

# FISHERIES COMMITTEE

## OPEN MINUTES

**Fisheries Department**  
**Thursday, 2<sup>nd</sup> December 2021**  
**09:00am**

These minutes are draft minutes until confirmed by resolution at the next meeting of this committee

**Present:**

The Honourable Teslyn Barkman– Chairperson	TB
The Honourable John Birmingham	JB
Director of Natural Resources – Dr Andrea Clausen	DNR
Dr Andreas Winter	AW
Mr James Bates	JBa
Mr Drew Irvine	DI
Mr Hamish Wylie	HW
Mr Michael Poole	

**Minute Taker:** Mrs Beverley Glanville BG

**Public:** 5

<b>1</b>	<b>Apologies for Absence</b>	<b>ACTION</b>
<b>1.1</b>	Chief Executive- Mr Andy Keeling and Ms Joanne Cox.	
<b>2</b>	<b>Declarations of Interest</b>	
<b>2.1</b>	Industry representatives declared an interest for all items on the agenda.	
<b>2.2</b>	TB declared interest in SAAS, as a director of the company.	
<b>2.3</b>	The industry would like to congratulate the newly elected MLA's and welcome them to the committee. TB said that she is looking forward to getting stuck in again and working with the Committee. JB thanked the industry.	
<b>3</b>	<b>Confirmation of the Minutes of the Meeting held on the 2<sup>nd</sup> September 2021.</b>	
<b>3.1</b>	The minutes were confirmed.	

#### **4 Matters arising from the Minutes held on the 2<sup>nd</sup> September 2021.**

- 4.1** Item 4.1 DNR said these tables still have not been provided, but will ask AW to provide FFLG summary that includes a running total of tables. **AW**
- 4.2** Item 4.2 DNR said to AW that it would be good to have the population of seabirds and seals, next to the level of interactions. The committee would like to see this data on the presentations. **AW**
- 4.3** Item 5.4 JBa asked if anything has happened with this? TC confirmed that the VMS system has been upgraded, but is creating a list of what needs to be done.
- 4.4** Item 5.6 DI asked if there was an update with the IUU fishing laws and the data required, DNR replied that it is was to do with the Illex licencing applications then the data will be shared. DNR added that general surveillance still has to be looked at.
- 4.5** Item 7.7 JBa asked if there any updates on this, DNR said that there have been many joint meetings on the review and individual company meetings and we will we talking about it in Paper 7 today.

#### **5 Fishery Update**

- 5.1** DNR gave a brief update on the fishery.
- 5.2** MP thanked DNR for getting the Illex applications out quicker this year and sticking to the timelines that were set.
- 5.3** MP mentioned the MEP terms of reference and how they were a bit difficult to read and repetitive, but said that they will come back with some feedback. DNR said that is more of an overarching task list that MEP need to answer all the questions, there will be some tasks that the answers may already exist for and they can use existing information, others will need detailed work.
- 5.4** DNR welcomed feedback from industry.
- HW asked if the right people are looking at these tasks, DNR explained that this was a continuum of the work already started by MEP and so it was logical to get them to complete it, but noted the concern.
- 5.5** MP asked why the economic analysis is required? DNR said that MLAs have asked for this specifically. MP questioned that perhaps the Management of the industry, should put the economic impact to one side. TB said that we need both science and management separately, but each one informs the other. DNR said that this piece of work will allow us to assess if the proposed TAC system would have an impact, and if so, we can consider hoe to mitigate it, if we implement the changes.
- 5.6** DI added that the TAE outcome is much easier to administer, DNR agreed it

would be much easier and less costly.

- 5.7 MP asked DNR asked if we will have enough staff to manage the 1<sup>st</sup> season 2022, DNR said that we are currently waiting on 3 observers that are all waitlisted on MOD flights. We are also asking for an extra 0.5 observer to add to other 0.5 that we already have to eventually make 7 observers in total, instead of 6.

## 6 Maritime Update

- 6.1 DNR said in the absence of FIMA that if anyone has any particular concerns or points that they would like to make, these will be passed though the minutes.

- 6.2 MP asked if the transfer of Harbour control to FIMA during our busiest time of year will be seamless. DNR added that more information will be sent out by both parties closer to the time, but hopes that things will go smoothly.

- 6.3 TC added that there will continue to be a Fishery officer on call 7 days a week during the transition period.

- 6.4 JBa asked how the IMO audit went, and DNR will ask FIMA for update. **DNR**

- 6.5 DI asked about ship to ship transfer and if it included anything outside the 12-mile limit. DNR to ask FIMA to give feedback. **DNR**

- 6.6 DI asked where in the paper it says that “Vessels are required to comply with current reporting procedures as per ALR’s”, does that suggest that it is not currently happening. DNR concurred. DI suggested a circular be sent around the sector to that effect, DNR added they should ask FIMA for the exact wording for this. **FIFCA**

## 7 ITQ Fishing Access Fees, changes to Management of Finfish fisheries and Aggregation Limits 2022

- 7.1 DNR gave a brief overview of the paper.

- 7.2 DNR mentioned that since this paper was circulated, the legal team identified an issue, in that section 58 does not make provision for aggregation limits to be set for “Fisheries”, only for stocks, there is also no provisions for aggregation limits for Catch Entitlement. Therefore, we have an entirely dysfunctional piece of Ordinance that needs to be amended. DNR stated that there will be an amendment to the Fisheries (Conservation & Management) Ordinance proposed as part of the ExCo paper in order to facilitate the setting of aggregation limits for Stocks, Fisheries and Catch Entitlement.

- 7.3 MP said that they were happy to see that the recommendation is that fees stay the say for this year and that the aggregation limits seem acceptable. MP noted that the changes to licence days have been accepted, but the

meaningful impact on W licence holders in particular and a bit on G Licence holders and may well decimate their business. MP added that with regards to the Marine Mammal Observers and changes to the management of them, that they would like to see communication continue, DNR said that it will.

- 7.4 DNR would like to see a clear pathway with industry for both raw data, reports and compliance matters. DNR added that this may need to be rolled out across other fisheries in due course.
- 7.5 HW mentioned that with the changes they are they are concerned that fast communication and ability to react quickly may be lost, and also voiced concern about how the ships would interact with the Observers now that they would be 100% FIG observers. DNR reiterated that the observers are not warranted Fishery Officers, they would be monitoring and reporting observers, but would now have objective and standardised ways of reporting compliance to the compliance team, which has not happened previously.
- 7.6 MP asked if there would be a cost benefit analysis, DNR responded that there wouldn't be. HW stated that not all observers would agree with how, for example, clean a net should be. DNR stated that training will be provided in order to standardise observer reporting as much as possible. TC added that we would like to routinely document Compliant and Non-Compliant behaviour and build patterns of good and bad behaviour, but hopefully mostly good.
- 7.7 MP asked why the financial information was attached to this paper and how was it produced? DNR said that MLA's requested that detailed financial data be included in the ExCo paper and this paper was a summary of that. The data came from the accounts that are submitted to the dept as part of the annual ITQ renewal process, where FIFD request a set of accounts form each company at the same time the accounts are submitted to the registry. FIFD understood that all accounts submitted were a matter of public record.
- 7.8 DI added that the accounts do not got to the registry all that the same time and that the information is sent to Fisheries in confidence and they do not expect it to be publicly distributed. DI said that 5 members are entitled to submit to the registry abbreviated accounts and have done so, in which case some of these figures are not identifiable from the publicly available data, as part of the company act. TB asked if the companies can identify themselves in this table, DI confirmed they can as it is in alphabetical order. DI said that the data is not anonymised and with the publicly available data you wouldn't be able to tell some of these figures from that.
- 7.9 DNR said the way it is worded in the ITQ paperwork for annual submission is that when your accounts are submitted to the registry, which are therefore public that we get a copy, therefore we have only just registered accounts. FIFD had not been made aware that some of the submissions fell outside of these publicly registered accounts.

- 7.10** TB added that we are an open and transparent government and that is the reasoning behind releasing the figures.
- 7.11** HW added that some of the accounts were still in euros.
- 7.12** DI said their concerns include the fact that the information doesn't provide any context and explanations about the figures themselves and they are open to misinterpretation. The numbers are not comparable and some are taken from consolidated accounts and others are not. There is also duplication between the tables, as shown in table 1 the Consolidated accounts include turnover values which are also included in table 2, in some cases and not in others. DI asked what relevance dividends have in a licence fee setting process.
- 7.13** DNR restated that MLAs would like this data recorded as part of the Access Fee discussion, however, DNR also accepted that there may be a need to revisit the process of collecting and using this data to ensure it is in context and not confidential. If this data was not meant to have been public then FIFD should have been alerted to this fact at the point the accounts were submitted and it would have been treated differently. Regarding Consolidated accounts, we appreciate this point and accept this context should be provided. The figures were all converted from euros to GBP, if they were done incorrectly on the day the paper was drafted (which could have resulted in the discrepancies). DNR suggested that if FIFCA make the case then this table of data could be redacted from the ExCo paper.
- 7.14** DI said in the past this paper has been considered under Part 2, DNR & TB said it was always in Part 1.
- 7.15** TB & DNR discussed the paper being completely removed from Part 1 and laid out in Part 2 or only the financial information. TB would like to look more at the context of this.
- 7.16** HW mentioned that MLA's must be asking for that data as they would like to make decisions on it, DNR said MLA's require the contextual data. HW added that the data is not contextual as it includes turnover in other businesses in the islands, that have nothing to do with fishing.
- 7.17** DNR invited FIFCA to provide feedback regarding the tables as included in this paper, and stated that FIFD would seek to ensure that only accurate data that is contextualised is considered in the future.
- 7.18** MP thought that the timeline is a bit tight to get this table and the context corrected. DNR noted that the ExCo paper can still be adjusted at this point if needed. The context and the group business issue can be highlighted. DNR could also recommend that this is not published. DNR stated that she doesn't want to share data that is confidential in nature.
- 7.19** DI mentioned that the 10% increase of licence fees that was in spoken about

**TB**

**FIFCA**

in the licencing advice paper that is appended to this paper, is not happening anymore. DNR agreed and said she cannot change the document that has been to FAC. The ExCo paper states the 10% fee ratio, will not be used.

## **8 Catch Verification Policy**

**8.1** TC gave a brief overview with the paper.

**8.2** DI mentioned that the Catch Verification done on board the vessel area carried out in less than ideal conditions. DI also said that in the paper it references to achieve 1% tolerance and said that if 1 vessel reaches this target, statistically valid to say that everyone should and the upper limit is 5%. In the EU transshipment handbook that note their tolerance is 10%. DI said that that if the target is to reach 1% it would not be possible due to the Olympic style fishery. DNR explained that carrying out Catch Verification is a tool to demonstrate robust fishery management (especially where there is very low observer coverage). FIFD see the use of CV as a tool to start the conversation with industry if any anomalies are identified, it is not a tool to go directly to prosecution. Where anomalies are found FIFD and industry can look into and find resolutions.

**8.3** HW said that a vessel might aim to be 10% over on the basis that it is allowable, as they know they can. DI said there is no incentive to do better in an Olympic fishery.

**8.4** DNR said that feedback needs to be specific to the type fishery.

**8.5** TC said that in his time working in the industry all over the world, the tolerance is mostly 10%, but as technology improves the tolerance is lowering all over the world.

**8.6** DI & MP said that a few years ago Fortuna trailed crane scale technology and it didn't work very well with our conditions. TC said he is just monitoring the technology for now. DI also mentioned that it was a slow procedure.

**8.7** MP hopes that whatever happens with this service that it is noted that the industry works 24 hours a day and lost fishing time is important to them.

## **9. Date of next meeting**

**9.1** The date of the next meeting is 10<sup>th</sup> March 2022 at 09:00

No Part 2.

Minutes confirmed this day of December 2021  
**Chairman** **Secretary**