and managing the risks associated with Pacific oysters. The details of appropriate mitigation measures to address these concerns have not yet been fully resolved and are the subject of ongoing discussions between MSFOMA, NRW and WG officials.
- 3.4 The most recent discussions with WG officials indicate that WG is keen to progress Fishery Order applications for oyster cultivation, evaluating each on their merits. There are some areas of uncertainty, specifically:-
  - a) **Legal** – advice is being sought by WG about whether the risks presented by a Fishery Order to a Natura 2000 site and the wider environment have to be assessed as a whole (i.e. the Order, Management Plan and terms of leases have to be assessed all together); or whether each item can be assessed separately (a “modular” approach under which the Order could be assessed as one item; a Management Plan as another, and leases as a separate item).

If the application can be progressed through a “*modular*” approach, it may be possible to resume the process of making a new Order (which is time consuming) whilst other details are addressed in the underlying Management Plan and the terms of the leases issued by MSFOMA, both of which can be varied swiftly and easily.

- b) **Environmental** – the risk and consequences of colonisation of the area by feral Pacific oysters from the Fishery Order is being evaluated, along with the appropriateness of mitigation measures such as the use of triploid oysters.
- c) **Policy** – there is no agreed policy for managing Pacific oysters at the national (UK) level or among the devolved administrations. WG is keen to ensure that progress is not delayed by the policy-making process, whilst ensuring there is flexibility (for instance through the terms of leases) to allow any future policy to be implemented.

3.5 Gradual progress is being made with these issues. A very productive discussion was held with WG officials on the 7<sup>th</sup> April, and a further discussion is due to be held on 5<sup>th</sup> May.

#### 4. **Consultation with stakeholders**

- 4.1 It has been noted at meetings for over a year that the Association is keen to engage with stakeholders to raise awareness of the content of a new Fishery Order at the earliest opportunity. In the absence of certainty about what may be in a new Fishery Order, it is still not considered prudent to initiate stakeholder engagement.
- 4.2 As noted in the previous agenda item, the Covid-19 pandemic may influence the Association’s consultation strategy and it may be appropriate to use electronic media rather than more conventional methods to liaise with stakeholders in the area.

#### 5. **Costs**

- 5.1 A preliminary calculation of likely lease fees for the new Order was presented to the December meeting of the Association. In summary:-
  - a) In the period since November 2015 MSFOMA has incurred costs of just under £19,000 associated with the Menai West fishery order application. It can be anticipated that some additional costs will be incurred to complete the application process. An estimate of final costs of £22,500 has been assumed.
  - b) There will be annual administrative costs associated with the Order. These have been estimated at £3,000 per annum.
  - c) These costs would be shared between 5 lessees, each of whom would be granted a lease for periods of 7 years during the 28 year duration of the Order.
  - d) The Order should accumulate a reserve to assist with its renewal.
  - e) It would seem appropriate to recover the application costs either during the first 7 year leasing period or over the first 2 leasing periods (14 years).

f) An annual inflation rate of 2.8% should be applied to the annual administrative fee to cover increases in costs.

g) Lease fees would be identical for each of the leased areas.

5.2 The annual lease fees for the first 7 years of a new order have been projected on the basis of the items listed above for both a 7-year and 14-year cost recovery scenario, along with the value of the reserve accumulated by the proposed order at 7 year intervals over its 28-year duration under each scenario. The projections are set out in Table 1 below.

**Table 1: Financial projections for the proposed Menai Strait (West) Fishery Order.**

| <b>Costs</b>                       |   |                               |                                |
|------------------------------------|---|-------------------------------|--------------------------------|
| Application for Order              | £ |                               | 22,500.00                      |
| Annual administrative fee (Year 1) | £ |                               | 3,000.00                       |
| <b>Constants</b>                   |   |                               |                                |
| Number of leases                   |   |                               | 5                              |
| Duration of leases (y)             |   |                               | 7                              |
| Annual inflation rate              |   |                               | 2.8%                           |
| <b>Calculations</b>                |   |                               |                                |
| Annual fee per lease               |   | <b>7 year recovery period</b> | <b>14 year recovery period</b> |
| 1                                  | £ | 1,242.86                      | £ 921.43                       |
| 2                                  | £ | 1,259.66                      | £ 938.23                       |
| 3                                  | £ | 1,276.93                      | £ 955.50                       |
| 4                                  | £ | 1,294.68                      | £ 973.25                       |
| 5                                  | £ | 1,312.93                      | £ 991.50                       |
| 6                                  | £ | 1,331.69                      | £ 1,010.27                     |
| 7                                  | £ | 1,350.98                      | £ 1,029.55                     |
| <b>Value of Reserve</b>            |   |                               |                                |
| Year 7                             | £ | -                             | -£ 11,250.00                   |
| Year 14                            | £ | 22,500.00                     | £ -                            |
| Year 21                            | £ | 45,000.00                     | £ 11,250.00                    |
| Year 28                            | £ | 67,500.00                     | £ 22,500.00                    |

MSFOMA Secretariat  
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