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5th June 2020

FOA Marine and Fisheries Division, Welsh Government

RE: Marine Conservation Society Response to Welsh Government Whelk Fishery Management Proposal

Overview

The Marine Conservation Society (MCS) welcomes the opportunity to provide comment on proposed new management measures for Welsh whelk fisheries. MCS is the leading marine charity in the UK that has been working to improve the health of our seas, shores and wildlife for over 35 years and has had a dedicated Welsh team for the last 13 years.

It is very encouraging to see the Welsh Government implementing additional management measures for their whelk fisheries, as part of the ongoing fisheries management review. There has been an overall increase in interest in the UK whelk fishing industry in the last few years, and as stated in the supporting document for this consultation, it is likely this trend will continue to increase. If improperly managed, whelks have been identified as a species that is vulnerable to over-fishing due to several of their life history traits.¹ There is currently some concern over the state of the Welsh stock and as a result, the fishery has attracted a red (5) rating on the MCS Good Fish Guide resource,² however, we hope if the new and improved management measures can be adopted and enforced, the rating would improve. It is therefore encouraging to see the Welsh Government propose measures which aim to manage the fisheries sustainably and based on the best available scientific advice.

Given the current lack of data regarding Welsh whelk stocks, MCS strongly supports measures proposed to increase the amount of scientific catch data available and to use this data to inform annual stock assessments. It is particularly encouraging to see the proposed implementation of annual catch limits based on these stock assessments, and flexible monthly catch limits. Whilst we support most of the measures proposed we would like to draw attention to three key areas that we feel could deliver the best outcome for these fisheries:

- **Development of a whelk Fishery Management Plan including reference points and harvest strategy.** The commissioned stock assessment[s] should aim to identify both the state of the biomass and the fishing mortality in relation to target and limit reference points (e.g. Maximum Sustainable Yield (MSY) for all discrete whelk stocks in Wales. Harvest control rules are then needed which aim to keep the whelk populations at healthy levels. These criteria should form the basis of a whelk fishery management plan that can also include details for the achievement of other objectives such as monitoring and data collection for the fishery.

¹ MRAG, 2018. Available at:

https://www.bluemarinefoundation.com/wpcontent/uploads/2019/05/MRAG_Final_Whelk_Report.pdf [Last accessed: 04/06/2020]

² MCS, 2020. Available at: <https://www.mcsuk.org/goodfishguide/fish/942> [Last accessed: 05/06/2020]



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- **Retain measures reducing fishing during spawning seasons.** Given the current lack of an accurate stock assessment, proposed measures should take a precautionary approach and do as much as possible to protect spawning individuals and maximise recruitment in the population.³ MCS is concerned the sharp decrease in whelk landings seen after 2017 may be indicative of unhealthy populations. Setting the annual limit at 5298 tonnes is significantly higher than the amount landed in 2019. MCS is concerned using this average as the annual limit, whilst also removing restrictions on fishing during the spawning season, could have detrimental effects on whelk populations. 78% of respondents to the 2017 management consultation agreed that 'closed seasons' during spawning seasons were an effective management tool. MCS therefore feels restrictions placed during spawning seasons should not be lifted and the proposed annual limit should be reviewed to ensure it is in fact precautionary and doesn't place the health of the whelk fishery at risk.
- **Further research into maturation sizes.** Recent evidence suggests different sub-populations of whelks mature at different sizes.⁴ Therefore, while increasing the minimum landing size (MLS) to 65mm is a very welcome first step, using a Wales-wide MLS may not be appropriate for future management. The Welsh Government should use this opportunity to collect data on all distinct whelk populations in Welsh waters, to determine average spawning sizes and set minimum landing sizes accordingly.⁵

MCS Response to Proposed Management Measures

1. Do you agree with the Welsh Government's primary objective to conserve whelk stocks and thereby stabilise the Welsh whelk fishery?

Yes. MCS is pleased the Welsh Government would consider closing the fishery in the event of an environmental or management emergency. Whilst closing fisheries may be viewed by some as a draconian measure, MCS agrees it is important that managers retain this option should the state of stocks require it. This demonstrates that managers are valuing the resource appropriately and implementing their responsibilities to manage the resource for the good of the public.

³ MRAG, 2018. Available at :

https://www.blumarinefoundation.com/wpcontent/uploads/2019/05/MRAG_Final_Whelk_Report.pdf [Last accessed: 03/06/2020]

⁴ MRAG, 2018. Available at:

https://www.blumarinefoundation.com/wpcontent/uploads/2019/05/MRAG_Final_Whelk_Report.pdf [Last accessed: 04/06/2020]

⁵ NWIFCA, 2019. Available at: <https://www.nw-ifca.gov.uk/app/uploads/Item-8-Report-to-TSB-Whelk-Management-Feb-2019-VERSION-FOR-PUBLICATION-2.pdf> [Last accessed: 05/06/2020]



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2. Do you agree it should be prohibited for UK vessels to take whelk with pots from the Welsh zone without an authorisation?

Yes. As a tool in fisheries management, it is important that vessels participating in the fishery have specific authorisation. By requiring an authorisation, the Welsh Government will have greater options from which to actively and specifically manage the whelk fishery and the opportunity to control fishing effort; an important first step to ensuring sustainability.⁶ We note the proposed number of permits that will be issued annually has not been included in the consultation and would flag that keeping the capacity of the fleet at levels which matches the MSY availability of the resource has not been addressed in this consultation. Any increase to the number of vessels authorised to participate in the fishery should necessarily result in reduced monthly catch limit per vessel, to ensure annual catch limits are not exceeded.

MCS think it is also important that consideration be given to extend the authorisation scheme to recreational fishers wishing to use pots with powered vessels to target whelks and non-engine powered vessels. Currently the impact these fisheries are having on whelk populations is unknown. If significant, their catch could result in the actual landed amount surpassing annual catch limits. We therefore suggest the impact of these fisheries are determined and if their catch is significant these vessels should also require authorisation. This would also allow for any possible future amendments to be made without the need for a new statutory instrument.

3. Do you agree authorisations should be issued annually from the period beginning of March in one year to the end of February in the following year?

Yes, it will provide for the greatest flexibility from which to manage the fishery in the future.

4. Do you agree the Welsh Government should charge a fee for an authorisation?

Yes. MCS think it is important that those who are to profit most from fisheries resources should contribute most towards the sustainable management of those resources.

5. Do you agree with the process to set future landing caps in Box 2?

Yes. MCS supports the top-level approach outlined in Box 2, however we also think it is important for more detail to be established around the management objectives for the whelk fisheries:

MCS are concerned the initial annual limit of 5298 tonnes will not meet the Governments primary objective to conserve whelk stocks and stabilise the whelk fishery. ICES recommendations stipulate that if catches in data limited stocks decline over a period of time and this decline could be attributed to a reduction in

⁶ NWIFCA, 2019. Available at: <https://www.nw-ifca.gov.uk/app/uploads/Item-8-Report-to-TSB-Whelk-Management-Feb-2019-VERSION-FOR-PUBLICATION-2.pdf> [Last accessed: 04/06/2020]



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biomass, a recovery plan and possibly zero catch is advised.⁷ At a minimum, ICES advice states annual limits should include a precautionary 20% buffer until a full stock assessment can be completed.⁸ **MCS recommends adopting a more precautionary approach to setting annual catch limits by avoiding a large increase in catch opportunities until the results of the stock assessment[s] are published⁹.**

MCS does support the proposed process to set future landing caps in Box 2 and thinks future management measures should be based on the latest scientific advice.

6. Do you agree it should be prohibited for vessel owners to fish beyond the authorised monthly landing cap?

Yes. This mandatory clause is welcome however MCS note that monitoring this and ensuring compliance may be difficult. The Government should outline how they intend to monitor cumulative monthly landings and clearly define how vessels will be penalised if they break this measure.

7. Do you agree authorisation holders should provide statistical information to the Welsh Government, such as numbers of pots fished, amount of undersized whelk, location of fishing activity etc. to assist with stock assessment calculations?

Strongly agree. As highlighted in the supporting report, there is still a significant lack of data regarding the status and health of Welsh whelk stocks. Any vessel participating in the fishery should be required to collect and record data that can be used to gain a better understanding of fisheries and used to sustainably manage the fisheries in the future. The data should also be used to indicate reference points which can be used to inform and identify management objectives of the fisheries and set limits in line with best practice.

MCS recommends in addition to using VMS systems as mentioned below, cameras should also be rolled out across the fleet, where they are most needed. The data collected by these cameras could be used to supplement data collected by the crew and may provide a more accurate depiction of the whelk stocks.

8. Do you agree authorisation holders should be required to gather data (as described in paragraph 44) to assist with stock assessment calculations?

Strongly agree. It is vital full stock assessments are done on Welsh whelk populations if the fishery is going to be managed sustainably and in line with best practice in the future.

⁷ ICES, 2012. Available at:

<https://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2012/ADHOC/DLS%20Guidance%20Report%202012.pdf> [Last accessed: 04/06/2020]

⁸ ICES, 2018. Available at:

https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2018/2018/Introduction_to_advice_2018.pdf [Last accessed: 04/06/2020]

⁹ Seafish, 2019. Available at: https://seafish.org/media/1570534038-Guide_to_Data-Limited_Stock_Assessment.pdf



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9. Do you agree authorisation holders should provide landings data direct to Welsh Government?

Strongly agree. As above.

10. Do you agree the Welsh Government should ban authorised vessels from retaining or landing de-shelled whelk?

Yes.

11. Do you agree authorisation holders should be required to have an active and functioning Vessel Monitoring System on board when fishing whelk with pots in the Welsh zone?

Strongly agree. This is very welcome. Vessel Monitoring Systems (VMS) have been used by all European vessels over 12m since 2003 and have proved to be very effective management tools.¹⁰ MCS would also recommend a requirement for cameras to be used in addition to VMS. We think cameras need to be rolled out to all over 10m vessels as a priority, and then also to smaller vessels subject to consultations and where there is the greatest need e.g. depending on gear type and considering amount of catch and chance of encountering bycatch. Cameras would largely negate the need for on-board fisheries observers and collect vital data that could be used for more accurate stock assessments in a cost-effective way. For example, for the approximately 20 over 10m vessels accessing the Welsh whelk fishery, the entire cost (hardware and staff for data analysis) would be between £75,700 a year (subsidised through EMFF) and £105,800 a year without subsidy, according to a recent WWF report.¹¹

12. We would like to know your views on the effects of issuing whelk authorisations with a flexible landing cap on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated? Please enter your response here:

MCS have a bilingual policy and therefore strongly support the use of and production of documents in both the Welsh and English language.

13. Please also explain how you believe the issuing of whelk authorisations with a flexible landing cap could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English Language.

As Above. MCS agrees that use of the Welsh language should be treated no less favourably than the English language.

¹⁰ Defra, 2018. Available at: https://consult.defra.gov.uk/marine-management/introduction-of-inshore-vessel-monitoring-systems/supporting_documents/ivmsconsultdocument.pdf [Last accessed: 05/06/2020]

¹¹ WWF, 2017. Available at: https://www.wwf.org.uk/sites/default/files/2017-10/Remote%20Electronic%20Monitoring%20in%20UK%20Fisheries%20Management_WWF.pdf [Last accessed: 05/06/2020]



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14. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter your response here:

Fisheries Management Plan (FMP)

- The new UK Fisheries Bill moving through UK Parliament now includes requirements for fisheries policy authorities to establish Joint Fisheries Statements (JFS) outlining how they intend to achieve the objectives of the Fisheries Bill. A key feature of these JFSs will be the inclusion of Fisheries Management Plans (FMPs). There is no requirement that such an FMP would be required for the Welsh whelk fishery, but given the importance of the fishery to Welsh coastal communities and the vulnerability of the species to overfishing, MCS would encourage Welsh Government to establish a formal management plan for the whelk fishery that is compatible with the text in the Fisheries Bill. Many of the existing proposed measures would result in this being the case, however it may be beneficial for the Welsh Government to use this opportunity to create and implement its first FMP.
- FMPs are an important tool used by authorities to achieve the specific objectives for their fisheries. An FMP should identify target and limit reference points for biomass and fishing pressure for the whelk fishery and establish harvest control rules aimed at ensuring the whelk population remains in a healthy state i.e. above levels capable of producing the maximum sustainable yield (MSY) or proxy with similar intent. As a data deficient stock, an FMP for whelks should aim to collect enough data and understanding to be able to base future catch limits on such reference points and outline a precautionary approach to setting catch limits until further scientific insight is available. Depending on the fishery, FMPs are also important tools used by managers to outline how they intend to achieve other objectives related to, for example, impacts on other species and the wider ecosystem, monitoring of catches, climate change, and community benefit.

Precautionary approach

- MCS believes it would not be appropriate to remove restrictions in place during its spawning season without sufficient knowledge of the status of the spawning stock biomass.
- While MCS is very supportive of future annual catch limits reflecting the latest evidence on whelk abundance, MCS are concerned initially setting annual catch limits at 5298 tonnes may cause unhealthy declines in whelk populations as it is significantly higher than the amount landed in 2019. MCS recommends adopting a more precautionary approach to setting annual catch limits by avoiding a large increase in catch opportunities until the results of the stock assessment[s] are published¹². **At a minimum, MCS would like to see the annual catch limit more closely reflect the most recent catch data plus a precautionary 20% buffer to ensure the conservation of the whelk stocks and assist to stabilise the population.**

¹² Seafish, 2019. Available at: https://seafish.org/media/1570534038-Guide_to_Data-Limited_Stock_Assessment.pdf
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Management measures following the end of the transition period

- While MCS recognises the Welsh government has indicated they will consider applying these measures to non-UK vessels once post-brexit frameworks have been determined, MCS want to highlight the need for effective monitoring and enforcement of non UK-vessels participating in the fishery to ensure annual catch limits set on future stock assessments are not exceeded.
- MCS therefore recommends if the Welsh government decided to open the fishery to non-UK vessels, they should be allocated a percentage of the overall annual catch limit and be required to follow all measures in place for UK vessels. This should include but not be limited to collecting catch data and presenting information on their landings. To facilitate this, there should be a requirement for all vessels participating in the fishery to be equipped with VMS and cameras (as for the domestic vessels) to ensure compliance and protect the sustainability of whelk stocks.

MCS are happy for our responses to this consultation to be made public.

Thank you for the opportunity to comment on proposed management measures for the Welsh whelk fisheries. We hope our feedback provided is constructive and we look forward to seeing mandatory measures and annual catch limits implemented for this increasingly important species. If there are any queries relating to our submission, we would welcome a follow up conference call.

Sincerely,

Clara Johnston
MCS Fisheries Policy Advocate

Gill Bell
MCS Head of Conservation Wales

Cc: Clare Trotman (MCS Policy and Advocacy Manager Wales)
Sam Stone (MCS Head of Fisheries and Aquaculture)