

Department of Environment, Food and Agriculture

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Management of the whelk fishery within the Isle of Man territorial sea

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Policy Owner:	Department of Environment, Food and Agriculture
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Purpose:

The purpose of this policy is to introduce measures to better manage the whelk fishery within the territorial sea, in response to scientific evidence and concerns from industry.

Background:

While the whelk fishery within the territorial sea, between 0-3 nautical miles (NM), has been managed under the Sea Fisheries (Whelk Licensing etc.) Byelaws 2007, until the introduction of this policy the whelk fishery between 3-12 NM has been largely unregulated.

The local whelk fishery has historically experienced relatively low effort. However, since 2011 there has been an annual increase in commercial effort within the territorial sea. This trend has also been recorded in UK waters, with annual landings increasing from 13,900 tonnes in 2011 to 20,900 tonnes in 2015.

This gives cause for concern as whelk are late maturing, slow moving and do not have a planktonic phase through which widespread dispersal is possible during spawning. Populations are therefore understood to be spatially discrete and vulnerable to overfishing.

In November 2015 Tynwald approved Future Fisheries, a five-year strategy for the sustainable development of the Isle of Man's sea fisheries and marine environment. The strategy identifies ways of securing sustainable, thriving and well-managed fisheries providing high quality products whilst continuing to protect and respect the marine environment and highlights a number of priority action areas including:

- An appropriate level of fishing effort
- Regionally-relevant management
- Improved stakeholder involvement
- Increase economic value of fisheries
- Marine development and exploitation in harmony with the environment

Having engaged with the industry to gauge opinion, in April 2017 the Department consulted on proposals for the future management of the Isle of Man whelk fishery.

The results of discussions with industry, the scientific evidence base, the responses to the consultation and the existing legislation have all informed the following policy.

Definitions:

“whelk” means the species *Buccinum undatum*.

“registered and licenced fishing vessel” means a vessel which is registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991, or in the United Kingdom or Channel Islands under equivalent legislation and holding a valid UK fishing licence and Isle of Man Sea Fishing Licence.

“territorial sea” means those waters lying within 12 nautical miles of the baseline from which the breadth of the territorial sea adjacent to the Isle of Man is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines adjacent to the United Kingdom.

“whelk pot” means any baited pot, receptacle or container with one or more openings or entrances and which is specifically designed for, or capable of, being left at sea to catch whelks.

Scope:

The following policy shall apply to those fishing for, or seeking to fish for, whelk within the territorial sea from a registered and licenced vessel.

Policy:

- Effort in the fishery within the territorial sea shall be managed by issuing a restricted number of Species Specific Licences for whelk, and by restricting the number of whelk pots that each licensee may use.
- Fishing for whelk by any means, other than whelk pots, shall be prohibited from registered and licenced fishing vessels.
- Additional management measures may be introduced to manage the fishery should the need arise.
- Management of the fishery shall be achieved through the conditions of the Isle of Man Sea Fishing Licence, issued under the Fisheries Act 2012.

Procedure:

Licensing:

In order to cap effort the Department will only issue licences to fish for whelks within the territorial sea to:

1. The owners of those vessels that can demonstrate a track record of having fished for whelk within ICES statistical rectangles 36E5, 37E5 or 38E5, with whelk pots, for one or more days, between the 01.01.2016 and 31.12.2016 (inclusive) and which held a valid Isle of Man Sea Fishing Licence in the same period or;
2. The owners of those vessels in respect of which a licence to fish for whelk between 0-3NM was issued for the first time, as part of the review completed in March in 2017, under the Sea Fisheries (Whelk Licensing etc.) Byelaws 2007.

3. The owners of those vessels in respect of which a licence to fish for whelk between 0-3NM was issued following the review completed in March in 2017, under the Sea Fisheries (Whelk Licensing etc.) Byelaws 2007.

Should scientific advice indicate that the fishery could withstand increased effort or if existing licences revert to the Department, further licences may be issued using documented criteria to assess applications from interested parties.

The administration of licences issued in line with this policy shall be undertaken in accordance with the Department's policy on the administration of Species Specific Licences associated with the Isle of Man Sea Fishing Licence.

Pot limits:

Those deemed eligible for a licence to fish for whelk under the above criteria shall be allocated an overall total pot limit as follows:

- The maximum number of whelk pots to be fished within the territorial sea by those qualifying under Section 1 (above) shall be 1000 pots, of which no more than the number of whelk pots previously licenced shall be used between 0-3 NM.

For example a fisherman qualifying for a licence under Section 1 (above) who has previously held a licence to fish with 250 whelk pots between 0-3 NM may now fish with 1000 whelk pots within the territorial sea, however, of these 1000 pots no more than the original 250 pots may be fished between 0-3 NM.

- The maximum number of whelk pots to be fished within the territorial sea by those qualifying under Section 2 (above) shall be 300 pots, of which no more than the number of whelk pots previously licenced shall be used between 0-3 NM.

For example a fisherman qualifying for a licence under Section 2 (above) who has previously held a licence to fish with 100 whelk pots between 0-3 NM may now fish with 300 whelk pots within the territorial sea, however, of these 300 pots no more than the original 100 pots may be fished between 0-3 NM.

- The number of whelk pots to be fished within the territorial sea by those qualifying under Section 3 (above) shall be no more than the number of whelk pots previously licenced to be used between 0-3 NM.

For example a fisherman qualifying for a licence under Section 3 (above) who has previously held a licence to fish with 200 whelk pots between 0-3 NM may now fish with 200 whelk pots within the territorial sea.

Additional measures:

The overall limit on the number of whelk pots that may be fished between 0-3 NM shall remain at 3600.

The maximum number of whelk pots that the Department may issue to a single vessel to fish between 0-3 NM shall remain at 600.

Enforcement:

Those participating within the fishery are expected to comply with the policy, all relevant legislation and the conditions of the Isle of Man Sea Fishing Licence. Failure to do so can result in enforcement action being undertaken by the Department which may result in prosecution.

Related information:

Information on the consultation process, the supporting scientific evidence prepared by Bangor University and the results of the consultation can be found at:

<https://www.gov.im/ConsultationDetail.gov?id=614>

Information regarding the Future Fisheries Strategy can be found at:

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/future-fisheries-strategy/>

Information on the Department's policies, including the Management of Species Specific Licences associated with the Isle of Man Sea Fishing Licence policy can be found at:

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/legislation-policy-and-enforcement/>

Information on commercial licensing requirements can be found at:

<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>

Forms:

An application form for an Isle of Man Sea Fishing Licence can be downloaded from:

<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>

Frequently asked questions:

- *Who does this policy affect?*
This policy is applicable to anybody fishing for, or seeking to fish for, whelk within the territorial sea from a registered and licenced fishing vessel.
- *What activities does the policy cover?*
The policy covers all commercial fishing activity for whelk within the territorial sea.
- *When does this policy take effect?*
The policy comes into effect on the 14th August 2017.
- *How often will the policy be reviewed?*
This policy will be reviewed at least every ten years.
- *Will this policy ever change?*
The policy will continue to be reviewed alongside scientific evidence and feedback from stakeholders.
- *Why has the department introduced this policy?*
Since 2011 there has been a year on year increase in commercial effort in the waters around the Isle of Man. Whelk are late maturing, slow moving and do not have a planktonic phase through which dispersal is possible and are therefore vulnerable to overfishing.
- *How was this policy decided upon?*
The Department met, over a period of time, with industry representatives to discuss the future of the fishery. Following this, a public consultation was held on proposals for the fishery. Based on the evidence base, discussions with industry and the responses to the consultation the Department introduced this policy.
- *What are the next steps for the whelk fishery?*
The Department will continue to manage the fishery within the territorial sea based on scientific data and may introduce additional appropriate management measures if required.
- *What authority has the Department got to introduce this policy?*
The Department is acting in accordance with the Future Fisheries Strategy, approved by Tynwald in 2015 and also within the powers of the Fisheries Act 2012.
- *How will the policy be enforced?*
The policy will be implemented through the conditions of the Isle of Man Sea Fishing Licence which are enforceable under the Sea Fisheries Act 2012.
- *How can I get started in the fishing industry?*
The Department is considering options for new entrants, please contact the Department using the details above for further information.

- *Can I fish for whelk?*
In order to fish for whelk within the territorial sea from a registered and licenced vessel you must hold a UK Fishing Licence, an Isle of Man Sea Fishing Licence and also a Species Specific Licence for whelk issued by the Department.
- *How do I apply for a licence?*
To check on the availability of a Species Specific Licence for whelk, please contact the Department using the details above. An application form for an Isle of Man Sea Fishing Licence can be downloaded from:
<https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/>
- *Can I be put on a waiting list for a Species Specific Licence for whelk?*
The Department does not maintain waiting lists for licences. However, should scientific advice indicate that the fishery could withstand increased effort or if existing licences revert to the Department, further licences may be issued.
- *I hold a Species Specific Licence for whelk, can I change my boat?*
The administration of licences issued in line with this policy shall be managed in accordance with the Department's policy on the management of Species Specific Licences associated with the Isle of Man Sea Fishing Licence which can be found at:
<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/legislation-policy-and-enforcement/>
- *I hold a Species Specific Licence for whelk, can I fish more whelk pots.*
The limits in effect through this policy were agreed between the industry and the Department with independent scientific advice from Bangor University and cannot be exceeded.
- *I hold a Species Specific Licence for whelk, can I split my licence between two boats?*
No, the licence and pot limits are issued in respect of a single vessel. Splitting licences in this way may lead to an overall increase in effort.
- *What other rules apply?*
Various legislation exists concerning fishing within the territorial sea. For further information contact the Department using the details above or visit:
<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/legislation-policy-and-enforcement/>
or
<http://www.tynwald.org.im/links/tls/Pages/default.aspx>
- *How do I find out more about whelk industry?*
For more information on the fishing industry, including whelks, contact the Department using the details above or visit:
<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-directorate/>

Version History:

Version No.	Date issued	Description
1	01.08.2017	Original policy document
2	22.06.2018	Review to allow those continuing to hold 0-3 licence to fish 3-12

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