

BGMCF - Meeting No.26

Date: 10/05/2023

Venue: BIM, Dún Laoghaire.

In attendance: Bridget Collins – DAFM
Geraldine O’Donovan -DAFM
Kenneth Mongey – SFPA
Declan McGabhann - SFPA
John Kane - DAERA
Jim Watts - DAERA
John McGuigan - DAERA
Heather Moore – AFBI
Alex Callaway – AFBI
Sean Gallanagh – Loughs Agency
Rory Campbell – BIM
Joanne Gaffney – BIM
Nicolas Chopin – BIM
Arthur McCarthy
George Golden
William Dingemanse
Michael Havelin

Apologies: Teresa Morrissey – IFA
Donna Lyons – DARD
Ciaran McGonigle – Loughs Agency
Matt Service – AFBI

Meeting started 13:00 hr

1. Welcome

Rory Campbell (RC) welcomed all the attendees to the meeting.

2. Minutes of the Last Meeting

The minutes of the previous BGMCF meeting (12th May 2022) were reviewed and accepted.

3. Action points

Action points from meeting 25 were reviewed individually.

Action 1: DAFM to update information on access arrangements post Brexit and revert to the forum.

Response: In line with the EU / UK TCA, the Voisinage arrangements which allow Irish registered vessels access to 0-6nm zone in Northern Ireland and for vessels owned and operated in NI to fish in IRL 0-6nm zone, remains in place, in accordance with the Sea-Fisheries (Amendment) Act 2019, however this now requires specific authorisation. DAFM manages this process for Irish vessels seeking access and provides a list of vessels to the EU Commission for authorisation by the UK authorities. DAFM are not aware of any particular issues but advised if issues do arise that industry members should contact the inshore team.

Action 2: Meeting of the Forum to be scheduled for late July 2022.

Response: Single agenda item meeting took place, information note issued to industry members immediately following that meeting. RC indicated that he believed this pattern should be replicated in 2023.

New Action 1: Secretariat to schedule a meeting of the forum virtually in late July/early August to discuss survey data and provide more information on a potential opening date.

Action 3: JMcG committed to bringing items relating to the seed fishery back to DAERA and the CFO and revert to the forum.

Response: JMcG confirmed that he had brought Industry's request to survey back to the Chief Fisheries Officer and the response was not favourable. Issues identified were potential conflicts with Pot fisheries and with the requirement for DARD to monitor and manage the survey effort, CFO position was that AFBI should conduct all surveys. There is a temporary new CFO in place but felt it was unlikely that the standing position would change.

GG stated that industry appreciates JMcG efforts but are frustrated with the lack of progress on this matter. Industry do not understand why DARD identify areas where industry can survey. They highlight that other dredge fisheries (Scallop) can operate in NI waters without such restrictions. They fear that AFBI is not covering enough ground and thus no new resources are identified. The lack of a NI fishery undermines the role and function of the forum and if NI never opened there was no future for the Forum.

To progress this issue, industry now proposed that they conduct an acoustic survey, complemented by Diver or camera work. They queried if this would be acceptable to DAERA? And if seed was identified, would they be allowed fish?

JMcG and DAERA colleagues indicated that they would have to review the policy implications of this but on first examination this seemed to be a proposal that could be supported. HM and AC stated that from a scientific side, there is no reason that this could not progress and would be happy to support. AC cautioned that the expense of Divers may be prohibitive but there are other technical solutions that may be less costly but still capable of generating good data, a combined approach between AFBI and industry may be the best option.

RC welcomed the fact that all parties clearly wanted a positive outcome, with the priority being data acquisition to support decision making.

New Action 2: JMcG to consult colleagues within DAERA and revert to Industry.

New Action 3: Industry to liaise with AFBI on possible survey area and best techniques.

Action 4: Seed surveys to be made available to industry members.

Response: Completed via BIM website

Action 5: BIM to complete IAS survey on identified beds.

Response: Completed in 2022

Action 6: JMcG to contact colleagues in the funding section re. MSC.

Response: Completed in 2022, ongoing contact through 2023

Action 7: DAFM to revert on legislation and impacts on opening tides in July.

Response: GO'D stated that tides are in line with that proposed in the draft Fisheries Natura Plan which was submitted by industry members of the forum late last year. If industry members are seeking a change to the fishing tides this change should be reflected in that Draft Plan.

New Action 4: JG to consult with Industry members regarding required amendment to plan, with a view to resubmitting to DAFM.

Action 8: (Black Box) DAERA and DAFM to examine legislation and application forms, on receipt of SPPA submission, and revert to the group in July.

Response: GO'D outlined that draft wording to amend S.I. 311 of 2006 (Remove reference to Black box) has been produced, however further clarification is pending and the draft will need to be submitted to Legal Services for final approval. The forum will be notified when this S.I. amendment is progressed.

Action 9: BIM to circulate draft agenda in advance of Forum meetings, draft minutes to be released 2 weeks post meetings, website capability to be explored.

Response: BIM have created a dedicated BGMCF section on the website, BIM will ensure that minutes go out within 2 weeks, the email contact list has been updated to ensure that industry members receive communications in a timely manner.

Action 10: DAFM representatives said they would look at the documentation relating to Dalkey Sound and revert to the forum.

Response: GO'D confirmed that the files relating to the closure of Dalkey Sound in 2019 had been examined and that the closure was associated with scientific advice from the MI, which identified a risk to adjacent reef habitat. This advice was submitted to the Minister and the relevant area was subsequently closed.

GG Queried the change in advice, and asked what had changed from 2018 that precipitated the closure? He further stated the industry were very disappointed with the decision and found it hard to believe that scientific advice could change so rapidly.

GO'D highlighted the requirements of the Birds and Habitats regulations and the duty of the Minister in this regard. She further highlighted the National and EU scrutiny under which the consenting system operates. She emphasised that the MI update their advice based on data and thus it is inevitable that changes will occur as new data becomes available. She reiterated that the file indicated that the decision to close that particular area was directly associated with scientific advice.

GG also raised concerns regarding the treatment of the Wicklow seed area in 2022. Stated the industry were consulted by with a "hobson's choice"- agreed to the closure or the whole seed fishery will remain closed. GO'D reiterated that industry had been informed of the pending closure of this area which would then be subject to monitoring.

GG then queried the absence of the MI from forum meetings, industry has valid scientific questions, but the MI do not make themselves available to answer same.

New Action 5: RC as chair to write to the MI to request their presence at the forum meetings, this should ensure that industry get early notice of any new data that might influence access to seed.

AMC mirrored GG and expressed that this lack of communication and consultation must never happen again. WD confirmed that he had fished this area and it was hard to understand why it was closed.

GO'D then advised the forum as to the status of the Draft Fisheries Natura Plan for the Irish Sea seed mussel fishery and associated environmental Assessment in compliance with the Birds and Habitats regulations. She highlighted that a new S.I. is in place (S.I. No. 293/2021 (European Union (Birds and Natural Habitats) (Amendment) Regulations 2021)), which places additional obligations on the Department and the Minister in assessing the Draft Fisheries Natura Plan, a process that must be completed in advance of any opening of a seed fishery in the Irish Sea for 2023. DAFM cannot confirm when this process might be complete and what mitigation measures may be included in the assessment. There will further be a period of public consultation and the Minister must consider all submissions to that consultation. She assured the Forum that DAFM are working on this and expect to be able to go to public consultation in June.

RC stated that it is very important that industry ensure their voice is heard during this consultation and thus encouraged all industry members to respond to the consultation.

New Action 6: GO'D to notify industry members and the forum when the consultation opens.

AMC queried if this had any impact on the Castlemaine Fishery. GO'D confirmed that Castlemaine is unaffected as it currently has a plan in place.

4. Seed Fishery 2022

KM gave the Forum an overview of the 2022 fishery,

Total Fished = 14158t (Gross) 11399 (Net)

Relayed Belfast = 2570 (Net)

Relayed Carlingford = 1945

Relayed Foyle = 200

Relayed Cromane = 844

Relayed Wexford = 5840

DAERA confirmed no fishery had taken place in NI waters.

RC commented that it had been a good year with volumes up significantly.

GG Golden queried if excessive allocations remained in the system, i.e., were there people who annually receive allocations but never fish them? GO'D stated that DAFM take each application at face value and do not operate a "use it or lose it" rule and that this would be a policy issue. JMcG stated that DAERA do not track this that they are more concerned with overloading of some sites. WD stated that overloading is not in the interest of operators but queried the allocation to individual sites within a bay. Where operators have multiple sites in a bay, they should be allowed to manage stock effectively on their sites and splitting it in smaller quantities may not get the best return. JG highlighted that the stocking limitation was in place to protect the whole bay from overstocking and thus the proposal could have implications for aquaculture licensing. GO'D stated that terms and conditions of Aquaculture Licences must be complied with.

DMcG highlighted that any change would require the submission of operational data by industry members.

New Action 7: Secretariat to raise this issue with DAFM and DAERA in the autumn post the opening of the fishery.

5. Survey Plans 2023

NC indicated that the T Burke II remains on the slip due to difficulties in sourcing a replacement prop due to global nickel shortages. He stated that he hoped the vessel will be in the water by the end of next week and that there will be time to catch up on the required seed and IAS surveys by the next forum meeting. He asked that industry assist where they can (sending information on local conditions and any potential beds) to assist the survey effort this year.

AC confirmed that that the Roxanne survey off the known areas off the Ards Peninsula was taking place this week. This will be followed up in July by a Camera and Multibeam survey, the new addition of the multibeam should give greater coverage and provide more data to assist DAERA in their decision making.

6. NI seed mussel subcommittee

MH confirmed that he had raised this agenda item but was now content with the actions agreed earlier (New Actions 2-3). JMcG highlight that the Aquaculture Representative Group (ARG) had been reconstituted in NI and have secretariat support through Rod Capelle of Poseidon. The ARG could be approached to act on this issue. Industry members indicated that they were currently content with the agreed approach but would revisit this in the future.

7. Potential opening dates of seed mussel fishery 2023

The forum examined the available tide information and the 7th September was agreed as the earliest opening date. RC cautioned that this is subject to the identification of sufficient seed resources, IAS survey results and the completion of the required environmental assessments of the Fisheries Natura Plan.

New Action 8: Date to be revisited at the July meeting.

8. Transparency of BGMCF

The secretariat has received a request that the forum consider opening the meeting to all members of the industry. RC stated that the operation of the forum and its membership is set down in the Rising Tide and that it is not in the power of the Forum to change this, this would need to come as a direction from the relevant Ministers in NI and IE.

9. ORE and MPA update for Irish Sea

RC confirmed that the forum is a prescribed body for consultation on ORE developments in the Irish Sea. He informed the group that both he and DMcG sit on the ORE working group and if/when any proposals come forward that have the potential to impact on the seed fishery in the Irish Sea, that industry will be informed, and that the forum will make responses on their behalf. RC also highlighted that the mussel fishery was in a good position in that there was a good historical data set of their activities which was not replicated in other inshore fisheries. DMcG stated that any impact on the seed fishery is likely to be associated with cable corridors.

RC then informed the group that Ireland had committed to protect 30% of its maritime area by 2030, with 10% being subject to a high level of protection. However, no information is yet available on what new species/habitats will be protected or indeed what highly protected means. What is clear is that the Irish Sea will be the first area to have MPA designation and that a report is due on potential areas in the coming month.

New Action 9: Secretariat to keep industry members informed of any new information/proposal that may impact the seed fishery.

10. MSC management

JG informed the group that a certification body has been appointed and that reassessment is ongoing in NI and IE. A certification meeting will take place late June /early July.

11. Industry representation

RC informed the forum that GG and RD had notified the Chair that their situation had changed and that their membership was no longer in line with that set down in the Rising Tide. On behalf of the forum, he thanked both for their valuable contributions since the inception of the Forum and stated that their input would be missed. AMC, MH and WD echoed these sentiments. GG thanked the chair and fellow members and had appreciated the work of all forum members and the robust debate over the years. He credited the forum for its work in support of the BG mussel sector.

RC indicated that in line with the requirements of the Rising Tide elections would soon commence in both Carlingford and Belfast with a view to appointing new representatives before the next meeting of the forum.

12. AOB

JK raised the issue of compliance checks in NI for shellfish imports to be subject to inspections, with a local policy to target 20% of loads. He also raised concerns regarding some confusion in 2022 on required notice to DARD and SFPA and the issues of TRACES health notices.

New Action 9: SFPA, DARD and Secretariat to consult with MI and provide updated guidance to industry (incl. contact numbers) in advance of any seed fishery.

GO'D informed the Forum that Carol Collins has left her role in the inshore team, she thanked her for all her efforts in the 2021 and 2022 seed seasons administration. She highlighted that to assist DAFM in the orderly administration of the fishery in 2023, DAFM would be issuing Expression of Interest forms soon, these will be accompanied by a checklist of requirements. She asked that industry use that checklist to ensure all EOI's are complete and ask that they be returned by the requested date.

JMcG echoed this as he is also down a team member in 2023. He will be solely responsible for the 2023 fishery admin and would appreciate the patience and support of industry members.

RC – Thanked everyone for their contribution and closed the meeting.