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NOTES of a Technical Panel meeting of the **KENT AND ESSEX INSHORE FISHERIES AND CONSERVATION AUTHORITY** held in the Powell Training Suite, Essex Outdoors Mersea, Rewalls Lane, East Mersea, Essex on 30 October 2017 at 11am

Present: Mr J Nichols (MMO), Mr A Rattley (MMO), Mr E Hannam (MMO), Miss L Jenner (NE)

Apologies: Mr P Wexham (MMO)

In Attendance: Mr J Lynch (Clerk), Dr W Wright (CIFCO), Mr D Bailey (ACIFCO), Mrs D O'Shea (Office Manager)

Also Present: Mr W Baker (Oyster fisherman), Mr M Sessions (Colchester Angling Club), Mr A Bird (Blackwater Oystermen's Association), Mr R Haward (Blackwater Oystermen's Association), Mr R Lankester (Tollesbury MudClub), Mr R Pitt (Oyster fisherman)

Documents laid around the table:

- an email together with photographs from Mr M Sessions

The meeting opened at 11.10am, chaired by the Vice Chairman Mr Nichols as the Chairman was unable to attend.

The Technical Panel met to discuss the consultation replies regarding the development of a native oyster permit byelaw and management plan within the Blackwater, Crouch, Roach and Colne (BCRC) MCZ, with a view to making recommendations for the Authority to agree a draft byelaw at their 30 November 2017 meeting

The Vice Chairman invited the stakeholders that were present to enter into the discussions and informed them that the Technical Panel wished to hear their views and opinions during the meeting.

The Chief Officer advised the Panel that the meeting would not attempt to describe how recovery of the Native Oyster could or should be achieved, although the IFCA intended to work closely with the community led E-NORI group to discuss and develop plans to aid recovery.

In addition, a number of responses to the consultation had been received addressing the issue of the restoration box. To address these concerns, a specific meeting would be arranged with NE and the local oyster/fishing industry to discuss management of the restoration box and NE's approach to restoration on the site.

Declaration of Interests:

No declarations of interest were declared

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Key Points considered by the meeting

The Panel were reminded that since February 2017, four meetings had been held with stakeholders to discuss the creation of a native oyster permit byelaw. Details of these had been shared with Members at their Authority meetings on 23 May and 15 September 2017.

The consultation document had been distributed widely and had been publicised via the website and the e bulletin. Seventeen responses had been received.

In response to a question as to the definition of an oyster bed, Miss Jenner advised the Panel that the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) definition of a Native Oyster bed was 5 per m². However, NE did not want to rely too heavily on just that figure as they understood that in Essex this number of 5 per m² could be misleading. Although the OSPAR definition could not be changed, NE would focus if possible on physical structure, but, in particular, with associated species in deciding on whether an area was a Native Oyster bed. eg dominated by biotopes such as sponges, ascidians and crustacians. NE would focus on whether these species that are associated with a cluster of Native Oysters were present rather than relying on the OSPAR definition. NE's view was that the area did not have any Native Oyster beds at present and confirmed that subtidal mixed sediment was where Native Oyster beds would be expected to be found.

The BCRC MCZ itself is a highly protected, not particularly developed area containing many different habitats (features and sub features). The management of private grounds is the responsibility of Cefas and any legislation proposed would not affect these areas. Oyster dredging on public grounds was closed under existing legislation until May 2018.

Section 156 of the Marine and Coastal Access Act had given IFCA's the ability to make flexible byelaws, which could allow adaptive management. However, these byelaws could only be flexible within certain limits and needed to be able to describe boundaries (ie. you can do 'a' or you can do 'b'). The byelaw itself would be written in legal language and could only be amended by writing another byelaw. A management plan would be required to accompany a flexible byelaw. This would lay out the rules of how the flexibility (process, procedures or requirements) could be varied and implemented. The management plan would not be written in legal language and could be amended/reviewed easily.

The byelaw framework which had been presented at all stakeholder meetings and in the consultation document was as follows:

1. Anyone fishing for native oysters on public oyster beds would be required to have a permit.
2. The permit would be restricted to one per person per vessel.

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3. The fishery would be open for a limited period each year.
4. The byelaw would divide the MCZ into a number of different fishing areas. A specific area or areas would be opened.
5. Each permit would be allocated an equal percentage of the overall Total Allowable Catch (TAC).
6. There would be a fee charged for a permit.
7. The adult size would be controlled by ring size
8. There would be controls on vessel size, gear size and dimensions
9. Each permit holder would be required to complete a detailed landing declaration
10. Vessels would be required to have vessel tracking whilst taking part in the fishery.
11. A fisheries management plan would look to set trigger points at which the fishery would be opened. The management plan would also set out rules of when and how certain technical management measures would be applied and the process of developing appropriate management measures.

In respect of point 2 of the byelaw framework, one response to the consultation had questioned the requirement that only one permit would be allowed per vessel. The Panel were advised that there would be mechanisms put in place to allow other people to be nominated to fish on each particular vessel, similar to that used with the whelk and cockle permit fisheries. The permit would be issued annually and would be available to anyone as long as they met all criteria. The Panel accepted this as an adequate solution to this response which addressed the concerns raised.

The Panel then looked at the responses to the consultation in more detail. The Panel were advised that the options provided were drawn up based on the responses to the consultation.

Question 1: Do you have any comments or views based on the opening times proposals?

The Panel were advised that this would form part of a flexible management measure with the rules for applying opening times written in the management plan. The setting of these opening times would be discussed and agreed by the expert group, however if agreement couldn't be reached KEIFCA would run a Technical Panel to make a recommendation itself.

Wording for management plan

Option 1 - The fishery would primarily be opened in the March/ April window, with the opening duration based on the amount of quota set. If there were specific advantageous fisheries management or conservation reasons to change the opening time, the opening of the fishery could take place in the period before Christmas.

Option 2 - The fishery would primarily be opened in the period before Christmas, with the opening duration based on the amount of quota set. If there were specific advantageous fisheries management or conservation reasons to change the

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opening time, the opening of the fishery could take place in the March/ April window

In response to questions raised by the Panel they were advised that any TAC set would be distributed evenly amongst permit holders. The taking of any Native Oysters from the public fishery including that of relaying would take place in this opening period. The IFCA would require a clearly defined period when fishing could take place as it would need to monitor and enforce the fishery. It was accepted that Option 1 would allow for native oysters to be harvested, then be relayed and to allow the ground to be turned over to accept new spat-fall. Option 2 would allow the sale of native oysters for the more profitable Christmas market. The Panel asked whether it would be possible to choose from year to year when it would be best to open the fishery. The Chief Officer advised that the byelaw required specific parameters and limits for when it could be opened but the actual details could be quite flexible.

A Member commented that it appeared that there was agreement that no fishing took place after April and before late November. Some shellfish fisheries allowed a marketing harvest and also harvesting in order to relay. This proposal could be used as a basis for discussion by a Technical panel before bringing it to the IFCA in the autumn.

It was also suggested that the IFCA needed to be flexible in the period of time that the fishery could be opened within the period that it was closed.

The Panel were advised that a shadow assessment of what the fishery could look like would be required to be provided to NE. This would need to say when the fishery would be opened and for how long.

In response to a question the CFO commented that he felt that option one provided flexibility. In his opinion, the area was breeding stock short. If the fishery were opened in April or May then you were more likely to have stock that was being on-grown in the area, more likely to breed in the area and that this would probably push the fishery into a relay one. This option would give the IFCA the opportunity to respond to different scenarios.

Miss Jenner advised the Panel that option one was the preferred choice of NE.

Recommendation:

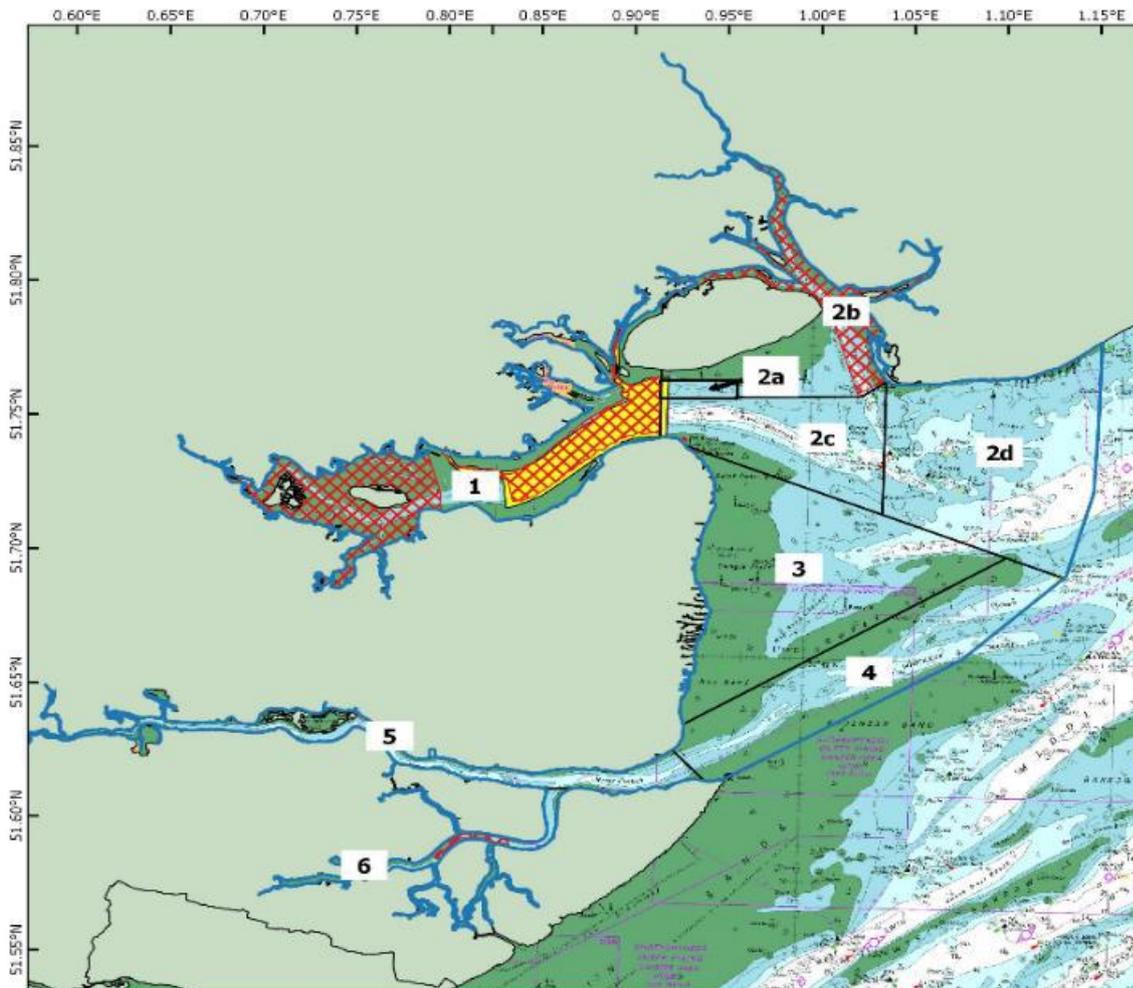
Do you have any comments or views based on the opening times proposals?

Set opening times preferred by the Industry with the IFCA to make a decision on specific periods when to open. Felt both options one and two were too prescriptive.

The Panel suggested that the area be closed between May and November with a decision on when it would open made by the expert committee and presented at a meeting of the IFCA

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Questions 2&3: Do you have any views how the site is divided up into harvest areas? Do you have any comments or views on how sub-areas should be opened and closed and the process behind making this decision?



Option 1 – Fixed management measure based on chart provided.

Option 2a – Flexible management measure. Current areas are used but able to be reviewed. Need to develop a review procedure.

Option 2b – Flexible management measure. Fishing areas/ boxes coordinates are discussed and agreed by the expert group using management plan rules.

Option 3 – Used the fixed areas as a framework. Incorporate the flexible ability to set fishing areas/ boxes coordinates within these areas. The process would need to be described in the management plan and discussed and agreed by the expert group using the management plan rules.

The CFO advised that the Industry had agreed that there were a number of advantages with the areas being fixed, however the Panel may want to introduce flexibility as the areas might change. The IFCA managed the cockle fishery using a system similar to option three.

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It was commented that option three incorporated the other suggested options. A Member stated that option three would be more likely to be accepted by the MMO/Defra as they preferred the use of hard lines within a byelaw.

Recommendation:

How is the site divided up into harvest areas? Do you have any comments or views on how sub-areas should be opened and closed and the process behind making this decision:

Option 3 – Use the fixed areas as a framework. Incorporate the flexible ability to set fishing areas/ boxes coordinates within these areas. The process would need to be described in the management plan and discussed and agreed by the expert group using the management plan rules

Question 4: What should the minimum size be set at?

The Panel were advised that this would be a flexible management measure with the rules for applying changes to ring size written in the management plan. The setting of the ring size would be discussed and agreed by the expert group, however if agreement couldn't be reached KEIFCA would make a technical recommendation.

Wording for management plan

Option 1 - It is proposed that **70mm** be maintained as the standard minimum size but that the byelaw would allow the ring size to be increased up to 80mm and decreased to 60mm, if there were specific advantageous fisheries management or conservation reasons to change the ring size.

Option 2 - It is proposed that **80mm** be maintained as the standard minimum size but that the byelaw would allow the ring size to be decreased to 70mm or 60mm, if there were specific advantageous fisheries management or conservation reasons to change the ring size.

The Panel agreed that a ring was the easiest method of measuring an oyster. 70mm oysters were larger than used to be harvested. These options took into account any possible issues with bonamia.

Recommendation:

What should the minimum size be set at?

Option 1 - It is proposed that 70mm be maintained as the standard minimum size but that the byelaw would allow the ring size to be increased up to 80mm and decreased to 60mm, if there were specific advantageous fisheries management or conservation reasons to change the ring size.

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Question 5: What should the permit fee be and why?

The Panel were advised that this would be a fixed measure.

Option 1 - A permit fee of £150

Option 2 – A permit fee of £100

Option 3 – A permit fee of £200

Option 4 – A permit fee of £300

The CFO advised the Panel that the Government required that some cost recovery take place. Although the fishery would be open to anyone who applied for a permit it was likely that no more than 10 applications would be received so any payment would do no more than cover administration costs. The payment would be made annually and would be payable if the fishery were to open. It would remain at the same amount whether the fishery was opened once or twice within a year.

Recommendation:**What should the permit fee be and why?****Option 1 - A permit fee of £150****Question 6: The maximum size of vessel that could fish for native oysters under the permit?**

The Panel were advised that this would be a fixed measure.

Option 1a – Maximum vessel length 10m.

Option 1b – Maximum vessel length 10m with a maximum engine power

Option 2 – Maximum vessel length 14m.

Option 2b – Maximum vessel length 14m with a maximum engine power

The CFO advised that this fishery would be seen as a small scale, artisan fishery, worked in a responsive way. There was a big jump in sea going capability between a 10m and 14m vessel. A vessel length of 10m best described small scale. The Panel were reminded that the IFCA already had a maximum engine power size for the whole of its District.

Recommendation:**The maximum size of vessel that could fish for native oysters under the permit****Option 1a – Maximum vessel length 10m.**

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Question 7: What should the controls be on gear size and dimensions?

Option 1 – Fixed management measure.

Max aggregate dredge(s) width: 2.4m

Max weight per dredge: 100kg

Max number of dredges: 2

Construction of dredge: Ladder blade

Option 2 – Fixed management measure.

Max aggregate dredge(s) width: 2.4m

Max weight per dredge: 150kg

Max number of dredges: 2

Construction of dredge: Ladder blade

Option 1a/2a –

Add a technical requirement for spacings between the ladder blade runs set at 5 x 7.5cm.

Option 1b/2b – Flexible management measure. The technical measures from option1/ option 2/ option 1a/2a be maintained as the controls be on gear size and dimensions but the byelaw would allow the gear size and dimensions to be reviewed if there were specific advantageous fisheries management or conservation evidence. A meeting of the expert group would discuss any proposed changes and make recommendations for KEIFCA.

The questionnaire showed that the Industry used different gear, however there was a need for it to be standardised. The Panel were advised that it was important for there to be controls on the size and dimensions for gear as the IFCA needed to show there was a standard impact when doing its assessments for NE.

The Panel questioned the need for the maximum weight to be 100kg as they thought that was too high.

Recommendation:**What should the controls be on gear size and dimensions?**

Option 1 – Fixed management measure.

Max aggregate dredge(s) width: 2.4m

Max weight per dredge: 75kg (amended from original proposal of 100kg)

Max number of dredges: 2

Construction of dredge: Ladder blade

Together with:

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Option 1b/2b – Flexible management measure. The technical measures from option1/ option 2/ option 1a/2a be maintained as the controls be on gear size and dimensions but the byelaw would allow the gear size and dimensions to be reviewed if there were specific advantageous fisheries management or conservation evidence. A meeting of the expert group would discuss any proposed changes and make recommendations for KEIFCA.

Question 9: Using vessel tracking systems as a management tool within the fishery?

Option 1 – it is suggested that the vessel tracking component of the byelaw is retained but that the detail of implementation and running this addressed by the upcoming national process

Option 2 – A system using mobile phones is in use at the moment and could be developed instead of using vessel tracking

Option 3 – No vessel tracking but use log books instead.

The Panel were advised that the use of vessel tracking would allow the IFCA to monitor the grounds that were being fished. It was likely that the Minister would make a Statutory Instrument around the required use of these systems and it was seen as a key element in the UK Brexit plan with £3 million put aside to be spent on UK vessels. It was likely that by the time the fishery was opened it would be mandatory for all vessels to have tracking systems.

Recommendation:

Using vessel tracking systems as a management tool within the fishery

Option 1 – it is suggested that the vessel tracking component of the byelaw is retained but that the detail of implementation and running this addressed by the upcoming national process

Question 10: The fisheries management plan - How would an expert group work?

KEIFCA would carry out an annual assessment of Native Oysters in public grounds. If stock levels were not above agreed trigger points in the management plan the fishery would remain closed. If they were above then the expert group would meet to agree the assessment and necessary management. NE would review the assessment and management documents and would advise on whether the fishery should be opened or not. If NE agreed with the decision to open the fishery this would then be taken to the IFCA for their final approval.

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The expert group would have an advisory function and would meet annually once opening the oyster fishery became a realistic option. Whilst the group itself would not have any legal powers, both KEIFCA and NE would agree to take full account of the group's recommendations and it would be regarded as the equivalent of a technical panel.

This expert group would be made up of representatives from:

- Natural England
- Kent and Essex IFCA
- Universities/ Research Institutes
- the oyster industry/ fishing industry
- NGOs involved in E-NORI

Option 1 – The group would be more formal with Terms of Reference and named bodies/ organisations in attendance. An equal number of industry and NGO reps are invited to the meeting.

Option 2 – The group is run as a community forum (like this technical panel meeting). A general invite is sent out and people/ organisations with an interest would attend and comment on proposed options.

The CFO advised the Panel that the group would be required to make decisions. Did they want a group which represented a more wider community involvement or did they want representatives who provided potentially a more focused group? It was suggested that a wide range of experts with different levels of experience would be ideal. Option one could be considered to be very rigid in its structure.

Recommendation:

The fisheries management plan - How would an expert group work?

Option 2 – The group is run as a community forum (like this technical panel meeting). A general invite is sent out and people/ organisations with an interest would attend and comment on proposed options.

Question 10: The fisheries management plan - reviewing the trigger points and steps proposed

The figure of 800 tonnes represented a significant increase in stock across the MCZ compared to the amounts found in three years' survey data. The IFCA would not be involved in how it reached 800 tonnes. Because of the size of the site a relatively modest improvement would give a massive uplift in tonnage.

Option 1 – Stock increase over the whole site used as trigger point (800 tonnes) to start the process of opening the fishery followed by the next step of the expert

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group making a judgement as to whether there has been significant recovery within a specific harvesting area.

Option 2 – Stock increase in a specific area used as trigger point (stock more than doubled) to start the process of opening the fishery.

Option 3 – No rules, just run an expert group meeting every year once opening the oyster fishery becomes a realistic option (approx. once stock as doubled in size).

The group would then submit an appropriate assessment to Natural England to see if fishery can be opened.

Option A – The stock would need to be stable/increasing stock for 2 years.

Option B – The stock would need to be stable/increasing stock for 3 years

The Panel were advised that Option one had been agreed previously but had now been questioned by NE and the Industry. Option two allowed individual areas to be given trigger points, rather than one across the whole MCZ.

NE advised that the Panel should remember that the Native Oyster was a protected feature itself and that the feature must be in a favourable condition.

Recommendation:

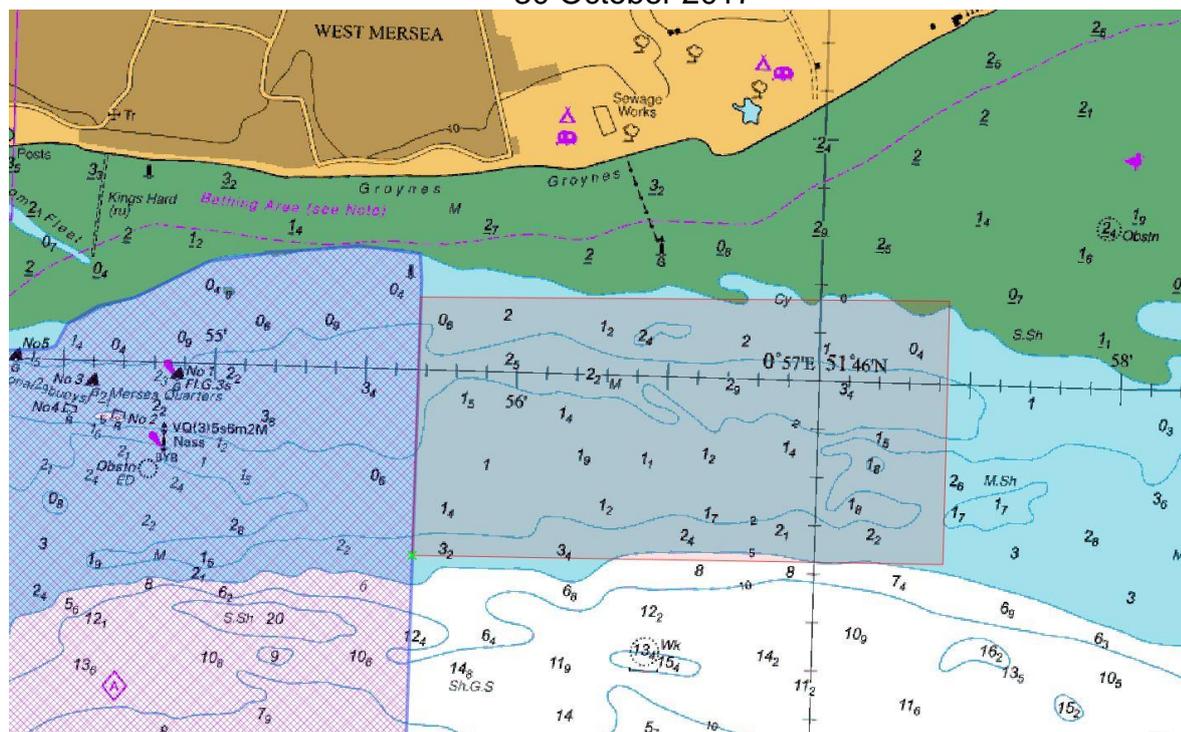
The fisheries management plan - reviewing the trigger points and steps proposed

The Panel suggested that as a trigger point either stock increase across the whole site was used (800 tonnes) or a significant increase in stock levels in one of the nine areas occurred.

Option B – The stock would need to be stable/increasing stock for 3 years

Question 11: The closure of the restoration box (area 2a) applying to oyster dredging and harvesting activities

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Concerns have been raised by the local oyster industry regarding the location of the restoration box recommended by Natural England as a very important historical piece of ground was contained within the box at the far eastern end. In order to provide an alternative, the industry had proposed a revised box which extended less to the east but further to the south. A meeting would be arranged by KEIFCA between Natural England and the industry to come to a final conclusion on the location of this box. Once the restoration box was in place, all of the restoration activities being proposed by ENORI would occur within this box with management oversight from Natural England as to the effects of restoration on the wider MCZ and SAC.

Option 1 – The byelaw closes the restoration box to oyster dredging and harvesting activities.

Option 2 – The byelaw closes the restoration box to oyster dredging and harvesting activities for 10 years. After 10 years this management measure would be reviewed by the expert group.

The Panel were advised that the area covered by the box was below the mean low water mark.

The Panel were advised that the byelaw would close the box to all dredging and harvesting for oysters, any other activities would be covered by Natural England and E-NORI's management plan.

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Recommendation:**The closure of the restoration box (area 2a) applying to oyster dredging and harvesting activities****Option 2 – The byelaw closes the restoration box to oyster dredging and harvesting activities for 10 years. After 10 years this management measure would be reviewed by the expert group.*****Question 12: The closure of the restoration box applying to gears that could interact with the seabed (e.g. trawling)***

Option 1 – The restoration box (2a) would be closed to all bottom-towed gear (trawling, shrimping etc) using the proposed byelaw.

Option 2 – The restoration box (2a) would be closed to all bottom-towed gear (trawling, shrimping etc) using a voluntary agreement.

Option 3 – An assessment of historic/projected fishing activity is undertaken for the restoration box. This information combined with a detailed presentation to the KEIFCA and report from Natural England as to the impact risk of bottom-towed gear on oyster beds. The appropriate management measure would be based on this fine scale assessment.

Option 4 – No additional management measures would be introduced due to the low level of bottom-towed fishing activity in this area.

Industry advised that very little trawling took place in the area although it would appear potting did take place. It was suggested that by trawling the site cultch would be cleansed and star fish removed.

NE reminded the Panel that experiments could be impacted if trawling took place.

The Vice Chairman advised the Panel that the Box was in a sensitive area and that as the meeting was coming to an end it would be necessary for this matter to be discussed in more detail at another time. The CFO reminded the Panel that a meeting would be taking place with NE and the Industry regarding the Restoration Box.

The Vice Chairman thanked all those who had attended the meeting and commented that it was important that the IFCA recognised and worked with the Industry in their District in this matter.

Meeting closed at 15:10