

## **Minutes - BGMCF Second Meeting**

**Date:** 11/02/2009

**Venue:** Loughs Agency, Carlingford

**In attendance:** Mr Donal Maguire – Chairman of the BGMCF  
Mr Michael Murphy – Secretariat  
Ms Joanne Gaffney – Secretariat  
Mr Kenny Parker - DARD  
Mr Greg Griffiths - DARD  
Mr John Kelly – DAFF  
Mr Barry Fox – Loughs Agency  
Mr Raymond Dougal – Industry Rep Belfast/Larne  
Mr George Golden – Industry Rep Carlingford/Dundrum  
Mr Michael Havelin – Industry Rep Foyle  
Mr John McLaughlin – Industry Rep Swilly

Mr Michael O’Driscoll – Vessel owner and operators association  
Mr Richie Flynn - IFA  
Mr John Hickey - BIM

**Apologies:** Mr Paul Moore - DARD  
Ms Deidre Kelleher - DAFF  
Mr Arthur McCarthy –Rep Castlemaine/Shannon/Cork/ Clew Bay  
Mr Stephen Kelly – Industry Rep Kinsale/Waterford/Wexford  
SFPA

### **Minutes of last meeting- Action Points**

The chairman welcomed everyone to the meeting; he noted that the action points arising from the meeting on the 10/12/09 will be addressed under the agenda items submitted to the secretariat (Highlighted below). Comments and amendments were invited on the draft minutes - no changes were requested and the minutes were agreed.

### **Natura 2000 Designations**

Arising from the last meeting it was agreed that representatives from DAFF, BIM, the Loughs Agency and DARD were to attempt to ensure that field work relating to the seed fishery areas are to be prioritised in the assessment process, and that the Forum would be updated on developments at the next meeting

Reporting on developments in the interim, Donal Maguire informed the Forum that since the last meeting there has been a lot of work undertaken at all levels to attempt to resolve this issue in ROI. The Ministers have been directly involved and meetings have taken place with the Commissioner in DG Environment in Brussels. It is hoped that some progress can be made in the short term regarding the seed mussel fishery. With regard to the renewal of aquaculture licenses in or adjacent to Natura 2000 Designations, it was reported that the timeframe for completion of this aspect of the work was likely to be 2-4 years.

Responding to a request for clarification, with regard to the status of aquaculture licences awaiting renewal, it was explained that if an aquaculture licence holder applies for a renewal of his licence, under the Sea Fisheries and Maritime Jurisdiction Act 2006, the licence holder is entitled to continue operations (even if the licence expires) until such time as a decision is made on his application for renewal. It was pointed out that this protection clause has been called into question by DG Environment, but that it is to stand in the meantime regardless.

It was made clear to the meeting that seed areas within Natura 2000 sites are currently closed and will have to remain closed until such time as the necessary appropriate assessments are completed. It was reported to the meeting that an ornithologist has been retained to carry out data collection and analysis for the Cromane area. A fuller study is needed to resolve concerns about reported decreases in bird numbers as determined by the annual I-Webs survey. It was noted that DAFF have set aside a specific budget line of circa €1.25m in 2009 to help fund the data collection requirements.

Industry delegates expressed considerable and ongoing frustration with regard to the delays and difficulties encountered arising from problems with the Natura 2000 Designations. The government representatives on the BGMCF acknowledged that the situation was not satisfactory, but did point out that it was necessary to get over the various hurdles or that ultimately, the industry would be curtailed or shut down.

MO'D queried the mechanism that allowed the Cromane seed area to open in 2008. It was explained that the National Parks and Wildlife Service had agreed that the bed could be opened on the basis of an interim assessment, using available data at that time. However, NPWS has since indicated that they have reversed their position because they feel they cannot be confident that there will be no significant environmental damage (i.e. further reductions in the bird numbers) as a result of the seed fishery activity. Therefore the NPWS revised assessment now finds that the fishery must remain closed and DAFF have had to accede to that demand.

MO'D further queried the linkage between a subtidal fishery and an area designated in the most part for birds which feed on the inter-tidal zone. The legality of using an SPA Designation to control activities outside such an area was also queried. It was pointed out that designating an area as an SPA is a defined process in law and it was postulated that the control of activities outside of such a designated area would in essence be creating a de-facto SPA. The question of what might be the extent of the zone of influence of a designated site was also posed. A final query was raised regarding the criteria used in selecting areas for designation (such as the area in the Irish Sea off Wicklow Head) was also raised. The chairman and government representatives on the BGMCF responded by saying that there was not necessarily a clear answer to all of the questions posed by the vessel operators group, and whilst acknowledging the legitimacy of the queries, they respectfully suggested that they should be put directly to the NPWS at local and national level.

With regard to the situation in NI, DARD indicated that AFBI is currently undertaking a Test of Likely Significance in accordance with Article 6 of the Habitats Directive to ascertain if there is potential risk of damage to designated areas as a result of the seed fishery at Skullmartin, the Feathers, Donaghadee and Craigbrain.

### **Donaghadee Public Fishery Consultation**

KP reporting on behalf of DARD stated that the consultation period on the proposals for the management of a public fishery at Donaghadee, closed on Monday 9<sup>th</sup> of February 2009. He pointed that the consultation was conducted by the Sea Fisheries Policy Section of DARD, and that they are currently assessing the responses received. He added that given Minister Gildernew's involvement in the mussel fishery, it was likely that the matter would ultimately have to be referred to her for consideration.

The industry representatives on the BGMCF indicated that there was much disquiet about the process and proposals being put forward for the mussel fishery in Donaghadee Sound. In particular, the reference in the consultation document to NI registered vessels only, was queried by industry members. JK indicated that DAFF has also sought clarification on this point as it appeared to be in contravention of the Voisinage Agreement.

Industry reps also indicated disappointment on the timing of the consultation period. It was felt that it would have been more beneficial if the Forum had been given the opportunity of discussing the matter before the closing date for receipt of comments.

The DARD representatives pointed out that their sections were not responsible for the management of the consultation process, and they were not in a position to immediately answer the points raised by the industry representatives. In response, the industry representatives questioned why no suitable representative from DARD had been brought to the Forum so as to enable meaningful discussion on this issue. The secretariat pointed out that no requests had been received from industry in advance to ask DARD to send someone from Sea Fisheries Policy to the meeting. It was agreed following this discussion that if the Forum is to maximise its usefulness, then agenda item requests should detail exactly what members would like to be discussed and who they would like to see in attendance for discussions. It was agreed by all concerned, that this practice would be followed in future.

Industry representatives also queried the proposed opening of this fishery. It was noted that the consultation document only covered the period until the end of May 2009. The DARD representatives undertook to relay the concerns and queries of the meeting to the relevant personnel in the Sea Fisheries Policy Section of DARD and to seek to have responses at the next meeting of the BGMCF.

**Action:** *DARD representatives to update the Forum at the next meeting regarding the queries raised and on any developments relating to the opening of this fishery.*

### **Seed Mussel Fishery**

A discussion took place regarding the differing protocols and methodologies used in the surveying and assessment of seed mussel beds on either side of the border. Industry representatives felt that a standardised approach was needed, which used methods that were meaningful to the industry, rather than purely scientific. Arising from this discussion, the need to convene a Technical Sub-Group to standardise methodologies was identified. DARD, DAFF and the Loughs Agency indicated that they were agreeable to this proposal.

The Sub-Group is to comprise of Dr. Terence O’Carroll from BIM, Ciaran McGonigle from the Loughs Agency and Dr Matt Service from AFBI, along with representatives from the industry grouping on the BGMCF. Once the membership is identified, it is planned that the Technical Sub-Group should meet at the earliest opportunity with the Aquaculture Initiative providing a secretariat and chair to service the group’s activities.

**Action:**        *The secretariat to facilitate the convening of the Technical Sub-Group*

### **Seed Mussel Opening Arrangement**

The wording of the seed season opening arrangements was amended slightly. Agreement was reached on the following:

“The seed fishery will open on 30 April and fishing (subject to seed availability) and searching will continue through the following suitable tides,

- 30th April to 5th May
- 14th May to 21st May

The forum and the technical subgroup will meet on the 25<sup>th</sup> of May to discuss the possibility of an additional open period at the next suitable tide.

A close season will follow until the suitable tide on August 26th, when fishing (Subject to seed availability) and searching will resume and continue through appropriate tides.

Note: A number of areas may remain closed to seed fishing due to considerations related to nature conservation

Industry representatives requested that if a seed bed is subject to predation during a closed period, and it is clear that the seed will be lost to the industry unless fished. Opening such an area outside the dates agreed above should be an option.

It was accepted that allowing seed to be lost to the industry by predation did not match the stated aims of The Rising Tide Review - specifically the sustainable development of the sector. It was agreed that such events would be treated on a case-by-case basis as they arose and on their individual merits. It was felt that there could be an ongoing role for the Technical Sub-Group to act as advisors to the Departments in both jurisdictions in such cases.

### **Stock Tracking**

DM introduced this agenda item. Since the first meeting of the Forum, as agreed, the secretariat has been carrying out research on inshore fisheries stock tracking and traceability systems currently available or that are under development.

Two such systems have been identified that could potentially provide elements of a functional system for the mussel sector:

1. The BIM Inshore Fisheries electronic logbook systems as the primary data capture mechanism. (John Hickey presented this system to the Forum).

2. A database stock management system under development by the Mussel PO in the Netherlands, has potential to form the basis for the storage, interrogation and reporting of the data. Examples of this system were presented at the meeting.

The aim is to develop a system that is easy to operate, that moves towards streamlining current reporting requirements and that generates the data required to establish the sustainability of the sector.

The chairman clarified that what was required was for the Forum's input and comment into the suitability, affordability and practicability of the proposed systems and guidance on the key elements that are deemed absolutely necessary, and those that are seen as desirable but not currently vital to industry members and the regulators.

After the presentation of the Dutch database and Irish inshore electronic reporting systems, the industry representatives indicated that the BIM system, in its current form, was not entirely suitable for the mussel industry. They pointed out that any system should only require input from the skipper at the beginning of a day's activity and at the end - having to input data during fishing was not feasible or safe. They stated that they felt that the BIM system could be amended to make it suitable, but that alteration was needed before it would be a practical tool for the Irish mussel industry. The industry representatives expressed the view that any system developer retained to create a stock tracking system for the Irish industry, should spend a day on a mussel boat to get a feel for the industry and its activities. Notwithstanding the above, the industry expressed their willingness to participate in a stock tracking system based on electronic data transmission to a secure central database and mandated the secretariat to continue with its development.

*Note:* All data will be gathered in the strictest of confidence and access to all data will be strictly subject to the data protection legislation in both jurisdictions.

*Action: Secretariat to bring forward detailed arrangement for the development of a stock tracking system, subject to funding and other resources being sourced.*

### **European Communities (Health of Aquaculture Animals and Products Regulations 2008)**

This agenda item was deferred until the next meeting of the forum when it is hoped that Ms. Fiona Geoghegan from the Marine Institute and Ms. Judith Tener from DARD, will attend and outline the requirements under these regulations

*Action: Secretariat to attempt to arrange Marine Institute and DARD's attendance at the next meeting of the Forum.*

### **Mandatory Notifications and paperwork (Industry Obligations)**

Industry representatives, expressed concern at the complexity of current reporting requirements. They requested that a simple manual be produced for industry members outlining all their reporting requirements under the relevant legislation.

**Action:**            *Secretariat to liaise with the SFPA, the Marine Institute, DARD, DAFF, FSA, FSANI etc in an effort to compile such a document*

### **Markets**

Richie Flynn outlined current difficulties in the market place. He reported that investment in advertising and market expansion by the processors in the Netherlands had dropped significantly over the last number of years, because of the reduction in production in Dutch waters. Production levels in the Netherlands were reported to be increasing again, and it has been signalled that marketing investment will also be increased in the coming years. However, RF put forward a view that this investment was not likely to yield any great levels of increased consumer demand in the short term.

RF concluded his remarks by expressing the opinion that the markets will continue to be under pressure in the current economic climate, and also because of competition from countries with lower costs of production, such as Chile.

### **AOB**

There has been a request from the Mussel PO in the Netherlands for the Forum to facilitate sample collection and dispatch to the Netherlands of samples. They have requested that mussels be sampled from each of the production areas, on a twice yearly basis, in order to satisfy nature conservation requirements in relation to the control of importation of alien species.

During the course of discussion around this topic, one industry representative expressed concern that an unfavourable sample from one production site in a bay, could adversely impact the market for all other licence holders in that area. It was explained that when dealing with alien species this may be unavoidable. If an undesirable alien species were to be detected in a production area, then all sites in that area would be regarded, by the authorities, as being a potential importation source of that undesirable alien species.

After discussion, the industry representatives agreed that any measure that keeps the supply lines between Ireland and the Netherlands open would be welcomed by industry and they were prepared to cooperate with and accede to the Dutch PO request.

**Action:**            *Secretariat to request translated sampling protocol from the authorities in the Netherlands, as well as seeking clarification on the legal basis for such sampling.*

### **Date and Venue of Next Meeting**

The next meeting of the Forum will be held on the 15<sup>th</sup> of April. Venue will be decided at a later date.

The chairman brought the meeting to a close, there being no other business, and thanked the secretariat for their sterling work in preparing for and organising the meeting. The chairman's sentiment was seconded by the Forum members.