

**Minutes - BGMCF - Meeting 4**

**Date:** 17/09/2009

**Venue:** BIM, Crofton Road, Dublin

**In attendance:** Mr Donal Maguire – Chairman of the BGMCF  
Mr Michael Murphy – Secretariat  
Ms Joanne Gaffney – Secretariat  
Mr Paul Moore - DARD  
Mr Paddy Campbell - DARD  
Mr Greg Griffiths - DARD  
Dr Matt Service - AFBI  
Ms Deidre Kelleher – DAFF  
Mr Declan Quigley - SFPA  
Ms Deborah Cheslett- Marine Institute  
Mr Raymond Dougal – Industry Rep Belfast/Larne  
Mr George Golden – Industry Rep Carlingford/Dundrum  
Mr John McLaughlin – Industry Rep Swilly  
Mr Stephen Kelly – Industry Rep Kinsale/Waterford/Wexford  
Mr Michael O’Driscoll – Vessel owner and operators association  
Mr Richie Flynn - IFA

**Apologies:** Mr Kenny Parker - DARD  
Mr Barry Fox – Loughs Agency  
Mr Arthur McCarthy –Rep Castlemaine/Shannon/Cork/ Clew Bay  
Mr Michael Havelin – Industry Rep Foyle

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

Donal Maguire (DM) welcomed everyone to the meeting; all attendees were asked if they agreed with contents of the Minutes, the chairman proposed that all action points would be addressed through the agenda. No amendments to the minutes were requested, thus the chairman accepted and signed the minutes as presented.

DM further outlined progress since the last meeting of the forum and he underlined the achievements of the BGMCF to date. These included; the orderly opening of the seed beds in the Irish Sea in the 2009 season following a pre-arranged schedule which had been flagged to all well in advance, the agreement on the streamlined Aquatic Animal Health provisions covering the movement of seed in the NI and the opening of the Cromane Fishery in compliance with the Birds and Habitats Directive. The chairman pointed out that these are areas where the forum has played an important role in achieving progress. There were however significant areas where progress has been slow due to external factors such as budget availability and the impact of various DoF expenditure embargos.

The chairman pointed out that it was important that these ‘slow-progress’ areas should be given a renewed priority by the BGMCF. In particular he cited the issue of developing an effective integrated stock tracking system (as recommended in the ‘Rising Tide’ review) as being of especial importance. It was an example of an issue which, on the one hand was crucial but also an area where little real progress had been made to date.

**Discussions on the Donaghadee Fishery – Mr Paddy Campbell of DARD attended the forum specially to brief the members on the situation in Donahadee, giving a verbal presentation to open the discussion; he made the following points;**

- Recent survey results from AFBI indicate that 59% of mussels in the area zoned as the Donaghadee Public Fishery are of a size suitable for harvesting for direct human consumption. This equates to approx 350t of mussels (above 40mm) that could be harvested by the vessels operating in the public fishery. It had been mandated that mussels smaller than 40mm must not be removed from the fishery area and thus must be directly returned to the fishery.
- The scientific advice is that if the fishery is not opened then there are two possible outcomes - 1- the mussels will be lost to predators or 2. The mussels will be washed away by winter storms.
- Site and catches are to be surveyed throughout the fishery by DARD officers and when the proportion of mussels suitable for landing falls below 50% of catch, then the fishery will be closed.
- The fishery will be controlled through the allocation of fishing days to vessels involved in the fishery. Licence conditions will also stipulate the duration of the fishery (October to early December - the fishery is temporally restricted in this way so as to avoid disturbance of over wintering birds). Re; opening days (The fishery will be restricted to week day opening). Re; landing ports (Mussels from the fishery must be landed at Belfast, Bangor or Portavogie). Re; vessel size (vessels operating in the fishery must be of 12.19m registered length or under)
- It is DARD's view that the conditions attached to the fishery are supportive of the requirements for sustainable fisheries under the CFP and satisfy the requirements of the Habitats Directive.

Industry members of the forum expressed concerns that the current arrangements are both economically and environmentally unsustainable and are setting a dangerous precedent for the management of seed beds identified in NI waters.

DARD was asked to provide an assurance that the creation of mussel fisheries in areas previously not exploited as a public fishery would not happen again. PC indicated that the provision of such an assurance was not possible as the management arrangements of fisheries resources is a policy decision that would be taken by the relevant ministers in the future.

Industry members also suggested that DARD, in pursuing this approach, may be disregarding the legitimate sustainability concerns of the aquaculture sector and that the policy decisions for Donaghadee were in danger of undermining the survival of the bottom grown mussel aquaculture sector in NI. They pointed out that it was a sector that has been the subject of heavy investment by a number of companies over the last ten years.

Industry members contended that 'seed mussel' should be defined as 'any mussel that can be relayed'. They also pointed out that the returns from relayed mussel have been shown to maximise the volume and value of mussels produced on the Island of Ireland. Matt Service indicated that purely from a perspective of maximising the volume of returns, that fishing and relaying of seed will always give the greatest return

George Golden highlighted the economics of the return figures from Donaghadee by making the following case- The aquaculture sector have fished 2500t of mussel from half of the Donaghadee bed, this will provide a minimum projected return of 2500t of top grade market sized mussels in the coming two years.

Two years after the bed was identified by aquaculture operators it is proposed to open a public fishery for 350t in the other half of the fishery - this represents a tiny fraction of the tonnage that could have been produced from the stock through aquaculture techniques and also represents a loss of seed settlements in this area as these older mussels are preventing new settlements in the area. He queried the appropriateness of the criteria being used by DARD when giving consideration as to whether or not to create a public fishery for mussels in a given area.

Industry members also queried whether DARD had investigated the potential impact of placing 350t of low value mussels on the market during the autumn. They expressed the worry that these mussels could have the effect of bringing down the price and causing damage to the reputation of Irish mussels as there was no quality assurance or marketing effort attaching to these stocks. PC indicated that it has not been a traditional part of DARD's remit to consider marketing issues with regard to fishery products and that they had been more concerned with conservation and control issues.

Industry members contended that they had worked hard and invested heavily with the development agencies over the last 5 years to develop a high value quality assured mussel product from the Island of Ireland and that these efforts were in danger of being undermined by the creation of a public fishery which was not engaged in quality assurance and had no proper marketing arrangements in place.

DARD indicated that they would welcome a submission from industry members on the economics of seed exploitation or any other relevant information and that such information would be considered in a broader consideration of any proposals to develop another wild fishery.

### **Surveys**

BIM and DARD surveys were complimented for providing good guidance to industry for the current fishery. It was noted some issues remain with regard to the standardisation and release of the survey reports and concerning the methodology around some of the calculations carried out as part of the surveys.

It was agreed that it would be useful to reconvene the technical subgroup over the coming months to iron out these few remaining issues

DM further highlighted the value of the *MV T-Burke* in providing valuable survey data in the Irish Sea and particularly in the case of Castlemaine Harbour.

**Action: Contact members of the technical subgroup to gain their opinion and consensus on the issue of the format of survey reports and calculations to be contained within those reports**

### **Surveying in NI waters**

Industry members expressed the view that the DARD restrictions on seed mussel surveying in NI waters were having the unintended effect of negatively impacting on the sustainability of the sector in NI, because they were in effect discouraging survey effort. They also contended that

there is a fear that if new seed mussels beds are identified through industry surveying, that the sector will not be allowed to fish them as DARD may decide to establish them as public fisheries, as in the Donaghadee case.

Further the industry members put forward the view that the current surveying restrictions on the sector were disproportionate when compared with the activities of other sections of the inshore fishing industry such as Scallop dredgers, which are not subjected to the same spatial and temporal restrictions when they want to pull a dredge. GG stated that the scallop sector is highly regulated in NI waters.

Industry members highlighted the recent experiences of the *MFV Rona* when that vessel attempted to undertake a seed mussel survey. The industry members contended that the restrictions on using a dredge to survey outside areas of conservation concern even when under observation by AFBI personnel and a fisheries officer was not reasonable.

Industry members felt that the period of notice and negotiation apparently required by DARD make surveying practically impossible. They put forward the view that seed surveying is typically conducted to a tight weather and a tight vessel availability timetable. They stated that a seed fishing vessel may find itself in a position to conduct a survey on a given day when it has been moving mussel up from the Irish Sea or between growing areas. It is difficult to predict weeks in advance when these opportunities may arise and thus very difficult to agree a schedule with DARD. They requested more flexibility from DARD and that similar surveying arrangements to those in ROI be adopted in NI

"The DARD representatives replied that they accepted that the survey attempted by the *MFV Rona* had not gone as well as it might have because of a communications difficulty. DARD had attempted to facilitate this survey, but arrangements had been made over the telephone and the expectations permitted activities were not fully understood by those on board. DARD felt that this demonstrated why clearly understood arrangements, made in advance, was important." Notwithstanding this specific example they highlighted the section of the minutes from the 3<sup>rd</sup> meeting of the forum which stated that; "*If an industry member wishes to survey a specific area, please contact DARD who will establish if there is other gear deployed in the area or any other relevant considerations such as conservation designations to be taken into account. DARD will also endeavour to make fishery officers available to monitor the survey*" DARD reiterated that there was no policy of restricting seed mussel surveying once it has been adequately pre-planned.

DM indicated that the resources of the secretariat could be made available in assisting industry members in agreeing surveying schedules and other necessary arrangements with DARD. This suggestion was taken up by both sides and it was agreed to try this approach.

**Action: Industry members to advise secretariat on how they wish to proceed with arranging a survey of NI waters and the secretariat to liaise with DARD in this regard**

### **Report on the Current Seed Mussel Fishery**

Industry members on the Forum were asked by the chair to estimate their relative satisfaction level with the arrangements for the 2009 seed mussel fishery. Industry members expressed general satisfaction with the arrangements emphasising the value of sticking to the schedule agreed by the BGMCF in the spring.

Industry members also highlighted what they perceived to be the success of the opening period in the spring giving rise to fresh settlements, which were observed on the beds fished later on. They

concluded that the measures adopted by the BGMCF maximised seed availability to the industry as a whole while also allowing operators to have stock on site to maximise the high growth rates over the summer months.

The one area of concern expressed concerned reports of a small number of vessels fishing well after 6pm - an activity prohibited under the seed mussel fishery authorisations.

DQ indicated that the SFPA were looking into this matter, on the basis of complaints received during the fishery.

DQ also indicated that compliance with the reporting requirements has improved but that there are still notable gaps in the return information. The Navy have been active in inspecting vessels and most were compliant, however some have received warnings for not having their log-books up-to-date. There have also been some VMS issues

He also cautioned that the fishery is a very visible one on the east coast and that the SFPA have fielded numerous complaints from members of the public who were worried by how close the vessels were coming in to the shoreline. Vessel owners and operators must be aware that their activities are also closely watched by the NGO's and thus their activities must be in compliance with the regulations, if the industry is to be effectively defended.

### **Health of Aquaculture Animals Regulations**

The new arrangements were regarded as generally successful by the industry; although DARD's reservations about the possible loss of control associated with a relaxation of the inspection regime remain, they were prepared to accept the arguments put forward by DAFF and the MI.

### **Conflicts with other fisheries interests**

DM informed the forum members that the Secretariat has been receiving complaints from a number of Fishermen who allege that their static gear has been pulled by boats involved in the seed mussel fishery. Industry members claimed that while there may be some valid cases, some fishermen are exaggerating lost gear claims as a possible means of trying to extract compensation from the Bottom grown mussel sector.

The chairman indicated that the forum is not the correct place for dealing with individual queries and that reported incidents should be resolved through the industry representative groups. However in light of the complaints being received by the secretariat it may be appropriate for the secretariat to facilitate a meeting between industry reps and some of the whelk fishermen

GG stated that AIMDPO members will again be asked to make their skippers aware of this ongoing issue and would encourage members to address complaints as and when they arise.

The chair emphasised the importance of maintaining good relations with other fishermen and their representatives and urged the industry members to take rapid practical steps to deal with the outstanding claims.

**Action: Secretariat to liaise with BIM inshore fisheries officers with a view towards possibly organising a meeting between industry reps and some whelk fishermen.  
Industry reps to deal directly with the outstanding complaints.**

### **Oyster Mortalities - Report on possible trade implications**

Deborah Cheslett of the Marine Institute briefed the forum on the recent oyster mortalities and possible implications for trade in Mussels. The “syndrome” is not currently listed in 2006/88/EC therefore the commission have ruled against trade restrictions based on the presence of the Oyster Herpes virus in growing areas. The MI is also screening other species of shellfish including mussels for the presence of the virus - to date none of these samples have been positive for the virus.

The notes from Deborah’s presentation are attached to these minutes.

### **Tests for alien species in the Netherlands**

As part of an ongoing sampling programme, the authorities in the Netherlands are seeking the collection of regulatory samples for alien species analysis from all growing areas on the Island.

Declan Quigley indicated that the SFPA would facilitate the collection of the regulatory samples.

### **Classification of Shellfish Production areas**

MOD highlighted the importance of the classification process to industry members and highlighted the lack of transparency for the basis of the classifications in the current system and stated that the industry should be fully aware of all aspects of the classification process. RF highlighted the involvement of the ISA in the classification processes, The ISA have been involved from day one in the negotiation of the Microbiological code of practice and are involved in the examination of the results at year end to agree the status of the shellfish growing areas.

Purely on the basis of micro results from the 2008/2009 classification period 28 bays were considered for a drop in status. After negotiations with the SFPA and other stakeholders under the guise of the Molluscan Shellfish Safety Committee, this seasons results saw 8 areas upgraded and 8 downgraded. The principal of seasonal classification has been accepted and the zoning of areas has also been accepted.

For the system to function effectively there needs to be better relationships between the industry and their local fisheries officers, it is very important that when results come back with high levels of microbiological contamination that producers seek to find a reason for this result - e.g. storm conditions or failures of a sewage system.

MOD expressed a wish to have a presentation on the viral situation and how it may affect shellfish production in the future.

**Action: Ritchie Flynn suggested that Bill Dore be invited to the next meeting of the forum to give a presentation on Noro Virus.**

### **Natura 2000**

The Forum expressed disappointment that the NPWS had failed to field a representative to answer the queries relating to the designation and management of Natura 2000 sites.

**Action: Secretariat to submit a letter to the management in the NPWS highlighting the dissatisfaction of the forum with the non attendance of a representative from the NPWS to answer the industry queries relating to Natura 2000 sites.**

### **Castlemaine Harbour Seed Fishery**

DM highlighted the difficulties which had been encountered but ultimately overcome with the assistance of the BGMCF in the opening of the seed fishery in Castlemaine this year. He noted that it was the first fishery in a Natura 2000 area to be opened in compliance with the B&H Directive in the ROI.

The Secretariat to the forum facilitated the drafting of a fishing plan for Castlemaine Harbour; this plan was then submitted to the Department who passed the plan to the MI to carry out the appropriate assessment. When the assessment was complete it was put out to public consultation and circulated to members of a Technical Advisory Committee chaired by Mr Brendan Linehan of DAFF and composed of Departmental reps (DAFF and NPWS), reps from BIM, Fishermen from the area under assessment and reps from the environmental pillar of the social partners. The plan and assessment were examined and amended to satisfy the stakeholders.

Finally advice was given to the Minister to open the fishery on the basis that the assessment and licence conditions for vessels operating in the fishery were robust in protecting the conservation features of the Natura 2000 sites in Castlemaine Harbour.

Industry members expressed concern at the significant difficulties experienced in opening the fishery, especially in light of the ever expanding Natura 2000 network. There was also concern that this complicated and lengthy process resulting in the areas opening late in 2008 and with a high degree of uncertainty in 2009 must be repeated year on year. DM acknowledged the concerns of industry members and warned that the industry must be in a position to provide accurate information for the formulation of fishing plans.

Declan Quigley also highlighted that for the favourable outcomes of these assessments the SFPA must also be able to demonstrate their ability to monitor and control the sector. Only a high level of compliance will support the opening of seed fisheries in or adjacent to Natura 2000 sites

### **Update on the Development of a Stock Tracking System**

The importance of the development of a stock tracking system was again demonstrated in the efforts to open Castlemaine, however the development of a tailored computer based system has fallen foul of the current Department of Finance embargo on IT spend.

It was nevertheless acknowledged that progress had to be made and that the best way forward would be to explore the creation of a system based on the outputs from the current paper based reporting.

**Action - Secretariat to liaise with the Departments on the creation of a stock tracking function based on the current paper reporting requirements and in compliance with the data protection legislation**

### **Review of the mechanism for determining seed mussel allocations**

The chairman stated that the recommendation of the Rising Tide on this matter still remain - "that seed mussel allocations remain static until a comprehensive dataset from a stock tracking system is available". However the Departments did acknowledge that there are, with the passage of time,

some apparent individual anomalies in the allocation system that may warrant particular examination.

It was decided that a special subcommittee would be convened to look at a number of particular cases, but that the main body of allocations would not be altered.

Industry members stated their wish to have a seat on such a sub-committee

DM stated that while it is understood why industry members may want a seat on such a subcommittee, any industry members sitting on the committee would be conflicted as a result of their commercial interests in the sector. As a compromise, industry members would be invited to nominate a suitable person, who has no personal commercial interest in the sector, and that any such nomination would be given careful consideration by the departments.

**Action: The secretariat to work with the departments on the MO and timing for convening a limited allocation review subcommittee**

## **AOB**

### **Dredging in Wexford**

Wexford Boat club are proposing to undertake some dredging works in Wexford Harbour and to dispose of the spoil in the channel. Industry members queried the regulatory structure surrounding such activities. Declan Quigley indicated that such activity requires a foreshore licence.

**Action: Declan Quigley to follow up on this issue.**

### **New Forum Member**

DM informed the group that Mr John Kelly would no longer be sitting on the Forum as he is moving to the Coastal Zone Management Division of DAFF. Ms Deidre Kelleher would be representing DAFF on the Forum until the role was reassigned. The Forum expressed their gratitude to Mr Kelly for all his work in assisting with the drafting of The Rising Tide report, in its implementation and for his efforts as a member of the BGMCF.

### **Date of next meeting**

GG stated that the forum should not go without a meeting for 5 months again

The next meeting will take place in the south west - possibly Clonakilty.

The chair closed the meeting with thanks to all for travelling and attending.