

By: Inshore Fisheries and Conservation Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority – 12th September 2016

Subject: **River Medway Nursery Area – Memoranda of Understanding**

Classification Unrestricted

Summary:

Members will be provided with an update on the changes made to the byelaw relating to the River Medway Nursery Area and the need to adopt procedures to review it every three years.

In addition, Members will be asked to approve the signing of two Memorandum of Understanding; one with the Rochester Oyster and Floating Fishery and the other with the Environment Agency to formalise arrangements already in place.

Recommendations:

1. Members of the Authority note the report and make comments;
2. Members agree to adopt the following procedure to review the River Medway Nursery Area (Prohibition of Fishing) Byelaw:
 - I. The procedure for reviewing the River Medway Nursery Area (Prohibition of Fishing) Byelaw will include the Authority taking the following steps:
 - (a) the Authority will consult in writing with the Rochester Oyster and Floating Fishery and all such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any proposed management;
 - (b) the Authority will make a decision whether to issue, remove or vary management based upon that consultation.
 - (c) following a decision to issue, remove or vary a management measure, the Authority will notify in writing all such persons as were consulted in accordance with paragraph 10 (a) prior to that decision coming into effect.

II. The information for the purposes of paragraph 1(b) includes any one or more of the following:

(a) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority thinks fit;

(b) Scientific advice provided by Centre for Environment Fisheries Aquaculture Science or such other bodies, organisations, or persons as the Authority thinks fit;

(c) An impact assessment of any proposed changes;

(d) Advice given by Natural England or such other bodies, organisations, or persons as the Authority thinks fit;

(e) Any such information as the Authority considers relevant.

III. The Authority will review the River Medway Nursery Area (Prohibition of Fishing) Byelaw no less frequently than every three years; and

3. Members approve the wording of the ROFF and EA Memoranda of Understanding.

Background:

On 22 June 2016 Defra signed the River Medway Nursery Area (Prohibition of Fishing) Byelaw. Unfortunately, after a lot of discussions and going backwards and forwards with Defra and legal teams, it appears there has been a change of direction from Defra as to the extent that IFCAs can use a regulatory notice byelaw. The mechanism of a regulatory notice byelaw allowed a lot of flexibility to IFCA Authorities to regulate fishing activity and a number of IFCAs had developed MPA byelaws using this approach. With the change in advice and direction from Defra, the flexible elements of the byelaw have been removed and the byelaw enforces the management measures previously agreed but does not give a mechanism for review or adaption.

1. Byelaw update

All the principles of working closely with the community and ROFF to manage and if necessary review management can still continue and the Authority still has the ability to review the byelaw after three years and if necessary, create a new byelaw to amend any issues. In the light of this we would recommend that that the Authority agree to adopt the following procedure and wording that was previously written into the byelaw.

I. The procedure for reviewing the River Medway Nursery Area (Prohibition of Fishing) Byelaw will include the Authority taking the following steps:

(a) the Authority will consult in writing with the Rochester Oyster and Floating Fishery and all such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any proposed management;

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2. Medway River Festival

Kent & Essex IFCA attended the Medway River Festival on Saturday 9 July 2016 to promote the River Medway Nursery Area. Stalls hosted a variety of activities which included fishing gear displays, an information tent and the very popular marine touch tank. Decoration of the wooden fish was very popular and the Living River exhibition had a large impact on visitors.

Also present was a stall from Natural England and the Institute of Fisheries Management promoting their work in the River Medway and wider Kent. Staff from the Defra, Environment Agency and Kent Wildlife Trust volunteered their time to help on stalls, and also explain what their organisations are doing for local marine conservation.

3. Memorandum of Understanding (MoU) – Rochester Oyster and Floating Fishery (ROFF)

The strength of the KEIFCA byelaw and the wider River Medway project is based upon the close relationship with Freeman of the River in ROFF. The KEIFCA byelaw was created in conjunction with a presentment by ROFF to protect the area from commercial fishing. The proposed MoU (Appendix 1) will focus on the enforcement of the River Medway Nursery Area, utilising the powers of KEIFCA under the Marine and Coastal Access Act 2009 and Water Bailiff powers of ROFF.

The MoU will create a framework where ROFF Freeman and Water Bailiffs can issue high quality information reports to KEIFCA concerning illegal fishing activity in the River Medway. KEIFCA will then profile the activity to improve the result of directed patrols to high risk activities. The cooperation will improve enforcement as ROFF Freeman are regularly on the water and will themselves receive reports of suspicious activity. Therefore, KEIFCA can focus time and resources on directed patrols to increase effectiveness of enforcement operations.

4. Memorandum of Understanding – Environment Agency

The EA have been working in the River Medway for decades collecting data on small fish that acted as core evidence for the necessity of the River Medway Nursery Area byelaw. Recently, KEIFCA have been assisting the EA with the small fish surveys by contributing officers and a RIB to the surveys to ensure their continuation. The MoU (Appendix 2) aims to mutually agree to continue these surveys, and also introduce further survey sites within the River Medway Nursery Area.

KEIFCA and the EA would mutually benefit from the cross-warranting of officers. The enforcement of estuaries incorporates both freshwater and marine legislation, as well as legislation for migratory species spanning both waters. Cross-warranting will increase the focus and effort on high risk activities without a large increase in officer time or resources.

The importance and ease of promoting marine conservation work and collaborations between organisations is increasing with the popularity of social media and sharing of photos and videos. By combining media resources and social media power, promotional material within the river will receive some branding and continuity between organisations to reach more of the public.

Financial implications:

Resources will be unchanged due to MoUs combining skills and resources already present within Kent & Essex IFCA.

Recommendations:

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3. Members approve the wording of the ROFF and EA Memoranda of Understanding.