

Appendix 1 – Draft Formal Consultation Outcome Document (Crab and Lobster Byelaw 2023)

Crab and Lobster Byelaw 2023

Formal Consultation Outcome



This document presents the outcome to the formal consultation on the proposed Crab and Lobster Byelaw 2023. This consultation ran from 30th March 2023 until 31st May 2023.¹

Authority members agreed to make the byelaw at the 51st Authority meeting on 8th March 2023. The Authority intends to apply to the Secretary of State for the Department for Environment, Food and Rural Affairs for the confirmation of the byelaws.

1. We asked

We asked stakeholders for their views on the wording of the draft byelaw and the associated draft impact assessment.²

2. You said and our response

Only two written responses were received to this consultation, from a conservation action group. One fisher called in to seek clarification and provide feedback verbally.

The low response rate is likely to reflect that the byelaw consolidates four byelaws inherited by Eastern IFCA from Eastern Sea Fisheries Joint Committee which reflect well-established, long-standing and widely supported sustainability measures.

A summary of the key issues arising from responses to the consultation is at Section 3 below, accompanied by Eastern IFCA's consideration. Location-based or numbers-based information, including information that could be related back to individual responses, is not included in these tables.

Appendix 1 contains a more detailed breakdown of the feedback received.

3. Summary of outcome

It was queried whether the prohibition on landing berried crab extends to velvet crabs and whether, in relation to the requirement to land crabs and lobster whole, the landing of one-footed crabs or lobsters would be prohibited.

¹ There was an extension to the original deadline of 8th May 2023 due to limited responses being received.

² [Eastern IFCA Formal Consultation: Cromer Shoal Chalk Beds Byelaw 2023; Crab and Lobster Byelaw 2023](#).

There was an objection to the amendment to the total prohibition on the use of edible crab as bait.³ This objection, however, appears to be based on the misunderstanding that cooked edible crab offal would be used in the edible crab fisheries and create 'manmade cannibalism'. It was also queried how Eastern IFCA officers would be able to tell the difference between cooked offal and non-processed crab.

Eastern IFCA consideration

The prohibition on landing berried crabs does not extend to velvet crabs under the draft byelaw.

Having reviewed the wording of the byelaw, we realised that the prohibition on landing parts of shellfish unintentionally prohibited landings crabs/lobsters with only one claw. The intended effect of the prohibition is to be able to check compliance with minimum landing sizes. This is still possible in the case of a crab or lobster with a single claw and as such we have amended the wording of the byelaw.

In relation to the proposed amendment to allow the use of cooked offal as bait (the parts that are waste following standard processing): We have assessed the costs, benefits and risks of this amendment. On balance, the risks of negative impacts to stocks are low due to the prohibitions on the removal of soft-shelled, berried and whitefooted crabs which will be maintained. The key benefit of the amendment is that it will allow the sustainable re-use of a waste material which would otherwise go to landfill. Further, by enabling the re-use of this product, there may be an additional benefit of minimising industry costs in relation to the purchase of bait which would support industry viability.⁴ This is in line with Eastern IFCA's duties which are to seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.

Eastern IFCA officers are able to tell the difference between cooked offal and non-process edible crab based on the differences in colour and the way in which the meat presents.

³ The draft byelaw enables the use of edible crab as bait in commercial fisheries if it is cooked offal (crab waste from processing) or in recreational fishing if it can be demonstrated that it did not come from within the Eastern IFCA district or that it was bought as bait.

⁴ The IFCA vision is to "lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".

Appendix 1: Stakeholder feedback on the draft Crab and Lobster Byelaw 2023 and Eastern IFCA's consideration

Crab and Lobster Byelaw 2023	
You Said	Eastern IFCA Response
<p>In relation to the prohibition on landing berried crab, would this refer to velvet crabs also? It is my opinion that velvets need to be fished out, including berried, otherwise the brown crab population will be decimate.</p> <p>In relation to the requirement to land crabs and lobsters whole, would one-footed crabs/lobsters count as 'whole'?</p>	<p>The prohibition on landing berried individuals as defined in the draft byelaw applies to edible crab and lobsters only.</p> <p>Following the receipt of this response, we have reviewed the wording of the draft byelaw. Your response has flagged that the draft wording would have had the effect of preventing the landing of a one-footed edible crab, velvet crab or lobster caught within the district.</p> <p>This was not the intended effect of this provision which is to ensure compliance with minimum landing sizes. Checking the compliance of minimum landing sizes would not be impacted by the landing of a one-footed crab/lobster. As a result, we have amended the wording to allow for such individuals to be landed.</p>
<p>At a time when quality of produce is high on consumers agenda the proposed relaxation to effectively allow manmade cannibalism takes the fishery in the opposite direction. We can no longer feed pigs with pig meat, they use of fish meal to feed</p>	<p>Cooked offal is used in the whelk fisheries, not the crab fisheries.</p>

farmed salmon is highly dubious and impacting on the consumption of the one product. Surely wide knowledge of this practice would negatively impact the sales of crab and may also tip the already poor good fish guide rating to its lowest possible rating.

It's also just plain wrong to feed one species with flesh of the same species. This seems to be a proposal that's designed to reduce the cost of sensible environmental and waste disposal measure for the fishers.

We support the modernisation and enhancement of the inherited byelaw conditions. They were a collection of old restrictions based on traditional 'self-management' of the fishery. They did not represent modern science or the most robust /effective measures, but they formed the basis of local management which could be built upon. The limited regulation they represented should not have been weakened.

We object to the proposed amendment to the existing suite of byelaws, to allow the use of cooked crab as bait.

We have reviewed the byelaws inherited from Eastern Sea Fisheries Joint Committee to consider their effectiveness and contribution to sustainable fisheries. The measures contained therein are considered necessary to maintain healthy and productive stocks and support a viable industry. These measures are well-established in fisheries management and proven to support sustainability in the crab and lobster fisheries by protecting spawning individuals and allowing them the opportunity to reproduce at least once, thus helping to maintain healthy populations.

The latest available Cefas stock assessment for edible crab⁵ 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 assessment⁶ for the fishery

⁵ Cefas, Edible Crab (*Cancer pagurus*) Cefas Stock Status report 2019, October 2020.

⁶ Brown crab Stock Assessment 2020, Tom Bridges, November 2020.

This byelaw was to prevent the use of illegally caught - especially undersized - animals to be disguised as bait. Only specific parts of animals are measured so once those are damaged or lost, the rest of the creature is beyond the scope of simple fishery enforcement to evaluate.

Crab waste is a resource that already causes pollution concerns - in that large quantities are dumped at sea. These quantities cause anoxic middens which suppress and kill existing, established wildlife, and appear to present little/zero benefit to communities as food. The dumping of crab waste in plastic bags, vessel debris and frozen bait packaging is an additional concern. The fisheries must be responsible for the safe disposal of their waste.

There has been no agency regulation or study of the issues surrounding industry debris. Our studies of pollution and litter have not been used to inform this regulation. We have provided data and material on regular occasions, but frequently receive no

which occurs within the district indicates that the fishery is generally stable and not under immediate threat.

The latest available Cefas stock assessment for lobster⁷ 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.

In relation to the proposed amendment to allow the use of cooked offal as bait (the parts that are waste following standard processing): We have assessed the costs, benefits and risks of this amendment. On balance, the risks of negative impacts to stocks are low due to the prohibitions on the removal of soft-shelled, berried and whitefooted crabs which will be maintained. The key benefit of the amendment is that it will allow the sustainable re-use of a waste material which would otherwise go to landfill. Further, by enabling the re-use of this product, there may be an additional benefit of minimising industry costs in relation to the purchase of bait which would support industry viability.⁸ This is in line with Eastern IFCA's duties which are to seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.

In relation to crab waste causing pollution, use of crab as bait in pots is not considered likely to contribute to the formation of anoxic middens as the bait will be retained within pots. Littering and unlicensed dumping of crab waste at sea is regulated through marine licencing and already unlawful without a marine licence. Enabling

⁷ Cefas, Lobster (*Homarus Gammarus*) Cefas Stock Status report 2019, October 2020.

⁸ The IFCA vision is to "lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".

response or constructive dialogue.

Better disposal of crab industry waste is certainly possible but creating a new grey area where unrecognisably legal crustacean catch waste, can be used or disposed of is not a viable action in isolation.

Permitting the use of crab waste merely creates an unregulated use for undersize and inappropriately caught crustaceans. Other non-commercial animals have also been caught and potentially involved in this process. Without a proposal for the secure regulation of crab catches and additional effort to prevent inappropriate animals being concealed through this grey channel, this is not a viable 'improvement' to the local industry.

Through absent regulation, lack of monitoring and passive management, the fishery is already rated only one step from the lowest rank of 'Avoid' by the Good Fish Guide. It is recognised as a fishery with such a severe information deficit that improvement, not further uncertainty, is required before status upgrading is possible.

Likewise permitting crab as angling bait creates another

fishermen to bait pots with edible crab in accordance with the byelaw is not considered to increase littering at sea.

In relation to further management of the crab and lobster fisheries in our district: Fisheries Management Plans (FMPs) are currently being developed at a national level, with the Crab and Lobster FMP being one of the frontrunners and due to be published later this year. To avoid duplication, the Authority considered it appropriate to wait for the outcome of the national FMP and pursue further measures if required, as per the Plan.

unregulated grey market for illegal crustacean parts. This potential loophole requires the scope for monitoring and enforcement to be studied and understood before being considered.

The failure of Eastern IFCA to study and manage the fishery during its tenure does not place it in a position to create new weaknesses in the fishery regime before addressing the systemic problems within its existing regulation. As highlighted by the rationale for fishery's low sustainability rating lack of information is the key weakness.

How can you tell the difference between cooked offal and non-processed crab?

Eastern IFCA officers are able to tell the difference between cooked offal and non-process edible crab based on the differences in colour and the way in which the meat presents.