

Success Criteria: 2, 3, 4, 5 & 6

By: Project and IFC Officer

To: Kent and Essex Inshore Fisheries and Conservation
Authority - 20 May 2014

Subject: **BLACKWATER /CROUCH MCZ MANAGEMENT
MEASURES AND RIVER ROACH ORDER**

Classification Unrestricted

Summary: To report on progress relating to the recovery of Native Oysters within the MCZ area and actions regarding the River Roach Oyster Fishery. To consider the closure of oyster beds for a further year.

1. Native oyster management within the Blackwater, Crouch, Roach and Colne MCZ area

Since the January meeting work has continued with consideration of the recommended principals for native oyster restoration and consultation with MMO regarding consent requirements for the laying of cultch.

On the evening of Friday 21st March a presentation was made at West Mersea Town Council Offices which was targeted at fin fish fishermen as well as oyster fishermen. The aim of the presentation and consultation was to provide information to the fishing industry on the proposals and provide an opportunity for comments. Unfortunately attendance by the fin fish section of the industry was poor, however a number of oyster fishermen attended.

The general response was supportive of the proposals although inevitably some concerns were expressed which indicate the need to continue to involve the local oyster industry at the forefront of decision making and keep all others informed.

Discussion has continued with Natural England regarding management of this site.

Work has progressed with discussion regarding the area that a new Native Oyster Regulating Order might cover. Within the MCZ area there are a

considerable number of private or Several Fisheries. Progress is now being made in establishing a record of land/seabed ownership and holdings of shellfish rights within this area. This relates particularly to the Crouch and Roach area where challenges to shellfish rights have been reported to KEIFCA in recent years.

Previous KEIFCA consideration of issues in these areas indicated that there may be benefits in application for a Hybrid Order or larger Several Order for the Crouch and Roach. Discussion with interested parties has commenced and this will include consideration of individual future planning and how KEIFCA might meet requirements for Marine Protected Areas.

A further meeting of the stakeholder working group is scheduled to take place soon.

1.1 Planned Actions this summer

It is intended that further cleaning of cultch will take place this summer and consideration given to further actions.

Final notification has not yet been received from MMO regarding whether our application for EU Grant funding, for a baseline survey of native oyster stocks and habitat, has been successful.

A similar application made to Natural England has not been successful although a sum of £4K is available to contribute to the cost of the survey.

It is essential that the base-line survey is carried out this summer and it is intended that if grant funding, above the £4K from Natural England, is not available the survey detail will be trimmed and will be undertaken by 'Tamesis' within the current survey budget.

1.2 Recommendation: Authorisation be given for the Chief Officer after discussion with the Chair and Vice-Chair to make decisions regarding the undertaking of the native oyster survey and issue of consents for the cleaning of cultch etc.

2. Proposed continued Closure of Native Oyster beds

In order to provide some protection to remaining stocks of native oysters the Authority has for the last 2 years decided, after consideration of survey data, to prohibit the harvesting of Native Oysters within the area of the MCZ.

The current closure expires on the 31 May 2014.

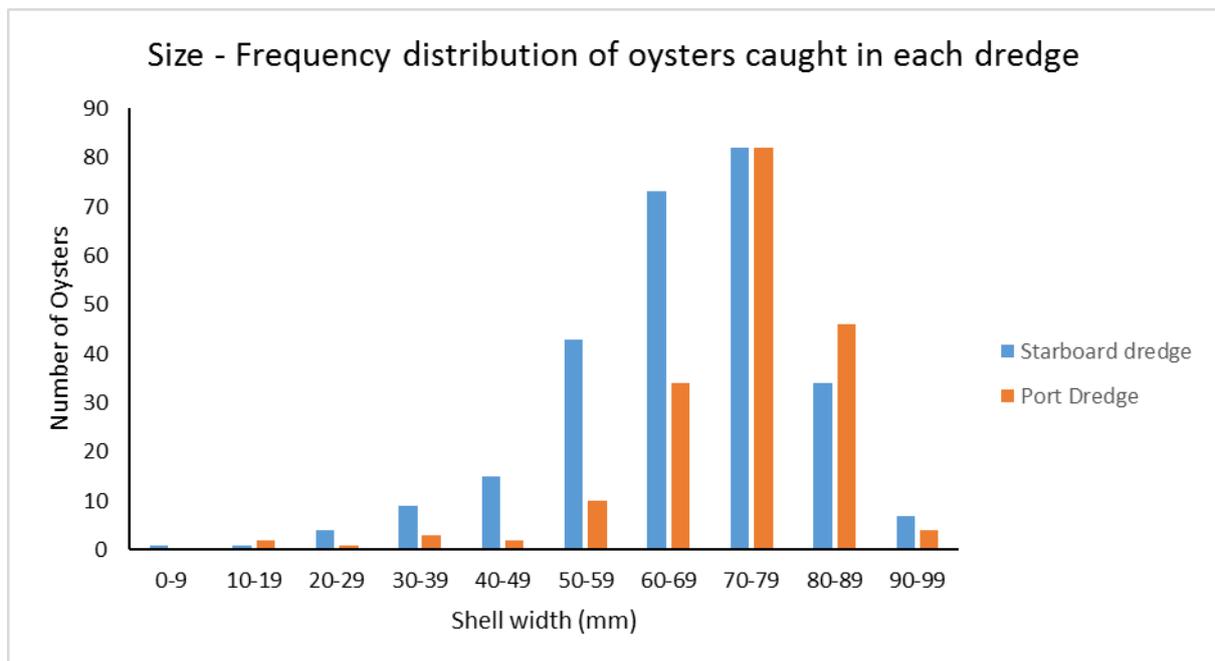
Within this closure a small level of restricted fishing has been permitted for 2 – 3 weeks during April each year. This assists in providing additional stock data. The fishery, outside areas worked last year, was opened for 2 weeks from the 7 April this year. Fishing activity was very low and few oysters were caught.

These closures were implemented under the Authority's 'Shellfish Beds Byelaw' which makes provision for KEIFCA to prohibit the removal or disturbance of shellfish within a defined area if stocks are considered to be "so severely depleted as to require temporary closure in order to ensure recovery".

In previous years the Authority has concluded that available evidence constituted sufficient evidence to recommend prohibiting the removal of native oysters from within the area of the MCZ under the KEIFCA Shellfish Beds Byelaw (see wording overleaf).

Previous surveys and evidence from monitoring of the April 2013 controlled fishing indicated a severe shortage of juvenile oysters which was reported to KEIFCA last year.

A further survey, on-board a West Mersea Oyster dredger was undertaken on the 10 April 2014. This survey showed low populations of native oysters. This survey deployed 2 dredges, one with the standard mesh bag used for native oysters (port dredge) and one with a half size mesh (starboard dredge). During this survey 18 hauls were made, each covering an average distance of 187 metres. During these hauls a total of 270 oysters were taken in the starboard dredge and 184 in the port dredge. The port dredge produced slightly more oysters above the minimum landing size of 70mm but the starboard dredge produced significantly more undersized oysters. This gives an average, not allowing for inefficiencies of the dredge, of one oyster each 15 metres² dredged with the starboard dredge and one oyster each 21 metres² dredged with the port dredge. The highest catch rate achieved was one oyster per 6 metres² dredged.



The graph above shows the size composition of oysters taken by each dredge. This shows, as expected, that the smaller mesh starboard dredge retained more small oysters.

The total numbers of oysters taken and low numbers of oysters below 50mm indicate that there has not been a significant spat fall on these grounds over the past 2 – 3 years and that stocks remain severely depleted.

2.1 SHELLFISH BEDS BYELAW (Confirmed 1997)

Where, in the opinion of the Committee, in any fishery, any bed or part of a bed of shellfish within the District is so severely depleted as to require temporary closure in order to ensure recovery, or any bed or part of a bed contains mainly immature shellfish which in the interest of the protection and development of the fishery ought not to be disturbed for the time being, or any bed of transplanted shellfish ought not to be fished until it has become established, and where the bed, or part of thereof, has been clearly defined in notices displayed in the vicinity prohibiting the removal or disturbance of the shellfish, no person shall, without the written authority of the Committee, while the bed or part thereof is so defined, take away or otherwise disturb any shellfish therein.

Application for authority from the Committee to take away or otherwise disturb any shellfish in a bed which is temporarily closed, in pursuance of the byelaw specified above, should be made in writing to the undersigned.

The provisions of this byelaw are without prejudice to any historic right of Several Fishery, Act of Parliament, Royal Charter or other rights that exist within the district as referred to in Section 6 of the Sea Fisheries Regulation Act 1966.

2.2. Recommendation: that the fishery for native oysters should again be closed within the MCZ area until the 31 May 2015. Consideration will, at a later date, be given to again opening part of the fishery for a short period.

To implement the following closure:-

Under the KEIFCA Shellfish Beds Byelaw it is prohibited during the period 31 May 2014 to 31 May 2015 to remove or disturb any Native Oyster (*ostrea edulis*), without the consent of the Authority, from within the area defined by a line drawn from a position on the coast at Clacton 51°47'.223N 01°09'.325E, connecting through points at: 51°43'.853N 01°09'.178E, 51°41'.969N 01°08'.367E, 51°40'.021N 01°05'.053E to Foulness Point at position 51°37'.206N 00°57'.475E and thence following the line of mean high water along the Essex coastline and returning to a position on the coast at Clacton 51°47'.223N 01°09'.325E.

3. River Roach Oyster Fishery Order

To report that, as agreed, leases have been provided to all four previous lease holders for their acceptance and payment. These will be subject to the previously agreed Fishery Management Plan.