

North & East Coast Region, Inshore Fisheries Group

DRAFT Minute of the Management Committee (MC) meeting

18 January 2019 at Queens Hotel, Perth (10.00 am – 3pm)

Present:		
Iain Maddox	IM	Chairman, N&EC RIFG
Representatives & Delegates		
Bryan Beckett	BB	Arbroath & Montrose SGA
Femke de Boer	FdB	Scottish White Fish Producers Association
Jack Dale	JD	North Berwick FA
Peter Johnstone	PJ	South East IFA
Malcolm Morrison	MM	Anglo Scottish FA
David Pullar	DP	Salmon Net FAS
Eddie Shearer	ES	Independent
Bob Teviotdale	BT	Arbroath & Montrose SGA
George Watson	GWa	Whitehills IFA
George West	GW	Scottish White Fish Producers Association
Andrew Whiston	AW	St Andrews IFA
David Whyte	DW	Rosehearty Harbour & Inshore FA
Alec Wiseman	AWi	Scottish Pelagic FA
Bill Wiseman	BW	Scottish White Fish Producers Association
Billy Wood	BWo	Fife FA
Elaine Whyte	EW	Dunbar Fishermen's Association
Advisory:		
Diane Buchanan	DB	Marine Scotland, Sea Fisheries Policy
Ross Cumming	RC	Marine Scotland, Sea Fisheries Policy
Malcolm Fraser	MF	Scottish Natural Heritage
Minute Taker	KL	Kathryn Logan
Apologies: Jim Adam, Cove FA; Charlie Hill, Independent; Hamish McPherson, SWFPA; Sandy Patience, Independent; Mark Robertson, Mallaig & NW FA; Sandy Ritchie, Anglo Scottish FA.; Stephen Small, Fife FA;		

Note: MS = Marine Scotland

1. WELCOME and ORDER OF BUSINESS

The chairman welcomed all those attending and read out the Order of Business which confirmed the RIFG remit to make recommendations to Marine Scotland and Scottish Ministers, and the protocols for member input and discussions.

Apologies received are noted above.

2. MINUTE OF PREVIOUS MEETING – 24 August 2018

2a. The Minute, as circulated was accepted as being a true record.

Proposed: David Pullar Seconded: Andrew Whiston

2b. Actions Arising: Actions had been completed or were on the current agenda.

2c. Correspondence Received

The chair advised that there had been a recent challenge to the minute of the meeting on 20 April 2018 (which was agreed at the August 2018 meeting) re item 4e. The minute stated that “*The Chair suggested AR speak to the SFF representative about this issue over lunch so they could shake hands on the matter.*” AR considered that this proposal had been made over lunch and not during the meeting, so should not have been minuted. The Chair indicated that he had checked the contemporaneous meeting notes and the confirmed the minute was accurate. Those members present agreed.

3. FUTURE FISHERIES MANAGEMENT (FFM) (Action 14, 24/08/18)

Diane Buchanan of MS, (DB) who had taken over from Jim Watson, advised that the discussion paper on Future Fisheries Management had not yet been published, but was due soon.

Associations and individuals were requested to provide feedback to the draft document when published. Further discussion was delayed to the next meeting.

4. MARINE SCOTLAND UPDATE

4a. Arbroath ‘zonal management’ pilot

Arbroath was one of three pilot areas selected by Marine Scotland to look at developing local and spatial management measures. An adapted version of the original Arbroath proposal had been accepted by MS but due to various administrative and personnel changes a hiatus had occurred in developing the detail of the pilot. DB met with a range of representatives from the Arbroath and Montrose Static Gear Association to resurrect discussion and a proposal will be shared with the group in due course. DB emphasised that no decisions on numbers of vessels or other measures had been made.

The chair advised that there could be an option for other communities wanting to piggyback on the pilot to do so on a voluntary basis, but this would not be funded. Anyone interested should let the Chair and DB know.

4b. Cove fishermen’s proposal for a Scottish Statutory Instrument (Action 5- 24/08/18)

At the previous meeting, JA from Cove outlined the outcome of a court case which had confirmed the right of the owner of a private harbour to prevent fishermen continuing to make use of the ground to store gear and to have vehicular access the harbour. JA had raised concerns that this legal precedent might lead other harbour owners to consider preventing access for fishermen.

The RIFG had asked MS’s advice as to which authority they should approach, with the intention of seeking new legislation to reinstate the fishermen’s former rights of access to harbours.

DB confirmed that Transport Scotland was the responsible authority for harbours, but that they had indicated there were no plans to revisit the legislation. She suggested that it would be helpful to have a clear indication of the number of fishermen that were operating from private and Trust harbours to show the potential scale of any problem.

The Chair thought that a west coast MP had campaigned on this issue for a number of years and asked EW if she could find out more.

[Action 1 – EW to find out details of west coast MP that had campaigned on issue of harbour access rights]

EW raised another concern regarding the process of declassification of some ports from fishing to private without the knowledge of the harbour users, which had already caused issues for some fishermen on the west coast.

Several members noted concerns regarding the management of Trust Harbours including health and safety issues and lack of investment in infrastructure, particularly where no commercial fishing interests were represented, and where trustees lacked practical knowledge of the harbour. EW said that some local authorities and COSLA were becoming involved and perhaps should be more involved in Harbour Trust management.

AW add a further caution that Trust Harbours may be under an obligation to maximise income from the harbour.

The Chair advised that the RIFG had requested funding for a consultant to assess whether harbours used by fishermen were fit for purpose and to identify infrastructure and other needs, but this had not been agreed. However, at the last meeting AW and MM had agreed to create a joint harbour needs and ownership questionnaire to try to gather the information required direct for all harbours in the North and East Coast area, and this was nearing completion (Action 6- 24/08/18).

After wide-ranging discussion, it was **agreed** that further questions should be added to the questionnaire, covering: -

- ownership of local harbours / rights of access for fishermen
- the classification / declassification of the Harbour
- composition of Harbour Trust Boards and whether commercial fishermen were represented.

Given the extended scope of the questionnaire it was agreed that this could be of use for other RIFG areas and that it would be useful to obtain a wider national picture. MM and AW undertook to modify some questions, originally designed for one harbour only, to make the questionnaire more generally applicable.

[Action 2- AW & MM to finalise harbours questionnaire for Chair to circulate and copy to the WC RIFG.]

4c. Gear marking guidelines and proposed new law (Action 8 – 24/08/18)

At the previous meeting, any members with concerns about practical gear-marking issues were encouraged to take those up with Jim Watson. (Action 8) RC advised that no correspondence had been received from members on this subject. DB confirmed that the gear marking legislation had already been drafted based on prior consultation, so there would be limited opportunity for any change. The original target date of April 2019 had slipped because of the prioritisation of Scottish Government Legal Department to deal with matters relating to EU withdrawal.

It was noted that the legislation related to prohibiting the use of inappropriate items to mark gear, and that licensed and unlicensed fishermen would be required to mark their gear to assist with identification of ownership.

JD asked what fishermen who were replacing buoys now should do in advance of the legislation coming in and was recommended to ensure that the vessel PLN was clearly marked. Full guidance would be issued once the legislation had been passed.

4d. Decoupling shellfish entitlements (Action 9 – 24/08/18)

ES had raised concerns that the guidance issued by MS relating to new licence conditions allowing the decoupling of shellfish entitlements and disaggregation measures did not appear to distinguish clearly enough between under 10 metre and over 10 metre vessels. ES expressed the view that this could potentially lead to two or more vessels gaining entitlement from one original entitlement, which members agreed was not desirable.

Members then engaged in detailed discussion about technical aspects of shellfish entitlements and disaggregation including the implications for the value of shellfish entitlement and overall capacity if ES's view was founded. The guidance does however indicate that decoupling would not apply to under 10m vessels.

Members were in favour of the opportunity for disaggregation of shellfish entitlement for over 10m vessels on the basis that this did not allow additional vessels to gain entitlement, and that the status quo should apply to the under 10m fleet.

DB agreed to contact Gordon Hart for clarification and an update was provided during the meeting, which was read out to members: -

“Decoupling of Shellfish Entitlement

Decoupling of entitlements is not extended to the 10m and under fleet and status quo remains for them.

No new licences or additional capacity will be created in the over 10 m fleet, however, a shellfish entitlement can be placed on a different base licence or split but entitlement can only cover existing tonnage. All this mechanism does is preserve existing shellfish entitlements in the over 10m fleet segment. Also you cannot trade licences or entitlements across the two fleet sectors as these must be kept separate.”

The provision of this clarification appeared to meet the member concerns raised and no further action was proposed .

5. FISHERIES MANAGEMENT PLAN – NEC

(Note: The NEC FMP is on the RIFG website:
http://ifgs.org.uk/index.php/download_file/view/611/309/)

5a. Mapping Fisheries and Habitats – NAFC report

The NAFC had been contracted to provide a desk study of the available information on fishing activity and important habitat information for a list of key species within the NEC RIFG area and to create a series of maps for the RIFG to integrate into the fisheries management plan and to help inform the basis of a proposed Fisheries Improvement Plan (FIP).

Consultant Richard Shelmerdine of NAFC had not been able to attend this meeting but had informed the Chair that he'd added an estimated 20-30% to the data that was previously captured by Marine Scotland (VMS plus ScotMap) within the scope of the project. This was principally AIS data plus fishing grounds. Plotter data could have added to the data-capture, but that source is problematic due to different skippers recording more information than just where they have towed, and during the process of transferring this data to GIS format, this can skew the result. Field interviews would overcome this challenge, but that would require a further phase of the project at extra cost.

The draft report, circulated to members, would not be released until industry had provided feedback, SNH and MS Science had been incorporated and it had been signed off by MS.

The Chair asked those present three questions (noting that association representatives had not had an opportunity of referring these to their members for a mandate) looking for their individual perceptions: -

Q1. Has this exercise captured the fishing grounds in your local fishery?

MF advised that SNH had already commented on the draft and suggested some possible improvements. The report highlighted various gaps and SNH had some data that could be added, such as updated data for Fig 24 nephrops burrows, which were much more extensive than as shown. The contractor had not spoken to fishermen so the question to the RIFG was to what extent it considered that its members could help to make the final report better. It was important that the industry had a sound evidence base to present its case in relation to other potential competitive uses such as renewable energy developments.

FdB referred to section 3.4 *Species habitat preferences and available fisheries information*, in particular the paragraph on the squid fishery on page 26 which stated that '*A large portion of the recorded landings are bycatch from the whitefish fishery (Pierce, et al., 1994).*' That was certainly not the case now in the area being reported on. There were several vessels operating a targeted squid fishery and the SWFPA considered it was important that the NAFC report reflected that.

GW advised that the VMS data for larger vessels was no longer current as those with foreign crew were now not able to operate inside the 12 nautical mile zone.

EW considered the report was a good start but that it was important to speak to fishermen directly to obtain their input rather than expecting them to navigate through and comment in writing on the report.

Other members indicated that the maps generally seemed to reflect the intensity of fishing expected in areas and that most information appeared to have been captured.

Q2. Has this exercise captured the spawning and nurseries grounds in your local fishery?

AW wanted to know where the lobster spawning grounds are so these could be protected.

Q3. Do we need a phase two and if so what? (e.g. Field Interviews suggested)

MF of SNH suggested that the document should be regularly updated - say every three years, or more often if required.

MM noted that there would be a lot more VMS data available over the next few years, and suggested fine-tuning and getting enough data to finalise the current draft, then carrying out a review/ second phase in three years as proposed.

EW suggested adopting the plan as a framework, but not as final document until the interviews with fishermen had been completed.

Members **agreed to recommend** updating and fine-tuning the NAFC report as far as possible within the current contract so that it could be used as a framework pending a phase 2 update and interviews with fishermen, followed by regular updating of the document every three years, or sooner if required.

[Action 3 –Chair to recommend to MS updating and fine-tuning the NAFC report as far as possible within the current contract and to use it as a framework pending a phase 2 update and interviews with fishermen, followed by regular updating of the document every three years, or sooner if required.]

5b. Fisheries Assessment Project for a Fisheries Improvement Plan – EOI update

The Chair confirmed that, following SNH feedback, a modified Expression of Interest (EOI) would be submitted requesting funding for a Fisheries Assessment Project as a first step towards a Fisheries Improvement Plan (FIP). The first step was to do an assessment of the fishery by species and area. Members would be kept advised of progress by email with the aim of discussing next steps at the following meeting.

EW mentioned the 'Project UK Fisheries Improvements' (PUKFI) which was progressing FIPs for management of nephrops and scallops. Some Producer Organisations were not keen on measurement by functional units and classification could impact fishermen, so it was essential that they were included in early discussions. Some supermarkets had part-funded preliminary assessment stages and were moving onto Stage 2.

IM confirmed that stakeholder engagement was an essential element of the FIP.

[Action 4 - EW to send info to the Chair about the PUKIF project to circulate]

(Post meeting note: see information on PUKIF at https://www.seafish.org/media/1671744/project_uk_a4_leaflet_oct_16.pdf)

5c. Seafood Scotland re branding / accreditation Option

The Chair confirmed he was due to meet with Patrick Hughes and Claire Dean of Seafood Scotland to consider options for local branding and accreditation as detailed in our Fisheries Management Plan. .

MM advised that Seafood Scotland was reviewing its remit, as all fishing levy goes to Seafish and also noted that as soon as one starts the process towards accreditation, buyers will tend to recognise this.

5d. Static Gear Work Group questionnaire – report (Action 1- 24/08/18)

The Chair advised that a number of issues raised through the former IFG had no specific actions attached. A workgroup was set up to establish which issues still needed to be addressed, and to identify what actions would help address those. A questionnaire had been devised and given a soft trial at various local meetings before being sent to each association with a request that this be circulated to their members, and to all other contacts. A poster and information had been circulated to the Fisheries Offices to try to reach those with no email. An item was included in FindaFishingBoat.com and a significant number of the responses came through that source alone.

Considering the timing of the questionnaire over the festive season and the limited north and east coast area, it was suggested that the 67 responses received compared well to other national consultations by MS. However, there had been reports that quite a few fishermen had not known about the consultation, others did not use internet or email, and there had been some misinformation on the ground about how the consultation responses result would be used.

The Chair advised that he was aware that some Fishing Associations had not cascaded the consultation to their members, which was disappointing, as the RIFG was making every effort to

engage with fishermen to contribute to an open consultation. The Chair had discussed this issue with the FAs in question.

The Chair advised that it would be useful to ask all RIFG attendees to feed back to their association and to get feedback where requested. The RIFG was not looking for consensus, but a fair reflection of the views of members.

5d-i Static Gear Consultation Outcome Report

The results of the questionnaire had been circulated to RIFG members for discussion. The Chair advised he would ask associations to provide feedback from their members a few weeks prior to the next RIFG meeting so these could be collated and members would then be asked to make recommendations on how to move some issues forward where action was required. Members would be asked at the next meeting if they have a mandate from their members to recommend a particular course of action.

He then asked members present for their individual comments on the report: -

Q - Should ESCAPE PANELS be fitted to parlour creels? 71.6% NO

It was suggested the no vote was mainly due to concerns that velvet crabs can escape through the hatch.

The Chair advised that he had spoken to his local FO who recommended there should be separate creels for velvet crabs, and some fishermen appeared to be unaware of the minimum mesh size limit of 60mm for parlour creels.

(post meeting note - see Scottish Statutory Instrument 2004 No 276 Sea Fisheries <http://www.legislation.gov.uk/ssi/2004/276/made>)

However, members expressed concern that requiring different creels for velvets would put more creels on the ground, whereas they wanted less effort.

PJ suggested a new creel design might help and mentioned a local modification where the fisherman had joined two rings together which kept velvets in the creel but let undersize lobster out.

JD advised that the escape hatches saved time by letting undersize animals out, apart from the issue re velvets escaping.

Q -Should there be a LIMIT ON SOAK TIME? 59.7% NO.

Q -Should there be a requirement to lift unworked creels 82.1% YES

Member comments included:

- A soak time limit would be difficult to police
- Bad weather may prevent men getting to creels
- Those fishing further offshore are much more weather dependent
- When does a long soak time become unworked creels? Men working offshore that don't tend creels for three weeks could be considered to have abandoned them.
- Some fishermen leave huge numbers of creels set out, denying ground to other people.

BT mentioned a St Andrews University project where vessels were trialling the use of electronic creel tags. The tags were swiped as they came on board, which could provide useful information such as soak time and the number of creels.

Members were advised that this was part of the SIFIDS project which ends in May 2019. Discussions were ongoing about a potential extension to the project to allow some of the prototype tools and technical features developed to be rolled out for an extended trial. More information would be circulated in due course.

Q - Should there be management measures to control creel numbers in your fishery? 68.7% YES

Comments:

- Just because we can't see how measures would be policed doesn't mean to say we should not make recommendations about new measures.
- Having tags on creels would be a good idea

Q - To help manage stocks and address conflict situations, do you think that local measures are appropriate for your fishery depending upon factors such as boat size, kw, season and fishing methods. 59.7% YES.

No comments

Q - Should it be mandatory that berried lobsters are V-notched? 67.2 % YES

Q – Should it be mandatory that red berried hen lobsters are not landed? 82.1% YES

Comments:

- It would be illegal to land a V notched lobster
- England brought in a ban on landing berried lobsters caught within 6 miles, which was open to abuse because boats fished outside the 6-mile limit. The ban has now been extended to include any berried lobsters.
- Problems with big female lobsters killing smaller lobsters in the creel.
- Berried hens put back for conservation can be destroyed by trawled gear
- Some fishermen in England were brushing eggs off berried hens or landing them in Scotland.
- NIFCA had advised that the berried hens whose eggs were removed were dying in the tanks and fishermen did not get paid by the buyers, so this practice has now reduced considerably.
- After the spawn, there is a glut of females that have shed their eggs. These are weak and command a low price.
- Difference between red and black berries. Not recommended to keep red-berried lobsters in tanks as the eggs shed.

EW advised that a paper was being produced relating to dwindling shellfish catches meaning more effort and creels on the ground, which she would send to IM.

[Action 5- EW to send link to paper on shellfish catches / creel effort to the Chair.]

Q- Are you aware of illegal fishing activity? 53.7% YES

Q- Have you ever reported illegal activity to the MS Compliance Hotline 0131 271 9700 or by email to ukfmc@gov.scot? 82.1% NO.

PJ mentioned a specific prosecution in Newcastle where the fine imposed of just over £180 did not seem to justify the effort and manpower required to bring the case to court.

The Chair suggested there would be bigger problems if issues were not reported, and MS Compliance staff have indicated that they need reports of illegal activity to build up a picture and make a justification for spending resources to resolve these.

PJ had been advised that Fishery Officers were not obliged to refer issues reported to them back to MS.

[Action 6- Chair to circulate the Outcome report for the online questionnaire about static gear issues and comments received to members and ask for written responses prior to the next RIFG meeting.]

5e. Science investigating beneficial effects of mobile gear (Action 2- 24/08/18)

As requested at the last meeting, MM had forwarded available reports to the Chair relating to the potential beneficial effects of mobile gear on the seabed. Although there was no clear scientific evidence, static gear fishermen considered that working the ground allowed juvenile shellfish to bury themselves for protection and kicked up nutrients.

5f. Science re discarded undersized Nephrops survivability (Action 3 – 24/08/18)

Following west coast trials by the Scottish Association for Marine Science which showed a high potential survivability rate for trawled nephrops, MS had been asked to check if trials were required on the east coast.

DB reported:

“For the North Sea, there is a **nephrops high survival exemption**, for any trawl using a **cod end of 80mm or larger**, provided the nephrops in question are returned to the sea over the grounds they were caught (i.e. not in the harbour). In practical terms this means that any Scottish demersal trawler may return a nephrop of any size to the sea – provided it is over the grounds the nephrop was caught in.”

Members **agreed** that if a derogation existed, there was no need for more trials.

5 f/2 -Additional Paper - Proposal from Burghead Branch of the SWFPA to prevent landing of undersize Nephrops:

The chair read out a proposal on behalf of Hamish McPherson who couldn't attend the meeting. Currently, in the absence of clear science, skippers were being recommended to land undersize nephrops caught instead of returning them, which was to the detriment of future stocks. Given the SAMS findings on high survivability of discarded undersized nephrops, he suggested the RIFG make a formal Recommendation to Marine Scotland for an appropriate management measure and enforcement to eliminate the so called "paella market".

GW suggested that the nephrops high survival exemption just confirmed by DB for trawls using a minimum 80mm mesh size should overcome the problem.

Members **agreed** to make no further recommendation meantime.

5g. Grey Seals

5g i. Strathclyde University report on grey seals impact (Action 10 – 24/08/18)

The Chair briefly outlined the background and the unsuccessful attempts by the RIFG to make progress through Marine Scotland and the Scottish Committee on Seals (SCOS – which advises MS) on identifying non-lethal methods that could be used to help control the impacts of the growing grey seal population. Having been advised by MS that there was insufficient science

showing the impact of grey seals, and because SCOS had no remit relating to socio-economic impacts, the RIFG had determined to move forward itself, to look for relevant science and to continue to look for effective, non-lethal, seal deterrents.

PJ completed an online search and found various reports including those by Dr Paul Fernandes of Aberdeen University and by Dr Robin Cook of Strathclyde University, which appeared to corroborate the concerns raised by the RIFG re the impact of the grey seal population.

The Chair advised that the Highland FLAG would be interested in supporting a collaborative approach between different FLAGS for a project to identify effective, non-lethal deterrents, but a lead applicant was required.

PJ advised that, in liaison with the Anglo Scottish FA, the Dunbar FA was considering acting as lead body. They proposed asking for funding to go to Baltic regions to investigate what has been established through other EU funded projects.

DP suggested that, before considering going to the Baltic, they visit his association at Usan, as they had done a lot of work in trying different methods.

DP also suggested the project would need to ask MS if they would provide a licence to use an Acoustic Deterrent Device (ADD). There was no point in finding out about options if MS would not allow them to be used. He added that ADDs do work, but only for a limited time.

[Action 7 – PJ and Chair to liaise with DP re use of ADDS and to identify through MS if there is a way forward for a new project.]

EW advised that Heriot Watt University had also done work looking at seal impacts. She suggested also looking at other benchmarking initiatives, such as the use of seal contraceptive devices in Oregon, which was considered no longer effective.

[Action 8 - Chair to liaise with EW to locate the relevant Heriot Watt Uni reports on seal impacts.]

JD queried whether moving the seals from one area to another would help. He mentioned that cod being caught in creels in his area all had worms and were inedible so seals eating the cod wasn't affecting his return.

DW noted that the mackerel fishery in Rosehearty area was plagued by grey seals, which targeted and surrounded the boats preventing fishing, causing a big impact on local fisheries. Members concurred that the high number of grey seals was having a significant detrimental impact on inshore fisheries.

5g. ii Whitehills IFA's NES FLAG application to investigate non-lethal seal deterrents

The Chair advised that Whitehills IFA had withdrawn its application as they had too many other projects on currently.

5h. Chairman's meeting with MS Compliance (Action 7 – 24/08/18)

Since the last meeting, information on unlicensed activities had been sent to MS and the Chair had met with Tom Robertson, Deputy Director of Marine Scotland Compliance. A new head of MS Compliance was due to be appointed soon, after which there would be an opportunity to raise

issues such as effective compliance, the need for compliance support in policing measures and resources to help fishermen be included in new fisheries legislation.

Tom Robertson confirmed that reports of illegal fishing on the MS Compliance hotline went direct to him and that they need reports to be made. Due to limited resources, effort would only be directed to most serious cases, but extent of issue needs to be recorded.

Members noted concerns about the time, often months, required to build up sufficient evidence so that MSComp would have justification for the cost of hiring a RIB to catch someone. By the time the issue is logged, vessels may have moved to another area, but the local fishery has been destroyed.

The Chairman advised of a reported case in Whitehills where a vessel taking part in the Aid-to-Navigation trials with a transponder and clearly marked creels had gear removed by a windfarm supply vessel. However, getting sufficient proof that a vessel was responsible for gear vandalism was a different issue. Police Scotland had advised they have no manpower to direct to gear vandalism issues.

5i. Forth Estuary Forum - presentation theme

As part of wider RIFG outreach activities, the Chair and other RIFG members had given a joint presentation at a recent Forth Estuary Forum workshop on fishing. Anyone wishing to see the presentation should contact the Chair.

AW advised that the presentation had been well received and put forward the idea that RIFGs are part of the solution, since most fishermen are seeking a sustainable fishery.

MM noted that the presentation by David Donnan of SNH was pro the fishing stance.

5j. NIFCA meeting – verbal report

The Chair briefly outlined his impressions following a meeting with the adjoining fishing authority, Northumberland Inshore Fisheries Conservation Authority (NIFCA). He had been looking at how the NIFCA was set up and if any lessons could be learned re how the RIFGs developed in future if they were to take on more autonomy and perhaps become self-funding as they matured. NIFCA combined a range of enforcement and environmental functions and implemented a range of measures via byelaws. It had an annual budget of around £1m but covered a coastline of only 50 miles.

The Chair had also discussed potential opportunities for joined up working / cross-area liaison. E.g. the larger Scottish Minimum Landing Size for crabs had resulted in some Scottish fishermen landing crabs in Berwick so the NIFCA had opened dialogue with Eyemouth to look at options for future collaboration.

DB confirmed that Marine Scotland continues to keep options open relating to the design of the structure of RIFGs in the longer term. DB also confirmed that these options did not include moving towards an IFCA-style model. DB suggested that efforts in studying the Northumberland IFCA may therefore be less than fruitful.

EW advised that the Clyde Marine Planning Partnership (MPP) had a strong focus on fisheries and was also looking at how its neighbouring IFCA operated. The Clyde MPP relied on input from fisheries stakeholders including the West Coast RIFG.

6. OFFSHORE WIND (Renewables)

6a. Proposed Third Party Review of OW Scoping & Planning Process *(Action 11-24/08/18)*

As agreed at the last meeting, a letter had been sent to Phil Gilmour of MS MORE outlining fishermen's concerns re the perceived shortcomings in the scoping and planning (including consulting) process for offshore energy developments whereby planning permission was given to build windfarms on historic fishing grounds. In order to seek ways to improve the process, the RIFG had suggested the issue be looked at by a neutral third party on a 'no-blame basis', just to identify what went wrong and what could be done better as part of the next offshore energy sectoral plan to avoid future issues of the same nature.

Bruce Buchanan of MS had instead proposed a bilateral meeting with the NEC and West Coast RIFG chairs.

DB confirmed that MS did not consider a third-party review was appropriate as MS was already committed to continuously improving the Marine Planning Process. Bringing the Offshore Wind and Fisheries Sectors Together, chaired by Marine Scotland with representation from both sectors had now gathered twice in Dundee with the most recent meeting held on 15 January 2019. This forum is designed to provide input from both sectors to Scotland's Marine Planning Process, including the development of a revised Sector Plan.

MM agreed that the Dundee meeting had tried to tease out what went wrong in the past so that the same problems wouldn't happen again in future. It wasn't clear what the purpose was of another bilateral meeting. He reminded fishermen of the need to be vigilant about new proposals coming forward and the need to be prepared to present information to back up any objections to proposals. Small creel boats would not have the recording equipment of larger vessels, but he recommended they start keep a detailed log of where they were fishing in case of future need.

Members cited various examples where plotter information from fishermen had been given to or offered to developers in the past but had not been accepted into the planning process. Developers were only permitted, as part of the marine planning process to utilise official data held by Marine Scotland.

It had been suggested that fishermen were facing the prospect of no compensation for loss of earnings due to being unable to prove loss from displacement.

To conclude, the Chair confirmed that he would attend the bilateral meeting proposed with Bruce Buchanan and the WC RIFG chair.

6b. SSE statement & SWFPA members position *(Action 12 -24/08/18)*

Although the FLOWW best practice guidance states that compensation should be paid to fishermen for loss of earnings, this was not legally binding. SWFPA members who were still being refused compensation in relation to an SSE development had asked for a meeting with the RIFG chair and Cabinet Secretary Fergus Ewing. MM had a remit to press the developers for compensation and would present plotter data to support their case.

EW suggested that one way of proving a tangible loss of earnings was for Associations to look at the levies being taken from fishing in that area. If you can prove the levies paid to the local Association are less, that provides proof of the socio-economic cost of displacement.

She also recommended that fishermen don't rely on the formula within the FLOWW guidelines for computing loss, but that they should develop their own.

Another factor to consider was seasonality and when developers are planning to do work, as that could also impact on loss of earnings.

DB confirmed that displacement of itself did not prove loss and fishermen needed to present data to show economic loss.

6c. Consent Condition breach to trigger a Remediation Notice? (Action 13 - 24/08/18)

Following the last meeting, information had been presented to Roger May of MS LOT which the RIFG considered showed there had been a breach of consent conditions in relation to a development in the Moray Firth, affecting RIFG members. Roger May had not yet responded to advise whether sufficient evidence had been presented to trigger a Remediation Notice.

[Action 9 - Chair to request response from Roger May re potential Remediation Notice.]

6d. Offshore Wind Renewables Interaction meetings – Chair & attendees report

The Chair confirmed there had been a constructive meeting in Dundee in the past week organised by MS, following on from a meeting some months before. SSE Renewables had met with Fergus Ewing and Paul Wheelhouse and urged to take a more collaborative approach.

The Sectoral scoping and planning process was not about who can “make best use of an area” as suggested by SSE Renewables. There were many areas that weren't fished and that weren't spawning grounds, so there were likely to be significant areas in shallow waters where windfarms could be accommodated without affecting fisheries.

Once the NAFC report on Mapping Fisheries and Habitats in the North and East area was completed, it would be sent to Bruce Buchanan for uploading to the iNMP database, so that this is accessible to MS LOTS and developers. Members were also open to sitting down on a one to one basis with developers to consider local options.

EW advised that the offshore wind development is a staged process and when contractors come in to do the work, they may suggest changes to the plan so it can be done in the cheapest and most efficient way for them, despite what may have been agreed or presumed based on initial licence conditions.

MM advised that although developers will now have better data from the National Marine Plan and VMS, simply looking at those maps is not enough. Developers need to engage in dialogue with local fishermen who know the area and to find out where they are working locally at a much smaller scale.

BT advised that a developer had done survey work in his area and was about to apply for permission to start construction work. Two windfarms - Inchape and SeaGreen - were being built on top of prolific fishing grounds. MM advised that SeaGreen have plans for six areas a-f, and only areas a and b are being progressed initially. Regional plans being drawn up by MS still show the Firth of Forth and the Moray Firth as options for development.

The Chair suggested BT speak to Bruce Buchanan.

[Action 10 - Chair to send Bruce Buchanan's details to BT.]

MM considered that some big steps had been made and developers were considering providing some travel costs / compensation for loss of earnings for fishermen required to attend meetings. Commercial fisheries working groups for the Moray Firth and Forth & Tay were working with

renewables developers to ensure conditions agreed are adhered to. Anyone wanting information about these groups should contact the RIFG Chair.

The Chair encouraged retired or semi-retired fishermen to consider taking on future liaison work. During the consultation on the first offshore wind sectoral plan, the fishing industry was criticised for not responding. Many FAs did not have the capacity or time to input to the process, resulting in most of the industry input at that time being put forward through the SFF.

6e. Mandate for FLOWW & new Offshore Wind Sectoral Plan

The Chair confirmed he was mandated by MS to attend the Fishing Liaison Offshore Wind and Wet (FLOWW) meetings held in London, representing all the RIFG chairs. FLOWW had pulled together a best practice guide on how fishing and offshore interests should work together. Although two other organisations had also produced guides the suggestion was that the RIFG only consider the FLOWW guidelines.

Any members with concerns regarding offshore wind matters that should be raised at the meeting was asked to let the Chair know.

The Chair had been tasked with key areas including:

- look for definitions of key terms to avoid ambiguity
- one standard method for compensation
- Morecambe Bay model as standard (rather than each area wanting to negotiate their own deal.)
- although not legally enforceable, the guidelines should be signed up to by the parties as a binding declaration of their intention to support and implement the recommendations. i.e. they should not just pay lip service to the guidance.
- compensation should not be a lottery, but a defined way of doing things.

Moving forward to the new Sectoral Development Plan, there should be a good set of guidelines to promote as a starting point, and an aim of trying to achieve windfarm developments in areas that are not fished.

DB suggested that the Bringing the Offshore Wind and Fisheries Sectors Together Dundee meeting on Scottish offshore renewables Chaired by MS could be an alternative to FLOWW where guidance for Scotland could be co-produced by the two sectors.

[Action 11 - Chair to send web-link of the draft FLOWW BPG and ask members for input prior to the date of the next FLOWW meeting.]

7. OTHER MATTERS

7a. Aid to Navigation Pilot – Progress Report

- On behalf of GWA of Whitehills, the chair confirmed that the 'call ahead' protocol set up by Whitehills so that visiting mobile gear vessels could check with local fishermen about access to grounds, seemed to be working well.
- The Gear marking review had suggested looking at options for electronic gear marking such as CE marked transponders, which showed up on MS systems as a buoy, not as a vessel. Fleets were marked by a Dhan Buoy with transponder at one end and a buoy at the other end, so passing boats could see in which direction the fleet lay. AIS would then show up fleets of creels so that vessels could call ahead to speak to the creel owner.

There were some issues about transponder battery life, as these were only lasting about 3 days instead of 5 days. Charlie Hill was in discussion with the manufacturer about how to extend battery life.

The Pilot was due to finish at the end of January 2019. The Chair would then write up the report for MS who funded the work to assess if it was a success or not. Fishermen could then consider whether they wished to use this new transponder technology.

The Chair considered that the Call Ahead protocol was a key part of the pilot's success, not just having the transponders. Local fishermen were reporting good liaison and good working practices across sectors.

JD suggested using RIFD tags on the end of creel could help.

- It was suggested that the Arbroath local management pilot could carry out a case study to see how this would work in practice.

7b. St Andrews Harbour Users Questionnaire (Action 4- 24/08/18)

See item 4b above.

7c. Harbour Infrastructure Needs and Ownership Questionnaire (Action 6- 24/08/18)

As already discussed under item 4b and new Action 2 above, AW and MM would add the extra questions about harbour ownership and access, harbour declassification and composition of Trust boards and would make the questionnaire more generic so it could be used by other areas if desired, ready for circulation by the Chair.

7d. Orkney Crab Tagging Project- Volunteers Required

The Chair asked associations to remind members that more volunteers were required to tag white crabs as part of the crab logging project run by Orkney FA, which would also help inform the local NE coast fishery. Any volunteers should let the Chair know.

[Action 12 - Any fishermen willing to tag white crabs for the Orkney project to contact the Chair]

7e. Moray Firth Herring Pilot -Project Update

The Chair read out an update by Sandy Patience outlining the mechanical and technical difficulties encountered in trying to set up the new net system. This had severely delayed the actual start of the pilot and no fish had been caught. The vessel had been MECAL coded to allow on-board observers. Due to the delayed start, he was asking to extend the project to the end of December 2019.

[Action 13 - Chair to send a copy of the MF Herring Pilot report to MF at SNH.]

8. DATE of NEXT MEETING

The date proposed for the next meeting was Friday 12 April 2019 at the Queen's Hotel, Perth.

The meeting ended at 3 pm.

SUMMARY - Key Action Points from N&ECRIFG MC Meeting - 18 January 2019

Para.Ref	Action No.	Action / By
Para 4b	1	EW to find out details of west coast MP that had campaigned on issue of harbour access rights
Para 4b	2	AW & MM to finalise harbours questionnaire for Chair to circulate and copy to the WC RIFG
Para 5a	3	Chair to recommend to MS updating and fine-tuning the NAFC report as far as possible within the current contract and to use it as a framework pending a phase 2 update and interviews with fishermen, followed by regular updating of the document every three years, or sooner if required
Para 5b	4	EW to send info to the Chair about the PUKIF project to circulate
Para 5d	5	EW to send link to paper on shellfish catches / creel effort to the Chair
Para 5d	6	Chair to circulate the Outcome report for the online questionnaire about static gear issues and comments received to members and ask for written responses prior to the next RIFG meeting
Para 5f	7	PJ and Chair to liaise with DP re use of ADDS and to identify through MS if there is a way forward for a new project
Para 5f	8	Chair to liaise with EW to locate the relevant Heriot Watt Uni. reports on seal impacts
Para 6c	9	Chair to request response from Roger May re potential Remediation Notice
Para 6d	10	Chair to send Bruce Buchanan's details to BT
Para 6e	11	Chair to send draft FLOWW BPG web-link and ask members for input prior to the date of the next FLOWW meeting
Para 7d	12	Any fishermen willing to tag white crabs for the Orkney project to contact the Chair
Para 7e	13	Chair to send a copy of the MF Herring Pilot report to MF at SNH