

[Letterhead of the Norwegian Ministry of Trade, Industry and Fisheries]

As per list

Your ref

Our ref

Date

14/7545-1

24.10.14

Consultation letter – management of snow crab

1. Introduction

For a number of years the Norwegian Institute of Marine Research (Havforskningsinstituttet) has attempted to ascertain the snow crab's habitat range, growth conditions and size of biomass. According to Russian researchers, the snow crab's biomass is approximately ten times that of king crab in the Barents Sea. Although it is most prevalent on Goose Bank on the Russian side, it has been observed increasingly in the Norwegian part of the Barents Sea. The aim, therefore, is to draw up a management plan for snow crab in Norwegian waters.

In this consultation letter, the Ministry proposes the adoption of a general prohibition on the harvesting of snow crab for the entire area falling within Norwegian jurisdiction, including the Fisheries Protection Zone around Svalbard, until such time as a more comprehensive management plan for snow crab has been drawn up. It is further proposed that exemptions be granted from that prohibition on conditions stipulated by the Norwegian Directorate of Fisheries until such time as there is a comprehensive management plan.

The time-limit for consultation input has been set at 10 December 2014.

2. Background – current regulatory scheme and state of the law

A ban on discarding snow crab is currently in place in the Regulations on the exercise of fishing in the sea of 22 December 2004 (*forskrift om utøvelse av fisket i sjøen av 22. desember 2004*). For Norwegian vessels it is permitted until further notice to harvest snow crab, including for research purposes, without a specific permit.

Research permits for non-Norwegians are regulated in the 'foreigner regulations' (Regulations of 30 March 2001 on scientific ocean research by foreign nationals in Norwegian internal waters, territorial waters, Economic Zone and on the continental shelf (*forskrift av 30. mars 2001 om utenlandsk vitenskapelig havforskning i Norges indre farvann, sjøterritorium, økonomisk sone og på kontinentalsokkelen*). The Regulations requires notification/expedition application from the research State, followed by consent from Norwegian authorities.

As there have not hitherto been any particular restrictions on fishing for snow crab in Norwegian areas, registered Norwegian vessels may currently harvest snow crab without quantitative limits in the Economic Zone, the Fisheries Protection Zone around Svalbard and in international waters (the Loop Hole). Norwegian vessels are not permitted to harvest snow crab in the Russian Zone.

We have observed increasing interest from Norwegian and foreign players in fishing for snow crab in the Barents Sea. In 2013 three Norwegian vessels landed snow crab caught in the Loop Hole. Furthermore, a Spanish vessel with Russian interests landed a significant quantity of snow crab in Norway (506 tonnes). We are now seeing a development in which more vessels are being rigged to harvest snow crab. There have also been reports of areal / equipment-related conflicts between vessels engaged in harvesting snow crab and other fisheries activities.

3. Knowledge status – research needs

Snow crab was first observed in the Barents Sea in 1996 by Russian researchers and, since then, a large biomass has established itself in the Russian Zone. In the Norwegian part of the Barents Sea, snow crab density is, for the moment, relatively low. Snow crab is adapted to very cold water and it is therefore expected that the crab will spread northwards and westwards in the Fisheries Protection Zone around Svalbard. This type of crab is thus expected to spread significantly more in northern areas than king crab.

According to Norwegian and Russian researchers, snow crab most likely ‘immigrated’ into the Barents Sea on its own, coming from the east from the Chukchi Sea north of the Bering Strait. This cannot be stated with 100% certainty, however.

It is in any event a fact that snow crab has established itself in the Barents Sea. The management of this resource must be based on the facts and knowledge base available at the relevant time. It is an objective to increase knowledge about the spread of the species in Norwegian marine areas and the implications of that for other species in the ecosystem. In that context, reporting of catches from vessels fishing for snow crab will help to enhance knowledge about the spread of the species.

Effects on the ecosystem must be expected when snow crab establishes itself in an ecosystem that does not naturally have large crustaceans. Snow crab feed on benthic species such as crustaceans, mussels, brittle stars, shrimp and fish, and will likely be a competitor for fish who find nourishment on the sea floor. There is a need for a broader basis of knowledge about the implications of the snow crab for the ecosystem. At the same time, it must be assumed that the development, size and habitat range of the biomass suggest that it would be unrealistic and therefore inexpedient to have eradication as a management goal. According to the researchers, the biomass has grown much faster than that of king crab. As stated earlier, the biomass of snow crab in the Barents Sea is estimated to be 10 times that of king crab.

The Norwegian Institute of Marine Research has an annual ecosystem expedition and Russian PINRO take samples of benthic species. On the research side of things, arrangements will be made for close exchange of knowledge and dialogue with Russia.

4. Assessment of a regulatory scheme

Until such time as we have developed a broader knowledge platform, the MTIF considers it expedient to manage this biomass in accordance with the principle of sustainable harvesting. At the same time, there is a significant need for data from the fisheries. Needless restrictions

should accordingly not be placed on desirable activity.

5. Implications of the draft

The draft entails the introduction of a general prohibition on the harvesting of snow crab for the entire area falling within Norwegian jurisdiction, including the Fisheries Protection Zone around Svalbard, until such time as there is a more comprehensive management plan. Allowance is made for granting an exemption from the prohibition that will ensure that snow crab can continue to be harvested in the meantime, whilst at the same time the management through this fishery enables necessary information and data material to be gathered for the further work on a management plan. Conditions allowing for exemptions must safeguard registration and reporting requirements, so as to give the authorities a geographical overview of fishery activity and activity levels.

The Directorate of Fisheries and the Institute of Marine Research are the best placed to comment on which needs can be covered through reporting and thereafter provide a basis for the conditions to be imposed for the granting of exemptions. Exemptions are to be granted on a temporary basis until the work on a management plan has been completed, after which a more permanent management scheme will be established. The exemptions do not provide guidelines for future management. Regulations on prohibition and exemption may also include rules on areas, periods, restrictions on equipment, etc.

The draft entails that all those wishing to harvest snow crab need to have an exemption, irrespective of whether they have previously harvested king crab. This means inter alia that, if the draft is adopted, vessels holding commercial licences restricted to the harvesting of snow crab and possibly king crab and edible crab pursuant to the circular letter of 16 February 2012 from the Ministry of Fisheries and Coastal Affairs need to have an exemption in order to continue harvesting snow crab. The circular letter of 16 February 2012 has, moreover, been replaced by a new circular letter that does not allow for allocation of commercial licences restricted to snow crab. Since the work of determining the extent of the fishery and the work on a comprehensive management plan have now begun, the harvesting of snow crab as an independent operating basis for new vessels wishing to gain a foothold in the fishery is not viewed as desirable.

6. Proposal for a regulatory scheme

In the light of the foregoing, the Ministry of Trade, Industry and Fisheries proposes the adoption of a general prohibition on the harvesting of snow crab for the entire area falling within Norwegian jurisdiction, including the Fisheries Protection Zone around, with temporary exemptions from the prohibition being granted on certain conditions stipulated by the Directorate of Fisheries.

The Ministry requests the views of the consultative bodies on the draft, which is summarised as follows:

- adoption of a general prohibition on fishing for snow crab;
- regulations on prohibition and exemption may also include rules on areas, periods, restrictions on equipment, etc.;
- conditions for exemption;

- grant of exemptions from the prohibition in the form of a time-limited exemption until there is a management plan.

7. Draft regulations

See the attached draft regulations.

Yours truly,

Elisabeth Norgård Gabrielsen
Section Director

Elisabeth Sør Dahl Hall
Advisor

The document is signed electronically and accordingly does not have handwritten signatures

Address list

The Norwegian Directorate of Fisheries	P.O. Box 185 Sentrum	5804	BERGEN
The Norwegian Fishermen's Association	P.O. Box 1233 Sluppen	7462	TRONDHEIM
The Norwegian Seafood Federation	P.O. Box 5471 Majorstuen	0305	OSLO
The Norwegian Coastal Fishermen's Association	P.O. Box 97	8380	RAMBERG
The Norwegian Pelagic Association	Slottsgaten 3	5003	BERGEN
Sámi Parliament of Norway	Ávjovárgeaidnu 50	9730	KARASJOK
The Norwegian Ministry of Climate and Environment	P.O. Box 8013 Dep	0030	OSLO
The Norwegian Environment Agency	P.O. Box 5672 Sluppen	7485	TRONDHEIM
The Norwegian Ministry of Finance	P.O. Box 8008 DEP	0030	OSLO
The Norwegian Ministry of Foreign Affairs	P.O. Box 8114 DEP	0032	OSLO
The Norwegian Ministry of Local Government and Regional Development	P.O. Box 8112 Dep	0032	OSLO
The Norwegian Seafarers' Union	P.O. Box 2000 Vika	0125	OSLO
The Norwegian Seafood Council	P.O. Box 6176	9291	TROMSØ

Fish Buyers' Association (Fiskekjøpernes Forening)				
The Norwegian Fishermen's Sales Organization	P.O. Box 6162 Langnes	9291	TROMSØ	
The Norwegian Society for the Conservation of Nature				
WWF Norway	P.O. Box 6784 St. Olavs Plass	0130	OSLO	
The Norwegian Union of Food, Beverage and Allied Workers	P.O. Box 8719 Youngstorget	0028	OSLO	
The Norwegian Institute of Marine Research	P.O. Box 1870 Nordnes	5817	BERGEN	
Nofima AS	P.O. Box 6122 Langnes	9291	TROMSØ	
The Norwegian Maritime Officers' Association	P.O. Box 2000 Vika	0125	OSLO	
The Norwegian Directorate for Nature Management	P.O. Box 5672 Sluppen	7485	TRONDHEIM	
The Labour and Welfare Service				
The Norwegian Food Safety Authority	P.O. Box 383	2381	BRUMUNDDAL	

Address list

The Norwegian Coast Guard Bivdi (Sami maritime catch and fisheries organisation) (Sjøsamisk fangst- og fiskeriorganisasjon)	P.O. Box 800 Postmottak		
Innovation Norway	P.O. Box 448 Sentrum	0104	OSLO
Norwegian Association of Local and Regional Authorities			
Sogn og Fjordane County Council	Askedalen 2	6863	LEIKANGER
Nordland County Council	Prinsens gate 100	8005	BODØ
Troms County Council	P.O. Box 6600	9296	TROMSØ
Møre og Romsdal County Council	Julsundveien 9 Fylkeshuset	6412	MOLDE
Nord-Trøndelag County Council	Seilmakergata 2 Fylkets hus	7725	STEINKJER
Sør-Trøndelag County Council	P.O. Box 2350 Sluppen	7004	TRONDHEIM
Finnmark County Council	Fylkeshuset	9815	VADSØ
Norwegian College of Fishery Science			
Norwegian Association of Hunters and Anglers			

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Norwegian Directorate of Fisheries
P.O. Box 185 Sentrum
Strandgaten 229
5804 BERGEN

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Date

Regulations on the prohibition of harvesting of snow crab

Adopted by the Ministry of Trade, Industry and Fisheries on ... 2014 on the basis of Section 16 of Act No 37 of 6 June 2008 relating to the management of wild living marine resources (the Marine Resources Act) (*lov 6. juni 2008 nr. 37 om forvaltning av villlevande marine ressurser (havressurslova)*), and Section 4 of Act No 11 of 17 July 1925 relating to Svalbard (the Svalbard Act) (*lov 17. juli 1925 nr. 11 om Svalbard (Svalbardloven)*).

Section 1 General prohibition

It is prohibited for Norwegian and foreign vessels to harvest snow crab in Norway's territorial waters, the Economic Zone, the Svalbard Fisheries Protection Zone around Svalbard and the territorial waters around Svalbard. For Norwegian vessels, the prohibition also applies in international waters.

Section 2 Exemption

An exemption from the prohibition may be granted on certain conditions stipulated by the Norwegian Directorate of Fisheries.

Section 3 Infringement fine

Corporations and persons who intentionally or negligently contravene provisions laid down in or pursuant to the Regulations may be sentenced to a fine under Section 59 of Act No 37 of 6 June 2008 relating to the management of wild living marine resources and Regulations No 1437 of 20 December 2011 relating to the use of deterrent penalties and infringement fines under the Marine Resources Act (*forskrift 20. desember 2011 nr. 1437 om bruk av tvangsmulkt og overtredelsesgebyr ved brudd på havressursloven*).

Section 3 Penalty

A person who intentionally or negligently violates provisions laid down in or pursuant to the Regulations shall be punished pursuant to Sections 61, 64 and 65 of Act No 37 of 6 June 2008 relating to the management of wild living marine resources (the Marine Resources Act). Aiding and abetting and attempting of said offence shall be punished in the same manner.

