

Kent and Essex Inshore Fisheries and Conservation Authority
Permitted BCRC Native Oyster Fishery Management Plan

Introduction

The KEIFCA has responsibilities to ensure that the exploitation of fisheries resources is undertaken in a sustainable manner and must also seek to ensure that the conservation objectives of MCZs are furthered. As a 'Competent and Relevant Authority' the KEIFCA is also required to perform its duties in regard to managing the impacts of fishing on the European Marine Site features. The KEIFCA role in MCZ management is to lead on developing sustainable fisheries management, with Natural England leading on oyster recovery work alongside ENORI (Essex Native Oyster Restoration Initiative).

This management plan, alongside the accompanying byelaw, provide a structured and transparent means by which to assess the suitability of oyster stocks within the MCZ for harvesting activities by the industry, and management of that harvesting.

The plan has been developed in close partnership with all stakeholders over the best part of a year and is a way of transforming the goals of the conservation objectives for the site into realistic management measures. This document helps to provide a clear process and framework behind how management decisions can be made and changed. This is a more flexible document than the byelaw and responds to the stakeholders requirements to develop adaptive and responsive management of the native oyster stock. The anticipation would be that this document would be reviewed every three years or if substantial new evidence became available.

Management principals

1. Native Oyster harvesting under this byelaw will be managed in line with the following management plan which is approved by Natural England as part of the Habitat Regulations Assessment required for this fishery under the Habitats Regulations.
2. The BCRC Native Oyster Byelaw Management Area will be divided into Specified Harvesting areas. These will be used for survey planning, stock calculation and allocation of TAC.

The 'expert group'

3. The expert group will have an advisory function and will meet annually once opening the oyster fishery has become a realistic option. Whilst the group itself will not have any legal powers, both KEIFCA and NE agree to take full account of the group's recommendations and it will be regarded as the equivalent of a technical panel.
4. 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 with E-NORI
5. The expert group will be run as a community forum. A general invite will be sent out and people/ organisations with an interest can attend and comment on proposed options.

Conservation objectives criteria

6. The Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone Designation Order 2013 lays out specific ecological legal criteria that any management decision or measure is required to pay due consideration to. The expert group would need to show that the criteria below have been thoroughly considered when applying the direction given by this management plan and agreeing management measures, as well as whether the designated features meet the 'favourable condition' status defined and described within the Order (i.e. "the quality and quantity of its habitat and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive") and that following any harvesting "the population is sufficiently thriving and resilient to enable its recovery".
 - (a) the number of oysters (including number of spawning individuals and density of oysters)
 - (b) age (including size, weight, biomass and population structure focusing on strengths or weakness of specific size age classes).
 - (c) Available data relating to the sex ratio of the oyster population and the quality and quantity of the habitat

Stock management criteria

7. The stock management criteria are not derived from legislation but rather from the practicalities of managing the native oyster fishery and would be considered after paying due consideration to the conservation objective criteria. The expert group would need to show that the criteria below have been thoroughly considered when applying the direction given by this management plan and agreeing management measures.
 - (a) Economics of the fishery from both a harvest management and an enforcement perspective.
 - (b) Maximising the yield from the stock.
 - (c) Stock biosecurity and disease management.

The restoration box (Area 2a)

8. The byelaw closes the restoration box to oyster dredging and harvesting activities for 10 years. After 10 years this management measure will be reviewed by the expert group.
9. The restoration box will be managed under the ENORI oyster bed recovery management plan.
10. Other fisheries within the restoration box may be subject to voluntary agreements in order to manage activity conflicts within the site.

Opening of the Fishery

11. KEIFCA will carry out an annual assessment of Native Oysters in public grounds by 30 April of each year and submit a Habitat Regulations Assessment to Natural England regarding the proposed harvesting taking into account the objectives of the BCRC Estuaries MCZ and the Essex Estuaries SAC.
12. If stock levels do not meet the specified criteria the fishery will remain closed.
13. If stock levels do meet the specified criteria then the expert group would meet to agree the assessment, TAC 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.
14. Provided that the stock meets the specified criteria and Habitat Regulations Assessment receives approval from Natural England then there will be a supplementary stock assessment in October if a fishery is to take place to ensure that stocks remain viable.

Specified criteria for opening

15. A specified tonnage of 800 tonnes is to be used as an initial aim for recovery of native oyster stocks. The figure will be used as an indicator of stock recovery and stocks would be required to be approaching this figure from current levels prior to a fishery commencing.
16. This figure represents a significant increase in stock across the MCZ compared to the amounts found in current survey data taken after designation. This figure can be reviewed as more data becomes available based on additional scientific and evidenced information.
17. The fishery will be opened if either
 - (a) There has been a significant stock increase across the MCZ to the specified tonnage.
 - or
 - (b) There has been a significant increase in stock levels in one of the nine areas.
 - and
 - (c) the stock has been stable or increasing for 3 years.
 - And
 - (d) there are no excessive biosecurity considerations

18. Provided that 17 (a) or (b) and (c) and (d) are met then there will be a meeting of the expert group to make a judgement as to whether there has been significant recovery within each of the proposed specific harvesting areas to allow harvesting to take place. If there has not been significant recovery within an area it will remain closed.

19. If there has been a significant increase in a limited part of an area or in neighbouring areas then permitted zones bounded by specific coordinates may be established for a limited period to provide for harvesting.

Duration of the Fishery

20. The fishery will remain closed between May and November of each year.

21. The fishery will be open for a period to be considered by the expert group and subject to Natural England advice, giving due regard to the conservation objectives.

Harvesting Trips

22. The number of permitted Harvesting Trips will be calculated on the basis of the number of permits issued where:

$$\text{Total Possible Number of Harvesting Trips} = \text{TAC} / (\text{Number of Permits} \times 250\text{kgs})$$

23. Where the available TAC does not provide for more than 2 harvesting trips per vessel, the fishery will not be opened.

24. Permit holders will be notified of all harvesting restrictions.

Measurement of Native Oyster Minimum Size

25. The measurement of native oyster minimum size will be realised in that no person may remove native oysters which will pass through a ring of the diameter of the minimum size when laid flat upon it.

Altering minimum size

26. A reduction in the native oyster minimum size from 70mm to no less than 60mm in increments of 5mm will be implemented provided the following criteria are met;

(a) Where oysters over one year old and between 60mm-70mm represent at least 60% of the stock and are at a stock density of above 6m² (which increases the risk of disease transfer)

and

(b) where the advice of the expert group is in favour of the size reduction

and

(c) where there are specific advantageous fisheries management or conservation reasons for doing so.

27. An increase in the native oyster minimum size from 70mm to no greater than 80mm in increments of 5mm will be implemented provided the following criteria are met;

(a) Where oysters over one year old and between 70mm-80mm represent at least 60% of the stock and are at a stock density of above 6m² (which increases the risk of disease transfer)

Or

(b) Where there is a lack of juvenile native oysters

and

(c) where the advice of the expert group is in favour of the size increase

and

(d) where there are specific advantageous fisheries management or conservation reasons for doing so.

Telephone Reporting

28. Notification of commencement of fishing and of notice to land shall be given by one of the following methods:

(a) Leaving a message on the appointed telephone line.
Tel. Number 01206 306106

(b) Verbal communication directly with a KEIFCA officer

(c) By an alternative method notified to permit holders

Review Process

29. The Management Plan shall be reviewed by the Authority, as necessary, following the process outlined below.

30. The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed management plan changes

31. The Authority will make a decision whether to vary the management plan based upon that consultation and the information listed below;

- Data collected from permit holders;
- Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations, or persons as the Authority shall think fit;
- Scientific advice provided by CEFAS or such other bodies, organisations, or persons as the Authority shall think fit;
- Advice given by Natural England or such other bodies, organisations, or persons as the Authority shall think fit;
- Advice provided by the Essex Native Oyster Restoration Initiative (ENORI)
- Material information from any other relevant source.

32. Following a decision being made by the Authority, permit holders will be notified in writing and any existing permits will be amended as necessary at no cost to the permit holder.