

WASH MANAGEMENT SUB-COMMITTEE

Minutes of the Wash Management Sub-Committee meeting held on **Friday 7th December** at 1030 hours.

PRESENT

Councillor A Turner	Chairman - Lincolnshire County Council
Councillor D Rye	Norfolk County Council
Councillor R Ward	Suffolk County Council
Councillor D Baxter	Norfolk County Council
R Brewster)
R Garnett)
N A Lake)
C Southerland) DEFRA Appointees
S Williamson)
M R Mander	Clerk & Chief Fishery Officer
Connor Donnelly	Natural England)
Ron Jessop	ESFJC) Present by invitation
Duncan Vaughan	ESFJC)

APOLOGIES

Apologies for absence were received from Councillors Bakewell (LCC), and Williams (LCC) and Mr Yates (Defra Appointee).

DECLARATIONS OF MEMBERS' INTERESTS

Messrs Brewster, Garnett, Lake, Williamson and Southerland all declared an interest in items on the agenda as they were Wash fishermen.

WM07/09 MINUTES OF THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 15th AUGUST 2007

As there were no matters arising, it was agreed to approve the minutes.

Proposed: Councillor Wood Seconded: Mr Brewster

WM07/10 CLERK'S REPORT ON THE PROPOSED MANAGEMENT POLICIES FOR THE WASH COCKLE AND MUSSEL FISHERIES

The Clerk advised the members that these policies were the culmination of approximately 5 years work by the Committee's Officers in conjunction with the Industry and Natural England.

The Clerk advised that whilst a lot of the management measures proposed in the policy for the cockle fishery were already in place and had been accepted by the Industry it had been necessary to spend time considering the nature conservation implications of the threshold levels at which to open the fishery.

The key areas of the **COCKLE POLICY** were considered by the members:

Management Measures

The Officers' aim was to provide the industry with guidelines which would maintain a viable, sustainable fishery. Throughout this process the industry were consulted on the views of the Officers. The Officers' proposal was that a fishery could take place if the Research Officer's annual survey indicated that there was in excess of 3,000 tonnes of adult stock in the Wash. Another criterion applicable to the fishery was that only 33.3% of the adult stock could be taken as the TAC in any one year, providing the remaining stock did not fall below 3,000 tonnes, i.e. only when adult stock reached 4,500 tonnes could the full 33% be taken.

Members were advised that the writing in *italics* under "Minimum spawning stock biomass" relating to other management measures would be removed as this related to other management criteria which the industry were already aware of.

The "Limited Licence Entitlement" criteria was discussed by members. Mr Lake questioned why steps were not being taken to reduce the number of available entitlements and Councillor Rye suggested that it should be stipulated there would be a maximum of 68 licence entitlements. The Clerk acknowledged that the report by MarinX Consultancy had recommended a reduction in the amount of potential fishing effort, however, he advised that automatically after 3 years the policy would be reviewed to ensure it was appropriate, at that stage it may be deemed appropriate to reduce the maximum number of entitlements. It was agreed at this stage to rephrase the sentence to indicate that 68 was the maximum number of licence entitlements available for the fishery.

As there was already a waiting list in place for licence entitlements the Clerk felt it would be necessary to carefully consider how to reduce the number of entitlements if it was deemed necessary to do so.

Mr Lake queried why under "Mandatory Riddling of Catch" it was not necessary for handworked cockles to be riddled as it was with dredged cockles. Members were advised that the nature of handworking was such that it was less likely that small cockles would be included in the catch as they were of lower monetary value. Mr Lake put forward the case that in the future it may be that small cockles were worth more and the dredge vessels would be penalised whilst the handworkers would not be. The Clerk advised that should this be the case in the future then the policy could be re-addressed.

Mr Lake also commented that in other areas riddling is carried out during both methods of fishing. Members questioned why there were different rules for different scenarios, the Clerk responded by advising that the method of monitoring the fishery carried out by ESFJC meant it was not necessary to have a MLS which reduced the discards level. Mr Brewster added that if the dredged catch was not riddled it would create problems as the process of riddling removed a lot of excess water from the catch which would otherwise be retained on board. This matter was discussed in some depth, Councillor Rye felt the Officers should carry out a survey to ascertain what percentage of small cockles were retained in the handworked catch, which the Clerk agreed could be done in the future if the Committee requested it. It was the opinion of the Senior Research Officer that riddling handworked cockles would likely result in ridges of undersize cockle being located near to the vessels and the cockle suffocating as a result. Whereas the riddlings from dredged stock would be evenly dispersed as the vessel is constantly moving.

As a result of these discussions Councillor Ward requested a visit to look at a dredging cockle vessel to be able to visualise how they work.

Referring to the "Protection of seal haulout sites during sensitive periods" Councillor Ward queried whether there was a problem with seals in the Wash. Fortunately the nature of the fisheries was such that there was very little conflict with seals, although it was advisable to avoid excessive disturbance whilst fishing, especially during the pupping season. Mr Lake

questioned what was deemed as an acceptable distance to stay away, however Mr Donnelly did not have any specific data to hand. Mr Brewster advised that the areas on which the seals were found were generally steep, and unlikely to be fished by commercial fishermen.

Having discussed the policy in detail it was agreed that with the removal of the note in *italics*, the agreement to address any issues which arose in the future and with the addition of the phrase 'maximum of' 68 entitlements the members agreed to sign off the policy.

Moving on to the **MUSSEL POLICY** the Clerk advised that the management of the mussels had not been as advanced as the cockles but like the cockles it was the Threshold Levels which invoked the most discussion.

It had to be remembered that the mussel fishery had two elements to it, the relaying and harvestable fisheries. Whilst some parties felt a threshold of 10,000 tonnes was quite low the Clerk advised that this would allow 5,000 tonnes of stock in excess of 45mm in shell length and 5,000 tonnes of smaller stock which would maintain a stable population.

The Clerk also advised that as with the cockle policy the note in *italics* would be removed and the "maximum of" 68 entitlements would be added.

Moving on to discuss the "TAC" Mr Lake questioned why it was necessary to have an additional 2% quota for the handwork fishery, why could it not just be set at 22% and both dredge and handwork vessels take from that quota. The Clerk advised that this reflected the current management measures which the Officers did not feel it was necessary to change. It was felt that as there was no specific handwork fishery for mussels, which there was for cockles, it was necessary to reflect that it was still important to have a handwork fishery. The separate 2% TAC provided a genuine opportunity for a handwork fishery each year.

The Clerk went on to explain that how the fishery was developing was crucial in maintaining the integrity of the beds. Looking at the stock composition had shown a correlation between the productiveness of the bed and the density per hectare. It was suggested that the bed should have a minimum of 25 tonnes per hectare otherwise it should not be opened to fishing. This figure could be adjusted later if evidence deemed it necessary.

Referring to the "**Appropriate Assessment of mussel fishery proposals**" Mr Lake commented that it was his understanding that by agreeing to the Policy it would remove the need to enter into correspondence with Natural England prior to opening a fishery. The Clerk advised that the opening of a fishery would still need to be taken to Natural England but providing the proposed fishery was in line with the management policy it was his understanding that the proposal would be dealt with speedily.

It was agreed to accept the Policy.

**Proposed: Councillor Baxter
All Agreed**

Seconded: Councillor Ward

SUB-LITTORAL MUSSEL FISHERY: The Clerk advised that he believed this was potentially a very important fishery, with emphasis on the several fishery and cultivation of mussels. The Clerk acknowledged that the seed mussel supports this fishery and reduces the pressure on the intertidal beds.

The Clerk also advised that as with the cockle policy the "maximum of" 68 entitlements would be added. The proposal was that an overall quota would be set at 80% of the area identified. This would leave 20% to provide a food resource for natural predators.

Mr Lake questioned the Management Measure No11. He was under the impression that seed mussel removed from the Wash had to be kept in the confines of a lay. Members were advised that authorisation to move seed mussel caught in the Wash to other areas could be issued but each application was considered on its own merit.

Mr Lake then questioned the 'Buffer Zone around *Sabellaria spinulosa* reef' he asked what was 'a reef' Members were advised that the question of what constitutes a reef was still being discussed with Natural England but the definition would be applied as it would be for the draft trawling byelaw. Mr Lake added that he hoped common sense would prevail and that a carpet would not be classified as a reef as this was common feature around the Wash.

Members voted to receive and agree to the Management Policies for the Wash Regulated cockle and mussel fisheries.

**Proposed: Councillor Baxter
All Agreed.**

Seconded: Councillor Ward

Councillor Ward requested that members be sent a booklet containing the management policies.

WM07/11 PRESENTATION OF THE 2007 AUTUMN MUSSEL SURVEYS

The Senior Research Officer presented to the members the results of the autumn mussel surveys, providing them with a brief resume of each bed and the stock it contained. As a guide it was noted that those beds containing a mixture of year classes were considered to be healthy beds.

During the course of the presentation Mr Lake questioned whether the area around the Gat Sand could potentially be used for lay ground. Whilst it was noted that the area was in the bombing range and also provided a buffer zone for the bed, Mr Lake still requested that the area be considered for lays. The Clerk felt this was more suitable for discussion at a later date.

During the course of the surveys the Research Officer had identified a little bed which contained a new settlement of 186 tonnes, which he considered to be in a vulnerable condition. On revisiting the site the mussels were noted to have grown rapidly. They were fairly dense and were beautifully clean mussels but had not attached to each other using byssal threads and were therefore loose on the mud, which made them very vulnerable during stormy weather. The Research Officer recommended that this sand, which at last inspection had increased to 717 tonnes, should be opened to relaying.

Mr Lake congratulated the Research Officer for the work he had done in completing the surveys, and acknowledged that it took a lot of hard work.

Having heard the outcome of the surveys members considered the state of each bed.

The Clerk informed members that the outcome of the surveys had been put to the industry. Taking into account the criteria applied to the fishery the general opinion was that the only bed to take the harvestable stock from would be the Gat. To ensure the nature conservation of the area was maintained a restricted area to the south of the bed would be open to the fishery. This area had been open to a significant fishery the previous year. Using the minimum density requirement, the maximum tonnage that could be taken from this area would be 150 tonnes. This stock would be available for the harvestable fishery

The stock available to the relaying fishery was agreed to be 717 tonnes. This mussel was

to be taken from an area vulnerable to loss from adverse weather.

The recommendation from the officers was that the harvestable fishery should be open to the handworked fishery, whilst the relaying fishery would be open to both dredging and handworking. Whilst there had been no disagreement from the industry regarding the level of exploitation, there had been some members who felt the harvestable fishery should also be opened to dredging.

Whilst it was the Officers' recommendation that the harvestable fishery should be taken by handworking, members debated whether or not both dredging and handworking should be permitted. It was noted that the TAC could be split between the harvesting methods, however it was also felt that the low TAC would not be sufficient for a viable dredged mussels, it would also involve a lot of enforcement by the Officers for what was effectively a small amount of mussel.

Ultimately members agreed to open the harvestable fishery to handworking for this season.

The opening date would have to be dictated by the speed at which Natural England were able to reach a decision. Once agreement had been given the fishery would open 7 days later.

The maximum daily quota was discussed, it was agreed that the harvestable fishery would follow the 4 tonnes set out in Regulation No 2. However, to take account of fuel costs, and to make it viable for larger vessels it was agreed that the relaying fishery would operate on 8 tonnes per day, by applying byelaw No2.

The Committee agreed to the management measures set out for 2007/2008 with the variation of Maximum Daily Quota for relaying mussels made under byelaw No2, increasing the daily maximum quota to 8000 kg

**Proposed: Councillor Ward
All Agreed**

Seconded: Councillor Baxter

WM07/12 REPORT ON PROPOSED CHANGES TO THE CONDITIONS OF THE LAYHOLDERS LEASES ISSUED BY THE JOINT COMMITTEE UNDER THE WASH FISHERY ORDER 1992

Members were advised that the changes were necessary following the legal advice received by the Clerk . As a result of the legal advice the Clerk had looked into restricting the size of vessels able to operate on lays, however, as a consequence of this it had been suggested that the size of the vessel was not the only factor to take into account, it was felt important to consider the carrying capacity of the vessel. Consultation with the industry had resulted in a majority response in agreement with a 40 tonnes maximum holding capacity, there was one objection which stated 25 tonnes should be the maximum and one objection in principle to putting a maximum capacity in place.

A variety of questions were asked regarding the use of vessels on lays which were not owned by the lease holder, the Clerk advised the lease holder was still bound by the conditions of the lease. It was also noted that the entire carrying capacity of the vessel would be taken into account, both in the hold and on deck. This would need to be considered from a stability point of view.

At this point Councillor Rye left the meeting

The Clerk continued to advise members that vessels with greater carrying capacities

working in the Wash could be considered a threat to the Regulated Fishery. Some limitation needed to be in place to safeguard the fisheries.

After some careful consideration by the members it was agreed to accept the recommendations outlined by the Officers, these being that the current lease condition;

‘That the execution of this Lease by the owners and the Lessee shall constitute his consent, for the purposes of Section 6(a) of the Sea Fisheries Regulation Act 1966 and Section 3(1) of the Sea Fisheries (Shellfish) Act 1967 (or any statutory re-enactment or modification thereof) to the application to the laying hereby demised, of all Byelaws made by the Lessors under the Powers contained in Section 5 of the said Sea Fisheries Regulation Act 1966 and Regulations made by the Lessors under the powers contained in Section 3 of the said Sea Fisheries (Shellfish) Act 1967 or any prior legislation to the like effect’.

Should be replaced with the following:

That the execution of the lease by the Layholder (“lessee”) shall constitute his consent to the following conditions;

1) Vessel Length Restriction

No Layholder shall use a vessel exceeding 14 metres in overall length (LOA) unless;

- a) the vessel was legally owned by the Layholder on 24th October 2007*
- or*
- b) the vessel was used by the Layholder in the Several Fishery on or before the 24th October 2007.*

Vessels exceeding 14 metres LOA will only be able to operate within the Several Fishery:

- until there is a change of legal ownership;*
 - or there is any modification that increases the carrying capacity of the vessel;*
 - or the vessel ceases operation;*
- whichever occurs the earlier.*

(Legal Ownership shall be determined by the Transcript of Registry held by the Registry of Seaman and Shipping)

2) Maximum Carrying Capacity

No layholder shall use a vessel that has a carrying capacity exceeding 40 tonnes (to be confirmed following consultation).

(if evidence of the carrying capacity is required by the Joint Committee, the carrying capacity of the vessel shall be determined by a Naval architect approved by the Joint Committee, the cost of which will be borne by the vessel’s owner)

3) Number of Dredges

No vessel shall use more than two dredges.

4) Dredge Design

No vessel shall use a dredge that has an inside opening greater than one metre.

The design of the dredges must be approved by the Joint Committee. The use of suction dredges is not permitted.

The Joint Committee (“the lessors”) reserve the right to make future changes to the lease conditions.

Proposed: Councillor Baxter

Seconded: Councillor Ward

New leases would be issued as soon as possible.

WM07/13 ANY OTHER BUSINESS

INSHORE DREDGING BYELAW: It was questioned when further progress would be made with regard to the Dredging byelaw. The Clerk advised the byelaw had been sent to Defra for consideration but as they were undermanned progress was slow, however they had been asked to treat it as a priority.

There being no other business the meeting closed at 1240 hours.