

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

By: Project and IFC Officer

To: Kent and Essex Inshore Fisheries and Conservation  
Authority - 14 May 2013

Subject: **PROGRESS WITH RENEWAL OF RIVER ROACH ORDER  
AND BLACKWATER /CROUCH MANAGEMENT  
MEASURES**

Classification Unrestricted

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Summary: To report on progress relating to the application for renewal of the River Roach Oyster Fishery Order and to consider a continued closure of the fishery for Native Oysters within the proposed MCZ area.

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## **1. River Roach Oyster Fishery Order**

As previously reported delays have been encountered with Defra in finalising details regarding the wording of the new Several Order. This has now been concluded and It is anticipated that the final Order will have been placed before Parliament by the date of this meeting. This means that the new Order will come into operation during June 2013 and will run remain in force for a period of 10 years.

I intend to now contact previous lease holders to enquire whether they wish to take up new leases under the terms and conditions specified in the Order and associated Management Plan. As a result of this new lease contracts will be drawn up and it will be necessary to confirm lease charges. It is likely that new applications for oyster layings may also be received.

The operation of the new Order will be undertaken in the manner set out in the, previously approved, Fishery Management Plan. Some detail of the Plan for which KEIFCA approval is requested are as follows:-

- (a) Lease charges - Under the old Order charges for 2.5 hectare plots, after an initial reduced charge, were £250 per annum. The new

management Plan will involve greater officer involvement, surveys of stock and enforcement. It is therefore proposed that charges for 2.5 hectare plots will be commence at £500 per annum.

- (b) Positioning of plots – Consideration will need to be given to whether some re-positioning of plots may be necessary so as to minimise the impact of planned seawall breaches at Wallasea Island RSPB reserve.
- (c) Use of un-registered fishing vessels – The Plan states that consideration will be given to prohibiting the use of unregistered fishing vessels to dredge for oysters on plots within the fishery.

Once the new Order is granted and leases are granted it will be necessary to meet with new leaseholders to discuss and agree the detail of how the fishery will be managed.

**Recommendation – that the proposals set out in a-c above be APPROVED.**

## **2. Consideration of shellfish management within proposed MCZ area**

### 2.1 Questionnaire

As previously approved a questionnaire was placed on the KEIFCA web site and also circulated to persons likely to be affected by future management of the oyster fishery.

In total 39 completed responses were received. These were completed by persons with the following interests:

- 16 by commercial fishermen mainly involved in the oyster fishery,
- 16 were completed by persons with and interest in marine leisure
- 3 with marine conservation interests
- 1 recreational fishing interests

Initial analysis of responses shows that:-

- The majority of all interest groups felt that Native Oyster stocks within the area could and should be restored by implementing improved management
- Responses from commercial fishermen showed slightly more support for legislative management but also significant support for voluntary management agreements.
- Responses from those with leisure interests were more in favour of voluntary agreements.

Full analysis of data will be undertaken and reported at a later date.

As previously agreed it is intended to now organise a workshop to which interested parties and respondents to the questionnaire will be invited to consider the results of the questionnaire and formulate opinion to be considered by KEIFCA as it considers progressing with this project. It is intended that this will take place before the next KEIFCA meeting.

### **3. Closure of Native Oyster beds – temporary re-opening**

As agreed at the last meeting the Native Oyster beds were opened, at the beginning of April, to allow a small amount of controlled harvesting and the movement of sediment and some predators that were on the main beds.

During the period 4 applications for consent to fish were received. Initially the fishery opened on the 1<sup>st</sup> April for two weeks. During the first week only one vessel fished for a limited period due to strong easterly winds. In the second week 3 vessels took part in the fishery. During this second week of fishing officers undertook vessel boarding's and assessment of catches. All catches were found to be above the agreed cut-off rate of 5kg/hour/metre dredge. Following consideration of fishing effort and catch rates it was decided to allow the fishery to continue for a further week. During this final week catch rates were again monitored and remained above 5kg. Due to the need to protect remaining stock no further fishing was permitted. As part of this project fishermen are required to return catch data. Once these are received full analysis can be undertaken.

Monitoring of catches undertaken during the last week of fishing showed that more than half of the oysters being caught were being returned to the bed as they were below minimum size. It also confirmed previous concerns with regard to a severe shortage of 1, 2 & 3 year old oysters. Most undersized oysters were found to be just below the minimum size with few smaller oysters.

Fishing permitted during this period was under the following restrictions:-

- Fishing permitted for no more than 6 hours per day between 6am to 6pm, 5 days per week, Monday to Friday.
- A log book return would be required showing fishing position and catch data.
- Fishing activity would be monitored by KEIFCA patrol vessels and catches would be randomly checked by KEIFCA officers. The method of measurement would be enforced in a more clearly defined way in that the narrowest part of the oyster would be laid against the measuring ring. If the narrowest dimension of the oyster passed through then the oyster would be considered undersized (this is more stringent than current general practice).

- Similar to management of the cockle fishery outside the Regulating Order, when catch rates drop below 5kg of oysters/ hour/ one metre dredge (oysters above minimum size) the fishery will be closed (maximum four dredges permitted under byelaws). If catch rates remain above this level consideration will be given to extending the fishery for a further two weeks.
- That if fishing was very intense and it was considered to be damaging the oyster bed, or the oysters upon it, the fishery should be closed before the completion of the first two weeks fishing.
- This opening under the byelaw would be accompanied by an Industry Expectation that all vessels taking part in the fishery would undertake two additional days of conditioning of grounds in May/June so as to improve the chances of a successful settlement of oyster spat in 2013.

### **3. Proposed continued Closure of Native Oyster beds**

Last year the Authority decided, after consideration of survey data, to prohibit the harvesting of Native Oysters within the area of the proposed MCZ until the 28 May 2013

This closure was 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 May 2012 the Authority concluded that available evidence constituted sufficient evidence to recommend prohibiting the removal of native oysters from within the area of the rMCZ under the KEIFCA Shellfish Beds Byelaw shown below.

Evidence from monitoring of this recent controlled fishing during April 2013 also indicates a severe shortage of juvenile oysters.

The recent controlled fishing for native oysters resulted in a total of 609kg of native oysters being taken during 72 hours of fishing. In addition to this approximately 52% of catch was returned as undersized but only 16% were of the smaller sizes that are assumed to be of the 2010, 2011 & 2012 year classes.

This signifies that there is severe depletion of these year classes which indicates, similarly to last year's report, that there is a need for temporary closure in order to ensure recovery.

#### **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.

**4. Recommendation:** That the fishery should again be closed until 31 May 2014. It is also proposed that this measure should be reviewed annually and that consent should be given to named persons and vessels to undertake stock surveys, cleaning of cultch or stock management with the consent of the Authority but not to permit the remove any native oyster stock unless specifically Authorised – this aspect will be considered early in 2014.

#### **To implement the following closure:-**

**Under the KEIFCA Shellfish Beds Byelaw it is prohibited to remove or disturb any Native Oyster (*ostrea edulis*) 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.**

- (ii) This prohibition to come into effect from 28 May 2013 and be reviewed by 31 May 2014 with consideration given to updated native oyster stock information within the area and whether populations remain severely depleted.**