

To
The Kent and Essex Inshore Fisheries Conservation Authority (KEIFCA)

CC

Giles Watling MP, Bernard Jenkin MP, James Duddridge MP, David Amess MP, Rebecca Harris MP, Gordon Henderson MP, Rosie Duffield MP, Roger Gale MP, Craig Mackinlay MP, Natalie Elphicke MP, Damian Collins MP.

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Industry response to the KEIFCA emergency Whelk byelaw, to raise the minimum landing size (MLS) of Whelks from 45mm to 53mm and becoming a permanent byelaw.

Perhaps I should first apologise for some of the comments I made in my last correspondence to the Authority, but after reading this it will hopefully become apparent why I was so infuriated for days while writing it, after reading the very misleading KEIFCA emergency byelaw documents being presented to the Authority.

As the first opportunity the local industry has been given to address this new byelaw in depth, as it has not been consulted or even asked for advice on the subject, please find the industries response as follows.

Firstly we would ask the Authority members to again note, the Whelks in our waters are proven to be of a much smaller average size than any other area in the UK, much like the smaller Cromer Crab fishery, with many Whelks believed to never reach a size over 60mm in their lifetime, due to our very shallow waters and soft grounds, compared to hard grounds which produce larger Whelks, as can be confirmed by every merchant buying Whelks from this area. This is proven to reduce growth due to increased water temperature fluctuations compared to deeper water depths, but also due to this stunted growth the Whelks also reach maturity at a much smaller size, which is proven by the industry to be just 38mm. This can be witnessed every year during the spawning season on any Whelk boat when all mature Whelks stop feeding for several weeks all at the same time as many species do during spawning seasons, when the only Whelks found inside a pot feeding on the bait are all under 38mm in size and all Whelks over 38mm are on the outside of the pots, as they like laying the spawn on the plastic the pots are made of, which come aboard looking like Cauliflowers at that time of year as there is so much spawn on them, it is also very easy during this time to physically witness the spawn being laid onto the pot by each Whelk measuring down to 38mm in size. We have made KEIFCA aware of this, but they refuse to accept it for some unknown reason.

Please read the following points made to be read in conjunction with the related documents supplied by the KEIFCA Chief Fishery officer at the last Authority January 2020 meeting, which can be found on the KEIFCA website under About us/the authority/quarterly meetings/31st JAN 2020 meeting/item 4.

KEIFCA REF:DOC B4

- B4:2 Fig. 2, Please note the graph showing landings remaining steady even with fewer pots being fished. An impossibility if the stock has reduced.
- B4:3 Fig. 4 Graph figures vary according to different fishing operations done by Whelk permit holders which is different each year, this does not indicate stock condition.
- B4:5 Averages catches per pot/year across the district over the last 3 years according to Marine Management Organisation (MMO) and KEIFCA figures, which is the only reliable method to assess a Whelk stocks condition.

- 2017 1.9KG/pot,
2018 2.13KG/pot,
2019 2.46KG/pot

Please note: No advances in gear technology or bait have taken place over this period.

- B4:6 Fishermen have been fined in the last year by KEIFCA due to a sample of their Whelks which are all over the (MLS) of 45mm, passing through a 25mm riddle on inspection, even though no Fishermen or the Authority was consulted or informed during 2019 of this long standing law being changed by KEIFCA, who suddenly decided to start using the width of the Whelks as the MLS instead of the length, even though this has been standard practice for decades and as recommended by DEFRA and CFP.
- B4:7 Rotary riddles have been proven by the Welsh authorities to cause a far higher mortality rate of immature Whelks being returned to the sea, due to the extremely aggressive nature of operation. KEIFCA have been informed of this, but say rotary riddles are easier for them to use. Some Fisherman's Whelks have been rejected by buyers due to them having a much-reduced shelf life if rotary riddles have been used.
- B4.8 It has been common knowledge in our area for decades, that Whelks are of a smaller size and reach maturity at a smaller size than any other area of the UK. Although raising the MLS may be a successful conservation measure in some areas it does not suit this area, due to other areas having a much larger average size than ours, so the main stock of Whelks is from 55mm to 70mm in those areas but only 45mm to 60mm in our area.
- B4:9 Action:1 (Please note) Fishermen at the meeting in December 2019 asking, what is the minimum size, as they have not been informed of any change but, still get fined. Also, the wording of how to measure Whelks is exactly the same as it has always been, which is to grade the width of the Whelk to determine the length, as it is not possible to measure a Whelk's length using a grading system during commercial operations. But KEIFCA have suddenly decided to change this method of measurement without first requesting the change from the authority, consulting or informing the industry.
- No Fishermen at this meeting suggested or agreed to discuss a MLS increase.
- B4:10 The high levels of frustration and aggression shown by Fishermen towards KEIFCA staff as mentioned, was not due to any issue with the riddles being used as KEIFCA are suggesting, it was due to the Fishermen suddenly being informed for the first time at the end of the 6 hour meeting, KEIFCA had effectively raised the MLS from 45mm to 53mm without consulting the Authority or industry.
- Option 1) The Industry/KEIFCA relationship has not deteriorated due to any Whelk issues as being suggested by KEIFCA but, due to the sheer contempt shown towards all sectors of the industry by KEIFCA staff.
- Option 3) Again, KEIFCA is suggesting relations with the industry are suffering due to riddle issues and using this as another reason for the emergency bylaw, when this is not the case, relations are suffering due to KEIFCA fishery Officers conduct towards our conservation and industry.
- Option 4) There is no evidence for any urgent action or change in bylaw for this fishery, the stocks are healthy, the industry is happy with the fishery as it is with a MLS of 45mm which, is proven to be a sustainable size limit for this area, effort is not increasing, catches per pot are increasing, new

workable grounds are slowly being discovered, the majority of Whelk beds cannot be fished due to the many obstacles within the district, creating a network of unfished breeding reserves. Because Whelk Fishermen have to keep most of their gear in one area or will have to reduce the number of pots used due to the extra steaming time between fleets, which drastically increases the length of the working day.

- No industry leaders or fishermen support a MLS increase as being suggested by KEIFCA from Ramsgate or any other port, why would they want to cut their income by 60 percent? Average catches per pot across the district according to MMO/KEIFCA figures are increasing, which is an impossibility if the stock is reducing or under any form of threat.
- The industry has not raised any recent concerns about the Whelk fishery in this district, the only concerns the industry has is with KEIFCA's management of the fishery.

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Small Whelks:

- This is related to the huge areas of small Whelks we have in our area, some being over 100 square miles in size, which never grow above 50mm in size in their lifetime, in these areas it has been known for many decades, that although every pot worked in the area will be full to the brim every day, after riddling less than 5% of the catch will be over the MLS of 45mm, so they are not viable to work on. Yet there is as much Whelk spawn in these areas during the spawning season as any other, suggesting again our smaller Whelks breed at a smaller size.

Enforcement:

PLEASE NOTE:

- The meeting was called by the industry to discuss KEIFCA's poor conduct, not riddles as suggested by KEIFCA and Fishermen still thought the MLS was 45mm, as KEIFCA had not consulted or informed the industry otherwise, yet still prosecuting and fining Fishermen for landing Whelks over the MLS of 45mm months before the emergency byelaw was introduced.
- For the first time, KEIFCA suggests if a Whelk passes through the riddle bars it must be returned to the sea, no matter what its size is.
- KEIFCA suggesting the riddle spacing and all Whelks passing through the bars is to give them a chance to breed, is based on standard sized Whelks which do breed at a larger size, it is not based on our smaller Whelks proven to breed at a much smaller size, which KEIFCA seems to refuse to accept, even though this has been common knowledge across the district for decades and can be confirmed by every merchant buying Whelks from this area.
- Still no mention by KEIFCA the MLS had been raised to 53mm.

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Undersized Whelks:

- KEIFCA highlight the wording of the bylaw and suggest any Whelk passing through the bar spacing is classed as undersized even if 60mm in length, as they do, but Whelks have always had to be graded by width to determine the MLS length, which is 22mm wide = 45mm long and 25mm wide = 53mm long, as there is no means available to measure a Whelks length during commercial operations, this has been a standard means of measurement by the UK and EU for decades, KEIFCAs now sudden change in interpretation of the bylaw wording has never been discussed by the Authority or the industry.

- The KEIFCA comment, in relation to a Fisherman suggesting all Whelks passing through a 25mm riddle should be returned, was not made by a Fisherman, but by a processor who has little experience of using riddles, he was corrected by the fishermen present and accepted their advice that would not be viable.

It should also be remembered, any marine growth on a Whelks shell such as barnacles which is common, is always on the side of the Whelk shell and never on the ends of the shell, making measuring a Whelk by it's width passing between riddle bars far more difficult.

Appendix 3 B4

Introduction:

- Just for the record, the Whelk bylaw was originally put in place at the request of the industry due to having conservation concerns.
- KEIFCA suggesting more fishing effort now is not correct, the number of Whelk permits issued each year has remained steady for many years and are not expected to increase.
- There is no evidence of any concerns by the industry that the fishery is becoming unsustainable, effort is remaining steady, a pot limit per boat is in place, catches per pot are increasing and they are the only important indications of stock condition.

2 Whelk Growth

- There is no evidence that only 20% of Whelks from this district measuring 45mm have bred or the fishery is not sustainable. We should also remember, only between 10-20% of the Whelk stock can be fished for practical reasons.
- It is estimated by the industry that over 70% of all Whelk breeding stock within this district cannot be fished, due to severely restricted Whelk fishing opportunities in the area.
- The Growth and Maturity work conducted by Dr Phil Holyman from Bangor University in 2018, produced some interesting information on the subject however, after the industry proved the Whelk samples sent to him by KEIFCA did not come from inside the district, but had come from a different stock outside of the district, none of this information can be considered relevant to this case.

Agenda item B5

B5:2 Initial Impact Assessment.

- Even though the KEIFCA chief fishery officer has been trying to get the Whelk MLS increased for many years, still no evidence has been produced by KEIFCA or the industry that even suggests the possible need for a MLS increase from 45mm.

Background and Summery.

- It is mentioned the Bylaw wording needs to be urgently addressed, when there is nothing wrong with the bylaw wording, only the way in which KEIFCA has suddenly decided to change their interpretation of the wording over the last few months, without first consulting the Authority or industry.
- Industry again mention: Need clarity on why they are being prosecuted, as they have not been notified of sudden change of interpretation of Bylaw wording by KEIFCA staff.

Please note:

- The industry across the district has little faith in any KEIFCA officers due to their limited knowledge of the subject and unprofessional conduct.
- It is mentioned: The frustration and anger shown by the industry, this is not due to the fishery, riddles or bylaw wording, but only directed at KEIFCA officers for causing the problem.
- KEIFCA should be fully aware that Whelks are a very difficult creature to riddle accurately due to the shape of the shell and if the same batch of Whelks are riddled several times it will produce very different results each time, but this is the best method we have which was designed by the industry to preserve stocks, even though it only has a 70% success rate. Yet it is being suggested by KEIFCA the percentage allowance of undersized Whelks permitted to be landed, should reduce down from 10% which is already very difficult to achieve. Fishermen are happy to follow the rules if they are workable but being expected to achieve the impossible or be prosecuted is not acceptable.

Current levels of enforcement:

- Again, KEIFCA is suggesting the emergency bylaw is required to clarify how to measure a Whelk, yet it is only KEIFCA's sudden change in interpretation of the bylaw wording that has caused the confusion and understandable anger from Fishermen being unjustly prosecuted.
- We would suggest, KEIFCA staff have deliberately created this unnecessary measurement confusion in order to get the MLS increased to 53mm, but this time using the bylaw wording and use of riddles as an excuse to do so, as they have been attempting to do for several years using different methods, but the authority has rightly refused based on the factual evidence put before it by the industry, but this time KEIFCA staff have portrayed their intended MLS increase to the authority, as being a bylaw wording problem causing confusion and anger towards KEIFCA by the industry, when this is not the case, KEIFCA staff have caused the bad feelings towards KEIFCA due to their misconduct over this issue and have also refused the industry the opportunity to comment on this bylaw to prevent it from again putting a legitimate case forward to the Authority.
- Relations between industry and management By-in to management relations, is at critically low levels due to KEIFCA Fishery officers unprofessional conduct and no other reason.
- The industry does not wish to work with or be in any way associated with KEIFCA staff, due to their continuous unprofessional conduct.

Option 1:**Do nothing.**

- KEIFCA are suggesting the industry needs educating on Whelk conservation, this comment is not appreciated, the only accurate information on this subject in this area any KEIFCA staff have on the subject, has been taught to them by the industry, which is without question by far the leading authority on all aspects of the subject in the district. Perhaps we should remember, the only reason this Whelk bylaw is in place is due to the industry requesting it after having conservation concerns, when KEIFCA staff were totally oblivious to the serious problem developing.
- We would suggest, relations between Industry and KEIFCA are guaranteed to worsen.
- KEIFCA suggesting to the authority the Whelk stock could crash without the emergency bylaw, how could this happen? The MLS has always been 45mm, all whelks are proven to spawn at a length of

38mm, pot limits are in place, the number of permits is not increasing, effort is not increasing, permitted undersize bycatch has always been 10%, catches per pot are increasing indicating the stock is very healthy, as it is an impossibility for average catches per pot across the district to increase if the stock is reducing, this is clearly a very misleading comment.

2

- KEIFCA are suggesting many authorities including EIFCA are using the Whelk shell width as the MLS. After looking at the Whelk regulations on the EIFCA website, it clearly states all Whelks must be measured by length as has always been standard practice across Europe and shows a diagram how to measure a Whelks length, there is no mention of measuring a Whelk by width, because a Whelk shell width vary considerably on Whelks of the same length, so 10 Whelks of the exact same length will all have very different diameters, length is the only means to determine a Whelks age accurately. Also, a Whelks shell is not symmetrical so measuring across a shell in one direction gives a totally different diameter measurement than measuring across from a different direction, of up to 5mm, which is another reason why using the width is not recognised as being workable by the industry.
- The EU guidelines for Whelk measuring state a riddle must be used as a means of determining a Whelks length and the MLS is 45mm, there is no mention of using the width as the MLS. Again, a very misleading comment.
- KEIFCA staff have stated to fishermen it is much easier for them when using a rotary riddle when inspecting a fisherman's catch, to consider all whelks that pass through the riddle bars as illegal, no matter what the size may be.

Recommended Emergency Bylaw wording.

- The riddle bar width being increased to effectively raise the landing size, has never been suggested before to the authority or industry by KEIFCA, this was done to ensure Whelks under the MLS of 45mm were returned to the sea, as they argued not a high enough percentage was.
- KEIFCA have never produced any evidence to suggest all our smaller Whelks have not bred when reached a size of 38mm.
- KEIFCA suggesting SIFCA are using the width of a Whelk as the MLS. On looking on the SIFCA website, under Management/Other regulations/Minimum Sizes it clearly states Whelks must be measured by length and the MLS is 45mm. Another very misleading comment made to the authority.
- After discussing this with four fishermen at the meeting in December, no fishermen agreed that using the riddle bar width as a MLS would help clarify the bylaw regulations and no fishermen agreed a MLS increase from 45mm. The subject of possibly raising the MLS was not mentioned by KEIFCA staff until 10 minutes before the 6 hour meeting ended.
- There is no confusion in the industry how to measure a Whelk, as all of Europe has done it in the exact same way for many decades. The only confusion has been caused by KEIFCA staff for suddenly deciding to take it upon themselves without the authority to do so, to change the way in which the industry and all European authorities interpret the bylaw wording in order to achieve their own agenda of raising the MLS, without any evidence or justification.
- We note how much research and funding KEIFCA have spent on Whelk research, but after many years we are still yet to see any information which could benefit Conservation or the industry.

- The riddle bar spacing was increased in 2017 from 22mm to 25mm, as KEIFCA was suggesting too many immature Whelks under the MLS of 45mm were being landed and not passing through the riddle bars, which was agreed by the Authority under the present Bylaw wording, but this was not supported by the industry, because if the standard flatbed type of riddle being used at the time was a reasonable length it did remove the immature Whelks, the riddle bar width was not increased to raise the MLS or use the width of the Whelk as a means of measurement to replace the standard length measurement which has been in place for many decades, yet in 2019 KEIFCA suddenly started prosecuting fisherman for landing Whelks over 45mm and up to 60mm just because they had passed through the 25mm riddle bars, which is exactly why many fisherman have to re-riddle their Whelks as this can be the difference between profit and loss, as large Whelks often corkscrew through between the bars due to the nature of the shell shape. So KEIFCA had effectively decided to take it upon themselves to start interpreting the bylaw wording in a very different way to get the MLS increased by the back door, ignoring the Authority and industry's views and wishes in the process,

Estimated cost or Impacts Option 2

- Again, no mention of the high loss of earnings and reduced grounds that can be fished, as very few Whelks in some areas will ever reach a size over 53mm in their lifetime with Whelks of between 45mm and 55mm making up the majority of the catch, no matter how many years these beds are left to unfished.
- No evidence has been produced to warrant a Whelk MLS increase from 45mm.

B5:6

Industry Consultation.

- No industry leaders or fishermen in this district support this increase in MLS or changing the long-standing method of measuring Whelks by length.
- Industry wanting to keep the status quo does not represent disconnect as there is no problem, except the ones created by KEIFCA staff.
- The increase in riddle bar width was not done with the implicit aim of increasing the MLS. And there are no records to suggest it was.
- KEIFCA have no evidence of what size of Whelk reaches maturity within the district, the industry does have factual evidence most if not all Whelk of 38mm spawn successfully.

Fig, 9

- Graph is based on Whelks from outside of the district, so is irrelevant to this case.
- Fisherman are re-riddling Whelks because that has always been standard practice across Europe for decades, due to the riddles not being a very accurate method of grading, and in many cases in this district that is the difference between profit or loss.
- Please note: The new method of measurement will make the KEIFCA officers lives easier. No mention of conservation or making the Fisherman's lives easier.

Reviewing the emergency bylaw.

- All KEIFCA reviews on every subject are guaranteed to be worded to suit KEIFCA officers own personal agenda before conservation or the industry.

Appendix 2 to B5

Feedback from the industry.

- Fishermen are always very reluctant to work with or have anything to do with KEIFCA surveys, as they have proven not to be trusted.

A clear method of assessing the size of Whelks.

- There has always been a clear method of assessing the size of Whelks, which has been in use across Europe for decades, the only confusion has been caused by KEIFCA staff.
- Again, KEIFCA mention making their lives easier.

Taking the Suggestion Forward.

- The emergency bylaw has never been mentioned or even discussed with any fishermen as being suggested, the first any fisherman heard of it was a few days before the January 31st KEIFCA quarterly meeting, when it was published on the KEIFCA website.

In Conclusion:

We note there is no mention of the high financial impact this emergency bylaw will have on the industry across the district.

Our best estimates for the percent of earning by each size class of Whelk caught, using catch averages taken from 4 boats across the district from Mersea Island to Dungeness.

45mm / 55mm makes up 60% of the catch
55mm /65mm makes up 30% of the catch
65mm and above makes up 10% of the catch.

Losses If MLS raised to 53mm based on KEIFCA/MMO landing figures.

Year 1 55% loss of earnings =	£433,680.00
Year 2 45% loss of earnings =	£325,260.00
Year 3 to year 10, 35% loss of earnings =	£1,770,860.00

But, it should be noted, these losses will only be this low if the boats can find enough extra beds to fish on, as each bed will not be viable to fish now for an extra 3-4 years instead of each year, due to the very slow growth time of Whelks between 53mm and 65mm compared to Whelks of between 45mm and 55mm which is very unlikely. There will also be increased fishing competition on each bed as the fishing opportunities for every boat reduce by 60-80%.

So realistically, these figures can be expected to increase by up to 50%.

There is also now evidence a Whelk stocks reproduction success rate is far higher when being fished compared to when not being fished, which is determined by the size of the stock and food availability, as proven to be the case with many species such as shrimps, prawns, rabbits amongst others, so the stock will stop growing in size when the maximum food availability limit has been reached. As an example, the industry is finding that if a Whelk bed is left unfished for a year, 5 tons of Whelks can then be harvested from that bed each and every year over several months in the normal very methodical manner of fishing, before the boat has removed most of the large Whelks over 45mm and has to move on to the next bed in

rotation, but if the bed is left for 2 years only 6 tons will be removed before the larger Whelks over 45mm have been removed and the boat has to move on, and some of the areas this has been reported in only have one boat fishing for whelks in them for many years.

We should also remember, when fishermen are working on a Whelk bed they are also dumping many boxes of old bait being removed from the pots as they are re-baited, onto the bed every day it is fished, so they are feeding the beds as they fish on each one. Whelk potting is effectively farming and harvesting the beds, but the new emergency bylaw, means the beds will only now be feed and harvested every 3-4 years instead of every year, which in turn means the stock will reproduce much slower, due to the high reduction in food availability and therefore stock reproduction rate. Whelks like every creature on this planet need adequate food availability to thrive.

For some reason KEIFCA seem to be assuming the huge loss of income will be made up for in future years once the Whelks have grown to a larger size, as they will weigh more so less are required per ton, we appreciate this may seem a good idea in theory but, unfortunately it does not work quite like that in practice, due to growth times.

Whelks like Humans or any other creature, grow fast until reaching maturity and then their growth rate slows considerably. In our small Whelk fishery this relates to most if not all Whelks reaching maturity at 38mm as witnessed every year during the spawning season and apart from personal opinions no evidence has ever been produced by KEIFCA to suggest otherwise, taking just one year to grow from 45mm to 55mm but 3 to 4 years growing from 55mm to 65mm, so boats will not be able to return to each bed for 3-4 years before it is viable to fish again, compared to every year now, so each boat will have to find an extra 3-4 beds to replace each bed they fish on now which is normally 3-4 beds a year, this equates to the 30 permit holders across the district each needing to find an extra 12 beds of 25 square miles plus in size each year, just to maintain their current income if only permitted to land Whelks over 53mm and in this very restrictive area of operation that is in no way possible.

This effectively means the Emergency Bylaw has reduced the Whelk grounds available to the fleet that can be fished by up to 80% each year.

The value per KG for smaller Whelks is also higher than larger Whelks, due to them becoming tough to eat when they reach 60mm, and there is no market in the UK for Whelks of this size as any merchant would confirm.

We should also point out, the average size of Whelk taken from a bed that has not been fished in many years, is only slightly larger than the average size of Whelk taken from a bed regularly being fished after being rested for just one year, because a Whelk bed and size of each Whelk will only increase if there is food available in the area for it to do so.

- KEIFCA has no proof that all Whelks within the district do not spawn from 38mm.
- The industry does have proof most if not all Whelks from 38mm within the district do spawn.
- Welsh Authorities have proven all Whelks in their district do reproduce at 37mm.
- No fishermen were consulted on or even told of the intention to introduce an emergency bylaw, but only first found out a few days before the KEIFCA quarterly meeting on January 31st 2020.
- KEIFCA refused the industry the opportunity to comment on this bylaw change, even though they are the only people in the world affected by it.
- Whelks are proven to be smaller in our district.
- There is no increase in fishing effort.
- There are pot limits in place.
- No extra permits are expected to be issued in the next year.
- All evidence proves all stocks are healthy.
- The industry has no conservation concerns.

- Average catches per pot across the district are increasing without any technical advances in the fishing methods or bait used, which is impossible if stocks are dropping.
- More and new Whelk beds are slowly being discovered in this fishery.
- Whelks reproduce much quicker if their numbers are harvested in a managed way, compared to not being fished.
- Fishermen are feeding each Whelk bed with up to 200kg of bait a day which is drastically improving spawning populations, hence the average catches per pot across the district increasing on each bed fished.
- Whelk fishing in the district severely limited, with 70% of grounds unfishable, leaving a huge breeding stock untouched.
- No fishermen or industry leaders from any port support a MLS increase from 45mm across the district.
- In the last 5 years even with extra research funding, KEIFCA have not produced any information which could benefit Whelk conservation, or the industry.
- Whelk riddles were designed by fishermen, in an attempt to grade Whelks more accurately.
- The original bylaw was put in place at the request of the industry to conserve stocks, as every effective conservation measure in this country has been in the past.
- The fishing industry is by far the leading authority on this subject in the area, with hundreds of thousands of hours of experience based on factual evidence, taken over thousands of square miles, over many decades.
- Huge areas within the district where only Whelks under 50mm inhabit have as much spawn in as all other areas.
- A direct cost to the industry of millions in lost income, which could never be recovered.
- Pressure stocks with low quotas will have to be fished to make up for lost income, as many inshore Whelk fisheries will no longer be viable, as many fishermen cannot fish outside the 6 mile KEIFCA limit to catch Whelks from 45mm.
- The Emergency Bylaw is based entirely on one person's theory and personal opinion without any evidence being produced.
- The Authority voted for the Emergency bylaw, only due to being presented with very misleading information and advised by KEIFCA staff that "**urgent action is required**", "**The Fishery Is Becoming Unsustainable**" and "**The Whelk stock could crash**" when there is no evidence to support such extremist, unfounded and unprofessional claims.
- The interests in gaining extra funding, again put before conservation or industry.
- The interest in making grading Whelks easier for KEIFCA staff put before the interests of conservation or the industry.
- Before the industry requested this 300 pot limit bylaw, boats fished up to 700 pots each within the district for many years.

A change to using the width of a Whelk which passes through a riddle to determine the MLS would be easier for all concerned, but not if the riddle bar spacings are set at 25mm as many Whelks up to 65mm will pass through making many fisheries unviable, but if the bar spacing was put back to the European standard of 22mm with a regulation that all Whelks passing through must be returned to the sea, I would suggest that would be acceptable for all concerned as an easier and clearer method of management, as although some immature Whelks will not be graded out some mature ones will be, we can work to a 10% immature bycatch limit which is reasonable, as having such an unreliable grading method must be taken into account, so all is very clear to the industry and management can easily police the fishery.

The problem is, we have always had an inaccurate method to grade Whelks but, very ridged inflexible method of management which does not account for that and allows little margin for error, because this is nothing like measuring fish or shellfish.

Proposed way forward

We would request:

This emergency bylaw is not made a permanent Byelaw as all evidence proves the MLS of 45mm in this area is suitable for this small stock, but is replaced with an alternative to stop any possible problems being caused by having to use an inaccurate grading method, for the benefit of conservation, industry and management.

- Reduce the riddle bar spacing back to the original European standard of 22mm, which suits our small Whelk fishery.
- Reinstate the 45mm MLS.
- All Whelks that pass through the riddle bars must be returned to the sea.
- All boats using rotary riddles have an automatic means for all Whelks passing through the bars to be returned to the sea, through some form of permanently fixed simple shoot or pipe.
- All boats using the flat bed style of riddle, must have a riddle no smaller than 1000mm x 500mm in size, with a catchment tray fitted under the riddle bars directing all immature Whelks that pass through back into the sea.
- Have a reasonable 10% undersized bycatch limit.

This approach stays in line with the successful conservation measures that have existed in this area for decades, which are proven to conserve stocks and are practically suitable for the smaller Whelk fishery in this area, as all evidence indicates the stock increasing providing the beds are regally fed and harvested.

Although, with this method some undersized Whelks would be landed, some mature Whelks will be returned, which is the best we could reasonably expect when having to use this grading method, but most importantly, it would immediately stop any possible misinterpretation of the rules.

Finally, Fishermen want conservation measures that are practical and work, not ones that are unworkable and do not protect a stock.

This byelaw will:

- Cost the industry very dearly for decades.
- Achieve nothing towards the conservation of the stock.
- Reduce the stock reproduction survival percentage.
- Increase fishing on pressure stocks as Whelk fishermen will now have to target them as the only alternative to make up for the high loss of Whelk income.
- Create increased bad feeling amongst the industry towards KEIFCA.

Academic qualifications are important when considering conservation issues, but only if backed up with practical experience and factual evidence, if not, history has proven time and again over many decades they will always cause far more harm than good. Perhaps, I could also respectfully remind the Authority, every conservation issue our fish stocks have faced over the last 40 years, can now be traced back to being directly caused by UK fisheries management and science conservation policies, as documented in the article, How Government and Fisheries Management Policy caused over-fishing in UK waters, as published on the British Fishing Industry Facebook page

As KEIFCA staff have without question deliberately mislead the Authority and industry over this matter in order get the byelaw changed, there seems little point in the industry having any more correspondence with them again on any conservation issues as they clearly can't be trusted, so in future I will only send my correspondence through the KEIFCA office direct to the Authority, as the only means available left for the industry to insure it receives accurate conservation information based on the only factual evidence available and prevent further harm being caused to our fish stocks, marine environment and industry.

The industry appreciates the marketing efforts made by KEIFCA during the Covid lockdown, however we are unfortunately unable to find any benefits this had.

If the Authority would like any further information on this subject based on factual evidence before making any decisions, I can be contacted at ***** as it would seem the industry is only means available now.

Kind regards,

Andrew Craig.