

## **Minutes - BGMCF - Meeting 5**

**Date:** 17th of February 2010

**Venue:** DAFF, Clonakilty, Co. Cork

**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  
Ms Jill Dunlea – DAFF  
Mr Declan McGabhann - SFPA  
Mr Barry Fox – Loughs Agency  
Ms Fiona Geoghegan - Marine Institute  
Mr Arthur McCarthy–Rep Castlemaine/Shannon/Cork/Clew  
Mr George Golden – Industry Rep Carlingford/Dundrum  
Mr Stephen Kelly – Industry Rep Kinsale/Waterford/Wexford  
Mr Michael O’Driscoll–Vessel owner and operators association  
Mr Richie Flynn - IFA

**Apologies:** Mr Michael Havelin – Industry Rep Foyle  
Mr Raymond Dougal – Industry Rep Belfast/Larne  
Mr John McLaughlin – Industry Rep Swilly  
Mr Bill Dore – Marine Institute  
Ms Elizabeth Sides – NPWS

### **Minutes of the last meeting**

The minutes of the last meeting were accepted subject to 3 changes – see amended version attached

### **Seed Mussel Fishery 2010**

It was proposed and agreed by the members of the forum that the arrangements set out below were suitable for 2010 and that the following recommendation would be made to the minister.

*“The seed fishery will open on 30<sup>th</sup> April. It will continue, subject to seed availability, through the following suitable tides:*

- *03<sup>rd</sup> May to 11<sup>th</sup> May*
- *19<sup>th</sup> May to 24<sup>th</sup> May*
- *Possibility of an additional period*

*A close season will then ensue until a suitable tide on 30<sup>th</sup> August, when fishing will resume.*

*Depending on seed availability fishing will continue through appropriate tides until 02<sup>nd</sup> of December. 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 heavy predation during a closed period, and it is clear that the seed will be lost to the industry unless fished, that opening such an area outside the dates agreed above could be an option. In line with arrangements for last years seed fishing season it was agreed that such events would be treated on a case-by-case basis as they arose and on their individual merits. It should be noted that Natura 2000 designated areas would have to be treated separately if such a situation arises.

### **Authorisations/Applications/Fishing Procedure for seed mussel fishery/ Stock Tracking**

Industry members were reminded of their obligations with regard to reporting and having relevant monitoring systems operational on their vessels, capacity drawings submitted to the relevant authorities and that the Departments are still committed to initiating a stock tracking system for the 2010 seed season.

Industry expressed concern as to the administrative burden placed on them with regard to licensing, fish health, movements etc. Donal Maguire (DM) indicated that efforts are being made to standardise the paperwork and that new elements of a stock tracking system will not entail additional paperwork for industry members. The data protection implications of a new tracking system are currently being examined.

Stephen Kelly queried what would happen if a problem arose with the Black Box system during the fishing season. He was advised that the Departments and the SFPA must be notified immediately if a problem arose with the tracking system and arrangements could be put in place on a temporary basis to facilitate fishing. However industry was reminded that this should only occur in exceptional circumstances and it was a vessel owner's responsibility to ensure that the system was functioning correctly in advance of the opening dates.

George Golden (GG) queried if the fish health authorisation procedure would be different from last year – Fiona Geoghegan and Kenny Parker indicated that there are no plans to change measures relating to the Aquatic Animal Health Legislation, from those that were in place in 2009.

***Action: JG to complete guidance doc on the consents required for the seed fishery***

### **Proposed Open/Closed Areas/Castlemaine Harbour Seed Fishery 2010/Opening of Seed Mussel Fisheries in other NATURA Sites**

IN ROI waters all seed beds in or adjacent to Natura areas will remain closed pending the completion of Appropriate Assessments for those areas. The assessment process will be undertaken in line with the procedures that resulted in the opening of the Castlemaine fishery in 2009.

Arthur McCarty (AMC) queried when the Castlemaine fishery would be opened in 2010

Jill Dunlea and DM indicated that subject to seed being identified in the areas and a favourable outcome of the appropriate assessment that it was hoped that Castlemaine

could be opened in line with all other seed areas on the 30<sup>th</sup> of August. The process would begin with the Castlemaine survey and the preparation of the fishing plan, the assessment would then be completed and placed out to consultation by DAFF, responses would be considered and then a recommendation made to the minister. This process is a lengthy one (Min of 2 months) and it was acknowledged that the survey and the initial assessment must be completed before the end of June if the fishery is to open at the end of August.

DM indicated that in 2010 the dataset available for Castlemaine is more comprehensive than that available in 2009 and that the results to date have demonstrated no adverse impacts associated with the 2009 fishery, thus there would be a stronger case for opening the fishery in 2010.

AMC and Mick O'Driscoll queried whether this process would have to be undertaken every year.

DM indicated that current policy is that assessments must be undertaken every season however these assessments should become easier each year due to duplication of activities in previous years and ever increasing amounts of data on the fishery. He also referred to a recent judgement of the European Court (Case C-226/08) which concluded that an activity that is repeated year after year (dredging a channel) could for the purposes of Article 6(3) be considered a single activity and only require one assessment followed by monitoring and mitigation measures as appropriate.

GG queried the status of any beds identified in the Wicklow Box. JD indicated that this area was on the list of priority areas for fishery assessment but it was behind Castlemaine and other inshore fisheries such as the cockle fishery in Dundalk Bay. Again a survey would have to be undertaken and baseline data collected and a fishing plan devised before any assessment could take place and industry must be aware that the amount of work that can be undertaken is limited as a result of financial restrictions.

MOD queried if baseline data collection had started in this area. JD and DM were unsure as to the amount of data collected in this area

***Action: JG to find out status of the data on the Wicklow box***

MOD and GG queried whether industry could contract someone to undertake the survey work and the assessment. JD and DM indicated that any independent survey would have to be conducted along the same lines as those undertaken by the Department and would have to be of a quality approved by the Marine Institute and the NPWS. Such a process is likely to be very expensive given the logistic involved in collecting data in the marine environment.

JD and DM assured industry members that the department is working hard to fulfil all its obligation under Natura 2000, however there is a large amount of work required.

The Department are still awaiting conservation objectives from NPWS and while it is committed to assessing all the relevant Irish Sea fisheries the Department cannot guarantee that it will get through all of them in 2010.

### **Natura 2000 sites- NPWS have sent apologies**

Forum members expressed extreme disappointment and dissatisfaction with the NPWS for again failing to send a representative to the forum. Correspondence from NPWS indicated their current work programme was not viewed as a satisfactory response to the repeated invitations to attend the forum and answers questions. GG stated that as there was no obligation or willingness for NPWS to attend the forum, that the Ministers should be contacted on this issue.

Richie Flynn indicated that NPWS appeared to be demonstrating an inability or unwillingness to alleviate the problems faced by the aquaculture sector in the 26 months since the ECJ ruling. The current delays are indicative of incompetence among certain elements of the public service in supporting jobs and exports. This is completely against the stated aims of the government, sends out the wrong signals to investors and will only serve to put this important sector out of business with the resultant loss of jobs and tax revenue.

Stephen Kelly stated that the sector cannot afford further delays in this process.

GG highlighted that all the industry wants is to be allowed fish for seed, grow it on and sell their product and that this practice which has been undertaken again and again over the last 10-20 years is now suddenly curtailed as a result of reasons beyond the sectors control.

DM indicated that following the ECJ ruling, the minister of Agriculture must exercise extreme caution in making any decisions relating to Natura 2000 sites or risk daily fines from Europe which would be catastrophic given the current state of the national finances.

The delay in bringing the sector to compliance with Article (6) of the Habitats Directive is undoubtedly a result of the Department of the Environment/Duchas/NPWS not having enough data on the protected areas and features which makes assessing the impact of an activity is impossible without additional data collection which is both time consuming and expensive

It was suggested that if the NPWS refused to attend the forum, then detailed questions should be submitted to them by the forum.

***Action: MOD and JG to liaise on preparing a list of questions for NPWS***

### **Donaghadee**

GG stated that the majority of the seed resources at Donaghadee had now been closed to the aquaculture sector (Who identified and reported this resource to DARD) for four seasons. A closure that was put in place to promote a public wild fishery that was initiated against the objections of the aquaculture sector that identified a number of issues that would make this area unviable as a public fishery namely; the hydrodynamics of the area, that the seed would be stunted in growth as it was at too high a density to naturally reach market size in sufficient volumes and that predation would negatively affect the stock if it remained in the area too long. All objections were ignored and after four years only 521kg with a maximum value of £250 has been harvested from the public fishery. Surely DARD must accept that this policy has not

been beneficial to the sustainability of any sector. The aquaculture sector now expect that this area be opened for seed fishing in 2010

KP responded by saying that the aquaculture section in DARD support the opening of all Donaghadee as a seed fishery, but this proposal would have gain approval from fisheries and inspectorate colleagues and possibly the Minister.

SK requested that industry knowledge and experience should be given more standing in the decisions relating to seed resources.

### **Surveying in N.I. Waters**

JG informed the group that BIM, AFBI and the Loughs Agency have all indicated that they are planning to survey historical beds in early to mid April with a wider survey taking place over the summer months.

KP stated that as per the NI surveying meeting in the autumn, the Aquaculture Initiative and AFBI will convene a DARD/AFBI/Industry surveying meeting before the end of February with a view to arranging industry input into the spring survey effort.

***Action: JG to liaise with AFBI on scheduling this meeting***

### **Oyster Mortalities (Fiona Geoghegan, MI)**

In 2009 oyster mortality was reported from 16 growing areas during the summer months, with stock also moved between bays in the south east. Mortality levels ranged from 15-95%, with the OsHV1-uvar (Oyster Herpes virus variant) confirmed from 15. DARD reported OsHV1-uvar from a site on the northern side of Foyle. Therefore, have 17 bays right around the coastline, which hold stocks which have been affected by OsHV1-uvar.

The facts surrounding the mortalities were unclear so the Marine Institute in association with BIM undertook a survey in the form of an Epidemiological Questionnaire in an effort to identify the real facts and trends surrounding the mortality events. The questionnaire was designed with the Epidemiological Team from CEFAS and administered to approximately 70 growers at the end of last year. It is hoped to have first set of results by end of Feb and that the information coming from this will help to keep mort levels down this year, in previously affected areas.

The legal approach to this issue was initially fragmented with the Commission leaving each member state to deal with the problem themselves. The UK put a ban in place covering oysters from France, Ireland and Jersey however the commission forced the UK to lift the ban and then decided to legislate at Community level. France didn't want any legislation; UK wanted very strong legislation, while Ireland was caught in a very difficult situation wanting to allow those affected to trade with each other, but also wanted to protect those not affected.

Negotiations led to the publishing of the ***SANCO 6463/2009/rev5: Implementing Council Directive 2006/88/EC as regards measures to control increased mortality in oysters of the species C.gigas in connection with the detection of Ostreid herpesvirus- Iuvar***. This is a complex and far from perfect piece of legislation but

best we could get. If this had not been agreed, there's a strong possibility that trade in molluscs other than *C.gigas* might also have been affected (Netherlands were very concerned about mussels). This Regulation will apply from 15 March to 31 December, 2010 and covers **ONLY** *C.gigas*.

The legislation demands the;

- Establishment of new containment areas in 2010 (i.e. where there is active infection/ mortality),
- Setting of parameters for placing oysters on the market from these new containment areas,
- Establishment of a National Surveillance Programme for OsHV1-uvar and puts in place;
- Measures for how to re-establish "normal" trade out of containment areas,
- Measures for placing on the market requirements out of those areas which were previously affected by mortality in 2009 and 2010 (but where the mortality has returned to background levels)

The results of the Surveillance Programme must be submitted to DG SANCO by 1 October 2010. A decision will then be made on whether to extend the current Regulation for a further period, list the disease in Directive 2006/88/EC or relax all legislative measures and allow industry to control this disease through a Code of Practice

Barry Fox queried if *edulis* is affected by this virus, FG stated that there is no evidence that other species of shellfish are carriers or susceptible to this virus.

RF stated that it was very important that shellfish customer have information available to them if they request it. Mussel Producers should have access to the testing regime if their customers demanded screening. FG indicated that within reason this should not be a problem.

### **Alien Species**

KP updated the group on the *Crepidula* issue in Belfast Lough. There is a need to come up with some proposals to test treatment methods and the risk associated with mussel movements from Belfast Lough as until a mechanism is found to reduce risk associated with movements the current restrictions will remain in place. JG informed the group that DARD and producers have requested that a working group on this issue be convened.

GG stated that other users of the Lough such as shipping and leisure crafts are allowed to move between areas without any restrictions, while the aquaculture industry were being targeted for a range of restrictions. GG further queried the actual risk of *Crepidula* spreading as a result of movements from Belfast Lough. He highlighted the high number of historic movement's between Belfast and Carlingford which have not resulted in any establishment of *Crepidula* in Carlingford. If the risk is as high as indicated by NIEA surely one would expect to find *Crepidula* in Carlingford.

***Action: JG to liaise with all stakeholders on scheduling this meeting***

### **Seed Mussel Allocation Review**

Certain industry members have made representation to the Departments on the issue of allocation reviews in cases where obvious anomalies have remained in the system for a number of years due to the freezing of the allocation process as set out in the recommendations of the “Rising Tide Review”.

The chairman reiterated that the recommendation of the Rising Tide on this matter still remain current policy - “that seed mussel allocations remain static until a comprehensive dataset from a stock tracking system is available”. However the Departments did acknowledge that there may be, with the passage of time, some apparent individual anomalies in the allocation system that may warrant particular examination without prejudice to the allocations as a whole.

As agreed at the last BGMCF meeting, a special subcommittee has been convened to look at a number of particularly urgent anomalous cases and it had its first meeting before Christmas. After discussion and at the request of the industry members of the forum it was agreed that Mr Mick O’Driscoll would join the sub-committee.

It was further agreed that if any operator believes that their current allocation is seriously wrong and that they wish to have it reviewed, then they can make a written request to the relevant Department. It was stressed that it is not the intention to undertake a wholesale review of the current allocations and that any applicant for review will be required to furnish a detailed case backed up by the necessary evidence and paperwork showing that their current allocation has become inappropriate with the passage of time.

Such documentation will have to include as a minimum; full site information in terms of stocking over a three year period, current utilisation of ground within the site, all gatherers documents (legal requirement for food hygiene when harvesting all stock), and other relevant documentation such as CMR’s (Road consignment notes) and any other relevant documentation.

It should be noted that any review could result in a recommendation from the committee to the minister for a reduction of an allocation as well as the possibility of any increase in allocations. The information proffered may also be subject to verification inspections from the control and enforcement authorities.

### **Dredging Proposal by Wexford Boat Club**

JG indicated that she had not requested an update on this issue but would prior to the minutes being issued

*Action: JG to update the group*

Declan McGabhann indicated that dredging proposal would require a foreshore permit, and that the SFPA were statutory consultees when a foreshore application is submitted. The forum requested that the SFPA make the secretariat aware of any foreshore applications within or adjacent to mussel seed beds or aquaculture sites.

*Action: DMG to request this from relevant personnel in the SFPA*

### **Public Health Perspective or Viral Contamination of Molluscs**

Item deferred until the next meeting given that Bill Dore was unable to attend today's meeting

### **Loughs Agency Aquaculture Implementation Plan**

Barry Fox informed the group that there were a large number of responses to the recent consultation on the SEA options paper for Carlingford and Foyle. It is hoped that the implementation plan will go to consultation following agreement on the foreshore leases. The Crown Estate has agreed to a draft proposal, the Loughs Agency is awaiting a response from DAFF.

### **MSC Certification (Dave Garforth - Global Trust)**

The Marine Stewardship Council (MSC) is an independent, global, non-profit organisation operating a certification programme for well-managed fisheries. They have developed a world leading independent, fishery certification and eco-labelling programme. It operates as a third party certification program allowing fisheries to prove that they fish sustainably, a proof that the market is now demanding.

Global Trust provides assessment of fisheries wishing to become certified to the MSC Sustainable Fishing Standard

160 fisheries are currently certified or engaged in MSC certification. Together the fisheries record annual catches of more than 5 million tonnes of seafood, representing more than 42 percent of the world's wild salmon catch, 40 percent of the world's prime whitefish catch and 18 percent of the world's lobster catch.

Up until mid 2009 MSC Certification was not applicable to Bottom Grown Mussels. However, in June 09 MSC published guidelines allowing for the inclusion of 'enhanced fisheries' for certification. Enhanced fisheries being classed as fisheries that included some aspects of aquaculture such as harvesting seed mussel for re-location and grow out.

This has been taken on board in other countries with a number of mussel areas gaining certification or undergoing assessment

- Denmark- Limfjord bottom mussels- Vislund Muslinge Industri A/S- Jan 2010 certified
- Denmark Limfjord rope mussels- in assessment
- Netherlands- Seed mussel and grow out- in assessment
- Menai Strait, UK- seed mussel and grow out- in assessment

The essence of meeting the MSC standard is that the activity complies with the following principals:

#### **Principle 1 ' Stock fished sustainably'**

A fishery must be conducted in a manner that does not lead to over-fishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

#### **Principle 2 'Ecosystem maintained'**

Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends.

**Principle 3** ‘Appropriate management’

The fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.

The assessment process involves a confidential pre-assessment that is carried out to assess feasibility for certification. This provides fishery stakeholder reassurance before entering full assessment. If the outcome is positive, the fishery enters full assessment. On certification, fishery can access the MSC Eco-label and make sustainability claim against the MSC Standard

The likely challenges to the Bottom Grown Mussel Sector on the Island of Ireland gaining certification is that there is no formal stock assessment but the management system connected to the stock, demonstrates harvest control and supports eco-system conservation

GG felt that all producers should be chasing this certification and that gaining it would not give an edge in the market but rather put the Irish sector on the same level as others in Europe.

DM cautioned that a lack of information on the fishery would be a major obstacle to gaining certification and Highlighted that there are other labelling and quality schemes that could be attained as stepping stones to MSC certification.

SK stated that MSC certification is what the market demands.

DM queried the cost of a pre-assessment - Dave Garforth indicated that a pre-assessment would cost 10-15 thousand euro.

GG asked can the departments North and South provide funding for this process  
KP stated that this is a project that could be funded under the collective operations measure of the NI EFF operational programme but match funding would have to be made available in ROI where the operational programme remains closed.

RF stated that an industry wide pre-assessment should be carried out to identify the knowledge gaps and take this process forward.

***Action: JG to investigate this proposal on behalf of the forum***

**AOB**

RF and GG Golden proposed that the Forum should schedule 4 meetings per year - in January, April, June/July and October and that dates should be set as soon as possible.

***Action: JG to schedule next meeting before the end of April***