

# **Consultation on new controls in the Nephrops and Crab and Lobster Fisheries**

**August 2012**

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## **Executive Summary**

**This consultation seeks views on:**

- 1. Introducing new management measures in the *Nephrops* creel fishery**
- 2. Introducing new management measures in the crab and lobster fisheries**
- 3. Increasing the minimum landing size of West Coast *Nephrops***

**More precisely we want feedback on the following areas:**

### ***Nephrops* Creel Management**

- Whether creel limits should be introduced and why?**
- How creels limits should be allocated?**
- The number of creels each vessel should be allocated**
- Whether restrictions should be introduced on the type of creels that can be used**

### **Crab and Lobster Fisheries**

- Whether creel limits should be introduced and why?**
- How creels limits should be allocated?**
- The number of creels each vessel should be allocated**
- Whether restrictions should be introduced on the type of creels that can be used**
- Whether quotas should apply to these fisheries**

### **Increasing Minimum Landing Size of West Coast *Nephrops***

- Whether the minimum landing size of West Coast *Nephrops* should be brought into line with North Sea regulations**

## Background on the Consultation Process

The purpose of this consultation document is to seek the views of those with an interest in Scotland's *Nephrops* and crab and lobster fisheries in order to inform our management proposals for these sectors. The consultation will last for 12 weeks commencing on **7 August 2012** with a deadline of **30 October 2012** for responses.

It is not envisaged that new proposals will involve significant new public expenditure, regulatory costs or costs to industry. However it is acknowledged that should a creel limit system be introduced this may involve some costs to industry. For example, if tags were required to mark individual creels. It is also envisaged that there would be additional public expenditure if there was an increased requirement for monitoring and control of any scheme.

The views and suggestions received in the consultation responses will be analysed and feed into part of the decision making process. Final decisions on the issues under consideration will also take account of a range of other factors, including any other available information and research evidence.

Please send your completed response to:

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or

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The Scottish Government may make the responses to this consultation paper available to the public and to the Scottish Parliament. We will acknowledge responses and may publish an analysis of the responses after the consultation. If you respond to this consultation you are requested to complete the enclosed responded information form attached at annex B. This will ensure that we handle your responses appropriately.

# Consultation Document

## Introduction

This consultation seeks views on three distinct areas:

1. The *Nephrops* creel fishery
2. The crab and lobster fisheries
3. Increasing the minimum landing size of West Coast *Nephrops*

Issues surrounding the introduction of creel limits into the *Nephrops* and crab and lobster fisheries are virtually identical and shall be examined together to avoid repetition.

However these fisheries are distinct and respondents may feel creel limits may be appropriate for one sector but not the other. In order to ensure our consultation responses are as well informed as possible we will ask separate questions in relation to creel management in the *Nephrops* fishery and the crab and lobster fisheries including a question on whether quotas should be explored into the crab and lobster sector.

We are also using this opportunity to seek views on bringing the minimum landing size of West Coast *Nephrops* into line with the North Sea.

## Background to Consultation

This consultation is informed by the work of the Inshore Fishery Groups (five of whom either called for creel limits to be introduced or for creel limits to be explored), the Inshore Fisheries Spatial Management Group (IFSMG) which examined management issues in relation to the creel fisheries, the SFC sub-group on Crab and Lobsters and the Langoustine Working Group.

## Background on *Nephrops* Creel Fishery

*Nephrops* is the second most valuable species landed by the Scottish fleet and last year £84 million worth was landed.

There are two main ways of catching *Nephrops*.

- By trawl – the method by which the majority of *Nephrops* are landed. Last year 20,943 tonnes were caught by trawl with a value of £70 million
- By creel – last year 1,689 tonnes of *Nephrops* were creel caught with a value of £14 million

Figure 1 below shows how the tonnage and value of creel caught *Nephrops* landed into Scotland has changed over the last ten years.

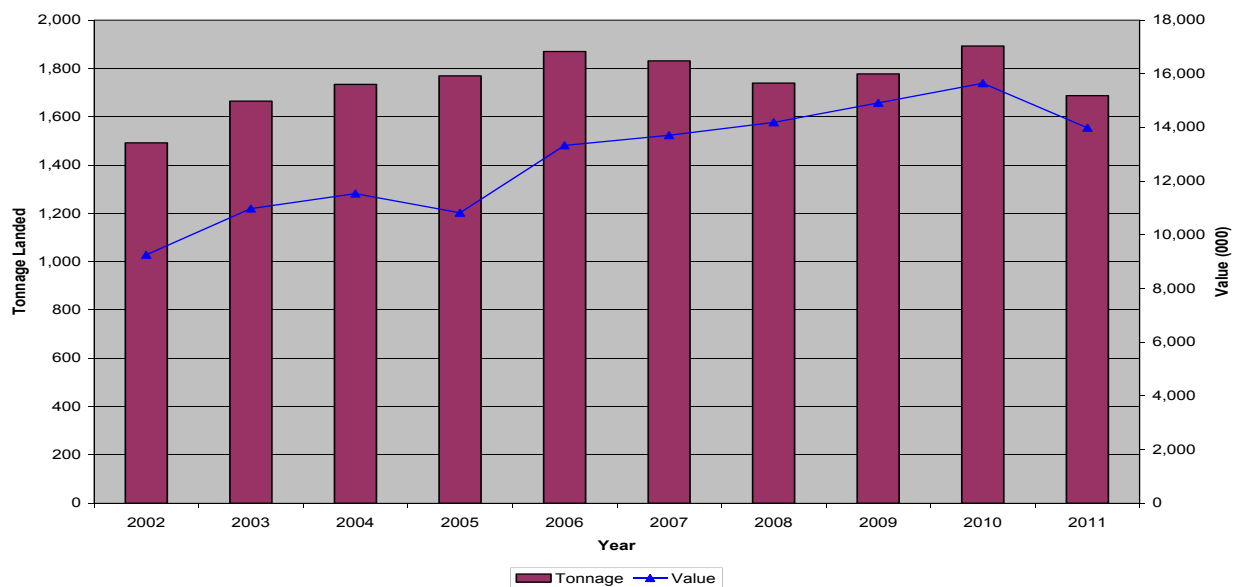


Figure 1 – Tonnage and value in (£) of *Nephrops* landed by Scottish based creel vessels 2002-2011

### Management of *Nephrops*

The management of *Nephrops* is achieved primarily through quotas. This means that the total quantity of *Nephrops* that can be landed by UK based commercial fishing vessels is set yearly taking into consideration scientific advice.

There are also restrictions in place on the number of days that trawl vessels over 10 metres in length can spend at sea, the type of gears that can be used and restrictions on the minimum landing size of animals that can be caught.

## Background on the Crab and Lobster Fisheries

Crabs and lobsters are caught almost exclusively by creels. The Scottish crab and lobster fisheries target several key species:

- Brown (or edible) crabs
- Velvet crabs
- Lobsters

Total landings and values for each of the three species last year was:

- Brown crab: 9,785 tonnes landed with a value of £11.5 million
- Velvet crab: 2,258 tonnes landed with a value of £5.8 million
- Lobster: 1,244 tonnes landed with a value of £13.2 million

Landing figures and value of these species for the last ten years can be seen in Figure 2 below.

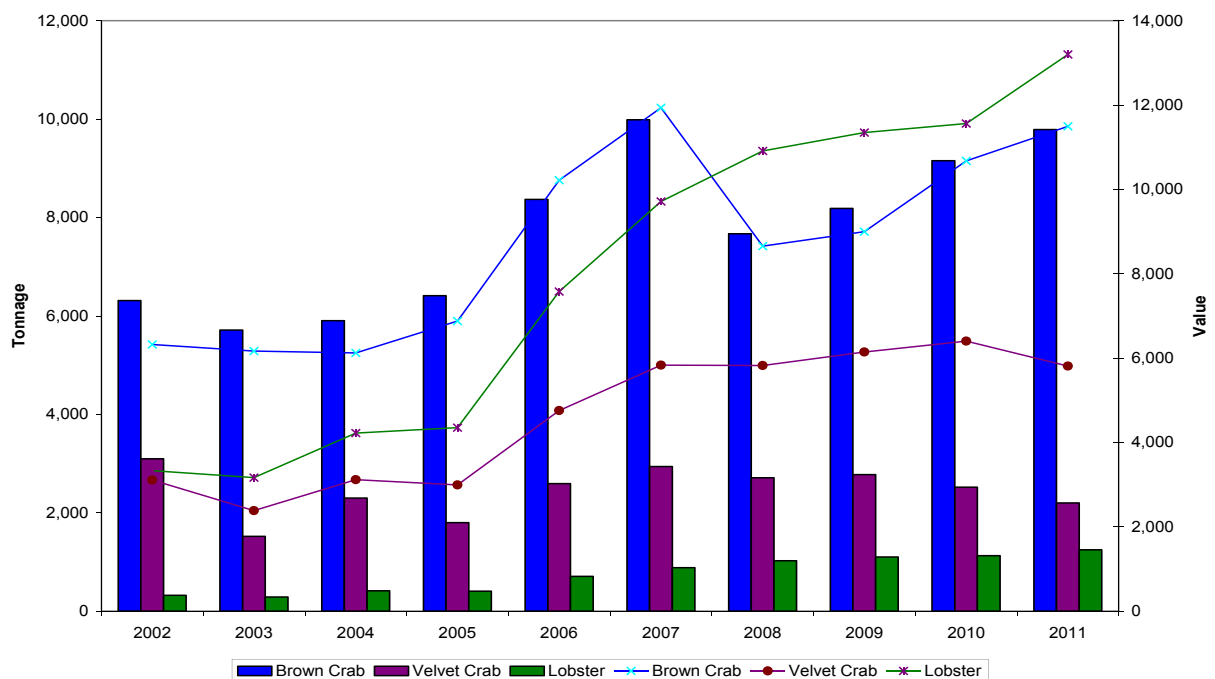


Figure 2 – Tonnage and value in (£) of brown crab, velvet crab and lobster landed by Scottish based vessels 2002-2011

### Management of Crab and Lobster

Crab and lobster landings are not limited by quota. However, landings are restricted to those commercial fishermen whose licence allows them to catch crabs and lobsters (those holding a Shellfish Entitlement) and are subject to minimum landing size restrictions.

## The need for creel controls

Calls on Marine Scotland to introduce controls on creel numbers have been growing in recent years. The Inshore Fisheries Spatial Management Group, five of the six Inshore Fisheries Group Management Plans as well as the Scottish Fisheries Council sub-group on Crabs and Lobsters and the Langoustine Working Group called either for their introduction or for their introduction to be explored.

Though few statistics on the number of creels used in Scottish waters are held, there is a general belief that the number of creels operated is increasing and some controls should be placed on their use. Supporters of creel limits put forward the following arguments to justify their introduction:

- That the increasing number of creels being deployed in Scottish inshore waters is detrimentally affecting catch rates in some areas. Supporters of creel limits believe that limits could protect, and potentially improve, the catch rates in the creel fisheries
- The absence of limits is encouraging a 'race to fish' where fishermen increase the number of creels they operate in response to others doing so. Creels are also increasingly being put on the sea bed in order to protect ground
- Limits on creels will reduce the risk and operational/financial impact of gear conflict, both 'creel to creel' and between 'trawl and creel'
- Creel limits could work as a mechanism to control market price variances helping to limit the number of animals being put onto the market
- Reduce the danger from creels to other users of the sea

It should be acknowledged that there is a lack of robust data/evidence to support some of these assertions; particularly that effort in the fisheries is increasing. The stock assessments carried out by Marine Scotland Science do, however, indicate that in **some** areas around the Scottish coast, brown crab, velvet crab and lobster are fished near to or above Fmax. This means that current fishing mortality is unlikely to maximise the long term yield from the fishery. A reduction in fishing mortality might increase the yield.

## Options for creel management

If the introduction of creel limits is supported by respondents, the basis of any limit or limits needs to be established. This consultation document proposes two methods of limiting creels

- 1) A single maximum which will apply to all vessels across the Scottish fleet
- 2) Limits based on vessel length



## A single maximum per vessel

The simplest way of introducing and controlling a creel limit is to set a single maximum limit for each individual vessel.

This is the management system successfully in operation in the Northumberland Inshore Fisheries and Conservation Authority (IFCA) and the Isle of Man. In the case of Northumberland IFCA, all creel vessels operating within the area are allocated 800 creel tags, and all creels deployed must have a tag.

The advantage of this system is its simplicity – there can be no confusion over the number of creels that can be deployed. The method is already established in other parts of the British Isles and would be the easiest option of creel control to enforce.

The drawback of this system is that it would inevitably need to be a compromise with smaller vessels possibly unaffected while larger vessels may be required to operate with fewer creels.

## Limits based on vessel length

The method suggested by the IFSMG and one proposed in several of the Inshore Fisheries Groups' Management Plans involves linking creel limits to vessel size (overall vessel length).

The system, as envisaged by the IFSMG, would be banded. This would see the number of creels available to vessels varying according to vessel length. So, for example, vessels under 8 metres in length would be allocated a maximum number, then vessels between 8 and 10 metres in length and finally vessels over 12 metres in length.

An advantage of this system is that it reflects the fact that the larger the vessel generally the more creels it can carry. This system could be seen to be more reflective of the range of vessels in the creeling sector.

The drawbacks of the system are that it is more difficult to enforce and although it is normally true that the larger the vessel the more creels the vessel can operate, this is not always the case, especially given the development of a new generation of smaller, more powerful vessels.

## Regional limits set by Inshore Fisheries Groups

We envisage that if creel limits are supported IFGs would be able to adapt whichever of the two systems is introduced to fit the needs of their local area, most likely through a code of conduct. So, IFGs could set area specific creel limits which would be within the national limit. For example, if a national creel limit was set at 1,000 creels then IFGs could set a limit up to but not in excess of 1,000 creels per vessel for their IFG area.

## **Measures to increase selectivity in creel fisheries**

Various industry bodies have also called for restrictions to be introduced on the type of creels that can be used in order to help limit the number and size of animals removed from the sea.

### **Mesh size/escape panels in the *Nephrops* creel fishery**

Escape panels or an increased mesh size in creels allow smaller, undersize animals to escape while retaining animals equal to or greater than the minimum landing size.

Letting undersize animals escape on the seabed as opposed to being discarded from fishing vessels makes sense from a stock conservation perspective as undersized animals returned to the sea have a high mortality rate – especially in the *Nephrops* creel fishery.

We therefore seek views on increasing the mesh size or making escape panels mandatory in the *Nephrops* creel fishery mandatory.

### **Limiting parlour pot use in the crab and lobster fisheries**

Increasingly in the crab and lobster fisheries fishermen have moved away from deploying traditional creels to, more modern, parlour creels – creels with two chambers.

These double chamber creels are capable of retaining more animals and do not require to be lifted as often.

The IFSMG called for parlour pots to be restricted in the crab and lobster fisheries to 50% of a vessel's allocation of creels. We therefore ask whether use of parlour pots should be banned altogether or their use limited to a certain percentage in the crab and lobster fisheries.

## **Why creel limits would not extend beyond 12 nautical miles**

If creel limits are introduced, we propose that they would not extend beyond 12 nautical miles from the Scottish coast. This is because although the Scottish Government can enact legislation outside of 12 nautical miles it can not enforce these regulations on non-UK vessels. In order therefore not to discriminate against Scottish or vessels from the rest of the United Kingdom we don't propose to introduce creel restrictions outside 12 nautical miles.

## **Permit controls**

The IFSMG also called for the introduction of new licensing restrictions into the *Nephrops* and crab and lobster fisheries to help cap effort in both sectors. The issue of license and permit restrictions was looked at by the Scottish Licensing Review Working Group (SLRWG) in great detail as part of its review of the Scottish licensing system and a consultation on the outcome of the Group is due to be forthcoming.

In order to avoid cutting across any potential findings of the SLRWG this consultation shall not explore the introduction of licensing or permit restrictions.

### **The introduction of quotas into the crab and lobster fisheries**

Marine Scotland would additionally like to gain views on the introduction of quotas into the crab and lobster fisheries.

An alternative to introducing creel controls and possibly a better way of limiting the number of animals removed from the sea is instituting quota controls for these fisheries. These would be introduced on a Scotland basis and separate from the European Union Total Allowable Catch (TAC) system.

As well as helping to reduce the number of animals removed from the sea. A quota system could help improve the market conditions for crab and lobster fishermen by limiting the number of animals going on the market and discouraging the landing of soft shelled or 'crippled' animals.

We currently lack a scientific basis for recommending what any quota for crab and lobsters should be set at. But would like to find out what support there may be for such a system to be put in place.

### **Increasing the minimum landing size of West Coast *Nephrops***

Minimum landing size regulations exist chiefly to ensure sufficient individuals in a species are able to survive in order to reproduce.

Currently the minimum landing size for *Nephrops* that can be caught in the West Coast of Scotland differs from that in place in the North Sea.

As it stands *Nephrops* caught in the West of Scotland must be 70 mm in overall length, 20 mm for carapace length and 37 mm for tail length. We want to establish your views on increasing these minimums to 85 mm for overall length, 25 mm for carapace length and 46 mm for tails.

We believe this would be good for stocks by allowing individuals longer to reproduce before harvesting and would tie in with the recent changes in gear restrictions introduced in the west coast.

The increase could also improve marketing conditions where there are reports that landings of smaller animals are helping to push down prices and leading to market oversupply. Two West Coast based IFGs also called for the adoption or exploration of an increased minimum landing size for *Nephrops*.

## Consultation Questions

Though many of the issues relating to the introduction of creel limits in the *Nephrops* and Crab and Lobster fisheries are very similar it should be remembered that both sectors are different. Therefore questions relating to the introduction of creel limits into both sectors are separated.

### *Nephrops* Controls

- Question 1 – Do you think that the number of creels used by individual *Nephrops* vessels needs to be capped?
- Question 2 – What benefits do you think the introduction of a creel limit would bring?
- Question 3 – Do you think that the same single maximum limit should apply to all vessels?
- Question 4 – What number should a creel limit be set at for *Nephrops* vessels?
- Question 5 – Do you think creel limits should be based on vessel length for *Nephrops* vessels?
- Question 6 – What number should a creel limit be set at by vessel length for *Nephrops* vessels?
- Question 7 – In your opinion should there be a mandatory escape panel or increased mesh size on *Nephrops* creels?

## **Crab and Lobster Controls**

**Question 8 – Do you think that the number of creels used by individual crab and lobster vessels needs to be capped?**

**Question 9 – What benefits do you think the introduction of a creel limit would bring?**

**Question 10 – Do you think that the same single maximum limit should apply to all vessels?**

**Question 11 – What number should a creel limit be set at for crab and lobster vessels?**

**Question 12 – Do you think creel limits should be based on vessel length for crab and lobster vessels?**

**Question 13 – What number should a creel limit be set at by vessel length for crab and lobster vessels?**

**Question 14 – Do you think parlour pots should be banned or restricted in the crab and lobster fisheries?**

**Question 15 – Do you think quotas should be introduced in the crab and lobster fisheries?**

## **West Coast *Nephrops* Minimum Landing Size**

**We also use the opportunity of this consultation to seek views on standardising the minimum landing size of *Nephrops* between the West Coast and North Sea**

**Question 16 – Should the minimum landing size of *Nephrops* on the West Coast be increased to match those restrictions in the North Sea?**

## **ANNEX A – LIST OF CONSULTEES**

Inshore Fisheries Groups (IFGs)  
Scottish Fish Producer Organisations  
  
Anglo-Scottish Fishermens Association  
Arbroath & Montrose Static Gear Association  
Ayrshire & Clyde Static Gear FA  
Buchan Inshore Fishermen's Association  
Clyde Fishermens Association  
Coastguard  
Community of Arran Seabed Trust  
COSLA  
Crown Estate  
DARD  
DEFRA  
East Coast Licensed Small Boats Association  
Fife Fishermen's Association  
Fife Static Gear Association  
Fishermens Association Ltd  
Fishsalesmen Association (Scotland) Ltd  
Galloway Static Gear Fishermen's Association  
Inshore Fishermen's Association  
Isle of Man Government  
Mallaig and North West Fishermens Association  
Marine Conservation Society  
Marine Stewardship Council  
Ministry of Defence  
Moray Firth Inshore Fishermens Association  
Mull & Arran FA  
North East Creel & Line Assoc  
North Minch Shellfish Association  
North West Responsible Fishermen's Association  
Northern Fish Producers Organisation  
Orkney Fish Producers Organisation  
Orkney Fisheries Association  
RSPB Scotland  
Scallop Association

Scottish Creelers & Divers  
Scottish Fishermen's Federation  
Scottish Natural Heritage  
Scottish Sea Angling Conservation Network  
Scottish White Fish Producers' Association  
Sea Angling Federation  
Seafish  
Shetland Fish Producers Organisation  
Shetland Fishermens Association  
Shetland Shellfish Management Organisation  
Sustainable Inshore Fisheries Trust  
UKAFPO  
Welsh Government  
West of Scotland Fish Producers Organisation  
Western Isles Fishermen's Association  
WWF Scotland

## Annex B

# Consultation on new controls in the Nephrops and Crab and Lobster Fisheries

### Respondent Information Form

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

#### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

#### 3. Permissions – I am responding as...

Individual / Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).



**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Yes, make my response, name and address all available

*or*

Yes, make my response available, but not my name and address

*or*

Yes, make my response and name available, but not my address

Are you content for your **response** to be made available?

**Please tick as appropriate**

Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate  Yes  No

# CONSULTATION QUESTIONS

## 4. *Nephrops* Controls

4.1 Do you think that the number of creels used by individual *Nephrops* vessels needs to be capped?

4.2 What benefits do you think the introduction of a creel limit would bring?

4.3 Do you think that the same single maximum limit should apply to all vessels?

4.4 What number should a creel limit be set at for *Nephrops* vessels

4.5 Do you think creel limits should be based on vessel length for *Nephrops* vessels?

4.6 What number should a creel limit be set at by vessel length for *Nephrops* vessels?

4.7 In your opinion should there be a mandatory escape panel or increased mesh size on *Nephrops* creels?

## 5. Crab and Lobster Controls

**5.1 Do you think that the number of creels used by individual crab and lobster vessels needs to be capped?**

**5.2 What benefits do you think the introduction of a creel limit would bring?**

**5.3 Do you think that the same single maximum limit should apply to all vessels?**

**5.4 What number should a creel limit be set at for crab and lobster vessels?**

**5.5 Do you think creel limits should be based on vessel length for crab and lobster vessels?**

**5.6 What number should a creel limit be set at by vessel length for crab and lobster vessels?**

**5.7 Do you think parlour pots should be banned or restricted in the crab and lobster fisheries?**

**5.8 Do you think quotas should be introduced in the crab and lobster fisheries?**

## **6. West Coast Nephrops Minimum Landing Size**

**6.1 Should the minimum landing size of *Nephrops* on the West Coast be increased to match those restrictions in the North Sea?**

## Annex C

### Additional Respondent Information

In order to improve our consultation process we would appreciate if you could complete the following sections.

Please indicate why you are interested in this consultation.

---

I am a commercial fisherman

I fish primarily in the inshore area

I primarily operate static gear

I am a member of a Fishing Association

I am a processor

I primarily process shellfish

I primarily process other fish

I am responding on behalf of a Fishermen's Association

The association has \_\_\_\_\_ members

Of which \_\_\_\_\_ operate in inshore waters

Of which \_\_\_\_\_ operate creels, and \_\_\_\_\_ operate mobile gear

Other (please state) \_\_\_\_\_



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