

## **BGMCF – Meeting 1**

**Date:** 10/12/2008

**Venue:** BIM, Crofton Road, Dun Laoghaire

**In attendance:** Mr Donal Maguire – Chairman of the BGMCF  
Mr Kenny Parker - DARD  
Ms Deidre Kelleher - DAFF  
Mr John Kelly – DAFF  
Mr Barry Fox – Loughs Agency  
Mr Raymond Dougal – Industry Rep Belfast/Larne  
Mr George Golden – Industry Rep Carlingford/Dundrum  
Mr Arthur McCarthy –Rep Castlemaine/Shannon/Cork/ Clew Bay  
Mr Michael Havelin – Industry Rep Foyle  
Mr John McLaughlin – Industry Rep Swilly  
Mr Stephen Kelly – Industry Rep Kinsale/Waterford/Wexford  
Mr Michael Murphy – Secretariat  
Ms Joanne Gaffney – Secretariat  
Mr Michael O’Driscoll – Vessel owner and operators association  
Mr Richie Flynn - IFA  
Mr Micheál O’Mahony - SFPA

**Apologies:** Mr Greg Griffiths - DARD  
Mr Paul Moore - DARD

### **Welcome and Opening Remarks**

The chairman welcomed everyone to the meeting and especially thanked those that had travelled to get there. He stressed that forum members needed to be realistic and pragmatic about the degree of influence and power which the forum can have, especially in the early stages of its operations. It was not intended that the forum be just a talking shop but it was important to understand that certain roles and duties, as laid down in the statute books, will have to remain with the relevant Ministers and their advising Departments. The Forum was not so much to make regulatory decisions but to act as a vehicle for the sector to interact with the regulators so as to inform better more commercially focussed decision making.

He went on to say that the model of appropriate partial industry self-regulation presented in the *Rising Tide* remains the ultimate goal of the process and that the forum is viewed as a means of achieving this, through an incremental process, building trust on all sides as it develops. Thus the onus is on the members of the forum and the wider industry through their representatives to work constructively together so as to make the forum as relevant and useful as possible. A useful and relevant forum will also serve to encourage engagement by all members of the industry.

The chairman also stressed the exposure of the sector to increased restriction as a result of Natura 2000 designations and he felt that this was a matter of great concern. The sector, through its regulators, must be able to reliably quantify its degree of impact on

protected sites. In the absence of appropriate structures for doing this (ie, accurate stock tracking and monitoring information etc), he felt that the industry would be vulnerable.

The chair went on to inform the forum members that written objections have been received from a limited number of industry players regarding the establishment of the Forum. Notwithstanding these objections it is the view of the Departments and the Loughs Agency that *The Rising Tide* report recommendations should be implemented and therefore the Forum must be established and commence its work.

Responding to the chair's opening remarks both Departments and the Loughs Agency expressed their commitment to implement the recommendations of the *Rising Tide Report* (subject to resource and legislative restrictions). DAFF stated that they regard the forum as the only vehicle currently available to progress the management of the bottom mussel sector. DARD also stated that they are committed to working with the forum in an effort to ensure consistent management of the sector on the island of Ireland.

Ritchie Flynn of the ISA, responding to the opening statements of the Departments, highlighted the value of the BGM sector on the Island of Ireland. He contended that the industry it is not adequately understood or appreciated by regulators, public representatives or by the EU. This places the sector in a vulnerable position. And he called for greater sectoral unity in order to strengthen its position in safeguarding the three main elements of the BGM business i.e. Access to seed, access to licenses for on-growing and route to market.

For future BGMCF meetings Mr Flynn requested that the secretariat arrange for a meeting room to be made available to industry representatives for a few hours prior to the Forum meeting. This was agreed.

Mr Michael O'Driscoll of the vessel owner and operators association welcomed the formation of the forum. He requested the Departments consider how best to arrange the provision of scientific and technical advice to the Forum. He felt that the Forum must set priorities for 2009 and those priorities are seen to be the management of the 2009 seed season and the implications of the Natura 2000 designations.

Mr George Golden raised the issue of the closure of a substantial seed resource in Northern Ireland and the concern over setting a precedent for the establishment of public fisheries outside the sea Loughs. He highlighted the united voice of industry members within the vessel owners' organisation and expressed a belief that the needs and wants of the industry in one area are broadly similar to those of the industry in other areas.

### **Role and function of BGMCF**

The role of the industry Delegates and their Deputies was discussed. Delegates are expected to act as a voice for all licence holders in their area at the forum level and thus should communicate with all licence holders in their area in an effort to gather opinions and issues for the forum to consider, as well as feeding information back from the forum meetings. Local involvement and buy-in to the process is crucial if the forum is to be successful. To assist with this, it was agreed that the BGMCF secretariat would inform all

licence holders of upcoming meetings and remind them to make contact with their area rep if they had an issue that they wanted raised.

Deputies will be invited to attend forum meetings when the area delegate is unavailable.

It was agreed that the secretariat would circulate 'action item' minutes of future forum meeting to all industry members, in order to keep everyone as informed as possible. It was further suggested that action points and minutes might also be published on a suitable secure web site.

It was hoped that the forum would help to provide greater transparency to the decision making processes employed by the Departments and the Loughs Agency in the regulation of the sector.

For the purposes of this Forum, the chairman reiterated that it is taken as a given that the Voisinage Agreement; the Common Fisheries Policy and associated EU legislation; the Fisheries Amendment Act 1997 (RoI legislation) and the Sea Fisheries & Maritime Jurisdiction Act 2006 as amended (RoI legislation); the Fisheries Act (Northern Ireland) 1966, as amended (NI legislation) Sea Fisheries Act 1968 and the Sea Fish (Conservation) Act 1967, as amended (UK legislation) and the Foyle and Carlingford Fisheries Order 2007, provide the basis for the regulatory framework of the industry and are thus outside the terms of reference of the forum.

### **Ongoing membership of forum**

#### **Representation from Co-ops**

During the industry delegate election process, an issue came to light with regard to the number of votes being afforded to co-op members. Representations were received by the secretariat from the Swilly Co-op suggesting that extra votes be given to co-ops so as to reflect the number of members in the Co-ops. The IIG, at its final meeting had felt that there might have been some merit in inviting the **four** active co-ops around the coast to come together and put forward **one additional representative** on the forum to speak for the four of them. The chairman put this suggestion to the BGMCF, however it was felt that the current area representative structure was sufficient and there was no support for the idea. It was felt that there might be scope to deal with the matter when selecting deputies for the area representatives.

#### **Action Point: Respond to co-op in Lough Swilly on the matter of representation**

#### **Provision of technical advice**

All members of the Forum recognise the importance of technical and scientific input into the work of the Forum. When an agenda item requires such input the secretariat, Departments and the Loughs Agency will invite experts to join the forum to provide advice.

#### **Funding arrangements for the BGMCF**

Given the current resource limitations, all members of the forum were invited to think about a means of funding the work of the forum going forward. It may be possible to

access some EFF funding, but there would certainly be a shortfall in other areas and industry contribution in some form will inevitably be required.

### **Priorities for 2009**

#### **- Natura 2000**

Industry members asked for clarification on what is required under appropriate assessments of Natura 2000 sites and what action is currently being taken by the competent authorities to address the situation.

A summary explanation was given setting out the infringement findings against Ireland by the ECJ and outlining the work being done by DAFF, its agencies (BIM and the MI) and NPWS and DoE to attempt to deal with the matter. DARD reported that they have contracted AFBI to carry out the appropriate assessments relating to seed mussel and aquaculture areas in Northern Ireland - This work is ongoing

Richie Flynn expressed the ISA's frustration with the current situation with regard to appropriate assessments. He stated that the industry is currently paralysed as no licences can be issued or renewed and what happened in Cromane has threatened the very basis of the industry – that is seed supply. He stated that assurance were given to the industry 8 years ago when sites were being designated under Natura 2000, that data would be collected, conservation objectives would be set and management plans would be drawn up. This never happened and the industry now finds itself in a mess that is not of its own making. The industry needs political support in order to prioritise the completion of these assessments before the industry fails completely at a huge cost to both the exchequer and rural communities.

**Action Point: Reps from DAFF, BIM, the Loughs Agency and DARD to ensure that assessments relating to the seed fishery areas are prioritised in the process**

**Action Point: An update on the assessment process be presented to the Forum at its next meeting**

#### **- Stock Tracking**

The regulatory authorities are minded to introduce a mandatory stock tracking system to gather data necessary to demonstrate the industry's compliance with fisheries and environmental legislation.

After some discussion on this matter, industry members were broadly agreeable to this initiative; with the caveat that they did not want to be burdened with excessive extra paperwork.

The representative from Belfast cautioned that industry would be opposed to any effort to penalise one area in the form of reduced seed allocations on the basis of their geographical location in relation to the seed areas.

**Action Point: A presentation to be given to industry at the next forum meeting on the type of system being considered**

### **Seed mussel surveying in 2009**

There was general consensus that while there is some capacity within BIM and AFBI for surveying, that the current capability is not adequate for large scale surveying and that industry must take some responsibility for surveying. However it was pointed out that there are a range of problems associated with uneven resource and time commitment within the industry and that these would have to be sorted out to ensure that everyone bore an equal burden. It was acknowledged that these issues will not be resolved in time for the 2009 season and thus this issue should be revisited in relation to the 2010 season.

The issue of restrictions to surveying in Northern Ireland was highlighted by an area representative.

### **Action Point: DARD to clarify position on industry surveys in Northern Ireland**

#### **Industry Issues**

The current situation at Donaghadee sound was discussed. The industry members of the forum fail to understand why a seed resource - identified by the aquaculture sector has been closed to dredgers for the last two years.

The industry reps stated that they were not against public fisheries and indeed the aquaculture sector has developed in areas where public fisheries are actively exploited. However the sector fails to understand how a wild fishery can be created outside a sea Lough on the basis of mussel that is too small to harvest for direct human consumption and which they believe is unlikely to ever achieve a marketable size due to the density of seed in the area.

The industry reps believe that by leaving this stunted mussel on the seed bed, it is restricting further seed settlements in the area and ultimately damaging the sustainability of the both the aquaculture and fisheries sectors.

The industry also expressed concerns as to the impact this mussel product could potentially have on the market for aquaculture product if it were fished and undersold in a disorganised way- there exists a potential to drive down the price of mussels at the expense of those who have invested large amounts of money in the industry. This was seen as an especially risky proposition in the current economic climate.

This price suppression may already be happening – reports of mussel being offered to the market in the Netherlands at €200 per tonne.

### **DARD acknowledged these concerns and will be monitoring the situation.**

### **Action Point: DARD to update the forum on this matter at the next meeting of the Forum**

Another issue of concern raised in relation to the public fisheries, is tracking the exact origin of the mussels. There is a fear that mussels are being harvested outside classified

areas such as from Donaghadee Sound and that this poses a threat to human health and ultimately the reputation of all mussels produced on the island.

Industry members were encouraged to report such concerns to the SFPA and FSA NI and to pass on information if they had reason to believe that harvesting was taking place outside classified areas.

#### **2009 Seed mussel fishing season**

DARD, DAFF and the Loughs Agency indicated that they were minded to set potential opening dates for the 2009 seed season, depending on tides and seed availability at the BGMCF.

Broadly was agreed that the seed season will open for two tides from the last tide in April (this may be extended to three tides if there it is demonstrated that there is suitable seed availability). The seed fishery will then close until the end of August when it will be reopened again subject to seed availability and environmental considerations.

**Action Point; Tide tables were to be consulted and the exact dates will be confirmed at the next forum meeting.**

The arrangements for the regulation of the 2009 seed fishery in the Foyle were queried. Barry Fox indicated that the Loughs Agency would not be in a position to regulate the seed fishery over much of 2009, but he reported that regulations are scheduled to come into effect at some point during the course of 2009.

#### **Date and Venue of next meeting**

The next meeting of the Forum will take place at the end of January or early February. The Loughs Agency offered to host this meeting in their premises either in Carlingford or Derry

#### **AOB**

Richie Flynn highlighted the fact that there are problems in the European shellfish markets, particularly in France where the economic downturn has resulted in a reduction in the market as a whole. He reported that he is meeting with BIM marketing division on the 11/12/2008

**Action Point: Richie Flynn to report back to group at the next BGMCF meeting.**