

By: Chief IFC Officer
To: Kent and Essex Inshore Fisheries and Conservation
Authority – 23 May 2017
Subject: Native Oyster Flexible Permit Byelaw Update
Classification **Unrestricted**

Summary:

This paper updates Members with the progress made in developing a Native Oyster Flexible Permit Byelaw to include results of meetings already held with stakeholders and details of other meetings and consultation that will take place.

Recommendations:

The Authority are asked to **AGREE** to use the key proposed features of the native oyster flexible permit byelaw as a basis to start to engage with stakeholders.

The Authority are asked to **AGREE** to the engagement and development process described in the paper.

Background

Since the last meeting, two meetings have been held to discuss the creation of a native oyster permit byelaw; one with the local Essex oyster industry and the other with wider stakeholders. The outline of the byelaw was presented and discussed with stakeholders, as well as the legal background and requirements of the BCRC MCZ site. Both meetings were constructive, well attended and provided useful initial feedback regarding the development of the byelaw.

Industry meeting

The fishermen's meeting was held on 20th February in West Mersea, with seventeen members of the Essex oyster industry, two KEIFCA members and a

Natural England site lead attending the meeting (Appendix 1- notes of the meeting). The main outcome from the meeting was that in broad terms there was agreement with the intent, structure and key features of the proposed byelaw.

The technical specifics of the byelaw were not discussed in detail at this meeting, instead a questionnaire was used to capture fishermen’s detailed knowledge and opinions. All the attendees at the meeting were given a questionnaire and KEIFCA received seven completed questionnaires. Unfortunately results from the questionnaire showed that there is potentially a wide variation of views when it comes to more specific byelaw detail (Appendix 2). This will make agreeing on final byelaw detail more challenging, but we have used the feedback as a starting point to boil down the key differences into a number of clear options (Table 1) from which we can consult further in a more formal document (as with any consultation people are always free to comment/make suggestions on any relevant issue).

Table 1. An Example of the types of questions that would be used in the written byelaw consultation.

<i>When would the fishery be opened?</i>	<i>Mid-Oct – Mid-Nov</i>	<i>Mid-Apr – Mid-May</i>
<i>What ring size should be used?</i>	<i>6 cm 7 cm 7.5 cm</i>	<i>8 cm Other</i>
<i>What should be the maximum vessel length be allowed in the fishery?</i>	<i>8m</i>	<i>10m 14m</i>
<i>What should be the maximum number of dredges permitted in the fishery?</i>	<i>1</i>	<i>2</i>
<i>What should be the limit on dredge width per dredge?</i>	<i>4ft</i>	<i>3ft</i>
<i>What kind of dredge mouth should be used in the fishery?</i>	<i>blade</i>	<i>ladder tooth</i>
<i>How should the dredges be constructed?</i>	<i>Mesh belly- ring top</i>	<i>Ring belly- mesh top</i>

Stakeholders meeting

The meeting held on 30th March was well attended with over twenty people from thirteen different organisations (Appendix 3 – notes of the meeting). As with the fishermen’s meeting there was broad agreement in the KEIFCA approach to the byelaw and general agreement with the key features of the byelaw. The stakeholder meeting focused on discussing and developing the approach to the fisheries management plan which describes under what conditions the fishery

would be opened/closed. The meeting discussed a range of detailed options and approaches as to the conditions and information needed to open the fishery, to run the fishery in the first few years and how to respond to a declining oyster stock. A key principle that was unanimously agreed was the need for an adaptive and responsive management system that laid out general principles, but within this framework responded to yearly variations. There was also agreement that a responsive management process included management feedback loops with the oyster industry, wider stakeholders and Natural England.

Mixed stakeholder groups consisting of; members of the oyster industry, environmental NGOs, academics and fishery officers, evaluated and developed different options/approaches, developing the detail of the byelaws fishery management plan. In principle, there was a lot of agreement between groups as to the kind of information needed/conditions required to open the fishery as well as the engagement and feedback loops needed to tailor the fishing effort to changing stock whilst working within the legal framework of the MCZ legislation.

Throughout the meeting there was a lot of very useful discussion and collaboration bringing together years of local practical knowledge with national and international expertise and experience. A lot of progress was made at the meeting and there was a general feeling that significant steps had been taken. In the light of this there was a recommendation from the meeting to hold a follow-up meeting where the principles established could be tested against hypothetical 'real-life' scenarios and groups could explore potential management decision that could be made based on hypothetical 'real-life' data. This would have an impact on the time line previously produced for the development of the byelaw but there was a view from the meeting that spending more time on this component of the process would save time and resource later in the process.

Proposed Revised byelaw consultation process

1. Follow-up stakeholder meeting – 11am-3pm, 6th July (West Mersea Yacht club)

Using the management principles agreed at the last meeting as a starting point, a range of different 'real-life' oyster stock scenarios will be discussed to explore the application of the management principles and hopefully refine them. The agreed management principles will then be used as the backbone of the byelaws fisheries management plan.

2. Initial consultation – Mid-July - End of September: - Following direction from the Authority, consultation documents outlining the proposed management options would then be developed and sent to all interested parties. A 10-week consultation period would take into account the summer holidays and allow ample time for all stakeholders to engage and submit written replies outlining their views on the proposals.

3. Feedback to the September Authority meeting – 15th September: – The Authority would be updated as to the progress made so far on the development of the byelaw.

4. Technical panel – 11am-2pm, 19th October (West Mersea Yacht club): – A technical panel would review the consultation replies and discuss the key technical details of the byelaw and impact assessment. The technical panel would then look to agree recommendations and the key wording of a draft byelaw.

5. Draft byelaw November Authority meeting – 30th November: – Recommendations from the technical panel would then be discussed and byelaw wording agreed/ make byelaw and start running through statutory consultation process.

KEIFCA Authority members would be invited to attend all the meetings and workshops, to help get a clear appreciation of the issues and help develop the detail of the byelaw.

Working with private oyster grounds

Its hoped that if we design the native oyster permit byelaw correctly it will stand the test of time and provide a long-term framework for oyster management in the BCRC MCZ site. As has been discussed at numerous previous meetings the KEIFCA byelaw applies to the public oyster fishery rather than to private fisheries. In an effort to apply due diligence to this process, it is suggested that the private native oyster fisheries within the BCRC MCZ are contacted and asked to provide KEIFCA with copies of legal documents outlining the area and scope of their private areas.

KEIFCA has worked closely with private fisheries within this site and have got a very productive working relationship. In undertaking this process KEIFCA are in no way seeking to challenge or change this relationship, just to make sure that the current working arrangements are made more formal. It is hoped that this will provide clarity for the native oyster industry and a clear framework that will help people invest with confidence in the future.

Recommendations:

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