

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

SCIENCE ADVISORY GROUP

14 March 2019

Present

Dr Stephen Axford (Chair)
Mrs Kirsten Carter
Mr Bob Houghton
Mr John Whitton

Representing

MMO Appointee
MMO Appointee
MMO Appointee
MMO Appointee

Chief Officer David McCandless and Senior Scientific & Environmental Officer Tim Smith also attended the meeting.

The group met at the Bridlington Business Centre, Enterprise Way, Bessingby Industrial Estate, Bridlington. The meeting started at 12:30.

10. APOLOGIES

Apologies for absence were received from Marine Management Organisation appointees Prof Mike Elliot, Mr Phillip Macmullen, and Mr Michael Montgomerie and MMO representative Mr Christian Proud.

11. MINUTES OF THE MEETING HELD ON THE 06 SEPTEMBER 2018

Members requested that minute item number 5, Scallop Survey Plan was altered to reflect that it was the 'amended proposed sampling regime' that was approved by members at the last meeting. Members also requested that the draft minutes be circulated at the earliest convenience.

Resolved - That the minutes of the Science and Governance Working Group Meeting held on the 06 September 2018 be confirmed and signed as a correct record by the Chair.

12. NEIFCA 5 YEAR RESEARCH & STRATEGIC PLAN

Senior Environmental Officer Tim Smith presented a report which provided members with a draft NEIFCA strategic Research and Evidence Plan for review and comment. The aim of the Strategic Research and Evidence Plan was to identify long-term approaches, research themes and core, on-going priorities for the organisation as well as setting out organisational research resources and capabilities. The strategy would communicate organisational priorities to stakeholders and partner agencies and form the basis for the Annual Research and Evidence Plans developed over the lifespan of the plan. Members were asked to provide feedback and comments including any further recommendations electronically. Members discussed each priority area detailed in the plan, and made recommendations and suggestions, which included a tracking/progress mechanism tool to be incorporated into future reporting. Members also recommended distinguishing between organisational strategic priorities and scientific department priorities, and providing rationale behind species/sites where work is not being undertaken.

Resolved – Members noted the report.

13. NEIFCA ANNUAL RESEARCH PROGRAMME 2019/2020

The Senior Environmental Officer Tim Smith presented a report providing members with a draft copy of the scientific and environmental work programme for the 2019/20 season. The Authority's environmental and scientific work is supported by a detailed offshore and land-based programme of survey work linking to the delivery of the overarching annual plan. The Research and Evidence Annual

Plan is the key planning and operational document where actions and priorities can be agreed in context. The aim of the document is to identify continuing and new priorities for the organisation during the 2019-2020 period. Members discussed the scallop survey plan and highlighted that it may be necessary to manage the expectations of members, and to arrange a specific meeting in advance of the main Authority meeting in June to look at the data gathered.

Resolved – Members noted the report.

14. **NEIFCA ANNUAL RESEARCH REPORT 2018/2019**

The Senior Environmental Officer Tim Smith presented a report providing members with a draft copy of the scientific and environmental research report for the 2018/19 season. The Authority's Environmental and Scientific team complements the Enforcement and Administrative teams to deliver evidence based fisheries management that is sensitive to social, environmental and economic needs. In addition to continuing to support the Authority's management of the shellfish potting and scallop dredge fisheries, the Environmental and Scientific team undertake research, monitoring and assessment to ensure that the Authority delivers its statutory duties with regard to Marine Protected Areas. The annual research report highlighted the key research and monitoring results for 2018/19. Significant time during 2018/19 had been directed towards on-going programmes that would be reported on later, such as the development of testing procedures to effectively enforce legislation prohibiting the landing of egg bearing female lobsters and management of recreational shore collection in Marine Protected Areas.

Resolved – Members noted the report

15. **NEIFCA AIS & CRUSTACEA CONSERVATION BYELAW UPDATE**

The Chief Officer presented a report to update the group on all current fisheries byelaw work streams.

Byelaw XXVIII Crustacea Conservation Byelaw 2018

This new byelaw regulation was made by the Authority at its meeting on 14 June 2018. It retains, updates and rationalises existing management regulations covering the exploitation of lobster, edible crab, velvet crab and nephrops within the Authority's district and included some other key revisions including protection for egg bearing lobsters, 'V' notched lobsters and a new protection for 'soft' lobsters. Following a period of informal consultation with the MMO IFCA byelaws team, formal public consultation commenced on 15 October 2018 and concluded on 7 December 2018. In total the Authority received ten objections to the proposal, primarily in relation to the new maximum vessel length size for shell fishing of 10 m within the 3 nautical mile limit and the prohibitions on taking soft and mutilated lobsters. Prior to responding to the objections, all members were contacted via email on 24 January 2019, the Chief Officer outlined his intentions to strengthen some of the definitions contained within the byelaw, particularly relating to 'soft' lobsters and submit the byelaw proposal for formal confirmation. The definition of 'soft lobster' was strengthened within the draft byelaw and it was submitted for formal confirmation on 8 February 2019. Following a preliminary review of the submission some minor changes were recommended to the wording of the draft regulation. A revised draft of both the regulation and supporting Regulatory Impact assessment were re-submitted for confirmation on 18 February 2019 and copies were included within the report for member's information.

XXXI Automatic Identification System (AIS) Byelaw 2016

The proposed AIS byelaw was one of five regulations which were formally made by the Authority on 27 April 2016 which also included the following:

- XVIII Method and Area of Fishing (Netting) Byelaw 2016
- XXIX Humber Estuary Fishing Byelaw 2016
- XXXI Catch Returns Byelaw 2016
- XXII Shellfish Permit Byelaw 2016

Following informal review by the Marine Management Organisation the byelaws progressed to formal consultation which commenced on 21 December 2016 and terminated on 17 February 2017.

During the formal consultation process 44 responses were received including two multi-signature petitions. Members considered the output from the formal consultation on 20 July 2017 and agreed to continue with the progression of the byelaws with the exception of the Shellfish Permit regulation which needed further consideration. Since July 2017 the byelaws have passed through two further reviews by the Marine Management Organisation (MMO) and at one point had been signed and formally submitted to Defra but were sent back into the quality assessment process overseen by the MMO. Further delays have resulted from issues surrounding the supporting Regulatory Impact Assessments (RIAs). Since the 25 May 2018 officers had made further submissions and representations, regarding the byelaws, to the MMO IFCA byelaw team via the Authority's legal advisors. On 8 October 2018 the MMO advised officers that the quality assurance process had been completed on three of the four byelaws with the exception of the AIS Byelaw which carried a recommendation that it should be subject to a further period of formal consultation. The MMO considered that given the significant development of the national IVMS project since the original byelaw was made in 2016, necessitating subsequent changes to the supporting RIA, a further period of consultation was felt appropriate. To that end officers commenced a second period of formal consultation on the AIS byelaw alongside the Crustacea Conservation Regulation on 15 October 2018. This consultation period closed on 7 December 2018. During the second period of formal consultation on the AIS byelaw proposal the Authority received eighteen objections and two letters of support for the measure. Sixteen of the eighteen objections came from representatives of the recreational rod fishing sector and two from the commercial fishing industry.

The objections from the recreational rod fishing sector raised a number of complex issues relating to the commercial classification of recreational charter fishing businesses many of which carried no clear or immediate answer. Copies of all the objections received and responses were attached for additional information. Prior to responding to the objections the Chief Officer contacted all members via email on 21 December 2018 indicating his intention to remove the recreational fishing sector from the scope of the byelaw provisions and re-submit the regulation for formal confirmation. All members were supportive and the AIS byelaw was re-submitted for formal confirmation on 24 January 2019 and alongside the three other outstanding byelaws, is now, finally, being considered by senior Defra officials.

Resolved – That members noted the report and endorsed the decision to progress both byelaw regulations for final confirmation.

16. LICENSING AND CONSENTS UPDATE

The Senior Environmental Officer Tim Smith updated members on marine licensing and consent applications reviewed by officers since the last meeting on the 06 September 2018.

Resolved – Members noted the report.

17. NEIFCA PROJECTS UPDATES

The Senior Environmental Officer Tim Smith updated members on the progress of all active externally funded project initiatives.

Resolved – Members noted the report.

18. ANY OTHER BUSINESS

The Chief Officer informed members that phase one of the EMFF Flag project, Holderness Coast Lobster Fishery was complete, a report was expected by the end of March 2019, which would be circulated to members for information.

The meeting closed at 14.25

