

## 24<sup>th</sup> Eastern IFCA Meeting

*"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".*



A Meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech, Cambs, on 1<sup>st</sup> June 2016 at 1030 hours.

### Members Present:

|                         |            |                                   |
|-------------------------|------------|-----------------------------------|
| Cllr Tony Goldson       | Chair      | Suffolk County Council            |
| Shane Bagley            |            | MMO Appointee                     |
| Cllr Baker              |            | Norfolk County Council            |
| Stephen Bolt            |            | MMO Appointee                     |
| Roy Brewster            |            | MMO Appointee                     |
| Cllr Hilary Cox         | Vice Chair | Norfolk County Council            |
| Conor Donnelly          |            | Natural England Representative    |
| Ian Hirst               |            | Environment Agency Representative |
| John Davies             |            | MMO Appointee                     |
| Cllr Richard Fairman    |            | Lincolnshire County Council       |
| Paul Garnett            |            | MMO Appointee                     |
| Ceri Morgan             |            | MMO Appointee                     |
| Keith Shaul             |            | MMO Appointee                     |
| Rob Spray               |            | MMO Appointee                     |
| John Stipetic           |            | MMO Representative                |
| Cllr Tony Turner MBE JP |            | Lincolnshire County Council       |
| Stephen Worrall         |            | MMO Appointee                     |
| Cllr Margaret Wilkinson |            | Norfolk County Council            |
| Stephen Williamson      |            | MMO Appointee                     |

### Eastern IFCA (EIFCA) Officers Present:

|                 |                                       |
|-----------------|---------------------------------------|
| Andrew Bakewell | Head of Finance                       |
| Jason Byrne     | IFCO                                  |
| Charles Cross   | Research Officer                      |
| Luke Godwin     | Staff Officer                         |
| Julian Gregory  | Acting Chief Executive Officer (ACEO) |
| Ron Jessop      | Senior Research Officer               |

### Minute Taker:

Jodi Hammond

### EIFCA16/46 Item 1: Welcome by A/CEO

The A/CEO welcomed members to the meeting.

### EIFCA16/47 Item 2: Apologise for Absence

Apologies for absence were received from: Cllr Byatt (Suffolk County Council) and Mr Pinborough (MMO Appointee)

### EIFCA16/48 Item 3: Declarations of Members Interest

Messrs Bagley, Brewster, Garnett and Williamson declared an interest in Item 6 on the Agenda.

At this point Mr Williamson noted that in agenda item 6 it expressed that MMO Appointee should be representing the industry not their personal interests.

**EIFCA16/49 Item 4: Minutes of the 23<sup>rd</sup> Eastern IFCA Meeting held on 27<sup>th</sup> April 2016**

**Members Resolved to sign the minutes as a true record of the meeting.**

**Proposed: Cllr Fairman**

**Seconded: Mr Stipetic**

**All Agreed**

**EIFCA16/50 Item 5: Matters Arising**

EIFCA16/29 REVIEW OF EIFCA CONSTITUTION: The ACEO advised that work was still being carried out with regard to Registered Declarations of Interest with regard to income and dispensations to vote. Members would be updated at a later meeting

EIFCA16/30 WFO 1992 COCKLE FISHERY 2016: Members were advised the fishery had opened on 23<sup>rd</sup> May – this was effectively an extension of the 2015 fishery pending the decisions made later in this meeting;

EIFCA16/32 SHRIMP BYELAW 2016: Following the discussions during the previous meeting the ACEO advised that the proposed byelaw had been reworded to exclude recreational activity. The MPA Byelaw had effectively been made and was now in the consultation phase. The issues previously highlighted regarding the 'schedule' was being reviewed by Defra with some issues needing to be resolved. This would slow down the implementation of the byelaw.

**EIFCA16/51 Item 6: 2016 Wash Cockle Fishery**

Prior to the presentation the ACEO reminded MMO members they needed to understand their role was to represent the overall interest of EFICA and the industry not their personal interests.

The ACEO also advised members that during the presentation there would be a proposal to include further management measures which had come about partly as a result of the poor behaviours during the previous years' cockle fishery as well as requests from Natural England. The ACEO advised members that there was a need for mitigation to allow NE to agree with the opening of the fishery which could only be opened if NE had confidence in the Management Measures.

Members were reminded that during the previous year 19 vessels had infringed the management measures, 14 had paid FAPs whilst the remaining 5 had chosen to go to trial. Following which all of them had been convicted of fishing in the closed area, the District Judges' view was that the defence was entirely fabricated. The ACEO felt that some within the industry needed to realise that not playing by the rules has consequences for the fishery.

Mr Williamson agreed partially with this comment but went on to explain to members the reason why the incursion into the closed area had taken place. He accepted the vessels had crossed the line into the closed area but felt there was justification as the area which was open had much smaller cockles than those just across the line, he therefore felt the sustainability of the

fishery was not at risk and there had been no monetary gain as the same price was being paid for small cockles as for larger cockles.

The ACEO advised that any argument made to support fishing in a closed area was flawed because the issue was about confidence in the Management Measures, if the Authority don't have confidence that the industry will abide by the rules then it may influence their decisions. He also advised that if NE had no confidence in the mitigation provided by management measures then they may not be supportive of a fishery being opened.

Mr Donnelly advised that the decision was not all on NE but he did accept laws need to be adhered to.

SRO Jessop gave a presentation on the 2016 spring cockle surveys. In total 1,297 stations over 21 beds had been surveyed. Part of the process involved the collection of cockle size, weight and frequency data as well as environmental data to inform the HRAs.

The outcome of the surveys showed 25,826t of adult stock and 29,523t of juveniles. This total stock of 55,349t meant there was a TAC of 8,609t available. This was the second highest stock level on record which the SRO believed was mostly due to the large settlement in 2014.

The large stock levels suggested there was the potential for high density stocks of harvestable cockles to ridge due to overcrowding particularly in areas of the Gat, Thief and Roger sands.

Atypical mortality was also anticipated to be extremely high during this season. Previously up to 90% of the stock on some beds had been lost to this disease. The SRO believed this disease was related to warm weather conditions and affected mature stock rather than those below 14mm.

The SRO advised the intention of the Management Measures would be to ensure:

- Optimum value of the fishery
- Minimise potential loss
- Ensure sustainability
- Minimise impact to the conservation feature

With this in mind it was proposed to open areas where Officers anticipated A-typical mortality would be most prevalent.

The Staff Officer then gave a presentation on the proposed management measures and how they had been arrived at.

The process had included consultation with the industry in the form of a questionnaire to all Entitlement holders and feedback from an industry meeting held on 27<sup>th</sup> May 2016.

**HARVEST METHOD:** there was a majority preference for a handwork fishery.

**CONTINGENCY TO INCREASE NO OF DAYS:** the majority of responses were in favour of increasing the number of days fishing from 4 to 5.

**INCREASE IN DAILY QUOTA:** The preference was to remain at 2t/day the reasons given being the potential for increased prop washing or a flooded market which would encourage reduced prices being paid.

Despite the preferences Officers were recommending an increase in Daily Quota to 3t/day, they did not believe this would increase prop washing as the densities were so high it would not be necessary and by increasing the Daily Quota by 50% it would allow the industry to take the TAC more quickly, which was important given the high TAC and the potential for 'die off'. Officers also suggested that by increasing the number of days there would be an increased enforcement requirement and increase in costs.

**OPEN / CLOSED AREAS:** The industry had requested the whole of the Wash be opened however the Officers were recommending closed areas to ensure the areas at highest risk from disease were being targeted. The recommendation was to open Wrangle / Friskney / Roger / Tofts / Gat / Thief / Daseleys sands.

Even with these areas being targeted it was still anticipated there would be some loss of stocks.

**OPERATING GUIDELINES:** The recommendation was for minimum 6m tides, Monday – Friday opening but Monday – Thursday where possible. Essentially the recommendation was to maintain the same guidelines as for the previous fishery.

**LICENCE CONDITIONS:** The licence conditions also included the use of standard bags and completion of weekly catch returns. In addition to this new licence conditions were being proposed to achieve a sustainable long term fishery and compliance with Habitats Regulations.

These conditions were:

**TRANSHIPPING PROHIBITION:** this would bring the handwork fishery in line with other fisheries. IFCOs would enforce this with discretion, for example in the event of breakdowns, providing the office had been informed. The industry perspective on this was that transshipping was normal practice and also it would restrict some of the smaller vessels from being able to meet the increase Daily Quota.

**REQUIREMENT TO LAND:** it was believed that during previous fisheries some vessels had left bags of cockles on the sand to collect later. The recommendation was that all cockles must be taken straight to the port when fished, and vessels can only land once a day.

**DUAL FISHING PROHIBITION:** Fishers cannot take, fish for or remove from the regulated fishery any cockles on the same calendar day as fishing for, taking or removing cockles from outside the regulated fishery or from a lay granted under the Wash Fishery Order 1992.

**AUTOMATIC IDENTIFICATION SYSTEM:** These systems cost in the region of £400-£900/unit plus £400 for installation which the ACEO advised was reasonable when considered in context with a £3.4m fishery which is what was anticipated would be the value of the 2016 cockle fishery.

Whilst the initial recommendation was for vessels to have such a system installed for the forthcoming fishery the ACEO now believed this was not viable for legal reasons, but added it would be a requirement for future fisheries.

Mr Stipetic noted the potential for additional days fishing per week or increased Daily Quotas had been considered but questioned whether thought had been given to increasing the number of available licences. The ACEO

advised that in the past a decision had been made to put a moratorium on the number of licences available to the fishery and over a period of time the number had been reduced. He advised that if additional licences were granted for the forthcoming fishery then this would effectively provide an entitlement to a licence and in future years when the stock was not so abundant this would create extra pressure on the fishery.

Mr Brewster advised that the risk of die-off in dense areas would be reduced by vessels fishing in the relevant areas. He hoped not to encounter a repetition of previous fisheries when up to 400t had been lost due to die off when the industry had not been able to fish. The ACEO advised that delegated powers were being sought to enable the ACEO, in consultation with the Chair and Vice Chair, to alter the Management Measures if there was a requirement to do so.

Mr Garnett advised that by increasing the Daily Quota rather than opening the fishery for an extra day per week was discriminating against some of the smaller vessels which were not capable of carrying 3t. He also added that there seemed to be a great deal of emphasis about taking the entire TAC this calendar year which would leave nothing available for anyone wishing to fish during January and February next year.

Mr Williamson stated that he was happy with the method of fishing being employed for this fishery but he was not happy to think the method of fishing could be determined by available funds to enforce a fishery. He added that if further funding was required to manage a dredge fishery then the cost of a licence should be increased, and similarly so for the handwork fishery. The Chair advised that this emphasised the need for AIS which would enable the Authority to work within the parameters of limited finances.

The ACEO commented that in an ideal world the industry would be compliant and there would be no need for policing, unfortunately there are always those who don't abide by the rules. He also advised that with a dredge fishery there was also the concern of damaged cockles being put back on to the grounds, and at the last meeting the Authority had agreed to developing a policy position that assumed a handwork fishery would be the standard means of exploitation.

Mr Williamson questioned whether it would be possible, at the end of the fishery, to assess how many cockles had been taken off the TAC and how many lost due to die-off or ridging out, in order to ascertain whether a dredge fishery may prevent any of that loss. The SRO advised that it would be possible but the figure would not be precise, more an estimate.

Cllr Fairman questioned with 14mm is the optimum size for a cockle or just the minimum size. The SRO advised that prior to 2000 it had been deemed that 14mm equated to an adult cockle which was capable of spawning.

It was also questioned whether other species benefit from die off, it was noted that some scavenging species benefit but if the die off occurs in the summer the over wintering birds would be adversely affected.

Mr Donnelly advised that whilst Natural England have a role in the process but they are more of a supportive partner than a spanner in the work, it is really up to the Authority to meet the requirements. The ACEO suggested it was not wise to dilute the consequences of not abiding by the rules as the

fishery could be closed down if the Marine Protected Area was damaged. Mr Donnelly supported this comment.

Noting the requirement for AIS in the future Mr Brewster advised that since this subject was first raised by the Committee the advice had always been that the Committee would secure grant funding for the systems. NEIFCA had secured grant funding and he requested that EFICA look into grants. Mr Stipetic advised that even in grant funding was secured for the initial purchase there would still be ongoing maintenance charges. The ACEO believed that for IVMS charges would be fairly low.

**Having fully discussed the proposed Management Measures Members Resolved to:**

**Note the content of the 2016 Wash cockle survey report at Appendix 1.**

**Note the responses to Entitlement holder consultation at Appendix 2**

**Note the risks associated with hand worked and dredge fishery harvest methods as presented at Appendix 3**

**Note that the results of the 2016 cockle survey indicate that there are significant abundance and density of adult and juvenile stock which introduces a risk of mass die-off in certain areas through 'ridging-out' and atypical mortality.**

**Note the rationale for recommending a hand-worked fishery only based on the higher risks associated with the dredge fishery and the preference of the majority of entitlement holders.**

**Note the rationale for increasing the daily catch restriction and the legal advice from Defra regarding a policy which introduces an increased threshold with regards to enforcement of daily catch restrictions under Regulation 2 (Appendix 5)**

**Agree to a Total Allowable Catch (TAC) of 8609 tonnes.**

**Proposed: Mr Morgan**

**Seconded: Cllr Fairman**

**All Agreed**

**Agree to open a hand work fishery on a date to be determined by the A/Chief Executive Officer, noting that the fishery is already open under the 2015 management measures.**

**Proposed: Cllr Fairman**

**Seconded: Cllr Turner**

**All Agreed**

**Agree to the proposed licence conditions set out in Appendix 4, including the proposed open areas on the Thief, Gat, Roger/Toft, Wrangle, Friskney and Daseley's sands, with the exception of AIS which would no longer be required for this fishery. Additionally fishers would only be permitted to land cockles on one tide per day.**

**Proposed: Mr Morgan**

**Seconded: Mr Stipetic**

**All Agreed**

**Agree to endorse the enforcement policy at Appendix 5 relating to Regulation 2 (daily catch restriction) to effectively increase the daily quota to 3 tonnes.**

**Proposed: Mr Davies**

**Seconded: Mr Worrall**

**All Agreed**

**Approve the delegation of powers to the A/Chief Executive Officer, in consultation with the Chair and Vice-Chair, to introduce, vary or revoke management measures/licence conditions for the cockle fishery as required for the purposes of fisheries management, including meeting the conservation objectives of the Wash and North Norfolk Coast European Marine Site (EMS) and supporting a sustainable and viable fishery.**

**Proposed: Cllr Turner**

**Seconded: Mr Stipetic**

**All Agreed**

**Approve the delegation of powers to the A/Chief Executive Officer to open and close the fishery or parts of the fishery as required for the purposes of fisheries management, including meeting the conservation objectives of the Wash and North Norfolk Coast EMS and supporting a sustainable and viable fishery.**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

**Approve the delegation of powers to the CEO to introduce, vary or revoke management measures or to open or close the fishery or parts of the fishery, without 7 days' notice (as per the cockle charter) where it is judged necessary to do so in order to meet the conservation objectives of the Wash and North Norfolk Coast European Marine Site or for the sustainability or the viability of the fishery.**

**Proposed: Mr Morgan**

**Seconded: Mr Spray**

**All Agreed**

#### **EIFCA16/52 Item 7: Any Other Business**

The Vice Chair took the opportunity to thank the Officers who had attended the Crab & Lobster Festival in Cromer and Sheringham, their attendance had been extremely useful and informative.

There being no other business the meeting closed at 1219 hours.