

From: Will Wright, Chief Officer Kent and Essex IFCA

To: Kent and Essex Inshore Fisheries and Conservation Authority – 30 January 2018

Subject: Native Oyster permit byelaw update

Classification: Unrestricted

**Summary:** The paper updates the Authority on the progress made in developing a Flexible Native Oyster permit byelaw. The paper also looks to extend the current oyster bed closure until the new byelaw comes into force.

**Recommendations:**

1. Members are asked to **APPROVE** the recommendation from the local stakeholder meeting that management of activities other than oyster harvesting in the restoration box should initially try to be managed using the vehicle of a voluntary agreement rather than a byelaw;
2. Members are asked to **APPROVE** the recommendation from the local stakeholder meeting that the ENORI group would be asked to develop such an agreement; and
3. Members are asked to **APPROVE** that the fishery for native oysters should be continued to be closed within the BCRC Estuaries MCZ site until the 31 May 2020, using the powers under the Shellfish Beds Byelaw. KEIFCA will give consideration to allowing the removal or disturbance of oysters, as referred to in the byelaw, as long as this is for stock restoration purposes and approved by Natural England.

To implement the following closure:-

Under the KEIFCA Shellfish Beds Byelaw it is prohibited during the two year period 31 May 2018 to 31 May 2020 to remove or disturb any Native Oyster (*ostrea edulis*), without the consent of the Authority, from within the area known as the Blackwater, Crouch, Roach and Colne Marine Conservation Zone 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 across the entrance to Havengore creek returning to a position on the coast at Clacton 51°47'.223N 01°09'.325E.

## Progress in byelaw development over the last quarter

Flowing from the Technical Panel meeting on 30<sup>th</sup> October there were two significant issues to address; the first was to discuss in more detail the location and the management of the restoration box and the second was to hold a technical panel meeting to agree the wording of the byelaw and management plan.

### *Management of the restoration box*

The local stakeholder meeting was held on the 11<sup>th</sup> December at West Mersea between NE, Essex University and the local fishing industry/oystermen (London Zoological Society were unable to attend on the day). The meeting discussed the size and location of the restoration box off the coast of Mersea island, as well as the advantages and disadvantages of developing a voluntary/gentleman's agreement versus a KEIFCA byelaw. The meeting was constructive and built on the partnership work developed over the whole project. The meeting agreed on the following recommendations.

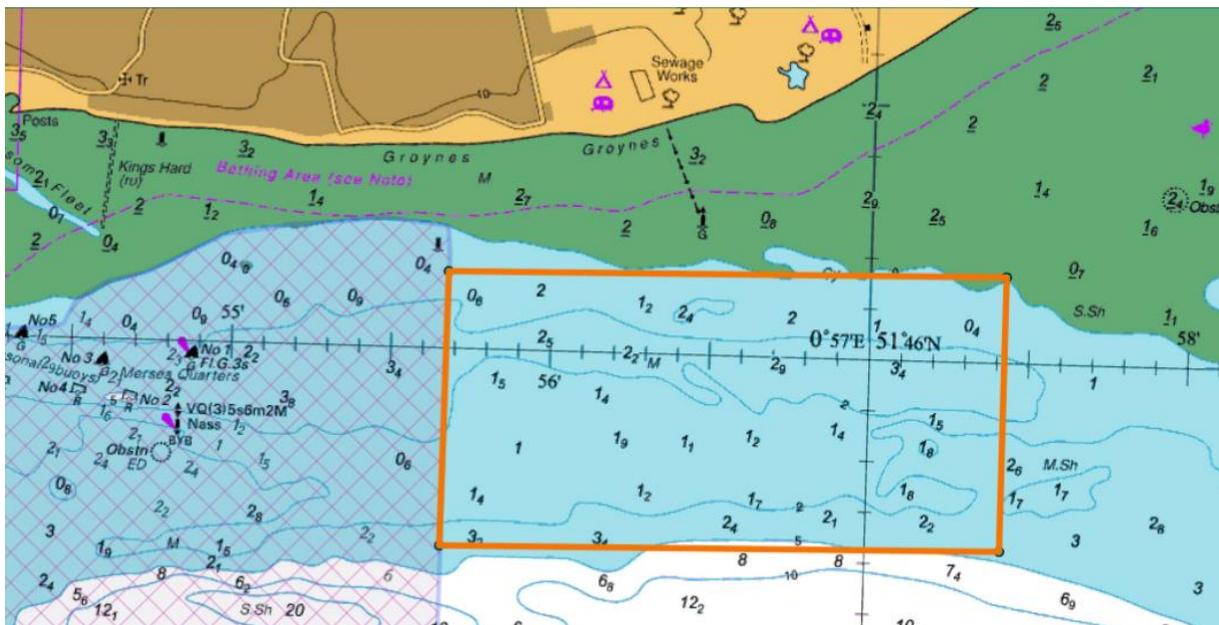
- The coordinates of the restoration box:

Point 1 (51 degrees 46.140 minutes North, 00 degrees 55.620 minutes East)

Point 2 (51 degrees 46.140 minutes North, 00 degrees 57.420 minutes East)

Point 3 (51 degrees 45.600 minutes North, 00 degrees 57.420 minutes East)

Point 4 (51 degrees 45.600 minutes North, 00 degrees 55.620 minutes East)



- That management of activities other than oyster harvesting in the box should initially try to be managed using the vehicle of a voluntary agreement rather than a byelaw. The meeting reflected that due to the restoration box being very close to shore and accessed almost exclusively by the local fishing community a voluntary agreement had a good chance of being successful, in conjunction a voluntary agreement would also best reflect the community-based approach to native oyster management that had created the restoration box in the first place.

- The ENORI group could be tasked with developing such an agreement, and would look to build on the wording of voluntary agreements used in other fisheries around the UK (KEIFCA/NE officers are happy to pass on examples of successful voluntary wording used in other parts of the country).
- The development of such an agreement would seek to engage all local stakeholders (including NGOs and local fishermen).
- There was recognition from the group that engagement and development of such a management measure could be promoted positively both within the community but also to visitors to West Mersea using tools like information boards etc.
- There was agreement that if a voluntary approach was not working developing a byelaw would be the next step.

#### *Preparation for the technical panel*

It is confirmed that that the technical panel would be held in West Mersea on 7 February to discuss and agree the wording of the byelaw and in preparation for this a draft byelaw and management plan will be sent to the meeting participants on 23 January.

#### Draft agenda for the technical panel

- Presentation - Translating the agreed management ideas into legislation.
- Wording of the byelaw and management plan.
- Wording of the permit schedule that accompanies the byelaw
- Appropriate Assessment that accompanies the byelaw (need to agree estimated figures that would go into the assessment)
- Byelaw Impact Assessment

### **Extending the Closure of Native Oyster beds in BCRC Estuaries MCZ**

In order to provide continued protection to remaining stocks of native oysters KEIFCA has for the last three 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 2018). The closures are 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". Due to annual stock surveys showing severely depleted stocks that currently don't meet the MCZ conservation objective of being in favourable condition, it is proposed that the Authority extends the current closure for another two years or until the new BCRC Estuaries MCZ native oyster permit byelaw comes into force.

#### 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.

### **Recommendations:**

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2. Members are asked to **APPROVE** the recommendation from the local stakeholder meeting that the ENORI group would be asked to develop such an agreement; and
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