

## MARINE AND FISHERIES OPERATIONS BRANCH REPORT

April 2018 – Sept 2018

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### OPENING / CLOSING / PERMITS & AUTHORISATIONS

Andy Bradick

- The **Three Rivers cockle fishery**, temporary closure was suspended for weekends on the Llanybri bed (250 tonnes) from 21<sup>st</sup> July, on the Ferryside bed (200 tonnes) on Weds & Thurs from the 15<sup>th</sup> August and on the St Ishmael & Tanylan beds on Weds & Thurs from the 19<sup>th</sup> September.
  - The successful opening has been achieved through extensive stakeholder engagement and effective cooperation with gatherers, processors, adjacent landowners including the MOD.
  - 250 Permits have been issued
  - Approximately 25-35 gatherers are taking a total of 10 tonnes per day now the beds are open.
- The **North Wales cockle fisheries** of Traeth Melynog (168 tonnes), Traeth Lafan (393 tonnes) and Red Wharf Bay (25 tonnes) opened on the 1<sup>st</sup> September.
  - 96 Permits issued
- The **Conwy Bay and Estuary Mussel fishery**
  - 5 Authorisations issued 1<sup>st</sup> September
- **Recreational razor clam** fishery at Llanfairfechan and Penmaenmawr remains closed until 31st December 2018 to safeguard protect the stock and enable a stock assessment to be carried out.
- The **King Scallop fishery** was closed on the 30<sup>th</sup> April as normal.

### MAIN FISHERIES

#### 1. Cockles

Barrie John / Greta Hughes

The North Wales cockle beds were surveyed in June and the fisheries opened on 1<sup>st</sup> September with healthy Total Allowable Catches (TAC) at Traeth Lafan (393 tonnes), Traeth Melynog (168 tonnes) and Red Wharf Bay (25 tonnes). Activity has been centred on Traeth Melynog with 6 cocklers intermittently collecting. Two or three gatherers have been seen on Red Wharf Bay with some prospecting only on Traeth Lafan.

For the first time in 6 years a number of the beds in The Three Rivers cockle fishery have been opened to commercial gathering. To date, both Llanybri and Ferryside have opened on a couple of days each week. Although 250 permits have been issued, officers report between 25-35 gatherers per bed. Poaching continues on other beds within the area and enforcement

activity is focussed on this. A number of prosecutions have been taken during the summer for illegal cockle gathering and several investigations continue.

**2. Bass**

**Barrie John**

The 2018 TAC & Quota Regulation prevented fishing for European Bass during February and March and more stringent measures have been introduced for the remainder of the year, including a reduction in the quantities allowed by the various metiers (see Para 18 below). Authorisations have again been issued to qualifying vessels for the 2018 season.

The prolonged settled summer weather has meant that landings of bass have been up on 2017. Industry have reported significant quantities of both juvenile and mature bass in coastal waters.

A recreational bag limit of one fish per day per person (either when fishing from a boat or the shore) will come into force on 1 October and run to the end of the year.

**3. Crustaceans**

**Greta Hughes**

Potting peaked during the period. Despite the long hot summer, lobster catches were reasonable and were seen to improve during September. Edible crab catches also typically improved during September.

**4. Scallops**

**Barrie John / Greta Hughes**

The Fishery has remained closed within Welsh Waters since the end of April. There have been a few reports of static gear being towed away with rouge scallopers being blamed. We have not obtained any supporting evidence to these claims. There has been limited activity on the 12 mile limit by Southern Irish vessels during the summer.

**5. Whelks**

**Barrie John**

Whelk fishing continues to be one of our most prolific fisheries. There has been a marked decline in the volumes being landed into Welsh Ports during the summer months. This is not unexpected although the reports received from industry indicate the decline is more severe than in previous years. A full breakdown of landing figures are not yet available, but landings by Welsh vessels are in excess of 1500 tonnes with a value in excess of £2M.

**ASSETS AND RESOURCES**

**6. Fishery Patrol Vessels**

**Mark Pole / Paul Rowley**

Training of Marine Enforcement Officers on board FPV Catrin has continued this period. Operational deployment of the at sea assets including FPV Catrin has been planned in conjunction with risk based prioritisation with the operations room at Milford Haven. Patrols have been undertaken between Conwy and Carmarthen Bay. The vessel has spent active

periods deployed from Milford Haven Marina, Aberystwyth Marine and Conwy Marina. Successful crewing continues to be complied of Marine Enforcement Officers from across Wales and other departments across ESNR. Vessel down time has been due to weather, enforcement priorities and staff availability through the summer holiday period. Down time has been utilised to provide additional staff resources to other enforcement priorities such as cockle enforcement as directed by the operations room, maintenance, vessel procurement and divisional promotion through receiving and educating visitors on board from across ESNR and Welsh Government.

## **7. Vessel Procurement**

**Craig Jones**

FPV Catrin (Rapid response cabin RIB) has been delivered, undertaken extensive sea trials and now in service.

Progress on the two larger vessels is well underway with the Cabinet Secretary Lesley Griffiths visiting Mainstay Marine on 5<sup>th</sup> September and also taking the opportunity to unveil Mainstay Marine new amphibian boat hoist. The hoist will be used to transit our new vessels into the water for the forthcoming sea trails. Both vessels are expected to be in operation during the Autumn.

## **CONTROL AND COMPLIANCE**

### **8. Compliance with Control Regulation**

**Barrie John**

The Operations Room continues to monitor all vessel movements within the Welsh Zone via VMS technology and through electronic data submissions via the ERS hub. Ensuring that submissions are made within the required time frame is paramount to ensure compliance with the regulation. As we move towards Brexit, this is likely to be more prevalent as Catch certification for import/export is likely to be required (see item 12).

### **9. Foreign Vessel Landings**

**Barrie John**

Following the Spring closure of the Celtic Sea, there was a significant number of landings by Belgian vessels who fish predominately in the Bristol Channel and Celtic Sea Areas. From April to present we have seen 115 landings by Belgian vessels into Milford and Swansea. A further 7 landings have been made by Spanish UK flagged vessels. Full control checks have been made on approx. 20% of these landings to ensure compliance with the control regulation requirements. This includes scrutiny of VMS data, logbook and landing declarations and physical checks at landing which includes sample weighing.

### **10. Fish Buyers Inspections**

**Barrie John**

We have continued to work with industry to ensure the smooth delivery into the new Electronic Hub for sales note submission process. Officers continue to make regular visits to main fish/shellfish buyers to ensure compliance with this statutory obligation and offer guidance

where required. As there are a significant number of small scale occasional buyers within Wales our officers have prioritised calls to these around other operational priorities.

## 11. Marine Licencing

**Phil Marshall**

The summer period has been a busy time for marine licensable works as licence holders make the most of the good weather. County Councils and NRW have made a lot of improvements to sea defences and coastal protection, augmented by companies including Network Rail. Renewables have also seen a busy period with Marine Energy Wales driving projects forward. Also in the power generation sector Wylfa Nuclear Power Station is gaining momentum with accompanying marine licensing implications. The disposal of dredged material from Hinckley Point Power Station into Welsh Waters near Cardiff has created some controversy. Protestors have raised a judicial review which is being heard in Court on Monday 17<sup>th</sup> September. An aggregate dredging company caused concern over non compliance which was handled jointly with the Marine Management Organisation as the dredging area was straddled between English and Welsh Waters.

## 12. Imports and exports following EU exit

**Tim Croucher**

### Background

As a member of the EU, the UK is not currently required to produce or process catch certificates for intra-EU trade. When we leave the EU it is assumed the UK will be treated as a third country and will need to provide catch certificates for fish products exported to the EU and will require import catch certificates for fish products from the EU. This new requirement will result in a significant increase in the number of catch certificates that will need to be produced and processed in the UK.

### Export catch certificates

Defra / MMO, in collaboration with devolved administrations, is developing a digital service for implementing export catch certificates for fish products after EU exit. The service needs to be supported by an operational approach that sets out how fisheries administrations – including the Welsh Government - will verify the information submitted on these certificates. The policy has to address the tension between Government:

- as an 'enabler' of trade. Often trade between the UK and Europe requires fresh fish to be exported within hours of landing; and
- having to monitor and take enforcement action against illegal, unreported and unregulated fishing (IUU).

Verification checks can happen either during the application for an export catch certificate (by checking the information the exporter has entered against previously submitted data from electronic logbooks, landings declarations or sales notes), or retrospectively once the certificate has been validated and the necessary information has been submitted to the fisheries authorities. These checks can involve looking at who is applying to export and the

consignment itself (for example does the weight of fish they want to export exceed the weight originally caught). Checking this data before an export certificate is validated may not always be possible, particularly when exporting fresh fish requires very quick turnaround times. While over 12m vessels are required to complete electronic logbooks before landing, no such records are currently available for smaller vessels (which form the bulk of the Welsh fishing fleet). This issue can be further exacerbated by poor internet connectivity.

The policy being developed is seeking to take account of the above issues.

### **Import catch certificates**

The UK may require catch certificates for imported fish products from the EU after exit. In Wales, import catch certificates would be checked by:

- port health authorities – containerised freight; and
- the Welsh Government – direct landings (foreign vessel landings). Indirect landings (fisheries products being transported through Welsh ports via 3<sup>rd</sup> countries)

Checking would include documentary and identity checks.

Marine and Fisheries Division officials are currently:

- working with Defra on preparing for import catch certificate checking including liaison with port health authorities and preparing guidance and training for staff; and
- working to forecast the amount and location of future EU direct landings into Wales, the staffing that will be needed to perform checking, and the costs.

### **Export health certificates**

It is understood from Defra officials that post-exit, the EU will require UK exports of products of animal origin (incl. fish products) into the EU to be accompanied by an export health certificate and to go through a Border Inspection Post (BIP).

Defra has estimated that the issuing of animal health certificates could increase significantly after exit which will have major resource implications for local authority and veterinarian services as well as exporters themselves. This issue is being looked at by OCVO with the involvement of Marine and Fisheries Division.

The restriction of fish product exports to the EU through BIPs will mean that some Welsh exporters may have to adjust their trade routes. We are therefore arranging consultancy services to provide practical support to Welsh fish product exporters to plan for these changes.

## **Fisheries Data Capture system**

### **Background**

The Fisheries Data capture system will introduce 2 mandatory requirements for the Welsh fishing fleet. This is a priority project to utilise current EMFF Control and Enforcement funding

and also to prepare for potential future data requirements for exports following EU Exit as highlighted above.

- All under 12m commercial fishing vessels will be required to have a functioning Vessel Monitoring System on board whilst operating in Welsh waters.
- All under 10m commercial fishing vessels will be required to report details of their fishing activity including catch, gear in use and effort to the Welsh Authorities.

### **Progress**

A full OJEU procurement exercise is underway to deliver the technology required by the project. To date we have:

- Published Prior Information Notice on Sell 2 Wales
- Held 2 Industry Supplier Days to inform potential suppliers of the future tender.
- Completed IPAF including Privacy Screening, Privacy Impact Assessment, Business impact Assessment, Welsh Language impact Assessment and Security Screening.
- A Solutions Design Authority extraordinary meeting specifically relating to the project was held on 14<sup>th</sup> Sept 2018 to consider proposals. Approval has been granted
- The invitation to tender document is currently being drafted and is near completion with a plan to publish by the end of October.

Legislative work to introduce Statutory instruments to implement the proposals is also underway. To date we have:

- Received approval from the Cab Sec to proceed with the proposals.
- Stakeholder engagement workshops are being organised for mid October.

Formal consultation on proposals is being drafted for publication at end of October

## **DIRECT ENFORCEMENT**

### **13. Investigations & Prosecutions**

**Barrie John**

As mentioned elsewhere, considerable progress has been made during 2018 in progressing investigation case files through to prosecution through the magistrate's courts.

At present there are 14 live Investigations underway. Of these, 3 are due to be heard at Haverfordwest Magistrates before the end of September. A further 2 have been submitted for consideration and 9 are currently being worked on by MEO's.

Work continues on the move to introduce Fixed Administrative penalties and it is hoped that a consultation on this will be launched in the near future.

## **FLEET MANAGEMENT**

### **14. Vessel Licencing**

**Barrie John**

The licensing of Welsh Fishing Industry remains a key priority. The current structure of the Welsh fleet consists of We currently licence 27 >10m and 375 <10m vessels. We have continued to see delays with registration which in turn impacts on our ability to licence vessels in a timely manner. We continue to support our industry by ensuring those affected are able to work while these delays are resolved.

There were 150 licence transactions carried out over the last quarter, 20 of which were licence dis-aggregations.

## 17. Quota Management

Mike Jones

As of mid-September the allocations and extra quota obtained by various swaps have resulted in adequate quota now available to ensure all Welsh under 10m vessels can continue to fish until the end of the year. The only uptake of note is for skates and rays where we have taken approximately 50% of the quota we have. Overall Welsh under 10m vessels continue to have access to equal if not more monthly quota for a number of key species than their English counterparts.

## 18. Sea bass

Mike Jones

The original proposal from ICES and the European Commission to ban all catches of sea bass was rejected at December Council and following very difficult negotiations annual catch limits for hook and line fisheries annual and an unavoidable by-catch allowances for gill nets for 2018 were agreed. Although these will be lower than those set last year the limits agreed were made despite very strong opposition and the scientific advice that the bass stock in the wider European waters continues to be in a very serious position.

The following catch restrictions for quantities of Sea bass unavoidably caught by commercial vessels apply in 2018:

- Using demersal trawls – a maximum of 100 kilograms per month and 1% of the weight of the total catches of marine organisms on board in any single day.
- Using seine nets – a maximum of 180 kilograms per month and 1% of the weight of the total catches of marine organisms on board in any single day.
- Using hooks and lines – a maximum of 5 tonnes per vessel per year.
- Using fixed gillnets – a maximum of 1200 kgs per vessel per year.

In all recreational fisheries, including angling from shore, only catch-and-release fishing for the whole year was initially allowed. However, at the December Council the European Commission gave a specific undertaking for a review of the Sea bass stock assessment to be complete by the end of March of this year. As a result of the review the Commission will open the fishery for a one fish per day bag limit for recreational fishermen from the 1 October to the end of the year.

19. **Wrasse****Phil Marshall**

Marine Harvest, who has purchased the fish farm on Anglesey, has taken no wild wrasse from Welsh Waters this year, and it is very unlikely they will in the remaining quarter. Marine Harvest is hoping to be farming wrasse by 2020. A meeting with Welsh Government is scheduled to take place before the end of October.

20. **Prosecutions****Barrie John**

Since the last report, further progress has been made on moving investigation files through to prosecution. A further 11 Prosecutions have been taken with a summary of the results shown below. All of these cases have been taken in relation to domestic legislation effecting two main fisheries.

<b>Name of Vessel or Defendant</b>	<b>Offence Committed</b>	<b>Total for case</b>
David Thomas	Gathering cockles from a closed bed	£2,029
Olivia Jean	Illegal Scallop Fishing	£11,046
Annette	Illegal Scallop Fishing	£14,080
Stuart Preece	Gathering cockles from a closed bed	£2,180
Stephen Melbourne	Gathering cockles from a closed bed	£4,190
A Griffiths, L Williams, D Whitehead, C Griffiths	Taking Undersized cockles.	£6,272
C White	Gathering cockles from a closed bed	£750
M S Morgan	Gathering cockles from a closed bed	£3,151.8
Sea Lady	Illegal Scallop fishing (excess 221 KW)	£40,306
M Poulter	Illegal works on foreshore below MHWS (MACCA)	£3,318
Adrian Price	Gathering Cockles from a closed bed	£995

21. **Web Pages****Andy Bradick**

- Three Rivers Public Notice, application form and Catch returns published and updated as each bed was opened.
- North West Cockle notice of opening and catch returns published.
- Conwy Mussel fishery closure notice published.
- The King Scallop application forms and catch return page has been updated for the 2018/19 season.



## Appendix 1. Fisheries Operations Performance Indicators for May 2018 – September 2018.

Work Area	Activity	May 2018	June 2018	July 2018	August 2018	September 2018
<b>Enforcing Marine Fisheries legislation</b>	Patrols at sea	6	13	4	4	3
	Inspections at sea	4	10	22	5	3
	Inspections in port	85	30	46	28	40
	Ports visited	97	59	167	68	81
	RBS checks	13	3	6	2	7
<b>Investigating Marine Fisheries Crime</b>	Infringements detected	4	3	1	2	1
	New investigations	3	3	0	2	0
	Live investigations	15	18	16	14	11
	OWW	1	1	0	0	0
	Successful prosecutions	4	1	0	2	3
<b>Enforcing the Marine Licensing regime</b>	Active Marine Licenses	93	114	113	111	107
	Number of Marine Licenses Checked	3	2	3	1	1
	Infringements	0	1	0	0	0
	Live Investigations	1	1	1	1	0