



Fal Fishery Order

Management Plan 2020-21

Document History			
Version	Date	Author	Change
0.1	17/04/2020	C Trundle	Addition of a management principle and management measure

This document has been produced by Cornwall Inshore Fisheries and Conservation Authority (CIFCA)

Cornwall IFCA
Chi Gallos
Hayle Marine Renewables Business Park
North Quay
Hayle
Cornwall
TR27 4DD
Tel: 01736 336842 Email: enquiries@cornwall-ifca.gov.uk

Contents

1. Introduction

2. Aims and objectives of Management Plan

3. Management measures

Appendix Fig 1 Chartlet showing extent of Fal Fishery Order area

1. Introduction

The harvesting of wild stocks of native oysters and mussels in the upper part of the Fal Estuary and the majority of the river and creeks feeding into it has taken place for hundreds of years. It is the last fishery in Europe to use traditional vessels powered only by sail or oars and it is probably the only naturally occurring native oyster fishery left in England. In recognition of the unique qualities of the fishery and Fal native oysters, the oysters have been awarded the Product of Designated Origin (PDO) label. In many cases, several successive generations of local families have been involved in the fishery, which also supports an annual oyster festival and associated sailing races for the vessels themselves. Some of these vessels are over a hundred years old and the more modern boats have continued to use these traditional designs.

Fishing for oysters is mainly carried out using licenced dredges hauled by hand from these traditional vessels. However, persons that own or use a licence for the dredge fishery may choose to gather oysters by hand in the intertidal zone, instead of using a dredge. Hand-gathering by persons who do not own or use a dredge is allowed under a licence and this takes place in various intertidal locations within the fishery area, including lay areas where oysters have previously been deposited. Fishing for mussels is mainly carried out by a few vessels using licenced dredges hauled from a vessel powered by oars, and by licenced hand gathering in the intertidal zone. Sixteen areas are used for relaying and specified within the regulating order.

Historically, the fishery was managed through an Order granted to the Truro Corporation in 1876. This remained in force for 60 years, before being replaced by the Truro Port Fishery Order 1936 (subsequently amended in 1975 and 1984). From 1936, the grantees of the Order were Truro City Council, the successors to Truro Corporation, then Carrick District Council and finally, Cornwall Council from April 2009 to 31 July 2014 when the Order expired. With the introduction of the Marine and Coastal Access Act 2009, Defra decided that as a general principle for England, Regulating Orders (RO) would be managed by the ten new Inshore Fisheries and Conservation Authorities (IFCAs). As a result, Cornwall IFCA applied to Defra in 2015 for a new Regulating Order under section 1 of the Sea Fisheries (Shellfish) Act 1967 (as amended by the Marine and Coastal Access Act 2009).

The Fal Fishery Order 2016, which will last for 30 years, contains powers to regulate a range of molluscan shellfish, including oysters, mussels, queen scallops, cockles and winkles, although currently the majority of fishing activity is concentrated on native oysters. It is supplemented by a set of Regulations which are made by Cornwall IFCA, as the grantee of the Order. These can be amended by the IFCA as required, through a process of consultation with those involved in the fishery, followed by confirmation by Defra. Within the last twenty five years, changes in

environmental legislation at both European and national levels have resulted in the designation of the Fal Estuary as a Special Area of Conservation (SAC) for its marine habitats and species and as a Special Protection Area (SPA) for certain species of diving birds. As a result, the management of the fishery has to take these designations into consideration through the production of a Habitats Regulations Assessment (HRA), which looks at the impacts of the fishing activities on the different habitats and species, also known as site features.

Cornwall IFCA is the regulatory body responsible for co-coordinating the implementation of measures listed in both the Order and the Regulations, through its enforcement and monitoring duties, as well as the production of the HRA documents. The IFCA works with the Fal Fisheries Management Committee (FFMC), which includes representatives from the fishing and merchanting sectors, as well as from other relevant regulatory organisations. Its members provide detailed, expert input into the ongoing management process and help with the development of any new measures, for example in 2017, the proposed amendment of the Regulations to remove bycatch restrictions and thereby all queen scallops and Pacific oysters to be viably fished. Development of minimum sizes for shellfish species covered by the RO could be introduced by Cornwall IFCA, in consultation with the FFMC and those involved in the fishery.

As part of the Order, there is also a requirement for a management plan. The purpose of this plan, which is reviewed annually following consultation with interested parties, is to set out the objectives for the fishery and actions for the following year.

2. Management principles for the Fal Fishery

The management measures contained in this plan and in the Order and the Regulations should deliver against five main principles for the fishery:

- a) Fishery sustainability - Current fishing activities must support the sustainability of the fishery into the future.
- b) Environmental sustainability – Fishing activities must not have a significant adverse impact on conservation features of the area.
- c) Socio-economic considerations – The fishery must be viable and fair to those involved in it.
- d) Management considerations – Measures need to be manageable and enforceable.
- e) Fishery enhancement – When appropriate, methods for enhancing the Fishery will be considered.

3. Management measures

The following table sets out the current management measures contained in the Order and Regulations. Each measure is either a:

Technical Measure (TM) - it affects the way the fishing is carried out, or it is a **Management Measure (MM)** – it is a way of monitoring the fishing activity.

These two types of measures will deliver against one or both of the following management objectives:

Fisheries Sustainability (FS) - helping to manage the fishery to maintain the stocks and the viability of the fishery and/or **Environmental Sustainability (ES)** - ensuring that the fishery does not have a significant impact on the conservation features of the area.

MANAGEMENT MEASURES					
	TM	MM	FS	ES	
Fishing vessel design	●		●	●	Vessels used to tow dredges are not to be mechanically powered. The use of any engine fitted to a boat will not be permitted during fishing operations. A person must not dredge for, fish for or take oysters or mussels from a fishing boat which, excluding any bowsprit is over 11 metres long.
Dredge design	●		●	●	Dredges must not exceed either a maximum width of 1.2m or maximum weight of 20kg. Dredges must not have teeth, tines or digging projections.
Fishing methods	●		●	●	No person shall use any device or implement to fish for or take any oysters (<i>Ostrea edulis</i>) or mussels (<i>Mytilus edulis</i>) in the fishery area which is not operated entirely by hand.
Minimum sizes	●		●		An oyster that can pass through a ring of 67mm internal diameter, when it is laid flat across the ring, must not be retained. Undersized oysters must be immediately returned to the sea after measuring.

MANAGEMENT MEASURES					
	TM	MM	FS	ES	
					A mussel of less than 50 millimetres in length must not be retained, but must be immediately returned to the sea.
Fishing season		●	●		<p>The dredge fishing season for oysters and mussels is 01 October to 31 March inclusive.</p> <p>Hand-gathering of mussels (by licence holders/nominated boat crew) is not subject to any seasonal closed period under the RO.</p> <p>Oysters are subject to the Sea Fisheries (Shellfish) Act 1967, which currently prescribes that between 14 May and 04 August it is prohibited to sell, expose for sale, buy for sale or consign to any person for the purpose of sale, any description of oysters. All fishing for oysters is to be prohibited in this and any future period declared for such a purpose, or any other statutorily closed oyster fishing period.</p> <p>Oyster fishing not subject to the above prohibitions will be allowed by hand gathering and dredging on recognised and documented lay areas outside the fishing season, provided that it is only carried out on the allowed days of the week and daily time constraints.</p> <p>Anyone wishing to dredge for oysters on a recognised lay area outside the fishing season is required to give advance notice to Cornwall IFCA.</p>
Fishing times		●	●		Fishing for oysters (<i>Ostrea edulis</i>) or mussels (<i>Mytilus edulis</i>) in the fishery area may only occur between the hours of 09:00 and 15:00 from Monday to Friday, inclusive and between the hours of 09:00 and 13:00 on a Saturday.
Fishing permits		●	●		Fishing is only permitted under an annual licence for a dredge or for a hand gatherer. All crew of vessels working in the fishery must be registered with Cornwall IFCA in order to fish under the relevant licence, either on a vessel or by hand-gathering. There is no public right to fish within the RO area.

MANAGEMENT MEASURES					
	TM	MM	FS	ES	
					A fee of £165 per licence is set within the Regulating Order. This amount was set several years ago and may be responsible for ensuring that only local commercial fishermen are actively involved in the fishery.
Monthly catch returns		●	●		<p>All licence holders must submit monthly molluscan shellfish catch returns within 15 days of the end of the previous month, including nil returns.</p> <p>This enables the monitoring of landings data and fishing effort during the year and provides that annual comparisons can be made, enabling fishing trends to be identified. The data will be used to assess risk of over-exploitation of the fisheries resource.</p>
Monitoring and enforcement	●	●	●	●	<p>Cornwall IFCA officers monitor the fishery through boardings of vessels at sea, inspections of harvesting and lay areas and quayside inspections of landings.</p> <p>All oysters and mussels landed and stored in the Fal fishery area must be in bags labelled with a numbered tag attributable to the permit holder. Labels are freely supplied by Cornwall IFCA.</p>
Habitats Regulation Assessment (HRA) of fishing activity				●	<p>The fishery is covered by an annual Habitats Regulation Assessment (HRA) which assesses the impact of the fishing activities on the conservation features of the Fal and Helford SAC.</p> <p>Fishing is excluded from a section on the southern boundary of the Fal fishery area which contains eelgrass beds which are a conservation feature of the SAC. The boundary of this exclusion area is marked by a buoy. Periodic drop down video surveys will be conducted to monitor the extent of the eelgrass bed in this area.</p>

MANAGEMENT MEASURES					
	TM	MM	FS	ES	
Annual assessment of oyster distribution			●	●	Annual surveys are conducted by Cornwall IFCA in February to evaluate the size distribution, abundance and stock composition characteristics of the oyster stocks in the three sections of the fishery, in addition to recording of bycatch. From 2017, the survey also includes sampling of queen scallop species.
Assessment of stock exploitation levels		●	●		Data collected through monthly landings returns from permit holders and data gathered during the annual oyster survey will be used to monitor changes within the fishery. If required, additional surveys of stock densities will be undertaken by Cornwall IFCA to provide further details. This information will be discussed with FFMC members and a report prepared for Cornwall IFCA's members to discuss regarding future management options.
Fal Fisheries Management Committee (FFMC)		●			FFMC meetings are held twice a year and are organised by Cornwall IFCA. New representative stakeholder members were appointed in 2017.
Fishery enhancement schemes		●	●	●	Schemes to enhance the Fishery will be considered and assessed to ensure their compliance to relevant marine environmental legislation and to ensure good biosecurity standards are maintained.

