

# WASH MANAGEMENT SUB-COMMITTEE

Minutes of the Wash Management Sub-Committee meeting held on **Wednesday 3<sup>rd</sup> December 2008** at 1030 hours.

## PRESENT

Councillor A Turner	Chairman - Lincolnshire County Council	
Councillor S Williams	Lincolnshire County Council	
Councillor Baxter	Norfolk County Council	
Councillor D Rye	Norfolk County Council	
Councillor R Ward	Suffolk County Council	
R Garnett	DEFRA Appointee	
N A Lake	DEFRA Appointee	
C Southerland	DEFRA Appointee	
M Yates	DEFRA Appointee	
M R Mander	Clerk & Chief Fishery Officer	
Ron Jessop	Senior Research Officer – ESFJC	) Present by invitation
Duncan Vaughan	Deputy Clerk & Fishery Officer - ESFJC	

## APOLOGIES

Apologies for absence were received from Councillor Bakewell (LCC).

## DECLARATIONS OF MEMBERS' INTERESTS

Messrs Garnett and Lake declared an interest in items on the agenda as they were Wash fishermen.

### **WM08/07 MINUTES OF THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 28<sup>TH</sup> MAY 2008 AND OF THE SPECIAL WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 17<sup>TH</sup> SEPTEMBER 2008**

There were no matters arising and both sets of minutes were signed as a true record of the proceedings.

*At this point Mr Southerland arrived*

### **WM08/08 SENIOR RESEARCH OFFICERS PRESENTATION ON THE 2008 AUTUMN MUSSEL SURVEYS**

The Senior Research Officer gave a verbal presentation on the outcome of the autumn mussel surveys. Members were advised that all the areas known as intertidal beds had been surveyed.

Stock changes from 2007 were highlighted, the areas which indicated a high level of decline were due to either having been fished or damaged by adverse weather conditions. The distribution of 2008 spatfall was explained. The survey results indicated that areas of lower ground had not benefited from the spatfall to the same extent as the areas of higher ground, it was also noted that areas which had no mussel on had no sign of settlement.

Overall the surveys indicated there was slightly more stock than the previous year. However having assessed the stock levels on each bed the conclusion had been reached

that beds with lower density mussels seemed to have declined rather than recovered, which was why the Senior Research Officer believed a bed should have a minimum of 25 tonnes/hectare of stock before it could be opened to fishing. Using this criteria, beds had been identified which could potentially support a harvestable fishery as well as beds which could support a seed relaying fishery.

**WM08/09 CLERK'S REPORT ON THE OFFICERS' PROPOSED MANAGEMENT MEASURES FOR THE 2008/09 WASH MUSSEL FISHERY INCLUDING FEEDBACK FROM A MEETING WITH FISHING INDUSTRY REPRESENTATIVES HELD ON THE 27<sup>TH</sup> NOVEMBER 2008**

Following discussions with the industry, indications were that harvestable mussels would be hard to sell, therefore if the fishery were opened the stock would primarily be relayed. Officers felt that if the fishery were not to be opened for harvesting then the stock would be of greater value if it was left where it was, particularly as stock levels were very close to the Conservation Objective thresholds.

As a result of discussions with the industry it was agreed not to have a large dredge fishery but that a small handwork fishery from the Gat area would be acceptable. The Clerk felt this was an encouraging sign that the industry had moved on from just taking whatever was available without any thought for the consequences, and were now looking to the future.

Members were advised that it was the Officers proposal that a handworked fishery could take place on the Gat sand. By reducing the stock level to 35t/ha it would leave 85 tonnes available as a TAC for the fishery. Whilst this was a small fishery it could be significant for some of the smaller vessels.

Following discussions on the possibility of opening up an area for relaying the general feeling amongst the industry was that this should be left until April or May when the weather would be warmer and mussels would be coming out of the ground and there would probably have been additional growth.

The Clerk suggested to members that this fishery should remain closed for the time being. The Clerk also suggested that a further survey could be carried out in March following which a decision could be made on whether or not to open the bed.

Councillor Rye questioned the opening of a fishery on the Toft sand as it would cover an area which went up to the boundary of private lays. The Clerk replied that any mussel outside the lay area would be deemed as being part of the public fishery. Occasionally it may be possible to take a pragmatic approach and identify an area of mussel as having been washed off a private lay, however this would not be possible when there was a natural mussel bed immediately outside the boundary of the lay, as the Committee would have to promote the public fishery.

The Clerk advised members that this was a fundamental issue which had been raised during discussions with the industry and which the Clerk felt needed to be considered in detail.

Mr Lake advised that layholders were disputing stock which they believed had been washed off their lays, and a site meeting had been requested on the sands in question. He added there was concern that if a dredge fishery took place it would go right up to the boundary of the lays, and to avoid this a buffer zone should be put round the perimeter of lay ground. Mr Garnett did not agree with this as he considered it would mean the lay holder would effectively have a larger lay.

Councillor Williams felt this would be opening a can of worms and there was the potential that fishermen could then be deemed to be fishing the public beds without a licence.

**It was Resolved that a handworked fishery should take place on the Gat Sand, as defined on the map. The TAC would be set at 85 tonnes. The opening date for which would be as soon as practically possible following Natural England's response to an Appropriate Assessment.**

**Proposed: Councillor Williams**

**Seconded: Councillor Ward**

**It was Resolved that the mussel bed situated on Holbeach sand would be re-surveyed in March, following which a decision would be made on the opening of a relaying fishery in April or May.**

**Proposed: Councillor Williams**

**Seconded: Councillor Ward.**

**WM08/10 CLERK'S REPORT ON TWO APPLICATIONS FOR LAY GROUND ON THE ROGER SAND IN THE WASH**

Members were advised that it had taken a long time to go through the Review of Consents but having reached its conclusion the decision had been reached that all existing lays could continue, but new lays would need to be considered using additional criteria.

The area of the two lays had been surveyed and the Officers felt they met the conditions set by ESFJC and also considered they met Natural England's requirement not to smother important biotopes. However following consultation with existing lay holders an objection had been received on the grounds that mussel on existing lays could potentially migrate to this piece of ground. The Officers felt that as the proposed lays were 500m away from existing lays and there was a public fishery in between there were no grounds to support the objection.

Mr Lake advised that when consultation on the lay had taken place the Officers had not provided sufficient detail of the vicinity of the lay and the objection had been made prior to ascertaining the lay was 500m from existing lays. If the consultation was made again with all the available information then the objection would be removed. Mr Garnett agreed that the chart should have clearly depicted the position (latitude and longitude) of the proposed lay. This comment was accepted by the Clerk who agreed to add more detail in future.

**It was Resolved that if no objection was received from Natural England both of the proposed lays should be leased.**

**Proposed: Councillor Ward**

**Seconded: Councillor Williams**

**WM08/11 CLERK'S REPORT ON TWO APPLICATIONS FOR LAY GROUND ON THE HOOK HILL SAND IN THE WASH**

Following consultation with lay holders the Clerk had received two objections to these lays, both of which raised the same issues. To the south of the lay ground was a small channel used as a short cut to the Gat Channel. There was concern that should the ground be used as a mussel lay, mussel mud (pseudofaeces) would be built up and block the entrance to the channel. It was also highlighted that the area was important for vessels fishing for shrimp particularly in poor weather conditions.

The Clerk acknowledged both of these points and added that as there was a genuine belief that a public fishery (shrimp) would be precluded if lay ground was created, he believed that members should not grant the applications.

**It was Resolved that on the basis that the proposed lay ground could have a detrimental impact on the shrimp fishery the applications would not be granted.**

**Proposed: Councillor Williams**

**Seconded: Councillor Rye.**

**WM08/12 CLERK'S REPORT ON THE REQUEST TO CONSIDER CHANGING THE JOINT COMMITTEE'S APPROACH TO COCKLE SURVEYS IN THE WASH**

Members were provided with copies of correspondence that implied there was a lack of confidence in the accuracy and reliability of the survey work carried out by the Committee's Officers. This correspondence included a request that two particular matters be considered by members:

1. A request was made that the dredge cockle fishery be opened later in the year: The Clerk had consulted WFO Entitlement Holders, the result of which had been a strong feeling that the fishery should open on 1<sup>st</sup> July which would give the industry chance to prepare for the fishery and also the Committee's Officers would be able carry out surveys closer to the opening of the fishery so that the data was more up to date.

The Clerk did advise that by bringing the survey closer to the opening date of the fishery there would be more sizeable stock available to be taken, potentially increasing the exploitation rate of the stock, however he felt there were sufficient safeguards in place to prevent this having an adverse effect.

**It was Resolved that the opening date of the dredge cockle fishery would be set at July 1<sup>st</sup> as a default, however, the exact opening date would be assessed on an annual basis.**

**Proposed: Councillor Ward**

**Seconded: Councillor Williams**

2. The second request was that independent observers should be paid to go along on survey trip to oversee the Officers' work.

When questioned why this was thought to be necessary Mr Lake advised that the industry were encountering high fuel costs, more time was being spent at sea resulting in additional wear and tear on equipment and all because there was insufficient stock on the grounds set aside for the fishery. The Senior Research Officer advised that surveys were carried out to 10 cockles/m<sup>2</sup> which gave a larger area to fish over but may not be commercially viable, he felt it might be better to survey to 50 cockles/m<sup>2</sup> to highlight areas which could support a commercial fishery. Mr Lake requested that inaccessible sites be taken into account when allocating the quota to the dredge fishery. Having been issued with a TAC the industry wanted to be allocated a sufficient area from which the quota could be taken.

The Clerk queried what relevance this had to taking fishermen on board to oversee the survey work. Mr Lake responded that he had seen the survey vessel working in atrocious conditions and from personal experience he was sure the survey team must encounter mis-grabs, the industry wanted to know whether these were re-grabbed or not. Without an observer the industry didn't know.

The Clerk advised that there was already an open invitation for industry members to go to sea onboard the Committees vessels, and the information from survey work was also readily available. The Clerk was frustrated by the implication that the research team were not dedicated to getting the best possible results.

Councillor Turner also felt it was wrong to be questioning the integrity of the Officers.

Mr Lake continued to question the Senior Research Officer on how he reached his conclusions, particularly relating to 5% shell retention, at which point it was reiterated that any concerned industry member would be more than welcome to go to sea with the research team. Councillor Williams felt that if the allegations continued then the survey data would have to be assessed on a worst case scenario on conservation grounds which would be to the detriment of the fishermen.

Mr Garnett advised that the members of the King's Lynn Fishing Industry Co-operative had no concerns about the results of the surveys, admittedly the figures did not always add up but it was necessary to take in to account the affects of weather, birds etc on the stocks.

**It was Resolved that the request for the Committee to pay to have independent observers on board during surveys would be turned down.**

**Proposed: Councillor Williams                      Seconded:      Councillor Ward**  
**There were no votes against this proposal**

There being no other business the meeting closed at 1140 hours.