



Agenda item 1

By: Chief IFCO

To: Kent and Essex Inshore Fisheries and Conservation Authority Technical Panel – 4 November 2020

Subject: **Whelk Emergency Byelaw and progress to review Whelk Permit Byelaw**

Classification Unrestricted

Summary:

This report provides the Technical Panel with information on the background to the Whelk Fishery Emergency Byelaw and the work undertaken to review the full Whelk Fishery Flexible Permit Byelaw.

Background

On the 31st January 2020 KEIFCA agreed to make an emergency byelaw which translated the minimum riddle spacing of 25mm in the Whelk Fishery Permit Byelaw into a minimum shell height of 53mm with a tolerance of 5% (research has shown that a whelk that measured in width 25mm was the equivalent of a whelk that measured 53mm in height – Fig.1). Members discussed the new emergency byelaw in detail, including specifically whether the tolerance should be 10% rather than 5%.

In conjunction with the making of the byelaw there was an agreement to phase in enforcement sanctions and work with the industry to gather feedback and identify best practice in achieving a 5% tolerance.

Given some of the concerns from the industry, officers started the inspection process days after the byelaw was made with the intention to run through the inspection with permit holders, give advice and return for a further inspection within a few trips to then make sure the vessel was compliant, allowing time for non-compliant vessels to try new sorting or riddling methods so they could become compliant when next inspected. Unfortunately, the COVID 19 pandemic stopped this process and on return to undertaking whelk inspections officers prioritised vessels that had not been inspected.

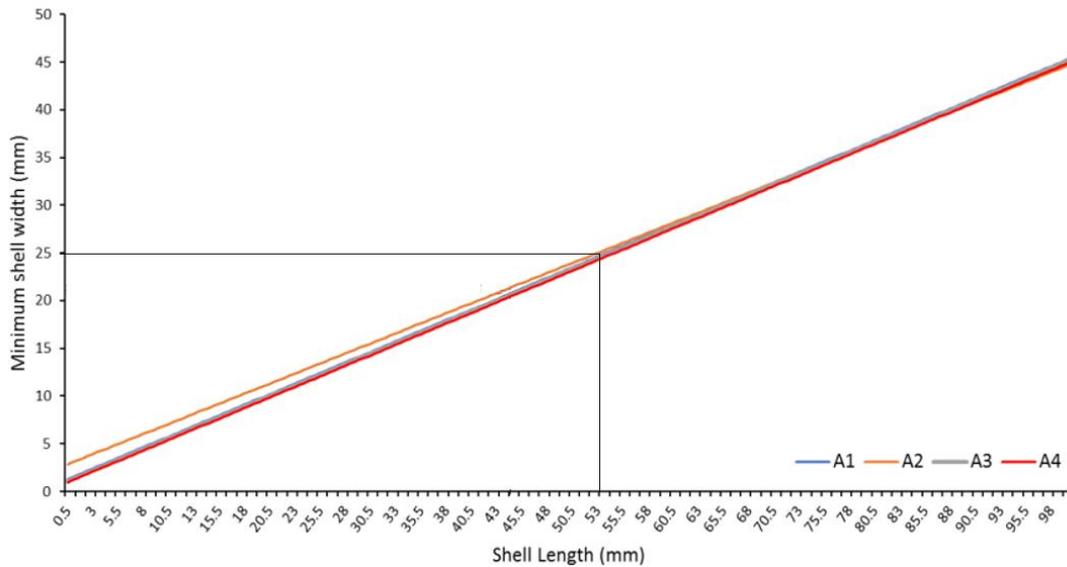


Fig.1 The relationship (lines of fit) between Shell Length (mm) and Minimum Shell Width (mm) for each of the 4 areas within KEIFCA district. The vertical and horizontal lines show the shell length that is equivalent to the 25mm shell width. (see Fig. 4 - Appendix 2 for full report)

At the IFCA meeting held in September 2020, officers updated the Authority as to the outcomes of the inspection process, and showed that three quarters of vessels (nine out of twelve) passed with less than 5% of whelks below 53mm on first inspection, and moreover a third of all vessels (four) passed with less than 1% of whelks below 53mm.

As a next step, officers then started to gather further data with a second round of inspections of all vessels to verify our initial results, identify reasons for failure and provide advice to skippers based on best practise. Officers have worked with fishermen that were significantly over the 5% tolerance, giving them an opportunity to discuss what steps can be taken to adjust their fishing practises in order to comply (Compliance Progress Report - Appendix 1).

The meeting also provides an opportunity to discuss the byelaw in the context of the previous work that has taken place in the KEIFCA district studying sizes and maturity (Appendix 2) and update members with progress on new research. Letters from the industry, concerning how and why the byelaw has been introduced have also been included in the meeting papers (Appendix 3) and specific time has been allocated in the meeting for these points of view to be expressed.

Reviewing and integrating legislation – Technical panel

At the September meeting it was agreed to progress with updating the current flexible whelk permit byelaw to include the learning and wording from the emergency byelaw, as well as standardise text with other flexible byelaws used in the KEIFCA district. The 4th November technical panel gives an opportunity for a detailed review of the process and wording of the new legislation (Appendix 4) and agree how the emergency byelaw should be integrated. The aim is then to bring a byelaw and impact assessment to the 30th November meeting for the Authority to discuss, which would hopefully give enough time

for the statutory byelaw consultation process and MMO, then DEFRA to review the byelaw before the time limit of the emergency byelaw runs out.

Members of the Technical Panel are therefore requested to:

1. Consider the responses of the Industry both through inspections and correspondence;
2. Consider the scientific evidence presented;
3. Scrutinise and review the proposed byelaw wording and make recommendations to the full IFCA meeting on the making of a new Whelk Fishery Flexible Permit Byelaw 2020.