



Agenda Item No. B8

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

By: Chief IFC Officer

To: Kent and Essex Inshore Fisheries and Conservation
Authority – 19 May 2015

Subject: **HYTHE BAY**

Classification Unrestricted

Summary: to update Members on the work undertaken in respect of Hythe Bay

At the last Authority meeting in January 2015, byelaw wording was agreed by Members with the intention to make a Hythe Bay Permit byelaw at an extraordinary meeting on 6th March. On 12th February KEIFCA officers received a letter from Dungeness Fishing Association regarding the Hythe Bay byelaw and the proposed making of it on 6th March. Given the nature of the specific concerns expressed by the fishermen, but the implicit support for a reworded byelaw that takes on their concerns, the Chairman, Vice-Chairman and Chief Officer recommended that KEIFCA officers spend time developing further byelaw wording drafts to accommodate these concerns. Due to the short time scales involved, all Authority members were emailed with this recommendation and the decision was made to not make the byelaw on 6th March but to discuss the issue in full at the next Authority meeting. The issue was discussed briefly at the extraordinary meeting on the 6th March (see item 62, 6th March minutes).

Work undertaken on Hythe Bay

To date KEIFCA has spent a lot of time and resources trying to develop the management of Hythe Bay. Since the KEIFCA MPA working group recommended that the Hythe Bay site should be taken forward as a high priority issue, considerable time has been spent by officers and Authority members to try and develop a balanced solution for the site that would ban heavy bottom towed gear and provide an area to assess the impact of the light weight trawls used by the local fishermen.

Meetings and key communications with the fishing industry in Hythe Bay

Date	Location	Attendees	Topic
25/07/2014	London	KEIFCA MPA working group	KEIFCA MPA prioritisation
30/07/2014	Folkestone	Meeting with Terry Noakes	Meeting regarding presentations and conclusions of KEIFCA MPA working group
28/08/2014	Folkestone	Terry Noakes, John Gale	Initial meeting to discuss possible management options
03/09/2014	Folkestone	Terry Noakes	Gear discussions, type used, weight, attachments
26/09/2014	Rye	Meeting with Paul Richardson and two other trawler skippers	Initial byelaw suggestions, gathering there opinion and what gear they use
08/10/2014	Folkestone	Meeting with Folkestone fishermen	Reviewing byelaw suggestions
24/10/2014	Folkestone	Terry Noakes, John Gale	Discuss the bylaw in depth including permit and closed areas
24/10/2014	Dungeness	Meeting with Anna Louison owner and Dungeness fish hut owner.	HB byelaw, discussed entire byelaw and gave copies of bylaw and potential restrictions
27/10/2014	Rye	Paul Richardson and 7 other trawler skippers	HB byelaw, the permit, the gear restrictions and the closed areas. Any comments recorded
04/11/2014	Folkestone	Folkestone trawlers, Rye Fisherman, Dungeness fisherman, MP Kent Wildlife Trust, EA, NE, DEFRA	MPA working group, Hythe bay Permit Byelaw
13/11/2014	Folkestone	Meet Folkestone fishermen	Discuss research options and priorities
14/11/2014	London	Hythe Bay research meeting London including Terry Noakes and Paul Gilson	Discuss research options and priorities investigating bottom towed gear interactions with mud
21/11/2014	Chelmsford	KEIFCA quarterly meeting	Discuss the fishermans proposals

11/12/2014	<i>Byelaw wording drafted</i>		
12/01/2015	<i>Byelaw wording received from the MMO byelaw review team</i>		
13/01/2015	Folkestone	Meeting with Terry Noakes	Discussing the wording of the byelaw
21/01/2015	Rye	MH, EL, Paul Richardson and 4 other trawler skippers	Catch up meeting, byelaw discussions, Q&A about permits system.
22/01/2015	Gravesend	KEIFCA quarterly meeting	Discuss draft wording of the byelaw. Agree draft wording and agree to make the byelaw on the 6th March
26/01/2015	Folkestone	Meeting with John Gale	Discuss the wording of the byelaw
30/01/2015	Dungeness	Meeting with Dungeness fishermen/ Dungeness Fishermen's Association	To discuss the premise and the wording of the byelaw
2 & 3/2/15	<i>Emailed discuss the premise and the wording of the byelaw with all the Hythe Bay document (evidence, background research, wording of byelaw and meetings minutes). Discussed any issues over the phone or via email.</i>		
5/2/15	<i>Hythe Bay fishermen held their own meeting to discuss management in Hythe Bay. KEIFCA did not attend but sent a background email to be read out.</i>		
11/2/15	Folkestone	Meeting with fishing representatives from all ports	Discuss the result of the fishermen's meeting on the 5/2/15. To discuss the premise and the wording of the byelaw and address any concerns
13/2/15	<i>Letter received from Dungeness Fishermen's Association</i>		
16/2/15	<i>Email members making recommendation regarding the making of the byelaw.</i>		

The current situation and taking the management forward

There are a number of aspects of this project that currently need clarifying

1) Intent of the Minister

A lot of the work to date has been based on the intention and direction given by the Minister George Eustice in his press statement - 07 April 2014

- "commit to further evidence gathering to confirm the extent of the feature across and outside the Bay and review the potential impacts of fishing activities on the subtidal mud feature."
- "begin working with the Kent & Essex IFCA to develop interim protection of the Bay, possibly through a fisheries byelaw which could restrict larger vessels with heavier gear".
- "We will also wish to explore further with the local fishing industry and the IFCA the idea of a closed area on the lines that the industry very helpfully proposed during the discussions on Hythe Bay."

With a new Parliament and possibly a new Minister, clarifying the intent of the Minister would help focus efforts and make sure resource is not wasted. Writing a letter to the minister from the Authority would help achieve this and make sure all the relevant organisations are pulling in the same direction.

2) Clarification of Defra research funding for the project

Following on from the Hythe Bay research meeting in London, CEFAS developed a number of project funding options that it sent to Defra before Christmas. To date, Defra have made no indication to KEIFCA or to CEFAS as to their intent to fund any of these options. Without significant funding the experimental and evidence gathering aspect of the byelaw would be very difficult if not impossible to do as the costs are three to four times KEIFCA's total research reserve.

3) The technology to track fishing vessels

One of the issues that has been seen as critical for both the fishermen and the NGOs for successful management of the site is the use of vessel tracking. KEIFCA officers attended a workshop in March 2015 focusing on this issue and looking at how this technology can be used. MMO are currently undertaking product type testing for vessel tracking systems and it is likely this process will continue into the summer. KEIFCA officers are also looking to work with other IFCAs and the MMO at a national level to address any potential legal issues connected to the use and handling of individuals data as well as how vessel tracking could be implemented and possible grants accessed. Although all these strands of implementing vessel tracking are progressing it seems that we are still six to nine months away from being able to answer the specific questions raised by the Dungeness fishermen.

4) The flexible permit conditions

The Dungeness fishermen expressed concern regarding the extent of the flexible conditions in the permit. One way of addressing these concerns would be to keep the body of the byelaw but to take out the flexible components and make a byelaw that had a specific intention to last for a period of time (ie. insert a sun set clause). The Authority would then, in the run up to the end of the byelaw, decide whether to make a new byelaw. Unfortunately it is unlikely that taking this option would meet with agreement from some stakeholders as the flexible and responsive component of the byelaw is seen as a crucial part of the management.

5) The timing of the Tranche 3 MCZ designation process and meeting the Defra 2016 EMS review deadline

The current proposal from Defra is that the Tranche 3 MCZ designation process would take place in 2016. If this is still supported by the government after the election, then the timing of any Ministers decision concerning Hythe Bay could start to overlap and influence any potential KEIFCA Hythe Bay byelaw as it might make sense to synchronise the two processes. Hythe Bay is not a designated site and there are other sites that under the EMS review process will require KEIFCA time and resource. The resource for KEIFCA to meet the Defra 2016 EMS review deadline is significant and spending significantly more resource on the Hythe Bay will take resource away from meeting this deadline.

Summary

Over the last six months KEIFCA officers and members as well as local fishermen and NGOs have dedicated a lot of time and energy into trying to develop a management solution for Hythe Bay. A lot of progress has been made and there are now firm options for the Authority to discuss. As progress has been made new obstacles have emerged, and without the specific support and funding from Defra and the ability to accurately track vessels working within the bay progress will be difficult.

Recommendations

- Write a letter to the Minister after the election seeking clarification of the intent of Defra as to the future of this site and the possibility of funding for gear impact surveys; and
- Continue to work with the MMO on vessel tracking and update the Authority at the next meeting of any progress