

Informal Consultation on Crab & Lobster Management

Phase 2 Outcome Report



Overview:

Eastern IFCA undertook an informal consultation on crab and lobster management including on the development of a byelaw to manage potting fisheries within Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) and on potential district-wide measures. The consultation was run in two phases.

This document summarises the key outcomes of the second phase of the consultation which ran from 6th December 2022 to 30th January 2023. The outcome of the first phase is available through our website at:

https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/12/2022_11_22_Phase1_Outcome_PUBLIC_FACING.pdf

We Asked:

The consultation sought the views of stakeholders on the following issues:

- 1) Management proposals to reduce the risk of potting to the MCZ,¹
- 2) The review of byelaws inherited from Eastern IFCA's predecessor, Eastern Sea Fisheries Joint Committee,² and
- 3) The need for other management measures throughout the district

You Said & Our Response:

Stakeholder responses to the consultation included written and verbal submissions. There were 19 individual responses to the consultation questionnaire, 1 independent submission from a community interest group, and 2 independent individual submissions. 6 meetings were held across the district to further gather stakeholder views on proposals. Officers also received responses through one-to-one engagement with stakeholders on the ground and over the phone.

The table below provides an overview of the breadth of responses received on key questions asked. Location based or numbers-based information, including information that could be related back to individual responses, is not included in this table.

¹ Infographic Summary available here: <https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/12/MCZ-Management-Proposals-Infographic-PDF-Print.pdf>.

² Infographic Summary available here: <https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/12/MCZ-Management-Proposals-Infographic-PDF-Print.pdf>.

Outcomes Summary:

The following is a summary of the key outcomes of the consultation:

- We will be bringing two byelaws for consideration at the next Authority meeting on 8th March 2022:
 - ***Cromer Shoal Chalk Beds Byelaw 2023***
 - This byelaw will be a flexible permitting byelaw enabling the Authority to deliver Adaptive Risk Management through the implementation of flexible and iterative management measures.
 - The byelaw provides an essential framework for supporting Adaptive Risk Management. The desired outcome is to develop and introduce appropriate and proportionate evidence-based management measures to reduce fishing pressures on sensitive features such that those pressures are kept within levels that are compatible with furthering the site's conservation objectives. It is also intended that the byelaw will minimise the social and economic costs to stakeholders of management that is either too precautionary or not precautionary enough, to the extent that this is compatible with Eastern IFCA's statutory duties.
 - Safeguards will be included to require separate impact assessments and consultation for any flexible management measures.
 - In response to industry concerns, further safeguards will be considered for inclusion in access policy. Impact assessments for such will need to have particular regard to the stability, continuity and succession of businesses, business viability and the impacts to potential young entrants or recruits.
 - The closure to fishing on the rugged chalk during January and February will be developed as a flexible permit condition as consultation responses have highlighted the benefit of the flexibility to both the fisheries and conservation.
 - The 3 nautical mile inshore vessel restriction will not be included on the face of the byelaw to avoid the risks of unforeseen and unintended impacts to stakeholders. Instead, we will seek to achieve the intentions of the proposal through the use of eligibility policy and endorsements, developed through further consultation.
 - Gear marking proposals will not require annual changes to pot tags. Changes will be required in the event of lost or if tags become illegible. There will also be a requirement to mark shanks of pots or single pots with buoys and vessel details.
 - More information is available through our website, in the draft impact assessment for this byelaw.
 - ***Crab and Lobster Byelaw 2023***
 - This byelaw will consolidate the 4 inherited sustainability byelaws from Eastern Sea Fisheries Joint Committee into one district-wide byelaw with modernised wording to enhance transparency and clarity.
 - An amendment will be made to the prohibition to use edible crab as bait to the effect that edible crab cooked offal can be used as bait, in

addition to allowing recreational hook and line fishers to use edible crab for bait, so long as it was not removed from the fishery within the Eastern IFCA district.

- No further district wide management measures are proposed pending the outcome of the Fisheries Management Plan for crab and lobster which is expected to be published later this year.
- In response to specific feedback received from the MCZ Stakeholder Group in relation to communications and the ARM approach in general we will seek to:
 - Publish a newsletter twice a year and follow this up with a Q&A session to provide stakeholders with an opportunity to ask us questions about ongoing work directly.
 - Make best use of available communications channels to advertise Stakeholder Group meetings as widely as possible, including through the use of local printed press like Outlook by NNDC, Town and Country, Crab Tales etc.
 - Review our communications strategy at the Project Board level, including our approach to the frequency and format of meetings to take into account stakeholder needs and feedback.
- Due to their substance, some consultation responses will be considered during the development of flexible measures and so are not addressed in this report.

You said	Our response
On our preliminary management proposals for Cromer Shoal Chalk Beds MCZ	
Flexible permitting system with proposed safeguards	
Disagree with permitting commercial fishermen on the basis that fishing licences permit fishing in all waters nationally	Eastern IFCA is aware of the concerns shared by some fishery stakeholders about the use of a flexible permitting byelaw.
Recreational fishers should be permitted	Following a Phase 1 preliminary
Disagree with flexible permitting mechanisms as these give regulators too much power to 'move the goal posts'	consultation, ³ we have sought to address these concerns as far as possible through the suggested safeguards.
Disagree with permits but do agree with measures proposed including a closed period on the rugged chalk and pot tags	These safeguards have been further developed over the course of this second phase of the informal consultation and
Permits and tags will be an added expense to an already expensive profession, and it is not clear how permits could benefit the fishery.	include: <ul style="list-style-type: none"> • Minimising the costs of permits and tags to the extent possible.
A permitting system is essential and should include a clearly defined mechanism for revocation/non-renewal if conditions are not complied with.	<ul style="list-style-type: none"> • Including on the face of the byelaw, a robust procedure that the Authority must follow when issuing, varying or revoking any flexible management measures. This procedure includes acquisition of relevant scientific evidence to support management, taking into account any relevant information, conducting a consultation and undertaking an impact assessment. Also included is a requirement to review measures introduced and notify all permit holders when any measures are issued, varied or revoked.
Dialogue and consultation must be incorporated into every aspect of management.	
Disagree with a permit scheme on the basis that it increases costs, limits access, provides a barrier to new entrants and enables Eastern IFCA to revoke permits.	<ul style="list-style-type: none"> • Including on the face of the byelaw, a robust procedure that the Authority must follow when setting policy on the eligibility to hold a permit. This procedure includes appropriate consultation on any proposals with a duration of no less than 4 weeks and undertaking an impact assessment on any proposals which must have particular regard to the following:
<i>"I remain completely opposed to permits".</i>	

³ Eastern IFCA, [Informal Consultation on Crab & Lobster Management: Phase 1 Outcome Report \(2022\)](#).

<p>I have concerns about permits but I understand why flexibility is needed for the MCZ. Permits should only be used as a last resort when they are necessary.</p>	<p>i) the stability, continuity and succession of business of the permit holders</p>
<p>I am concerned that permits will create a barrier to new entrants.</p>	<p>ii) the continuing ability of permit holders to finance their businesses, and</p> <p>iii) the impacts to potential young entrants or recruits.</p> <p>Within Cromer Shoal Chalk Beds MCZ, a flexible mechanism is critical to ensuring that an Adaptive Risk Management approach to the management of potting fisheries can be achieved. The desired effect is to implement only such mitigation as is required to meet the conservation objectives of the site whilst minimising impacts on fishery stakeholders.</p> <p>Officers have assessed the management options available and have determined that a permitting byelaw is the most appropriate mechanism to achieving the required flexibility and desired effect. The rationale can be found in the draft Impact Assessment for the MCZ byelaw, available on Eastern IFCA's website.</p> <p>Natural England advice has been received to the effect that without the ability to deliver the Adaptive Risk Management approach to fishing in the site, management would need to be precautionary and could include closures within the site.</p> <p><u>Regarding national licencing:</u> The right to fish under a commercial fishing licence is not absolute. Fishing activity must be undertaken in accordance with any conditions attached to the licence including catch limits, licence variations, closures and gear restrictions. Fishing must also be undertaken in accordance with any other relevant legislation, including IFCA byelaws.</p>

	<p>The Marine and Coastal Access Act (MaCAA) places a specific duty on IFCAs to further the conservation objectives within MCZs. We also have a general duty to manage the exploitation of sea fisheries resources in a way that balances the need to protect the marine environment from or promote its recovery from the effects of exploitation. To achieve this, MaCAA empowers IFCAs to introduce management on a wide range of issues including provisions which introduce permits or restrict exploitation in specified areas or during specified periods.</p> <p><u>Regarding enforcement and offences:</u> The proposed byelaw will prohibit fishing except under a permit and in accordance with any conditions or endorsements attaching to it. Enforcement will be undertaken in line with Eastern IFCA's Enforcement Policy.⁴</p>
Pot tagging proposals and gear recovery	
<p>Agree with tags so long as replacement is not on a yearly basis.</p>	<p>While we cannot rule out the need to implement effort restriction at some point in the future, the introduction of pot tagging is primarily intended as a lost gear management measure in view of the risk that such gear poses to the conservation objectives of the MCZ.</p> <p>In the event of gear becoming lost and being discovered either at sea or ashore, pot tags will enable traceability back to the owner of the gear who can then be notified to recover it. This will ensure individual accountability and is intended to build on the current voluntary system in place through the fishing industry Code of Best Practice (Lost & Stored)⁵ and the monitoring and reporting mechanisms established by the Norfolk Beach Cleaners Collective.⁶</p> <p>We understand the importance of any gear marking system being practical and fit-for-purpose. To that end, the intention is to</p>
<p>I do not see the benefits of pot tagging. Who is going to check them?</p>	
<p>Agree with tags but have concerns relating to practical issues such as replacement of lost tags</p>	
<p>Recognise that tags would assist with lost gear management and agree with the requirement to recover lost or abandoned fishing gear.</p>	
<p>Experience of pot tagging in the whelk fishery shows that, unless and until Eastern IFCA can demonstrate the effective enforcement of tag-related restrictions (including that all pots must be tagged and that vessels can only work pots with a tag associated with that vessel), such measures only serve as a limitation on the law-abiding.</p> <p>Tag limitations are routinely flouted in the Wash.</p>	

⁴ Eastern IFCA, [Enforcement Policy](#).

⁵ [Code of Best Practice for Potting in Cromer Shoal Chalk Beds MCZ: Lost & Stored](#).

⁶ Marine Conservation for Norfolk Action Group, [Found Fishery Gear Report Form](#).

<p>The following lessons can be drawn from the tagging system in the whelk fishery:</p> <ul style="list-style-type: none"> • Some tags get broken and lost within a single season • Others can last for much longer (up to 7 years) – the coloured plastic can be very durable, however all tags become unreadable after one season. • It can take up to 2-3 days to tag all 500 pots, which can be restrictive and lead to a limit on a day's fishing if all pots are in use. • However, if gear is ashore and being loaded onto the boat, tagging is only a minimal inconvenience • The tag validity period needs to be aligned with the fishing season i.e. 1st of February to 31st January for the Cromer crab & lobster fishery and 1st September to 31st August for the whelk fishery. As it currently stands, the tags ceased to be valid part way through the whelk season, a change which happened without consultation a few years back. 	<p>introduce tags that are durable, long-lasting (remain readable for more than one season), and do not require annual change except if lost or when they are no longer readable.</p> <p>Under the proposed byelaw, it will be an offence to fish using pots without tags and IFCOs will be able to lift gear to inspect it. Any such action will be done in line with our Enforcement Policy⁷ and Regulation and Compliance Strategy⁸.</p> <p>Eastern IFCA is aware that there are compliance issues with tagging requirements under the Whelk Permit Byelaw 2016 and is working to address these.</p>
<p>Neutral about this proposal as sceptical about the difference it would make. Disagree with restrictions on pot numbers and sceptical that tags may be the first step towards this.</p>	
<p>Gear should be tagged and traceable back to owners in case of loss.</p>	
<p>If tags are needed, enough should be provided to allow gear to rotated in and out of the area.</p>	
<p>Gear tagging should be accompanied by clearly identifiable flags or other identification to permit holders on the pot markers.</p>	<p>Under the proposed byelaw, it shall be a requirement that strings of pots are marked with buoys that are:</p> <ul style="list-style-type: none"> • of sufficient size and shape to be clearly visible and remain fully afloat at all times • clearly marked with the permit number and the port letters and number of the fishing vessel
<p>Must include marking flags with port letters and number.</p>	
<p>Acknowledge the advantage of tagging pots for identifying lost pots but disagree with the added expense for tags.</p>	<p>Where a single pot is used to fish, it will also have to be marked in a similar way.</p>

⁷ See footnote 3.

⁸ Eastern IFCA, [Regulation and Compliance Strategy](#).

<p>The requirement to retrieve lost gear needs to be carefully worded to ensure the requirement to retrieve is limited to one's own gear.</p>	<p>The requirement to recover gear is intended, and will be worded in such a way, to apply to one's own gear.</p>
<p>January and February closures to fishing on the rugged chalk</p>	
<p>Agree with closing the rugged chalk to fishing activity during January and February but the area to be closed needs to be defined</p>	<p>The intention of the proposed closed period is to reduce the likelihood of damaging fishing gear/seabed interactions during the period where storms and rough sea conditions are most likely.</p> <p>It is acknowledged that these periods may change with time and/or that there may be a need to take other factors into account in the future (e.g. sustainability). For this reason, it is intended that this measure will be implemented as a flexible permit condition. This will enable us to adapt as required and provide additional time to consider the current proposal (of January and February).</p> <p>The closed season will apply to all fishers and Eastern IFCA is working to further refine habitat mapping within the MCZ to inform a clearly defined and appropriate closed area.</p> <p>It is acknowledged that the North Norfolk coastline faces directly into oncoming northerly gales and is an area that endures regular seasonal storms causing natural disturbance within the site. Impacts from human activity are considered to be cumulative, adding to existing natural pressures. However, it is not yet known how and whether the impacts of potting are significant in the context of wider natural disturbance. Answering this question is critical to understanding what management is required in the site. For this reason, Eastern IFCA has been working with Blue Marine Foundation and the local fishing industry to develop a study into natural disturbance which if implemented will include areas voluntary closed to fishing activity.</p>
<p>The only measures which can reduce damage to the rugged chalk are those which reduce gear contact with the seabed, either in durations, intensity or amount. The proposed closure to fishing on the rugged chalk over January and February would achieve duration reduction. However, by all accounts, weather has the greatest impact. This is caused during storms of relatively short duration, no more than 2-3% of the year.</p>	
<p>Storms do more damage than any fisherman, but a closed season to protect the chalk during the poorest weather is the best way forward.</p>	
<p>Natural disturbance from boulders and flint causes is more damaging than fishing activity.</p>	
<p>Northerly winds and rough seas moving flint across the seabed during winter months cause the most damage to the chalk.</p>	
<p>A closed season on the rugged chalk during poor weather will help to protect the MCZ.</p>	
<p>The closed season should include other fishers from surrounding areas.</p>	
<p>The proposed closed season reflects a period where I do not fish anyways.</p>	

<p>The proposed closed season is too short and needs to cover the whole winter period and take breeding seasons into account.</p> <p>Fishing activity should not be permitted on the rugged chalk as potting has been shown to cause damage. Unlike biogenic reefs, the chalk beds are unable to recover from damage. The loss of chalk habitats would affect many species which rely on them for breeding and nursery sites.</p>	<p>While potting activity has been shown to cause a level of damage to the rugged chalk, advice from Natural England indicates that the pressures from fishing activity are not likely to have reached a point where they could be hindering the conservation objectives at the current time.</p> <p>As such, based on best available evidence and the advice received, it would be disproportionate to implement blanket closures to fishing activity.</p>
<p>There should be no fishing on the rugged chalk (to include a suitable buffer) at all until conclusive proof is available that shows that fishing does not damage either the geological features or habitats (as defined in the designation order).</p> <p>Feature extinction areas where chalk has been virtually levelled must be included in this closure. They are severely degraded, not 'resilient'.</p> <p>Potentially 'resilient' areas must be fully assessed before fishing is allowed.</p>	<p>Moreover, the proposed collaborative study into natural disturbance (see above) would if implemented include areas of rugged chalk closed to fishing activity. These areas will further mitigate risks to the site's conservation objectives while the byelaw is undergoing Quality Assurance pending sign off by the Secretary of State.</p> <p>As outlined above, it is proposed that the closed period is implemented as a flexible permit condition. This would enable us to take other factors such as breeding seasons into account should this be required.</p>
<p>Chalk is not the only habitat of importance in the district. Other sensitive seabed types – such as clay and wood - should be assessed and addressed as per their MPA designations.</p>	<p>Our MCZ potting assessment assessed all designated habitats and features, including peat and clay exposures. Natural England have advised that more evidence is needed. This work is ongoing.</p>
<p>Beach-launched vessel restriction inshore (out to 3 nautical miles within the MCZ)</p>	
<p>Concerned about the beach-launched vessel restriction and the potential impacts (including displacement) this could have on fishers working both from the beaches and harbours. The proposed beach-launched vessel restriction should be defined to cover vessels which have the means of being recovered from the shore. Deep drafted harbour vessels e.g. mono-hulled vessels or larger catamarans would have to prove their ability to recover and launch</p>	<p>The intentions behind this proposal were to limit access to the most sensitive inshore areas to beach-launched vessels, thereby limiting effort in the area. The desired effect was:</p> <ul style="list-style-type: none"> to mitigate the risks of potential increases in effort on the rugged chalk, including by larger vessels, as current fishers retire,

<p>from the beach with regularity to be able to access this zone.</p>	<ul style="list-style-type: none"> • to preserve the heritage of the local fishery, and • should future management on the rugged chalk impact on fishing grounds, to provide an area which those fishers who are impacted by management could displace their activity into.
<p>Disagree with the proposed beach-launched vessel restriction and that this could have any meaningful impact for conservation of the rugged chalk or sustainability of stocks. Beach boats work the same pots, lines and anchors as 10m+ boats. This measure would be discriminatory.</p>	<p>Eastern IFCA is aware that some businesses operate both from harbours and beaches. The intention was to take these business models into account so as to not cause unintended impacts and threats to their viability.</p>
<p>It would be difficult to define and identify beach-launched boats as most small boats are capable of launching from the beach. Some beach-launched boats work a lot more gear than smaller harbour boats.</p>	<p>It has become apparent through the course of this consultation that further consideration needs to be given to how best to achieve the desired effects of this proposal. For this reason, and to avoid unintended negative impacts on the industry, it is proposed that the inshore vessel restriction is developed through further consultation and implemented as Eligibility Policy attached to the byelaw.</p>
<p>The beach-launched restriction might limit the number of pots fished, but this is not a guarantee. This proposal appears analogous to the experience requirements for fishing in the Wash. By implication, the suggestion seems to be restricting fishing on the rugged chalk to those with experience of fishing there who know how to do so, to minimise possible damage.</p>	
<p>The beach-launched proposal appears to be vague. Larger vessels and larger tractors could be used, which would increase potting activity.</p>	<p>Other comments:</p>
<p>Retain the beach boat nature of this fishery, where boats can be retrieved from a beach to take into account those which also work from harbours.</p>	<p>We are aware of recent seasonal changes to water clarity, temperatures and the migratory patterns of species.</p>
<p>Agree with beach-launched vessels only within the MCZ, limited by size i.e. under 10m or similar. Outside boats should be prevented from fishing in the MCZ.</p>	<p>The inshore marine environment is a dynamic area and will potentially become increasingly so as a result of climatic change. For this reason, it is important that management mechanisms are flexible and able to adapt to the changing needs of fishers, fisheries and the environment. This is why Eastern IFCA has opted for a flexible permitting byelaw to manage fishing within the MCZ.</p>
<p>Sea clarity appears to be undergoing a major change. In the middle of December, the water is still very clear and this is pattern is increasing each year and appears to be having an effect on the feeding patterns of some species.</p>	
<p>The fishery has been performing well for over 200 years and there are currently the fewest boats there have ever been on inshore grounds.</p>	
<p>The industry has been alright for a long time so why change it.</p>	

<p>I feel that the IFCA distrusts the information I provide on my returns to the MMO. Why would I be lying about my indicated pot numbers? When will we have a definite chart mapping areas of raised chalk? I do not believe any further steps should be taken until this work is complete. It is obvious that a lot more seabed research needs to be undertaken before the IFCA starts imposing management measures or pot tagging which would be detrimental to the fishery and add further costs to a fishing industry that is already struggling.</p>	<p>Eastern IFCA does not currently have access to catch returns information provided by fishers to the MMO. We are seeking to resolve this through a collaborative arrangement with the MMO.</p> <p>Habitat mapping within the MCZ is one of our main research priorities. However, ROV surveying and analysis are time-consuming processes. It is critical that this work is done to the highest standards but we acknowledge that this is a source of frustration for many stakeholders who would like clarity on where management might be concentrated. We are committed to providing updates on this work as it progresses. Over recent months we have further refined our map of the rugged chalk. This is currently under review by the Research & Development Task & Finish Group and will be made publicly available once agreed.</p> <p>The proposed byelaw is intended to provide a framework mechanism for implementing flexible management within the MCZ. The byelaw will provide the necessary structure to enable the Authority to introduce management measures but the details of those measures will be developed over time and implemented through permit conditions and eligibility policy as research progresses. All proposals will be subject to consultation.</p> <p>It is intended that we developed these details alongside the byelaw making process which can take up to two years.</p>
<p>Caps on licences need to be removed to enable fishers to target other species.</p>	<p>The Authority does not have a remit in managing national stocks, but we are</p>

<p>Inshore boats should be given access to the fish stocks they used to more than 20-30 years ago (e.g. herring, cod, skate, etc.) and lost as a result of the national licencing system.</p> <p>More access is needed to the bass fishery. The current EU-derived limits were intended to address stock issues in the English Channel, not taking into account regional differences in the Southern North Sea.</p>	<p>conscious that the number of available target species is limited in the Eastern IFC district.</p> <p>There is no cap on permits being issued presently and any such cap which may be considered in the future will take this into consideration.</p>
<p>The national licencing system has left everyone worse off. There used to be a natural management cycle for crab and lobster as fishers could target different species at different times. National licencing severely limited/removed diversification opportunities, leading to longer fishing seasons.</p>	
<p>Eastern IFCA needs to deal robustly with unlicenced commercial fishing by some posing as recreational sea anglers, and by unlicenced weekend netters.</p>	<p>Our district is one of the biggest IFCA districts. As an organisation with a broad remit and finite resources, we undertake enforcement activity on an intelligence-led, risk-based approach.</p> <p>We are aware of commercial-scale recreational activity and of recreational catches being sold for profit and address this in the context of other risks and priorities in the district</p>
<p>IFCA limits should extend out to 20 nautical miles rather than the current 6 nautical miles so as to ensure consistent fisheries management and equal restrictions for offshore vessels whose activities impact on inshore fisheries.</p> <p>This management should be administered by IFCA's to enable local, devolved and region-specific management which is better than national level remote dictates controlled by larger organisations.</p>	<p>Jurisdictional boundaries are set by national legislation.</p>
<p>Fishers should only have as many pots out as they are able to recover at short notice, in the event of severe storms. This would ensure pots are not left at sea and minimise changes of loss and associated damage to the rugged chalk.</p>	<p>It is common practice for fishers to turn over a portion of their pots on a given day, cycling through different parts of their fleet and ensuring that all are turned over on a regular basis. In practice, due to the limited size of inshore fishing vessels, this may mean having more gear out than could be</p>

	<p>recovered ashore in a single day. It usually takes a couple of days for all gear to be brought ashore during winter.</p> <p>Where there are periods of rough weather and bringing all gear ashore is not feasible, gear can be made safe by being moved further offshore into deep water where it is less likely to get tripped up. This is an effective and established practice, and acceptable if gear is moved to deep enough water. The proposed closed season on the rugged chalk during January and February will ensure all gear is removed from sensitive areas and further restrictions may be considered through the Adaptive Risk Management approach.</p>
<p>Do all of the Adaptive Risk Management work and research in-house within Eastern IFCA to get and retain the expertise in-house, help with long-term research staff recruitment and retention. It is part of getting and keeping the skill and experience base needed amongst the Authority's staff to fulfil their remit of fisheries and conservation management and getting the balance between the two. Since someone has to do the work, and it's inevitably going to mean someone somewhere doing research, why let external organisations like Universities or Blue Marine Foundation do all that and siphon money off when Eastern IFCA can get the staff and experience in-house, building good quality local jobs and keeping the work in the local coastal communities in the process.</p>	<p>Eastern IFCA has committed significant resource into delivering Adaptive Risk Management in the MCZ. This is a participatory approach to marine management. We are working jointly with industry stakeholders and others, including university researchers, NGOs and Natural England to build a robust knowledge base to support proportionate and evidence-based management for the MCZ.</p> <p>Blue Marine Foundation have been invited by Eastern IFCA, with the agreement of local industry members, to support the delivery of research in the MCZ.</p> <p>Collaborative research has the advantage of greater resources and better research outcomes thanks to a broader set of views and skillsets. This approach is most likely to get the best outcomes for the environment and the fishery.</p>
<p>I enjoy eating crab and lobster but have ceased purchasing from Cromer as I no longer believe that it is a sustainable, non-damaging fishery.</p>	<p>The latest available Cefas stock assessment for edible crab⁹ indicates that exploitation of edible crab stocks in the Southern North Sea are stable albeit above maximum sustainable yield and that spawning biomass is between reference target and the limit for both species. The most recent Eastern IFCA stock</p>

⁹ Cefas, [Edible Crab \(Cancer pagurus\) Cefas Stock Status Report 2019 \(October 2020\)](#).

	<p>assessment¹⁰ for the fishery which occurs within the district indicates that the fishery is generally stable and not under immediate threat.</p> <p>The latest available Cefas stock assessment for lobster¹¹ indicates that the fishery within East Anglia is being exploited above maximum sustainable yield and that the spawning stock biomass is low for both sexes however, the assessment also indicates that confidence in the assessment is low due to limited data informing the assessment. The most recent Eastern IFCA assessment of the local fishery indicates that the stock is relatively stable.¹²</p> <p>While potting activity has been shown to cause a level of damage to the rugged chalk, our assessment indicates that the pressures from fishing activity are not likely to have reached a point where they could be hindering the conservation objectives at the current time.</p> <p>Eastern IFCA is working collaboratively with stakeholders, Natural England and other research partners to address environmental impact concerns through an Adaptive Risk Management approach, as advised by Natural England.</p>
<p>Clearly the industry is an important part of the culture of the area, although I am not sure what level of economic benefit it has compared with tourism. Time moves on, the industry needs to move on. A sensibly managed fishery producing a premium sustainable product must be the right way for everyone.</p>	<p>Edible crab and lobster potting fisheries are some of the most important fisheries within the Eastern IFCA district where diversification opportunities are limited as a result of limited species availability and the additional pressures of species caps on national fishing licences. By far, the most important fishing grounds for these fisheries within the district are located along the North Norfolk coast.</p> <p>The annual average first sale value of the edible crab and lobster fisheries operating within the district are estimated as £964,106 and £889,132 respectively,</p>

¹⁰ Eastern IFCA, [Brown Crab Stock Assessment 2020 \(November 2020\)](#).

¹¹ Cefas, [Lobster \(*Homarus Gammarus*\) Cefas Stock Status report 2019 \(October 2020\)](#).

¹² Eastern IFCA, [European Lobster Stock Assessment \(May 2021\)](#).

	<p>supporting circa 60 vessels.¹³ This value is an underestimate as it excludes catch which is sold directly to the public. This is usually where the fisher sells catch to the public themselves without the involvement of a registered buyer and commonly occurs along the North Norfolk coast.</p> <p>The value also excludes the wider economic and social value of the fisheries which support local businesses and tourism. The potting fisheries along the North Norfolk coast are inextricably linked with the identity and culture of the area and hence local tourism which thrives in no small part because of the area's fishing heritage.</p> <p>We agree that ensuring a continuing, sustainable fishery would have the best outcome for people and the marine environment.</p>
<p>Disagree with overall proposals as this would imply agreement that pots are causing damage to the chalk.</p>	<p>Potting has been shown to cause damage to rugged chalk through interaction between fishing gear (particularly ropes) and the seabed. Eastern IFCA is working to assess the level of damaging interactions through our ROV survey programme. Some videos showing damaging interactions are available through our website.¹⁴</p>
<p>On what other measures should be considered to reduce risk to the rugged chalk in the MCZ</p>	
<p>Potting within the MCZ and across the district should be carried out with gear that does not break down (plastics, rubber, metals, etc) and pollute the sea.</p>	<p>Considerations of potential gear adaptations are ongoing as part of our Adaptive Risk Management work.</p> <p>The current focus is on adaptations that will reduce damaging gear/feature interactions as this is a priority for mitigating risk to the conservation objectives of the MCZ.</p> <p>It is recognised that wider sustainability measures can have additional</p>

¹³ According to a MMO data release AT12966, 10/01/2023. Based on value of landed catch caught from within the following ICES statistical rectangles: 33F1, 34F0, 34F1, 35F0, 35F1. 32F1 was not included in the estimate as the vast majority of the statistical rectangle falls outside of the Eastern IFC district. With the exception of 34F0, the ICES statistical rectangles used include area outside of the Eastern IFC district.

¹⁴ Eastern IFCA, [Research Update: Preliminary Observations and Examples of BlueROV 2 Footage Showing Different Habitats in the Cromer Shoal Chalk Beds MCZ](#).

	environmental benefits. These issues may be considered in due course.
<p>The MCZ designation seeks to ensure that the geological features and habitats of the area do not deteriorate. My views are the current levels of potting on the rugged chalk are not compatible with this. Eastern IFCA's own ROV videos show damage being cause by potting and there is now a huge amount of evidence of damage occurring.</p> <p>A precautionary approach which sees the closure of rugged chalk areas to fishing, at least, is essential. Perhaps this driver would lead to an industry-driven improvement to fishing methods which may result in a controlled reopening of closed areas to fishing activity in the future.</p>	<p>Natural England is the competent statutory body providing advice on how to achieve conservation targets within Marine Protected Areas.</p> <p>While potting is known to cause a level of damage to chalk in the MCZ, Natural England's most recent advice indicates that the pressures from fishing activity are not likely to have reached a point where they could be hindering the conservation objectives of the site at the current time. As such a precautionary approach like that suggested would be disproportionate.</p>
Adapted fishing gear is required in this unique area. Standard pots used elsewhere in the UK are not fit for purpose.	Gear innovation trials are being developed as part of Eastern IFCA's Adaptive Risk Management Approach. We will take any suggestions from stakeholders about possible innovations into consideration.
Large commercial ships should be prevented from anchoring within the area.	Natural England is assessing the impacts of anchoring with a view to providing advice on this issue.
<p>A limitation (and enforcement of that limitation) on the number of pots that can be used within the rugged chalk area is needed. An appropriate number can be determined through consultation with the local fishing industry.</p> <p>Larger boats working more pots are unlikely to be significantly impacted as they would not be entirely reliant on inshore rugged chalk areas, working further offshore.</p>	Effort limitation, if needed, will be considered through further consultation as part of the development of permit conditions for the MCZ.
The trawl ban should be kept and possibly enlarged.	The prohibition on use of bottom towed gear is proposed to be expanded within the Closed Area Byelaw 2021, which is going through the byelaw making process.
I have serious concerns about Eastern IFCA's approach. It's too late to worry about damage to the chalk as inshore	Eastern IFCA have had extensive consultations with the industry on the development of voluntary and regulatory measures.

<p>fishing has been in decline since its peak in the 1980s.</p> <p>Eastern IFCA purchased all the equipment and are now bringing Blue Marine Foundation in because of Natural England.</p> <p>The industry has lost trust in Eastern IFCA's research since the bird count mistake in the Wash last year. Research needs to focus on the effects of windfarms to the marine environment.</p>	<p>Adaptive Risk Management is a participatory approach to marine management. We are working jointly with industry stakeholders and others, including university researchers, NGOs and Natural England to build a robust knowledge base to support proportionate and evidence-based management for the MCZ.</p> <p>Blue Marine Foundation have been invited by Eastern IFCA, with the agreement of local industry members, to support the delivery of research in the MCZ.</p> <p>Collaborative research has the advantage of greater resources and better research outcomes thanks to a broader set of views and skillsets. This approach is most likely to get the best outcomes for the environment and the fishery.</p>
<p>On what other general management measures should be considered & views on specific management measures</p>	
<p>General comments</p>	
<p>Whatever rules are applied should be for all users, commercial or recreational.</p>	<p>The proposed byelaw for the MCZ and the proposed district-wide byelaw on sustainability will apply to commercial and recreational fishers.</p>
<p>Regulation and standards should be harmonised across the EIFCA district i.e. from shore to 6nm to prevent displacement. The entire area must be managed effectively for the long term. N.B. the 200m offset of the MCZ must be addressed – to avoid a shallow damage corridor.</p>	<p>The proposed byelaw for the MCZ will include the area 200m from the low water mark. This is done for administrative and logistical purposes. Relying on the boundary as defined in the designating order would make prohibitions difficult to enforce. This approach is also more in line with an ecosystems approach to management of Marine Protected Areas. However, discretion will rest with the Authority as to whether and what management should apply within non-designated areas.</p> <p>The proposed district-wide byelaw on sustainability will apply to the crab and lobster fisheries across the district.</p>
<p>The byelaw should be district-wide, particularly to prevent intensive fishing on the 200m buffer zone along the shore before the start of the MCZ designation.</p>	
<p>On effort limitation for commercial and recreational fishers</p>	
<p>Drivers for wider management are unclear. More evidence is required.</p>	<p>Due to limitations in the current evidence base, we are not presently proposing effort limitation measures.</p>
<p>200 pots would be a reasonable and appropriate limit on pots for commercials –</p>	

<p>helps stocks, limits lay time and promotes good practice.</p> <p>The occasional recreational pot is acceptable, however 20 pots is too many for a recreational fisher.</p>	<p>The latest available Cefas stock assessment for edible crab¹⁵ indicates that exploitation of edible crab stocks in the Southern North Sea are stable, above maximum sustainable yield and that spawning biomass is between reference target and the limit for both species. The most recent Eastern IFCA stock assessment¹⁶ for the fishery which occurs within the district indicates that the fishery is generally stable and not under immediate threat.</p>
<p>There need to be limitations for recreational fishers (pot limitation or catch limit). Additionally, agree with effort limitation for commercial fishermen i.e. so many pots per working man so as not to be so much of a free for all.</p>	<p>The latest available Cefas stock assessment for lobster¹⁷ indicates that the fishery within East Anglia is being exploited above maximum sustainable yield and that the spawning stock biomass is low for both sexes however, the assessment also indicates that confidence in the assessment is low due to limited data informing the assessment. The most recent Eastern IFCA assessment of the local fishery indicates that the stock is relatively stable.</p>
<p>While I am not against recreational fishing (it's fair for everyone to enjoy this activity), I agree with a catch limit to prevent anyone selling catch from an unlicensed vessel. Becoming a commercial fisher comes with huge cost and investment into a licence, registration, MCA inspections etc.</p> <p>I am undecided on the matter of a pot limit for recreational but tags should possibly be required for traceability.</p>	<p>While limiting effort has the potential to further support sustainability, there are different ways to achieve this. This requires further consideration of intended outcomes, including a separate impact assessment, and consultation.</p>
<p>Legislation should limit the number of pots laid idle (not turned over) for a long time. Windfarm compensation has resulted in an increase in pot numbers, leading to less regular turn over and longer soak times which destroy the catch inside. This practice is damaging to stocks and could be mitigated against using a pot limitation.</p>	<p>In the MCZ, effort limitation if required will be considered as part of the development of permit conditions.</p>
<p>Recreational fishing should be banned as gear is set poorly, tripping up commercial gear. Some sell catch which undermines management. Tags would be beneficial but need to be life long and should not be plastic.</p>	<p>As to the rest of the district, we consider it appropriate to await the outcome of the Fisheries Management Plan for crab and lobster stocks which is expected to be published later this year and which will include national management measures.</p>
<p>Disagree with limiting effort within 6 miles. Effort restrictions should focus on offshore areas where effort and overfishing is concentrated.</p>	
<p>Pot limitations are ineffective when it comes to stock sustainability.</p>	
<p>Preference for a closed season over a pot limitation which could disproportionately affect the earnings of smaller vessels.</p>	

¹⁵ Cefas, Edible Crab (*Cancer pagurus*) Cefas Stock Status report 2019, October 2020

¹⁶ Brown crab Stock Assessment 2020, Tom Bridges, Nov 2020

¹⁷ Cefas, Lobster (*Homarus Gammarus*) Cefas Stock Status report 2019, October 2020.

<p>Effort limitation for recreational potters and a cap on commercial potters to their current levels. A maximum number could be set for new entrants into the industry, based on the average size of that vessel.</p>	
<p>The crabbing effort is comparatively very little on the inside grounds due to weather influencing fishing seasons. However, offshore grounds are being over-exploited by boats working excessive pot numbers, in the thousands.</p>	
<p>Disagree with effort limitations for both recreational and commercial potters. Pot limitations are ineffective measures that cannot be policed properly – a way to get around such measures is to work gear with no surface markers.</p>	
<p>Agree with effort limitation for recreational potting as beyond a certain limit it is no longer recreational. Any recreational fisher working more than about 10 pots (even 5) is unlikely to be catching solely for personal consumption.</p> <p>Commercial fishers have had to pay for a licence and it is not right for individuals to fish commercially without the associated investment.</p> <p>Also agree with effort limitation for commercial potting but this should cover more than the Eastern IFCA district – out to 20 nautical miles and beyond.</p> <p>Pot limitations for commercials can be a good measure, if the number is right and as long as there is no sharing of gear and this is enforced by Eastern IFCA (so far unsuccessful at enforcing this in the Wash whelk fishery).</p> <p>Many considerations need to be taken into account to achieve the right number. Some ports and vessels lend themselves to easily fishing outside of the Eastern IFCA district to overcome the impacts of effort limitations within the district. Others cannot fish outside so easily. Smaller beach-launched boats are more likely to work solely within</p>	

<p>the district, whereas a boat leaving from King's Lynn needs to travel about 25 nautical miles just to get out of the Eastern IFCA district. Pot limits would have to reflect and be different for different business models.</p>	
<p>As one of the youngest in a dying industry, I believe that effort will naturally reduce as people leave the fishery to retire.</p>	
<p>On v-notching</p>	
<p>V-notching should be made mandatory and all lobsters should be checked for v-notches.</p>	<p>We understand that a majority of fishers in the district undertake v-notching on a voluntary basis. Regulatory requirements to v-notch would be difficult to enforce but we recognise that they may have the benefit of a deterrent effect.</p> <p>It is considered that v-notching may be better implemented through a voluntary Code of Best Practice. This is something which requires further discussion with industry.</p>
<p>Agree with v-notching, a closed season in January and February.</p>	
<p>V-notching is a good idea.</p>	
<p>Agree with v-notching.</p>	
<p>Most do this anyways.</p>	
<p>I personally v-notch all berried lobsters as this can only benefit the fishery in the long-term.</p>	
<p>On escape gaps</p>	
<p>Escape gaps should be made compulsory, set the the NK Norfolk escape gaps manufactured by GT products. This escape gap in effect achieves the intention of the 'slot size' suggestion.</p>	<p>Based on the consultation responses received, we are not currently proposing to make escape gaps mandatory. The benefit of allowing fishers discretion in this regard is recognised, particularly as some target velvet crabs.</p>
<p>The majority of fishermen use escape gaps but not using them has no effect on sustainability in my opinion. The use of escape gaps should be down to the individual. They can make cleaning pots and sorting catch quicker at certain times of the year but at others, they do not make much of a difference.</p>	<p>While escape gaps are generally a recognised sustainability measure, they also have the potential to increase fishing efficiency and thus effort (by limiting sorting times).</p> <p>The decision to not introduce mandatory escape gaps is not considered to pose a risk to sustainability as Minimum Landing Sizes apply.</p>
<p>Disagree with escape gaps. They will let smaller edible crab out but also release velvet crabs which a lot of fishermen make a small income from throughout the year.</p>	

<p>Disagree with escape gaps because I retain some velvet crabs now and may want to target them in the future. Currently, retained by-catch is enough to meet my needs but this would be lost with compulsory escape gaps.</p> <p>Poor wording of a compulsory escape gap provision would prohibit potting for velvet or green crab, or for common prawns which I may wish to target in the future.</p>	
<p>It is senseless to capture young undersized crab and lobsters. These should be allowed to escape, grow, and breed to sustain the fishery.</p>	
<p>Most use these.</p>	
<p>Escape gaps make processing easier but I understand why some like to see what's on the ground at different times. Use should be left to the discretion of individuals.</p>	
On MLS increase/gradual increase for brown crab and lobster	
<p>Current MLS for both crab and lobster should be kept.</p>	<p>The minimum size for crab and lobster are being considered as part of the national Fisheries Management Plan programme.</p> <p>As above, wider management measures will be considered further once the Fisheries Management Plans have been developed.</p>
<p>MLS should be increased. Although it would mean a poor year or two, there would be long-term benefits.</p>	
<p>The current MLS for crabs and lobsters are appropriate and suitable for the area. The stocks are healthy and at certain times of the year, a majority of our catch will be met crab and lobster.</p>	
<p>The MLS for crab should be aligned with other areas of the UK.</p>	
<p>A few mm on the current MLS would help. Perhaps a consideration of releasing larger female lobsters over a certain size, or in the long run potentially banning landing female lobsters all together. This has been effective in some American fisheries and the long-term benefits would probably outweigh any short term impacts/losses.</p>	

Crab sizes locally are smaller. Increasing these would have a drastic effect on the viability of local industry with no positive effect on stocks.

Lobster stocks are by all accounts (including of retired generation of fishermen) at an all time high so an increase in MLS would not appear to be needed.

The current MLS for lobster is perfect for maximum retail value and there is no shortage of lobster on the ground.

The current historical MLS is no longer fit for purpose and allows the capture of barely adult crabs, which have little or no opportunity to reproduce. MLS within the district, should be aligned with the national. This fishery takes up to the limit of, and by some accounts in excess of, maximum sustainable yield, which is not good practice.

Current MLS of crab aligns with local demand from restaurants.

Agree with a slot size for lobster, instead of an MLS increase. Also disagree with an increase to MLS for edible crab.

Maximum landing sizes for lobster, in addition to MLS and v-notching have been shown to support breeding female stock, and hence long-term stock sustainability and fishery viability. East Coast Canada have good examples of lobster maximum landing size.

Any MLS changes come with significant practical and economic viability considerations which make this a topic fraught with high risk of unintended adverse consequence for the continuity of the local fishing industry. This is particularly relevant for crab given the nature of stocks off Cromer. Fisheries management is a lot more complex than is sometimes suggested within 'green' lobby organisations.

Inherited Byelaw Review	
<i>The consultation sought the views of stakeholders on 4 byelaws inherited from Eastern IFCA's predecessor, Eastern Sea Fisheries Joint Committee (ESFJC). Eastern IFCA is required to review</i>	
General comments	
The fisheries are still performing well, so these byelaws must have a positive effect on sustainability.	<p>The effects of the inherited byelaws are considered likely to contribute to sustainable fisheries within the Eastern IFCA district and the southern North Sea. Informal consultation and wider dialogue with stakeholders has indicated a general preference for retaining the measures with the exception for the prohibition on using edible crab for bait, for which there is some support for amending to enable the use of cooked offal.</p> <p>It is proposed that the management measures within the inherited byelaws are maintained but integrated into a new byelaw, the wording of which will enhance transparency and clarity through the adoption of modernised wording.</p>
Inherited byelaws should be integrated into the proposed byelaw, and form part of the conditions to be met for permitted fishing.	
Maintaining these byelaws is imperative to a sustainable fishery and biodiversity.	
These byelaws should be 'carriage' or 'deeming' byelaws to remove excuses on the basis that prohibited activities are being done outside of the district where they are permitted. Ideally, Eastern IFCA should work with Defra and the MMO to extend the scope of these byelaws to 20 nautical miles to create a level playing field and enhance the sustainability of Southern North Sea crab and lobster stocks as a whole.	
All four byelaws are sensible from a sustainability point of view and an animal welfare perspective. Surely it must be in the best interests of a fishery that needs to demonstrate to the buying public that the traditional Cromer crabs and lobsters are sustainable. Presumably, this would also help with the lowered MCS Good Fish Guide rating.	
Velvets need to be removed from the applicability of the prohibition on landing parts of shellfish.	
Prohibition on the use of edible crab as bait	
The use of edible crab prohibition should be restricted to the use of raw crab so that cooked waste can be used.	<p>Eastern IFCA has received many reports for several years to the effect that consideration should be given to the use of cooked crab waste (cooked offal, also referred to as '<i>shickle</i>').</p> <p>The wording of the inherited byelaw prevents the use of any crab presently but many stakeholders feel it would be beneficial to enable the use of waste products which will have the effect of reducing costs of fishermen paying to dispose of such also. Some however also</p>
The byelaw should be amended to allow for the use of cooked crab shells.	
Length crab should be allowed for use as whelk bait.	
Left over cooked crab should be permitted for use as bait. Prohibiting this does nothing to protect stocks because no fisherman is going to catch and cook a crab solely for the use as bait.	

<p>If the whelk fishermen are using leftovers from the processors, this can only be good for sustainability, as everything is being used. If not, the material gets dumped which is wasteful.</p>	<p>feel that the total prohibition is necessary on the basis that it could lead to an inshore industry of catching crab just to use as bait, which will increase effort and risk to stocks.</p>
<p>Cooked crab waste is a sustainable whelk bait which should be allowed. Uncooked brown crab should remain banned.</p>	<p>After careful review it is proposed that an amendment is made to this measure to the effect that edible crab cooked offal can be used as bait, in addition to allowing recreational hook and line fishers to use edible crab for bait, so long as it was not removed from the fishery within the Eastern IFCA district. It is felt that these amendments will be of benefit to commercial and recreational fishery stakeholders but not diminish the intended protective effect of the provision.</p>
<p>I am aware of all of the arguments for use of edible crab waste as bait. However, it is too effective as both whelk bait and lobster bait (the latter being the reason for the byelaw in the first instance). Fisheries management should be as much about controlling the efficiency of fishing as about other methods of effort control.</p>	
<p>The byelaw as it is does not stop achieve its intended effect and is undermined by the fact that edible crab can be used as bait outside of the district. It should be amended to allow for cooked crab to be used.</p>	
<p>Cooked offal should be permitted as otherwise it goes to landfill. Such a measure would help the industry as crab is the best bait for whelking.</p>	
<p>This byelaw should be kept as is. The risk of destroying the crab fishery in favour of the whelk fishery is too great.</p>	
<p>This prohibition should be extended beyond 6 nautical miles.</p>	
<p>Egg-berried ban</p>	
<p>Eastern IFCA needs to detect and prosecute scrubbing of berried lobsters which does happen.</p>	<p>This forms part of our regular enforcement activity.</p>
<p>Prohibition on landing 'white-footed' crab</p>	
<p>There is no such thing as a white footed crab. A crab is either good or it isn't. Poor catch sorting is the problem.</p>	<p>Crabs regularly cast their shells to mate and to allow for additional growth. Initially after establishing a new shell, crab meat yields are particularly low, with a high proportion of the biomass consisting of water. Such crabs are referred to as 'whitefooted' crabs because the tips of the claws and appendages have not yet turned black but are instead white to grey.</p> <p>These crabs are not sought after to sell to market for human consumption but are suitable as bait. The value of these crabs is considered less, because they are not sold for human consumption, and if left (for</p>
<p>White-footed crabs can be classed as good crabs from the 1st of June.</p>	
<p>This byelaw is not policed properly. In my time fishing, I have never seen a crab checked for anything other than its size.</p>	
<p>The byelaws make sense from a sustainability perspective. However, 'white-foot' crab is ambiguous.</p>	
<p>I treat all white-foot and soft-shelled crab and lobster as "discard immediately, do not land", but I had to learn to recognise what these are.</p>	

<p>It has been mentioned that bigger vivier crabbers put the entire contents of pots into tanks to be sorted ashore. This is inexcusable, and given the wider concerns about Southern North Sea edible crab stocks, Defra and MMO should support extending the effect of all 4 inherited byelaws to 20 nautical miles or further.</p>	<p>several months) their yield will increase and be of greater value.</p> <p>The inherited byelaw prohibits the removal of whitefooted crab to prevent such being used as bait and to support the viability of the fishery, ensuring that crabs stay within the fishery until they are of a higher value which also supports longer-term yield in the fishery and greater sustainability.</p>
<p>Based on changes over the last 40 years, I would suggest that the end of the period prohibiting the landing of white-footed crabs needs to be brought forward to the 1st of June.</p>	<p>It is thought that there is an abundance of whitefooted crab on the North Norfolk coast, potentially as a result of the shallow water depth¹⁸ and that typically, edible crab migrate from the North Norfolk Coast to populate the rest of the Southern North Sea fishery. As a result, protection of whitefooted crab will contribute to the sustainability of the southern North Sea edible crab fishery generally.</p>

¹⁸ Ministry of Agriculture, Fisheries and Food, The Norfolk Crab Fisher (July 1966). Available at: <https://www.cefas.co.uk/publications/lableaflets/lableaflet12.pdf>.