

PRAWN FISHERY MANAGEMENT PLAN, 2010

[L.N. 20/2011.]

SCHEDULE

1. Citation

This Management Plan shall be cited as 'The Prawn Fishery Management Plan 2010' hereinafter referred to as "The Management Plan".

2. Interpretation

In this Management Plan, unless the contrary intention applies—

"artisanal fishery" refers to the small-scale fishing operations employing boats or hand-held implements;

"bycatch" means any species taken and any mortalities incidental to the target species in respect of which the license has been granted;

"bycatch reduction devices (BRDs)" means a device or an equipment used to exclude non-target species from being caught in the fishing gear;

"closed area" means specified area is closed to prawn fishing for a particular period of time as provided for by the Act;

"closed season" means a specified period of time closed to prawn fishing as provided for by the Act;

"co-management" means a partnership arrangement in which government and the legitimate interested parties in a fishery share the responsibility and authority for the management of a fishery;

"director" means a person appointed to the office in the public service of Director of Fisheries;

"discards" That part of the catch which is returned to the sea as whole fish;

"fisher" means an individual who takes part in fishing conducted from a fishing vessel, platform (whether fixed or floating) or from the shore;

"the fishery" means the Malindi-Ungwana Bays Prawn Fishery;

"marketing data" means information on weight and value of prawn and prawn products sold, purchased, traded, exported or used for any other commercial purpose;

"Maximum Sustainable Yield" means highest catch of fish that can be attained from a fishery without adversely affecting the health and productivity of the stock;

"Minister" means Minister for the time being responsible for fisheries in Kenya;

"quota" means a share of the total allowable catch allocated to an operating unit such as a community, a vessel, a company or an individual;

"semi-industrial prawn fishery" means harvesting of prawns by trawling or other mechanized harvesting methods;

"Stock" means a natural population of fish which is isolated and self perpetuating

“three nautical miles boundary” means the seaward boundary of the three nautical mile zone and extends from every shoreline measured perpendicularly seawards;

“total allowable catch” means the total catch allowed to be taken from a resource in a specified fishing period as defined in the management plan;

“trawling” means dragging of a trawl net at or near the bottom of the sea for the purpose of harvesting prawns;

“turtle excluder device (TED)” means device fitted in trawl nets and used to reduce incidental capture of sea turtles and marine mammals;

“Vessel Monitoring System” means a computer based system used for satellite tracking of positions and movement of fishing vessels;

APPLICATION OF THE MANAGEMENT PLAN

3. Geographical area

(1) The geographical area covered in the Management Plan is the sea area known as Malindi and Ungwana Bay and adjoining waters, which is defined within the following coordinates: Southward boundary; 3nm easting (latitude)- 630336 and northing (Log)- 9646696, 5nm easting (latitude)- 634402 and northing (Log)- 9645190 and Northward boundary 3nm easting (latitude)- 670126 and northing (Log)- 9714515 5nm easting (latitude)- 672850 and northing (Log)- 9709173 as shown in figure 1 below.

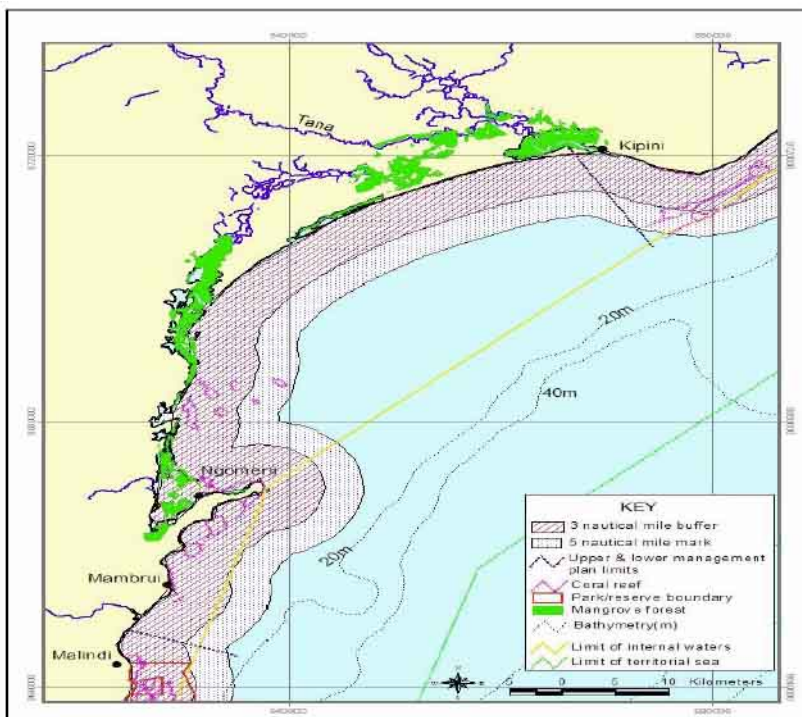


Figure 1: Malindi and Ungwana Bays showing the prawn fishery areas Species.

(2) The Management Plan shall cover all shallow water species of the family Penaeidae including the principal species: the Indian banana prawn (*Penaeus indicus*); the (giant) black tiger prawn (*Penaeus monodon*); the brown tiger prawn (*Penaeus semisulcatus*); Speckled shrimp (*Metapanaeus monoceros*); Kruma prawn *Peneaus japonicus*; and the deep water prawns including: *Heteropcarpus woodmansonii*, *Melicertus marginatus*, *Squilla mantis* and *Panaeopsis balsii* Fishing methods.

(3) The Management Plan covers the method of single vessel otter trawl, stern trawl and paired beam-trawl fishing methods and other approved methods, including prawn seine nets and cast nets by artisanal fishers.

4. Objective of the management plan

(1) The broad objective of the Management Plan is to ensure the continuation of a biologically sustainable and economically viable prawn fishery in order to benefit Kenyans by the creation of employment, wealth, national revenues and foreign exchange earnings, fish products and the protection of the prawn fishery and habitat over the long term.

(2) The specific objectives of the Management Plan are to—

- (a) regulate the prawn harvesting through control of fishing effort so that the fishery is sustainable in the long term;
- (b) minimize the overall amount of bycatch in the prawn fishery;
- (c) minimize resource use conflicts in the prawn fishery;
- (d) minimize ecosystem degradation;
- (e) promote the use of better prawn harvesting technology for prawn fishers;
- (f) establish and define mechanisms for management standards, enforcement and compliance;
- (g) establish a monitoring and evaluation mechanism for the prawn fishery; and
- (h) promote co-management of the fishery.

5. Management approach

(1) Consistent with regional and international management principles and instruments, precautionary approaches shall apply for the Management Plan in accordance with the following provisions—

- (a) In the absence of species specific data and considering that prawn fishery is multi-species, the management plan shall take into account the uncertainties with respect to the size and productivity of the stock, to other management reference points such as maximum sustainable yield, the level and distribution of fishing mortality, and the impact of fishing activities on associated and dependent species, and including climatic, oceanic, environmental and socioeconomic conditions.
- (b) In managing the Prawn fishery, the Director may consider the associated ecosystems on reefs within the Management Area, and may develop data collection and research projects to assess the impact of fishing on non-target species and their environment, adopt plans as necessary to ensure the conservation of non-target species and consider the protection of habitats of special concern.
- (c) The absence of adequate scientific information may not be used as a reason for postponing or failing to make measures to protect the target and non-target species in the Management Plan.

(2) Other management approaches such as ecosystem approach in the Management Plan may be considered as more information and data become available.

(3) The management Plan shall take into account stakeholders' participation and co-management approaches, with a structured form of consultations between the government implementing institutions, resource users and other stakeholders.

6. Management Measures

(1) The Director may employ the following management measures under this Management Plan—

- (a) zoning of the prawn fishing grounds, where trawling shall not be permitted within the three nautical miles zone;
- (b) limiting the number of vessels, with a maximum of 300(GRHP) beyond three nautical miles to a maximum of 4 vessels;
- (c) limiting the number of vessels of more than 300GRHP beyond five nautical miles limit to a maximum of four vessels;
- (d) specifying the annual total allowable catch for shallow water prawns based on evaluation of stock assessment and monitoring data;
- (e) making annual provisions, guidelines, conditions and mechanisms for the auctioning of individual transferable quotas;
- (f) enforcing the closed season from the 1st November to the 1st April every year;
- (g) ensuring the reduction of by catch in the prawn trawling fishery through—
 - (i) requiring the mandatory use of Turtle Excluder Devices;
 - (ii) regulating on mesh sizes;
 - (iii) imposing area closures;
 - (iv) restricting trawling time;
 - (v) requiring an applicant for a prawn trawler licence to provide a detailed proposal for full use of by-catch in the business plans submitted with the application.
- (h) requiring any new applicant who intends to trawl for prawns to carry out an Environmental Impact Assessment as a pre-condition for licensing, and any licensed semi-industrial prawn trawler to submit an Environmental Audit report annually as a requirement for license renewal as provided for under the Environmental Management and Coordination Act.
- (i) Demarcating passage to anchorage areas for semi-industrial prawn trawlers with permanent buoys to reduce incidences of damage to artisanal gears in line and in accordance with the Merchant Shipping Act (Cap. 389) and the Maritime Zones Act (Cap. 371).

(2) For the purposes of this Management Plan the reference points for measuring distances from the shoreline shall, be as specified under the Maritime Zones Act (Cap. 371).

7. Monitoring and evaluation

(1) In accordance with Regulation 53(1) of the Fisheries (General) regulations, operators of licensed prawn trawlers shall submit data on catch, effort and by catch for every fishing expedition, as well as marketing data.

(2) The Director shall initiate an observer or research programme and may set up appropriate mechanisms to monitor the fishery.

(3) The Director shall put in place a mechanism for storing, processing and analyzing data for the purpose of assessing performance of the fishery and informed decision-making.

- (4) The monitoring reference limits for shallow water prawns are—
- (a) The Director shall specify the annually based on the best scientific information available.
 - (b) The Director may suspend a prawn trawling license for non-compliance with regulations on turtle exclude devices or any other legal requirements on the use of different types of by-catch reduction devices.
 - (c) The Director may suspend a prawn trawling license for non compliance of the regulation on vessel monitoring and surveillance including tempering and switching off of the equipment.
 - (d) The Director may suspend any licensee for infringement of the regulation on engine capacity and any licensee so suspended shall not be eligible to be issued with another licence for a period of 12 months from the date of suspension.
 - (e) The Director may suspend any licensee for a period not less than 12 months, for non compliance in the designated fishing areas.
 - (f) The Director may cancel the licence of any licensee who, after suspension, repeatedly fails to comply with any requirements under this paragraph.
 - (g) The Director shall implement the use of standard log sheets as part of monitoring and control requirements.

8. Special considerations

(1) The Director, in collaboration with key stakeholders, shall identify and promote opportunities to develop a sustainable prawn fishery operated by artisanal fishers using small vessels and low impact fishing gears, and shall encourage communities and individuals to invest in artisanal prawn fishery through public-private partnerships.

(2) The Director, in collaboration with stakeholders, shall promote the formation of fisher associations whereby communities and fishers shall be encouraged to form fisher marketing associations in line with national development strategies and develop marketing strategies for artisanal prawn fishers.

(3) The Director shall involve the participation of civil society organizations, development agencies and other partners on fisheries development and investment to form joint ventures targeting microfinance, marketing infrastructure and opportunities.

9. Equitable distribution of resources benefits

This Management Plan—

- (a) recognizes the need for empowerment of the local people to utilize the prawn fishery through use of artisanal technology;
- (b) encourages employment of locals in the semi-industrial prawn fishery;
- (c) recommends the establishment of a Community Trust Fund, benefits from which shall be distributed through the beach management units;
- (d) recommends an auction system for catch allocation to increase revenue to the Government.

10. Institutional and financing arrangements

(1) The Director shall constitute an *ad hoc* implementation Committee within 14 days of the approval of the management plan to oversee the implementation of the Management Plan, and

- (2) The Committee shall be comprised of, key prawn fishery stakeholders including—
- (a) the Ministry of Fisheries;

- (b) Research (one representative);
- (c) The provincial administration;
- (d) The National Environmental Management Authority;
- (e) beach management units
- (f) trawler representatives; and
- (g) civil society organizations.

(3) The Director shall advise the Minister on any policy or legal issue concerning the implementation of the Management Plan based on recommendations of the implementation Committee.

(4) Subject to necessary legal amendments to the Act, the Minister shall, through a trust deed, establish a Community Trust Fund and cause the same to be implemented for the purpose of developing the artisanal prawn fishery.

(5) The Minister shall make available adequate financial resources for the implementation of this Management Plan through annual budgetary provision.

11. Linkages

(1) The Director shall ensure that the implementation of the Management Plan is in compliance with relevant provisions under Environmental Management and Coordination Act 1999, (Cap. 387), the Forests Act (Cap. 371), the Kenya Maritime Zones Act (Cap. 376), Wildlife (Management and Conservation) Act (Cap. 376) the Merchant Act (Cap. 389) and any other relevant laws.

(2) The Director shall ensure that the implementation of the Management Plan is consistent with the National Oceans and Fisheries Policy 2009, Vision 2030 and any other relevant policy.

12. Reviews and amendments

(1) The Director may, with the approval of the Minister, and in consultation with the Committee and stakeholders, review the Management Plan from time to time but in any event, at least once in every two years.

(2) Any amendment to this Management Plan shall be approved by the Minister and published in the Kenya *Gazette*.

13. Implementation plan

(1) The Director shall prepare an implementation strategy for this Plan, which shall contain details on activities, responsibilities, time lines, objectively measurable and verifiable indicators, expected outcomes and the cost implications among other details.

BREEDING AREAS, 2012

[L.N. 86/2012.]

In exercise of the powers conferred by section 5 of the Fisheries Act, the Director of Fisheries, with the approval of the Minister of Fisheries Development declares the geographical areas specified in the first column, within the coordinates specified in the second column, of Part I of the Schedule in the areas of Lake Naivasha described in Figure 1 in Part II of the Schedule as breeding areas and impose the following management measures—

- (a) Fishing is prohibited in the breeding areas specified in the Schedule.
- (b) The breeding areas specified in the Schedule shall be identified by marker buoys.
- (c) In addition to the breeding areas specified in the Schedule, fishing is prohibited in—
 - (i) Any area measuring 100 meters inshore; and
 - (ii) Any point in the lake which is 1 meter or less in depth.

SCHEDULE

PART 1

PART II

