

**ANNEX C**    **Summary of Responses to Informal Consultation with Industry**  
**on Whelk Measures February 2019**

The following management measures for whelk fisheries across the District were discussed at TSB in February and some or all of them are being considered. The justifications for these measures lie within the February TSB report, and are for the sustainability of the fishery:

- a)    increase of MLS to 75mm;
- b)    restrict number of permits issued to those with track record and under 10s with no track record in the north of the District;
- c)    restrict vessel length for whelk potting permits to 15m across the whole District;
- d)    limit pots for whelk potting permits to 1000 per vessel with track record and 300 for under 10m vessels with no track record in the north of District.

These same proposals were integrated in a consultation emailed to 13 persons known to have potted for whelks or to be interested in potting for whelks in the District. After a few weeks, a reminder email was sent out to those who had not responded. Five hard copies were sent in the post.

Seven responses were received - ie. 39%

Responses to each of the questions posed are given below.

Question 1: INCREASE IN MINIMUM LANDING SIZE

Potter No.	1	2	3	4	5	6	7
a) Do you agree with an increase of MLS to 75mm?	No	Yes	Yes	No	Yes	Yes	No
b) If no, what do you think it should be and why?	55mm.  75mm would make the fishery unviable			45 - 50mm  Buyers and markets geared to them sizes			The current size of 45mm is set across all 10 IFCA Districts. Apart from the Welsh District, I see no effort to up this size but agree that more information and research is required
c) If yes, should this increase be brought in in one go (ie. change from 45 - 75mm) or should it be brought in by stages (60mm in first year, 75mm in second year)?	N/A	In stages	Do it over a couple of years	But if increased MLS should be 45, 55, 65, 75mm over 3 years	Over 3 - 4 years	In one go	

**The following three questions relate to EFFORT CONTROL:**

It can be seen that potentially a large number of vessels could apply for permits to prosecute the fishery. The actual number is not quantitative due to potential interest from vessels from Wales, Scotland and Isle of Man. Effort limitation is crucial to ensure the fishery is managed sustainably.

Pot limitation per vessel and a maximum vessel length are two immediate means to effort limitation. However these can only achieve a low level of effort limitation if large numbers of vessels fish. The key here is a restriction on the number of permits issued. Pot limits, number of permits etc could be adjusted through the flexible permit conditions once the nature of the fishery, level of interest and stock status has been established.

The usual method for defining eligibility criteria is track record. This would be possible to establish for the southern part of the District where whelking has been legal and has been occurring, ie. within the NWIFCA District in ICES rectangles 35E6, 36E6 and part of 37E6.

However this is not possible when fishers have been precluded from whelking in the northern half of the District's waters due to the inherited Cumbria Sea Fisheries Pot byelaw (Byelaw 25) - Requirement of Escape Gap in Pots, Traps and Creels - and will have no track record, despite the desire to fish those areas. NB. most smaller vessels are generally unsuitable to fish 6-12nm due to weather, tides etc.

Question 2: TRACK RECORD

The Authority could decide on defining a track record for the northern part of the District based on:

- i) Vessels which have potted for whelks in the 0-12nm in ICES rectangle 37E6 and anywhere in 38E6 (see mapping below) over a set time period (for example during 2018).
- ii) For the smaller vessels which would not have fished beyond the 6nm and therefore have no track record, the Authority could implement a lower pot limitation (eg. 300 pots for under 10m vessels).
- iii) There should be a set time frame for applications.
- iv) There should be a minimum weight landed to qualify for track record - eg. minimum of 100kg during the set time period.

Evidence to establish track record for all of the District

- v) Sale notes for under 10m - though these do not describe gear type used
- vi) Logbooks for over 10m which do give gear type
- vii) VMS tracks for over 12m vessels. Could cross reference dates on logbooks with VMS tracks.

NB. There is no requirement for vessels 10-12m vessels to use VMS.

Potter No.	1	2	3	4	5	6	7
a) Do you agree that a method of track record should be implemented to restrict number of whelk permits issued?	No	Yes	Yes	Yes	Yes	Yes	No
b) If yes, do you agree with the proposed method of assigning track record for the north of the District?		Yes	Yes	No	No	Yes	
c) Do you agree with the set time period of 2018?	No	No	Yes	No	Yes	No - should be over maybe 3 years, 1 year too short	
d) If no, can you suggest another way of defining track record?	I believe track records are discriminatory and prevent fishermen from diversifying.	Would like to see it taken over last 2 years - 17/18	There should be a minimum weight landed to qualify for track record during set time period eg. 5 ton see note below	(NB. this respondent provided information on a query he had with MMO over track record assigned to his boat as part of the capping scheme for latent capacity which is being dealt with	1. Under 10's must have some kind of track record. i.e. sales notes***  2. 3 years track records is what has been asked for in the past when it came to lobster/bass etc. Why should whelk fishing not		I am not a fan of or agree with single species track records to determine if a vessel should be permitted to target the species. In a modern day fishery with strict rules and regulations

				<p>separately to the whelk permit consultation)</p>	<p>have to adhere to the same.</p> <p>Records of sales notes (for whelks) and proof of payments for them would show track record for under 10's***</p> <p>Minimum landings. Hobby fishermen (who are not making a living out of fishing) can land just under 2 tonne a year so that is ridiculous to say someone trying to make a living off it only needs 100kg.</p>		<p>to protect stocks etc (most that I agree with) fishers find themselves having to be more active across a number of sectors and species. Mainly in the U10's. Every vessel should have the right to exploit all species within their marine area. I do agree with the whelk permit idea, but no based on a vessel's track record of the species.</p>
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**Question 3: VESSEL LENGTH RESTRICTIONS**

Currently there is a restriction on vessel length in the southern part of the District to 15m overall length (NWSFC Byelaw 9 - Mechanically Propelled Vessels - Maximum Length). There is no vessel length restriction in the northern part of the District between 3 - 6nm.

Potter No.	1	2	3	4	5	6	7
a) Do you agree with a vessel length restriction of 15m overall length to cover all of the District - FOR WHELK PERMIT CONDITIONS ONLY?	No	Yes inside 6 mile limit	No	No (not for whelks only for all fishing)	Yes	Yes	Yes
b) If no, what vessel length restriction do you think should be implemented for the District, if any?	10m - to reduce the effort of larger vessel who operate thousands of pots	No restriction between 6 and 12 mile limit	12m only inside 6nm limit otherwise big company boats will wipe out small boats and their livelihoods	0 - 3nm: 8-10m 3-6nm 12m For whole NWIFCA District 15m whelk boats out of district			

Question 4: POT LIMITATION

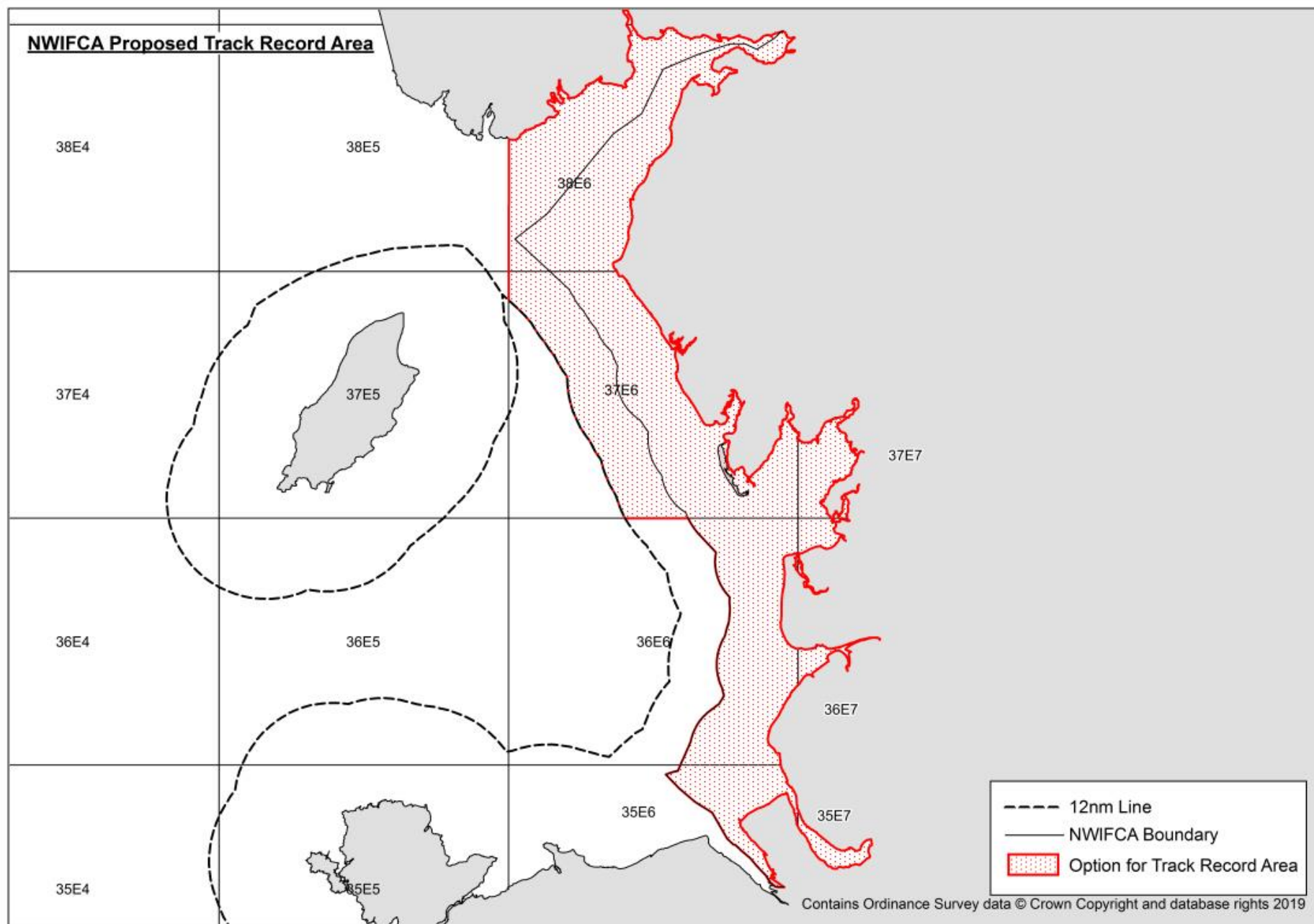
Effort could also be restricted through a pot limitation.

Potter No.	1	2	3	4	5	6	7
a) Do you agree to a pot limit of 1000 pots per vessel for those with track record?	No	Yes	Yes	Yes	Yes	Yes	See answer to 4b
b) If no, what limit would you like to see if any?	I believe all vessel should be limited to 500 pots to reduce fishing effort and maintain sustainability				Only for boats with track record		I do agree to a limit of 1000 pots per vessel, but as I do not agree to the track record proposal, I cannot answer 'yes' here.
c) Do you agree to a pot limit of 300 for those under 10m vessel with no track record in the northern part of the District?	No	Yes	Yes	No	No	Yes	No
d) If no, what limit would you like to see for those under 10m vessels with no track record in the northern part of the District if any?	Tracks records and discriminatory so no limit			Minimum of 500	***No to pot limit of 300 for those with no track record. They should not be entitled to any as you did with lobsters/bass etc. no track record no permit.		500 pot limit

					Why should whelking be any different to how other species have been dealt with in the past.		
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\*\*\* Potter No. 5's responses on track record and associated pot limits are produced here. However officers spoke to him as it was believed that he had not understood the issue faced by NWIFCA and whelk potters over the inherited Cumbria SFC Byelaw 25 - Requirement for Escape Gap in Pots, Traps and Creels - which prevents legitimate potting for whelks being prosecuted and therefore affects track record. Once explained he agreed verbally over the phone that a means to allow vessels in to the fishery in this situation did need to be found.





Do you have any other comments you'd like to make?

**Potter 1:**

In my opinion to make the whelk fishery sustainable, increasing the MLS to 75m would be ineffective as the fishery would become unviable.

Reducing effort of fishing by making vessels operate a maximum number of 500 pots would be more effective.

Alternatively reducing the size of vessel allowed to operate within the area would also be as effective.

**Potter 3:**

Fishermen from Isle of Man and the Welsh should not be permitted to fish this area (North-east ICES rectangle 36E6).

As no-one is allowed to fish inside the 6nm or inside the 3nm of the IOM, unless you live there. And the Welsh have something similar.

Plus over the track record to qualify, the minimum weight should be at least 5 ton per year to qualify for a permit, then you know who is really fishing for them (ref Q4).