

By: KEIFCA Chief Fishery Officer

To: Kent & Essex Inshore Fisheries and Conservation Authority
– 28 January 2022

Subject: **Whelk Permit Byelaw Update**

Classification Unrestricted

Summary:

This paper will provide Members with an overview of whelk fisheries markets, analysis of KEIFCA whelk landings data over the year 2021 and an update of national whelk management.

Recommendations:

1. Members are asked to **AGREE** that the pot limit, the riddle size and the number & size of escape holes are maintained as per the current byelaw requirements.

Fisheries Management Plans - the national picture

At the January 2021 Authority Meeting, a presentation was given on Fisheries Management Plans (FMPs) by Dr Jon Davies, Sustainability, Devolution & Legislation team at Defra. Jon advised that FMPs were a UK wide initiative to consider stocks, species, locations and fishing activity and provided a clear tool for collaborative working. Under the new legal framework of the Fisheries Act 2020, whelks in English waters have been identified as a Fisheries Management Plan in the draft Joint Fisheries Statement published on the 18 January 2022, with an expectation of a draft plan produced by the end of 2023.

Kent & Essex IFCA contacted Seafish for an update on national whelk management such as progress with FMPs, and both of our neighbouring IFCAs for an update on whelk fisheries since the introduction of their own regulations.

Seafish – Whelk Management Group

The [Whelk Management Group \(WMG\)](#) was formed in early-2020 to bring together the seafood industry, fishery managers and the research community to focus on long-term sustainable management of UK whelk fisheries. In 2021 the WMG has undertaken work in the following areas:

- Collaborative fishery management through development of a whelk Fishery Management Plan, aligned with objectives laid out in the Fisheries Act 2020.
- Collection of anecdotal data from whelk fishers around the UK to help better understand local variation in stocks with a view to improving understanding of whelk characteristics in local populations and better targeting of future scientific research. Delivered in collaboration with Heriot-Watt University, Bangor University, and Cefas.
- Ongoing development of a whelk scientific research plan to identify knowledge gaps and provide a roadmap to improved data availability for whelk stocks.
- Improving understanding of the whelk management landscape and assessing the effectiveness and appropriateness of selected management tools for delivering sustainable fisheries. Delivered in collaboration with Defra.
- Submission of applications to the Fishing Industry Science Partnership fund to support scientific research.

The WMG serves as a forum through which members can raise and discuss important issues impacting the sector. In 2021 this included bait provisioning, trade and marketing issues, and the implications of the Trade and Cooperation Agreement on access to fishing opportunities. For more information, or to join the WMG, please contact Rebecca Treacy at Rebecca.Treacy@seafish.co.uk.

Regional whelk management - Sussex IFCA

1. Landings, fishing effort and number of fishers

Total landings weight varies each year. LPUE has increased slightly over time, see last section of 2020 report – the full report is included here as Appendix 1. Number of shellfish permit holders has decreased slightly.

2. Fishing Behaviour

The fishing behaviour of the fleet has not changed since the Sussex IFCA Shellfish Permit byelaw came into force. There has definitely been an expansion in the number of vessels in the fleet engaged in whelking. Both new vessels as well as vessels already fishing in the district which have turned to whelking. The Shellfish Permit byelaw limiting the number of pots within the district in conjunction with low catches within 6nm for much of the year has led to many fishers whelking predominantly outside of the district.

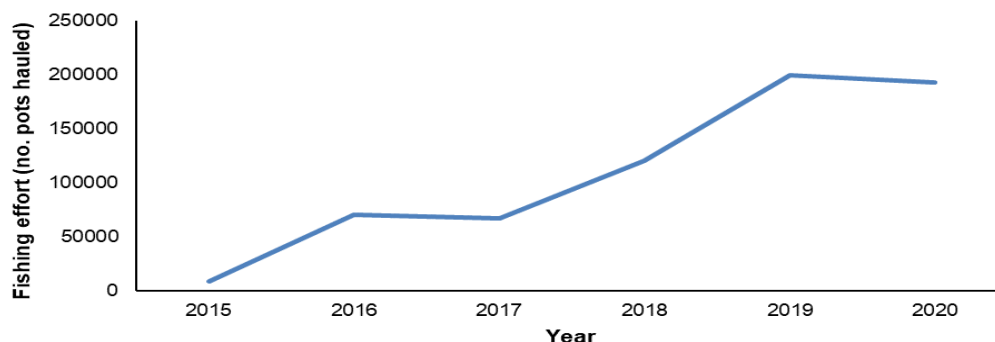
3. Compliance

Compliance was initially slightly poor however it is much better now. We have in excess of 200 permit holders and issue, on average, 8 verbal warnings and 1 caution or FAP per annum.

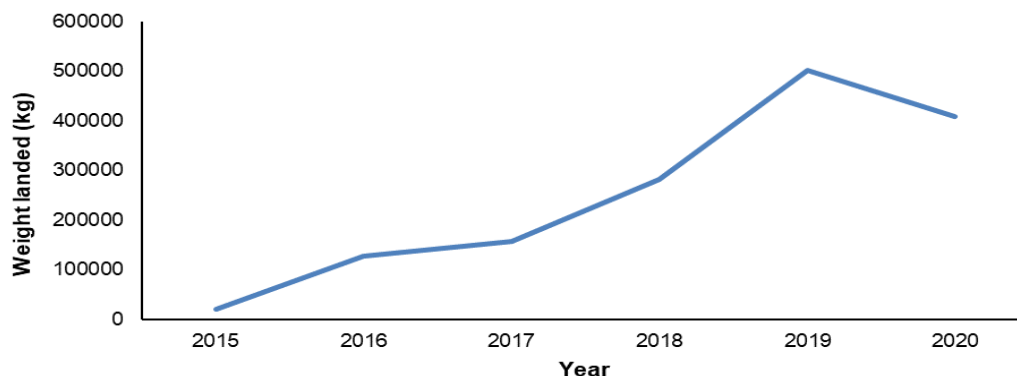
Regional whelk management - Eastern IFCA

1. Landings, fishing effort and number of fishers

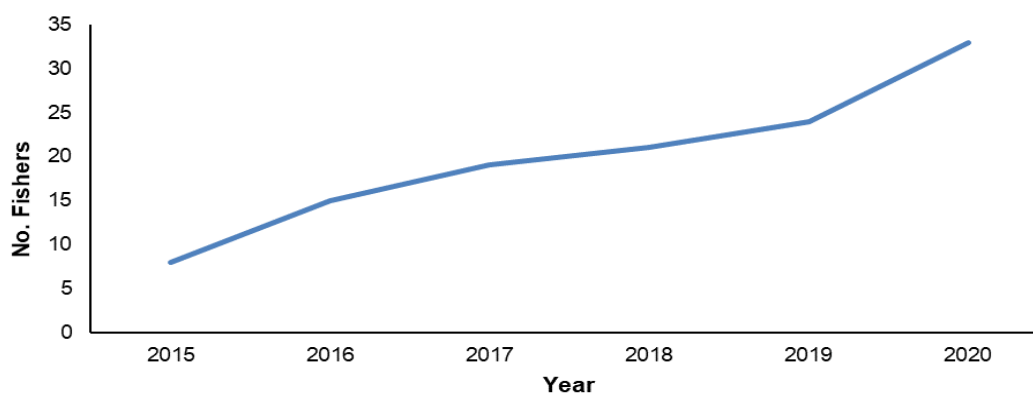
Whilst fishing effort has somewhat varied across the years, it has increased overall since the introduction of the Byelaw.



Total landings have increased overall since the introduction of the byelaw.



Number of fishers has increased overall since the introduction of the byelaw.



2. Fishing behaviour

More whelk permits have been provided over time. We however have no way of knowing how many people were fishing within the district pre-byelaw as permits/returns forms were not required. The same is true for those fishing outside the district before the byelaw was implemented.

3. Compliance

Compliance in the whelk fishery is generally good. There has been one prosecution since the implementation of the byelaw due to fishing without a permit. Fishers catching whelks below MLS does occur. Since the increase in MLS brought about by the Byelaw, one fisher in Suffolk no longer fishes inside the district as he thinks MLS is too large. An EIFCA study into the size of whelks in relation to sexual maturity is currently ongoing to inform management in relation to MLS. Compliance with the pot limitation in the Wash has been an issue. Whelk returns forms are regularly monitored as this fishery is a priority, so we do catch illegal activity should there be any.

KEIFCA annual review

The market for whelks

Prior to the UK's exit from the EU there were two main buyers for whelks caught in the KEIFCA district; Lynn Shellfish in Norfolk and Granthams of Erigal in Ireland. The majority of whelk fishers from KEIFCA now sell to Lynn Shellfish although, with COVID restrictions still tight in South Korea, prices have remained at a recent low of £1,000 per tonne all year. Lynn Shellfish have reported that Brexit will have an impact from 1st January 2022 as they are yet to find an acceptable way of exporting whelks. A small minority of the district's commercial whelk fishers sell to Chummys of Folkestone, a small family run shellfish supplier, who have diversified their business as a result of the COVID pandemic.

Review of 2021 landings data

The long term picture of MMO landings data (recorded landings in KEIFCA district ports, from vessels fishing inside and outside our district) shows continued and relatively consistent high levels of landings compared to landings prior to 2010 (Fig. 1).

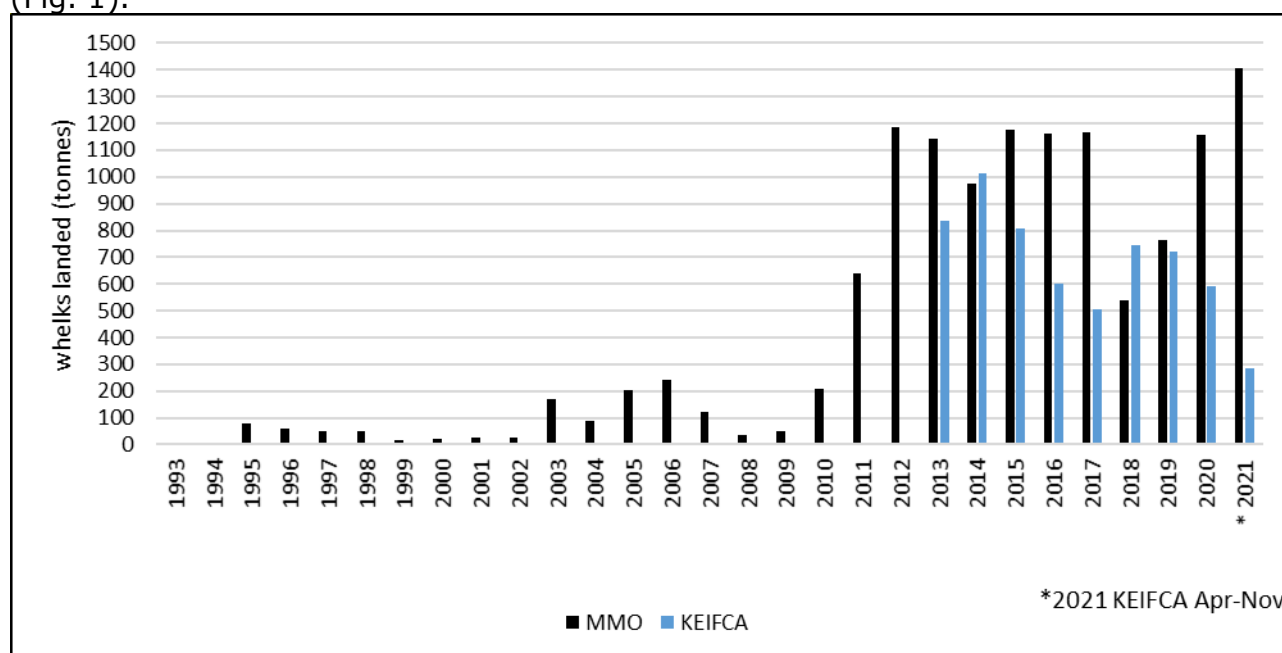


Fig. 1, MMO whelk landings data for KEIFCA district 1993-2021 with KEIFCA's landings data shown for 2013-2021

The combination of reduced demand, lower prices and fishers diversifying due to the ongoing effects of the COVID-19 pandemic can be clearly seen in Fig. 2, which shows continued reductions in landings and fishing effort (the number of pots set and days fished) on last year, which had been the lowest year since our records began for this fishery in 2013. Fewer commercial whelk permits were issued in 2021 than in any other year.

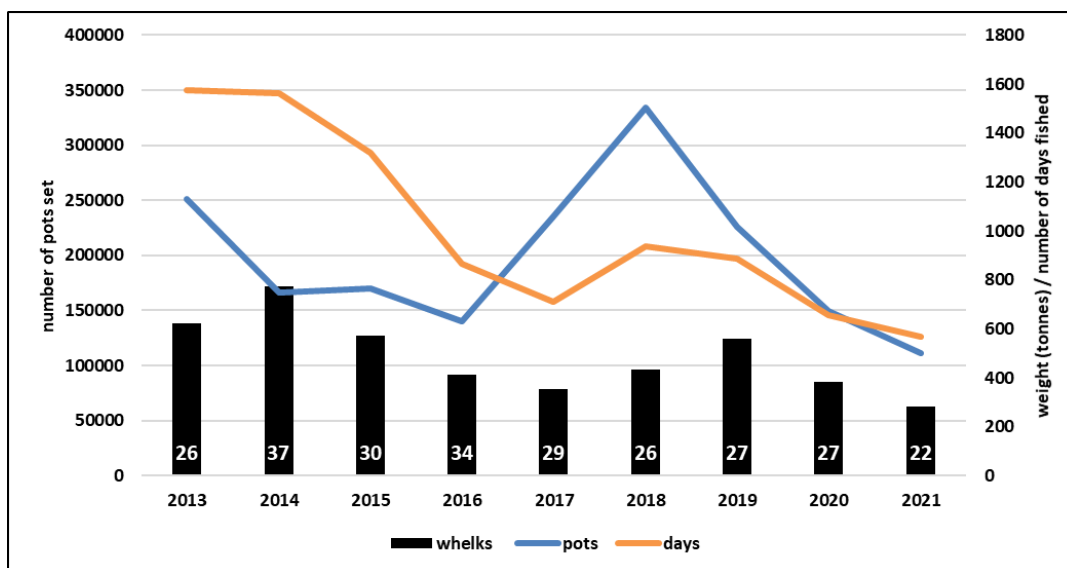


Fig. 2: total weight (tonnes) of whelks landed, the total number of pots set and the total number of days fished during the period April-November in each year from 2013-2021. The white number inside each black bar is the number of commercial (Category One) permits issued for that year

Fig. 3 below shows the comparison of April-November 2021 monthly landings against the same period for 2020, as well as against the monthly mean average of April-November landings from 2013-2019. Overall landings figures are lower in 2021 than in all previous years, but for the months of May-September inclusive whelk landings were higher than in the corresponding months in 2020.

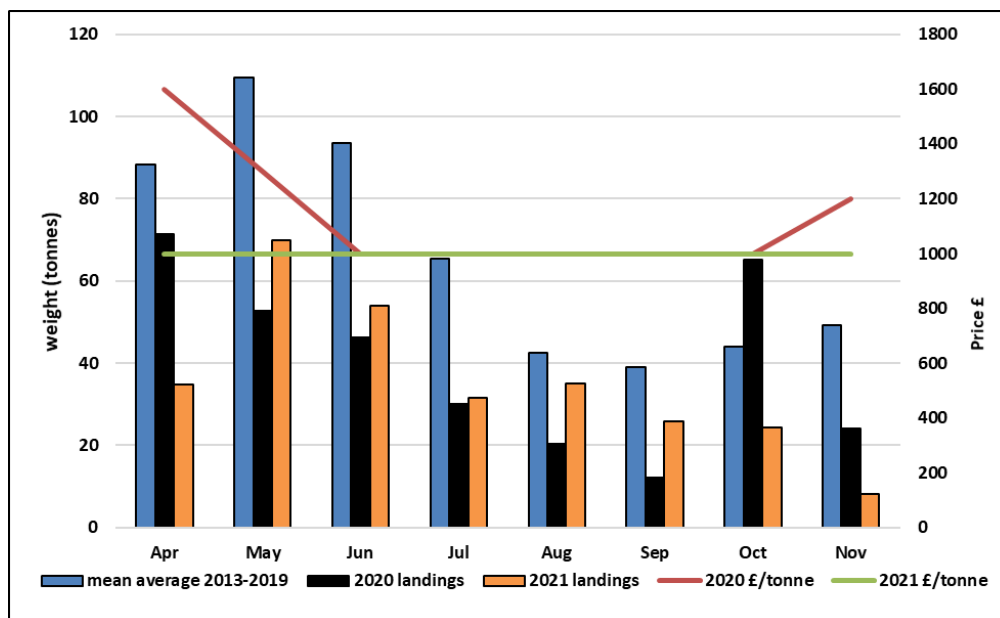


Fig. 3: mean average weight (tonnes) of whelks landed each month Apr–Nov 2013-2019 compared to the total weight (tonnes) of whelks landed each month Apr–Nov 2020 and 2021.

A key metric to consider in addition to the total weight of landings, is the catch per unit of effort (CPUE) i.e. how many whelks are caught per pot per fishing

trip. Fig. 4 below shows that CPUE for this fishery for 2021 has remained relatively consistent over the past four years, and it is a combination of reduced activity and market demand rather than the limitation in stock that is resulting in decreased landing figures. The exception to this trend is in Area 3 where there had been just one whelk permit holder fishing; COVID forced him to re-assess his fishing activities and he now rarely fishes for whelks.

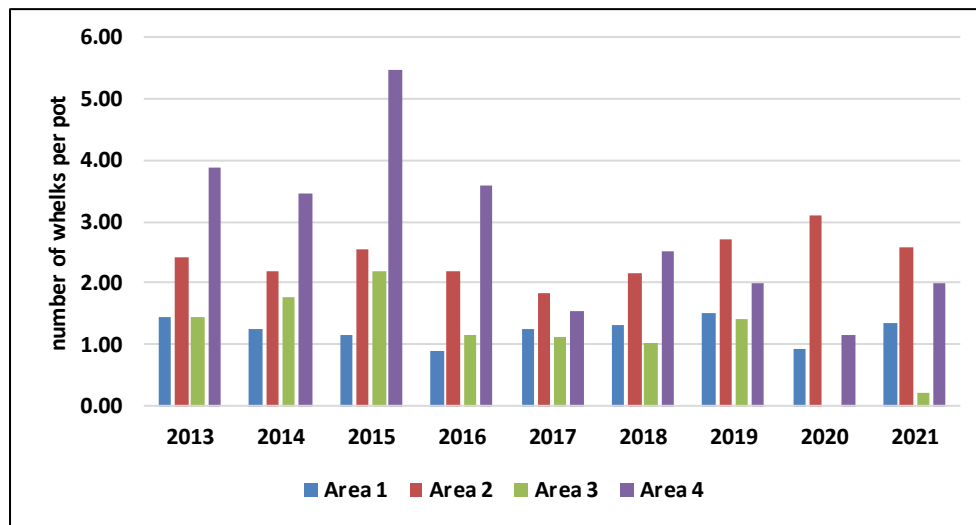


Fig. 4: mean annual CPUE levels for the 4 whelk fishing areas in the KEIFCA district 2013-2021

Whelk fishermen from Whitstable (Area 2) have reported seeing the greatest numbers of juvenile whelks in recent years, which suggests that the increase in riddle size to 25mm introduced in 2017 is having the desired positive effect on species sustainability, certainly in the most heavily fished area of our district. Despite the reduction in fishing effort and landings this year, the seasonal and spatial variations in whelk landings are still evident. Spatial differences are provided from catch return data as well as Fishery Officer knowledge of fishing activity from shore patrols and port visits.

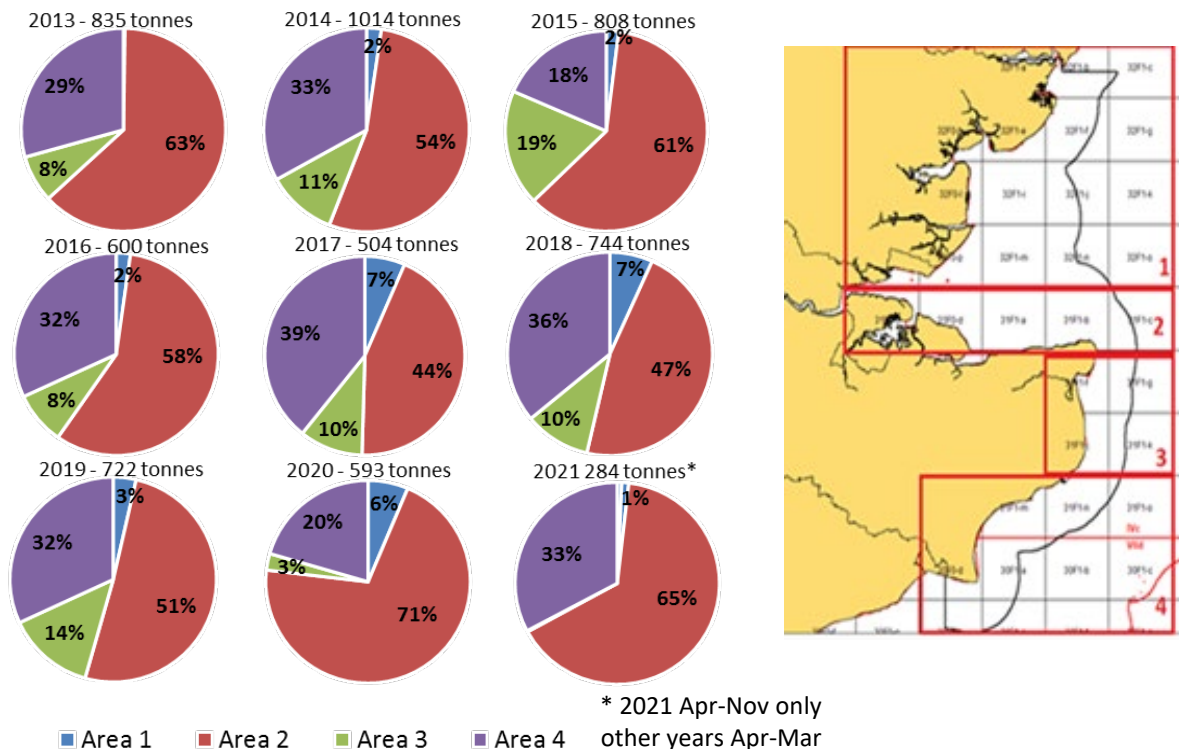


Fig. 5: percentage distribution of whelks landed in the 4 KEIFCA whelk fishing areas 2013-2021

Spatial variations are shown in Fig. 5 above, seasonal differences are shown in Fig. 6 below and both the seasonal & spatial variations can be seen in Fig. 7:

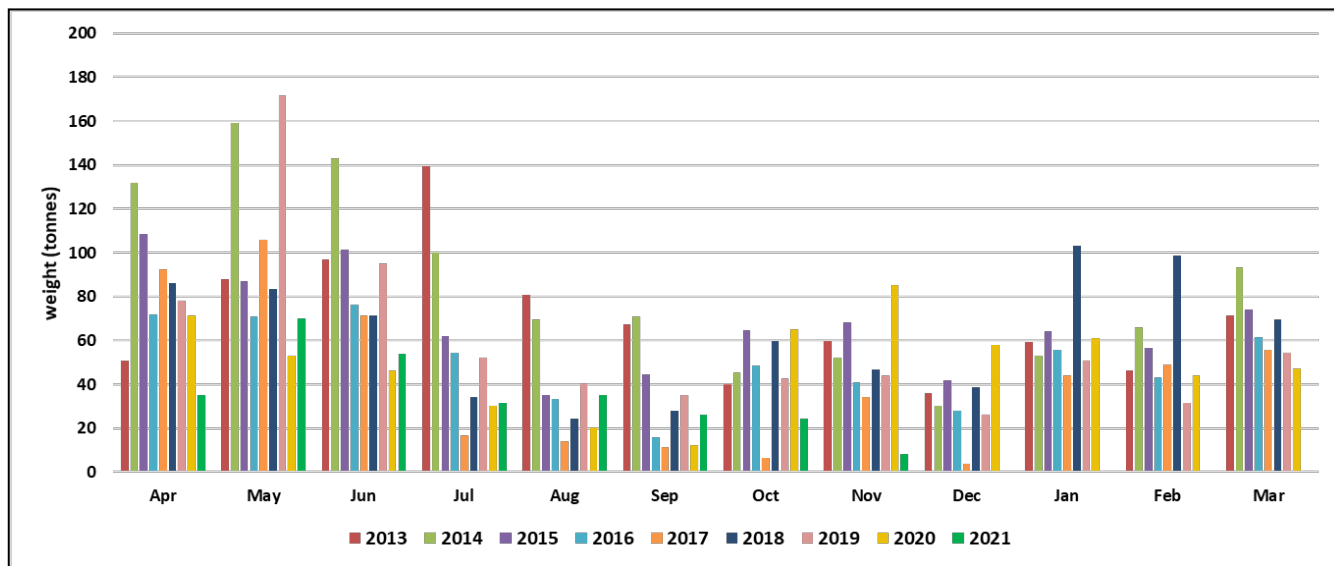


Fig. 6: total weight (tonnes) of whelks landed in the KEIFCA district each month from 2013-2021

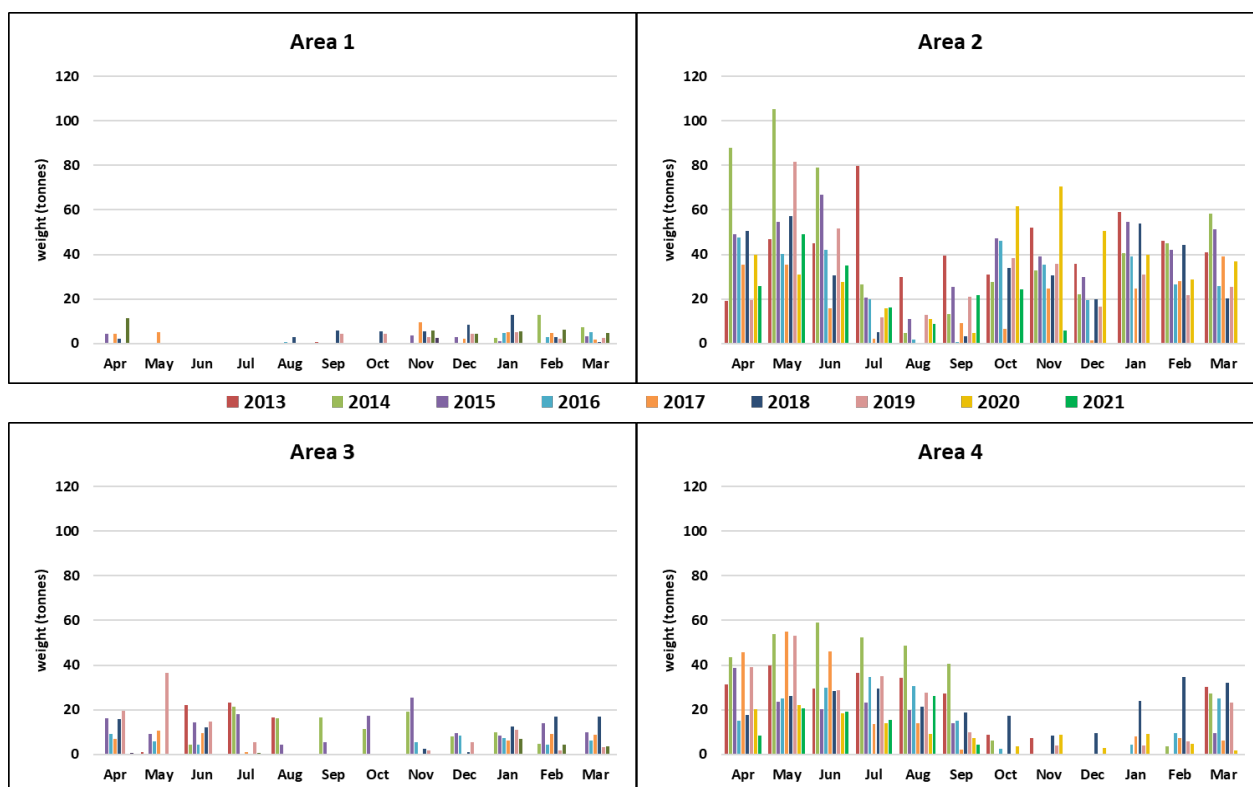


Fig. 7: total weight (tonnes) of whelks landed in the 4 KEIFCA areas each month from 2013-2021

In addition to the seasonal and spatial variances in this fishery is the varying level of fishing activity from one part of the district to another. Area 1 (Essex coast) accounts for just 1% of whelk landings so far in 2021 with six commercial permits in place. This is in direct contrast to area 4 (south Kent coast) where the same number of permits are in place and yet landings account for 33% of the total for the district. In area 2 (north Kent coast) nine commercial whelk permits account for 65% of the district's landings. The table overleaf shows the number of permits issued, the total weight of whelks landed, the number of pots set and number of days fished in each of the four fishing areas:

| 2021 | Area 1 | Area 2 | Area 3 | Area 4 |
|----------------|--------|--------|--------|--------|
| permits issued | 6 | 9 | 1 | 6 |
| tonnes landed | 3 | 187 | 0.5 | 94 |
| pots set | 1420 | 69087 | 300 | 40353 |
| days fished | 29 | 283 | 2 | 254 |

Update on whelk enforcement activity

Consistent enforcement of our whelk byelaw is a KEIFCA priority, although the due to limitations of social distancing during the pandemic our inspection regime was less obtrusive than under normal conditions. As ever our officers have been making observations and gathering intelligence to build up an overview of whelk fishing activity, and in particular any instances of non-compliance with the permit byelaw. This crucial information feeds into bi-weekly TCG meetings where whelk enforcement activity is planned.

As society remained vigilant to the risk of COVID last year, our enforcement officers continued to monitor whelk fishing activity as safely and efficiently as possible. Keeping safe meant that boarding inspections at sea were minimised to promote social distancing, but instead the frequency of gear inspections at sea was increased.

When conducting gear inspections, firstly officers locate marker buoys which indicate the location of a string of whelk pots on the sea surface. Next, they use hydraulic haulers fitted on our larger patrol vessels (FPV Nerissa and FPV Tamesis) to lift the gear aboard. With the pots aboard, officers check each one to ensure they are fitted with current permit tags and have the required configuration and number of escape holes. Permit tags are a vital means of monitoring the number of pots being used, as only 300 are issued to each permit holder to restrict fishing effort.

Meanwhile escape gaps are a key technical conservation measure which reduce the number of undersized (juvenile) whelks from being caught. If the whelk gear is compliant with permit conditions, it passes the inspection and is placed back where it was found. However, if illegal pots are found on hauling, they may be seized by the patrol vessel crew for investigation.

KEIFCA enforcement teams conducted 44 gear inspections throughout 2021 and detected 11 offences against the whelk permit byelaw. Some of these were relatively minor, such as unmarked surface gear, which are dealt with at the time by issuing a notice of offence reminding the owner to fix the issue. Others were more serious, such as large numbers of pots being set without a permit, without permit tags, or without legal size escape holes. In these cases, the gear was seized, and the offence fully investigated, ultimately leading to an appropriate penalty being issued according to the specifics of each case. KEIFCA seized a total of six fleets of illegal whelk gear in 2021, with two cases still under investigation.

In the coming year, there will be an increased effort to conduct landing inspections to check for minimum size compliance, in addition to a sustained gear inspection regime.

KEIFCA Management recommendations

A lot of work was carried out throughout 2020 reviewing and implementing whelk management measures. In August 2020 the Secretary of State signed the new Whelk Fishery Flexible Permit Byelaw 2020. The byelaw requires that "... *the Authority will review flexible permit conditions not less than once every three years from the date they come into force*". Therefore, the first statutory review date is August 2024. However, it is important that the fishery is kept under close watch to ensure that the management measures can react and respond to any changes in stock levels. After considering the most recent landings and catch data, the current assessment of market demand, and the benefit to the industry of continuity, it is recommended that the current measures (last revised in January 2019) are maintained for the 2022/23 permit.

Current technical management measures:

- Pots – 300 for category 1 permits and 10 for category 2 permits
- Riddle – 25mm spacing between bars
- Escape holes – 10 @ 25mm per pot

Recommendations:

1. Members are asked to **AGREE** that the pot limit, the riddle size and the number & size of escape holes are maintained as per the current byelaw requirements.