

ITEM 001

From: [REDACTED] @ gov.scot
Sent: 15 September 2021 10:47
To: [REDACTED] @ gov.scot
Subject: FMAC Clyde cod spawning consultation

Dear FMAC Colleagues, please see the below email along with the attached for your consideration. Please direct all comments or replies directly to [REDACTED]

Dear All,

Please find attached a consultation letter seeking views on the continuation of the seasonal closure (14 February – 30 April) in the Firth of Clyde to protect spawning cod during 2022 and 2023.

If you have any comments, please forward them to me by **Wednesday 13 October 2021** using the respondent information form found within the letter.

Please feel free to share this letter with any other parties who may hold an interest.

Kind regards,

[REDACTED]

[ATTACHMENT REDACTED AS ALREADY IN THE PUBLIC DOMAIN]

ITEM 002

Background

The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 (SSI 2019/419) is due for renewal this year.

In January 2020 the Convenor of the Rural Environment and Connectivity Committee, acting upon representations from COAST, requested that the exclusions are removed from the current and any subsequent SSI on the Clyde Cod Closure. In response to that request the then Cabinet Secretary committed "...to use the period before the next iteration of the Order (due in force in 2022) to consider the case for the exemptions more closely. Through further consultation with stakeholders, this will consider current science, cod bycatch levels, achieving consistency with conservation measures currently being introduced for cod in the North Sea, and other factors related to Clyde fisheries."

The Clyde cod SSI has been in place each year since 2002, providing a closure of a specific area of the Clyde to most types of fishing activity during the cod spawning season (14th February – 30th April). The purpose of the closure is to protect spawning cod in the area. Since it was introduced, the SSI has included exemptions to allow *Nephrops* trawlers, creels and scallop dredgers to continue to use the area due to the low numbers of cod that they catch. These exemptions allow local vessels to continue to fish in their local waters.

At the time of introduction there was a semi pelagic fishery in the Clyde which is no longer present.

Between 2002 and 2009 the order was renewed annually, but from 2010 onwards the measures were introduced for two consecutive seasons at a time.

Location

The closure is divided into two sections:

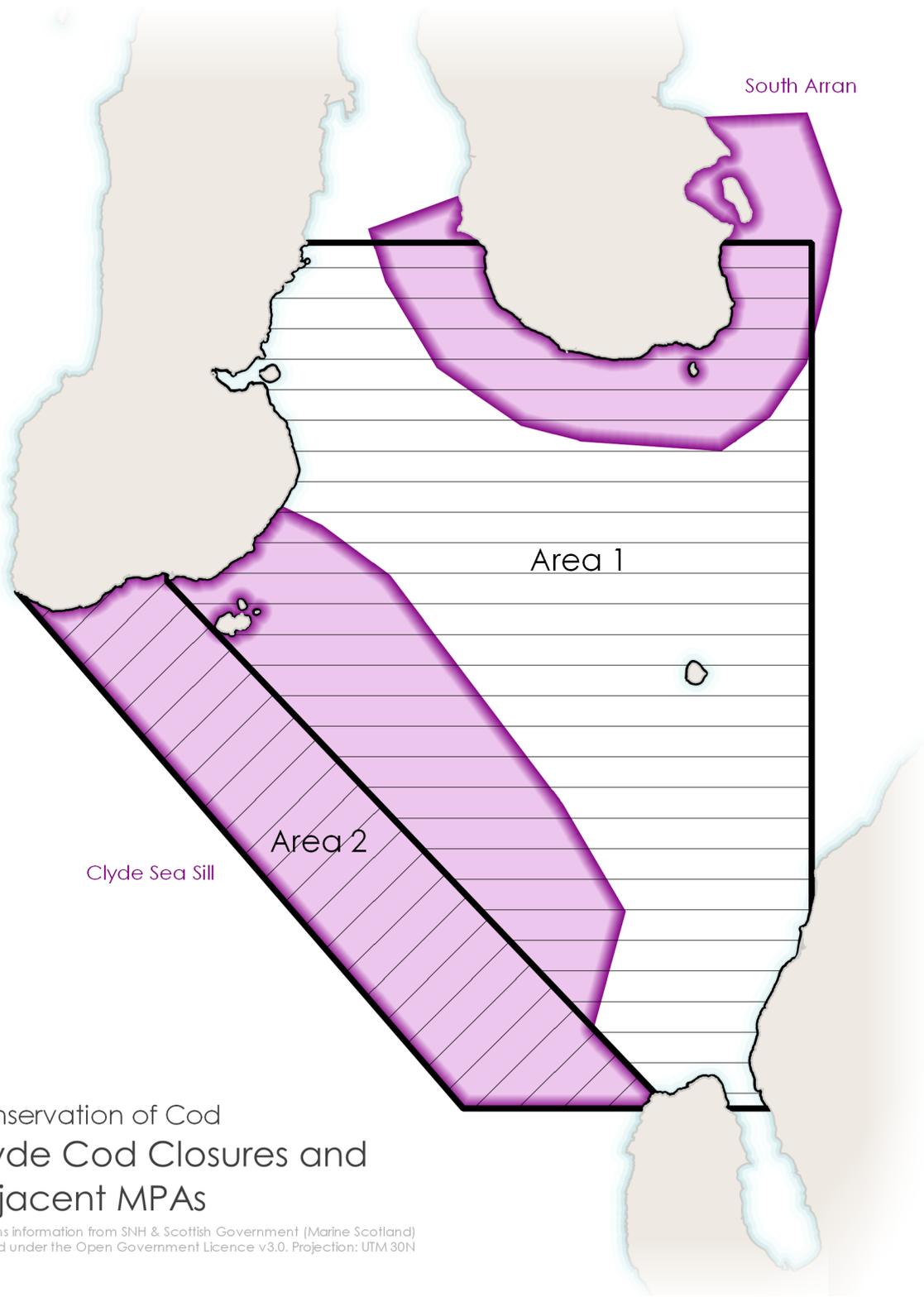
Area 1 holds exemptions to allow for scallop dredge, creels and *nephrops* trawls.
Area 2 holds exemptions to allow for scallop dredge and creels only.

The area also overlaps with two Marine Protected Areas:

- South Arran MPA
- Clyde Sea Sill MPA

The Area 1 exemptions do not apply within the South Arran MPA where there are other fisheries management measures in place.

Fisheries management measures are still in the development stage for the Clyde Sea Sill, so in future Area 2 exemptions and part of Area 1 exemptions may not apply.



Conservation of Cod Clyde Cod Closures and adjacent MPAs

Contains information from SNH & Scottish Government (Marine Scotland)
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Science

Cod in the Clyde forms part of the larger west of Scotland area which is assessed by ICES as one stock. ICES currently advise zero catch in this wider area as the stock remains at extremely low levels. A bycatch TAC has been set in recent years to allow other fisheries to continue. There has been little sign of improvement in the state of the west of Scotland cod stock for a number of years.

The closure offers some necessary protection to spawning cod at a crucial time in their life cycle. It would seem sensible to maximise any potential benefit from the closure to assist stock recovery to the greatest extent.

It is difficult to substantiate the precise biological effect of the closure on the stock. There is an argument that as the stock has yet to show signs of recovery there is a need to maintain the closure whilst the stock remains vulnerable. However, others may argue that as the closure is having no demonstrable effect it should be amended or discontinued. Data from recent years has shown that cod are still aggregating in this area

Studies have found that cod from the Clyde are reproductively isolated, having little detectable exchange with the northern spawning aggregations^{1,2}. Genetic evidence also supports this population structure as Clyde cod were found to have a greater similarity to those from the Irish Sea than the cod from the northern aggregations³.

A further study was undertaken by the Scottish Oceans Institute and Clyde Fishermen's Association during the spawning period with demersal and pelagic gears. Although still in draft format the report shows the presence of spawning cod in the closed area during the closure period, indicating that the closure is in the right place at the right time.

In terms of the *nephrops* derogation – this is fairly sensible as *nephrops* will be on different ground to the cod. But, any activity within the spawning grounds will have an impact on the cod, making spawning more difficult. It's not only the direct issue of cod bycatch but also the environmental damage to the seabed caused by fishing gear.

Wider Marine Scotland Views

Protecting Fish Nursery and Juvenile Congregation Areas

¹ Wright, P. J., Galley, E., Gibb, I. M., and Neat, F. C. (2006) Fidelity of adult cod to spawning grounds in Scottish waters. Fisheries Research, 77: 148-158.

² Wright, P. J., Neat, F. C., Gibb, F. M., Gibb, I. M., and Thordarson, H. (2006) Evidence for metapopulation structuring in cod from the west of Scotland and North Sea. Journal of Fish Biology, 69: 181-199.

³ Heath, M. R., Culling, M. A., Crozier, W. W., Fox, C. J., Gurney, W. S. C., Hutchinson, W. F., Nielsen, E. E., Wright, P. J., Calvalho, G. (2014). Combination of genetics and spatial modelling highlights the sensitivity of cod (*Gadus morhua*) population diversity in the North Sea to distributions of fishing. ICES Journal of Marine Science, 71: 794-807.

Our Future Fisheries Management Strategy makes a commitment to work with our stakeholders to deliver an ecosystem based approach to management, including considering additional protections for spawning and juvenile congregation areas. The Inshore Team are planning a project to identify and protect spawning and juvenile congregation areas in addition to the work being carried out on Marine Protected Areas. An initial desk study is being carried out to review and compile existing evidence prior to significant stakeholder engagement being carried out to inform the development of strategic proposals. The Clyde cod spawning closure review work could fit nicely alongside this work in the longer term.

MPAs

The South Arran MPA prohibits the deployment of any fishing gear, so a section of the Area 1 exemption does not apply.

Measures for the Clyde Sill MPA are still to be determined. Progress was delayed by Covid but there are hopes to pick this up later in 2021. However, it's worth noting that once in place, this has the potential to impact the whole of Area 2 and part of Area 1.

Compliance issues

In terms of compliance the spawning closure has been a success. The closed area has been very much adhered to.

The exemptions allow the local vessels to continue to fish.

There is no targeting of cod in the Clyde.

The 300mm mesh panel is a good escape route, so cod bycatch should now be minimal.

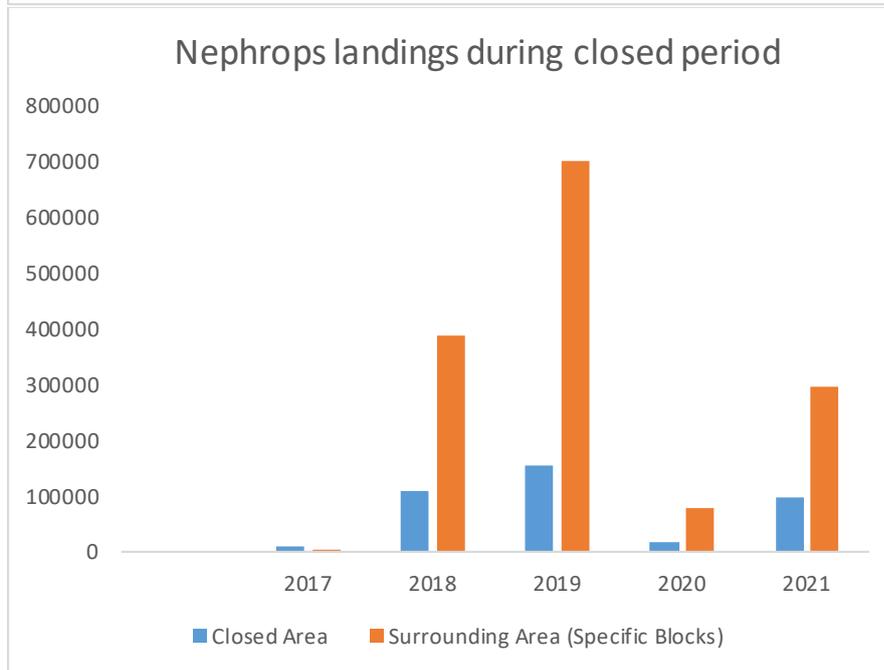
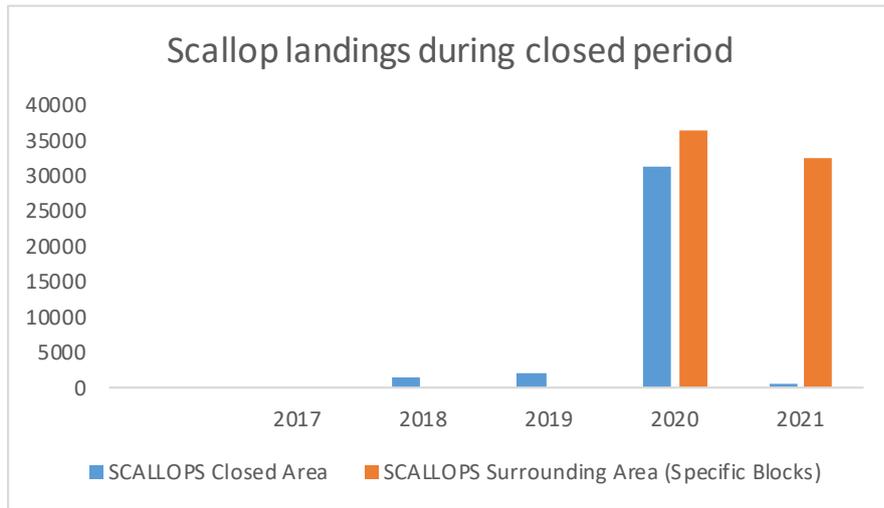
Alternative Fishing Grounds

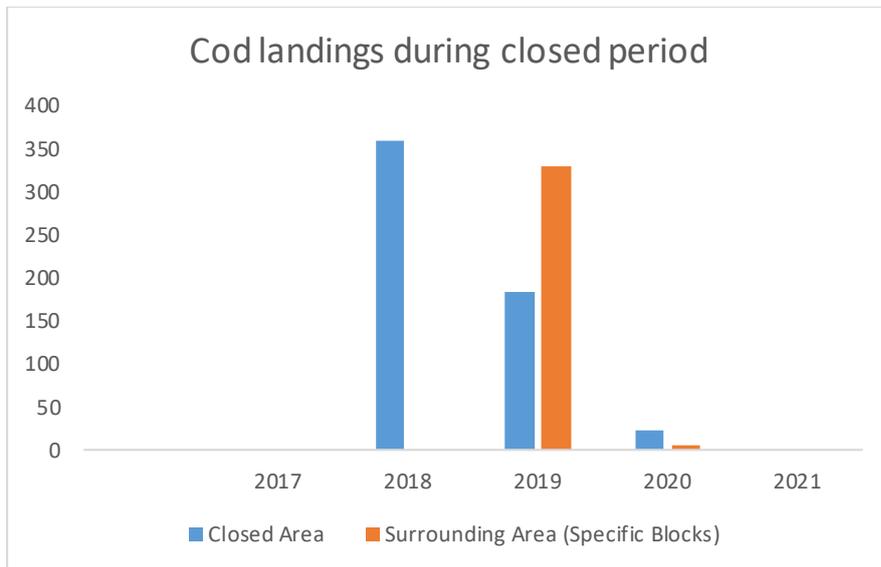
Analysis of landings data comparing fishing within the closed area with the surrounding area shows that a considerable amount of *Nephrops* and Scallops have been caught in the area surrounding the closure in the years 2018-2021. This suggests that there are alternative fishing grounds available to the *Nephrops* and Scallop fleet if the Clyde cod spawning closure is closed to all. Landings were understandably lower for 2020/2021 due to the covid pandemic, however there was still a considerable catch from the area surrounding the closed area.

The analysis also shows that landings of cod are small suggesting there would be little economic loss from cod being excluded from this area. To put the figures in context this equates to 8 boxes in 2018 and 4 boxes in 2019, approximately 0.2% and 0.4% of the cod landed in Peterhead on 16th August 2019. Cod is not targeted in this area

Year	Nephrops landings (kg)		Cod landings (kg)		Scallop landings (kg)	
	Closed Area	Surrounding Area (specific blocks)	Closed Area	Surrounding Area (specific blocks)	Closed Area	Surrounding Area (specific blocks)
2018	110168.4	386397.2	360	0	1388	

2019	153016	701609.8	183	329.1	1956	
2020	16989.5	77273.2	21.9	5	31135.8	36199
2021	98083.1	294193	0	0	400	32460.4





Impacts to Industry

The analysis shows that between 2017 and 2021 between 18 (2019) and 32 (2021) *Nephrops* vessels fished within the closed area each year during the closure period. Meanwhile between 1 (2021) and 7 (2018) scallop vessels fished within the same area during the same period. This indicates that there would be some displacement for the fleet, particularly the smaller vessels, if the current exemptions are removed.

The average number of vessels fishing in each of the key surrounding blocks ranged from 1 to 3 scallop vessels and 10 to 24 *Nephrops* vessels for the same period.

The area the closure covers is approximately 1861km². The majority of the closure (1638km²) lies within the Firth of Clyde and this section equates to 44% of the surface area of the Firth of Clyde. The closure lasts for 11 weeks during the winter/spring months when vessels may want to stick to local grounds due to poorer weather. Displacement of vessels would be to the north or east of the Clyde, with some venturing around the Mull of Kintyre. Smaller vessels may need to relocate for the closed period. The closure leads up to the time when *Nephrops* are scarce during the moulting period, usually late April into early May. Vessels will begin tying up towards the end of April for painting and maintenance work, but this spans into May.

Some fishermen feel that they have already given up fishing grounds with the South Arran MPA and there may be further losses within the Clyde Sea Sill MPA which will also overlap.

Options going forward

A thorough review is needed and this work needs to be complementary to other Marine Scotland policy initiatives. Given the impacts of Brexit and Covid this has vastly reduced the time we had allowed to do this prior to the next iteration of this legislation. There are therefore two key options:

A) Carry out a review this year, with pre-consultation engagement with all stakeholders, bearing in mind the time constraints of getting the order through in time, and the restrictions of virtual engagement.

Considerations for the review:

1) Maintain closure as is and maintain exemptions. Note that the exempt area will be further reduced pending the additional measures from the Clyde Sill MPA which may provide a meet in the middle option.

2) Remove Closure. To remove closure provisions altogether would place wider cod stocks at unacceptable risk of further depletion, unless appropriate alternative measures were introduced in its place. In the past industry have largely supported maintaining the closure and exemptions as is. Environmental NGOs would strongly oppose removing the closure.

3) Maintain Closure but remove some or all exemptions. There would be some pushback from industry, and support from Environmental NGO's. Need to consider the scale of bycatch, and damage caused by different practises and gear types in combination with the opportunities of the local fleet. Refinement of the exemptions e.g with consideration to sediment type, may allow for continuation of *nephrops* trawling on the muddy grounds where the cod will not be spawning.

or

B) Carry out the usual consultation this year, advising that this will be for a one year order only, with a view to carrying out a thorough review in the meantime, prior to returning to a 2 year order. We have checked this is a viable option with the legal team. This could also allow for the process on the Clyde Sea Sill MPA to complete before taking a longer term view.

Immediate questions:

- 1. Are we resourced to undertake a review that meets the 2020 expectations?**
- 2. What has changed since the decision in 2019, do we still support the retention of exemptions?**
- 3. What will be the impact of the Clyde Sea Sill MPA?**

NEXT STEPS BEFORE CONSULTING MINISTERS

Stakeholder engagement/pre consultation

This is going to be a controversial consultation in an already tense stakeholder environment. It would be helpful to hear from stakeholders their expectations to allow Ministers to fully consider how to take the consultation on this closure and exemptions forward.

To inform advice to Ministers we would propose to have early engagement with stakeholders – CIFA and COAST – on expectation for the review and next steps. We would also want to brief IFMAC and FMAC on the timeline, scope and process for consultation.

ITEM 003

From: [REDACTED]

Sent: 01 October 2020 10:10

To: Cabinet Secretary for Rural Economy and Tourism <CabSecRET@gov.scot>

Cc: Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; Gibb AG

(Allan) <Allan.Gibb@gov.scot>; [REDACTED] @ gov.scot @ gov.scot; [REDACTED]

@gov.scot; McDonnell T (Tim) <Tim.Mcdonnell@gov.scot>; [REDACTED] @gov.scot

@gov.scot; [REDACTED] @gov.scot@gov.scot; [REDACTED] @gov.scot>;

Communications Net Zero & Rural Affairs

<CommunicationsNetZero&RuralAffairs@gov.scot>;[REDACTED] @gov.scot;

[REDACTED] @ gov.scot; Higgins K (Kate) <Kate.Higgins@gov.scot>; Carmichael DB

(Donald) <Donald.Carmichael@gov.scot>; [REDACTED] @gov.scot; [REDACTED]

@gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED]

@gov.scot; [REDACTED] @gov.scot; Hannaway K (Kenneth)

<Kenneth.Hannaway@gov.scot>; Lord Advocate <LordAdvocate@gov.scot>; Solicitor to

the Scottish Government <solicitor@gov.scot>; Legal Secretariat to the Lord Advocate

<DLPCEALSLA@gov.scot>; Barnes D (David) <David.Barnes@gov.scot>; [REDACTED]

@gov.scot

Subject: National Cod Avoidance Plan - Submission

PS / Cabinet Secretary for the Rural Economy and Tourism

Please find attached a submission for the establishment of a National Cod Avoidance Plan in Scottish waters and seeking your agreement.

Best regards,
[REDACTED]

[REDACTED]

W: <http://www.scotland.gov.uk/marinescotland>

ITEM 004

From: [REDACTED]@gov.scot **Sent:** 12 November 2019 09:21

To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot; [REDACTED]@gov.scot

Subject: Text on spawning cod

Hi folks,

Here's a quick precis:

Cod aggregate in small spawning arenas where males secure and hold defined territories (known as leks). They use sound to call to females, who will travel between stationary males. Cod are very vulnerable to fishing during this process, both in terms of mortality and disturbance (physical and noise). Any fishing activity will perturb the leks, and will also destroy social hierarchies. Many males will leave the spawning area even if not caught, and if only subdominant males are left they will probably not mate (as they can't attract females). The noise of fishing activity may be enough to stop spawning, even if physical disturbance is avoided. For this reason, any demersal fishing activity should be prohibited in spawning areas during the first quarter.

[REDACTED]

ITEM 005

From: [REDACTED] @gov.scot
Sent: 20 November 2019 16:36
To: [REDACTED] @ec.europa.eu; [REDACTED] @ec.europa.eu
Cc: [REDACTED] @mmm.fi; [REDACTED] @consilium.europa.eu>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @defra.gov.uk>; [REDACTED] @defra.gov.uk>; [REDACTED] @cefas.co.uk>
Subject: UK paper on disturbance of cod spawning areas

Dear [REDACTED]

Please find attached a paper from my science colleagues describing the impact that fishing on or close to the sea bed can have on the process of cod spawning. The paper should be self-explanatory.

It underpins the interventions I have made on a couple of occasions in co-ordination about the UK view that seasonal spawning closures should be closed to all such fishing activity with no derogations other than for gears that operate in the upper part of the water column. As the paper notes, while it may be difficult to quantify the benefit to the stock of ensuring spawning can complete, it is difficult to accept that it has no benefit.

If you are content, I would suggest that the Presidency / Council Secretariat could forward this to Member States for information / awareness.

Kind regards
[REDACTED]

W: www.gov.scot/marinescotland



Attachment:-

Disturbance of cod spawning areas

North Sea cod mating activity takes place during the first quarter of the year. Spawning areas are chosen according to suitable substrate type (coarse sand), with further requirements including high salinity, low temperature (5-7 °C) and low-to-moderate current flow. Given a suitable area, males will identify small territories (known as leks) that they subsequently defend from other males (González-Irusta and Wright 2016, Grabowski et al 2009, Nordeide and Folstad 2000). During mating, males will patrol their leks, using muscles around their swim-bladders to emit characteristic grunting and rumbling sounds. Females will be attracted by this noise, and will visit leks in turn to mate. Some leks are better than others, and a strict male hierarchy develops in which weaker males are relegated to areas that are less suitable (and therefore less attractive to females).

While spawning, cod are extremely vulnerable to fishing activity. They are focussed on mating, and the males are unwilling to leave their hard-won leks, so both sexes are less likely to try and evade oncoming nets. Physical disturbance during mating

will disrupt the activity and potentially destroy the lek areas, and cod so disturbed may not return (and therefore may not spawn that year). If the stronger males are caught or disrupted leaving the weaker males, the latter that remain may not be able to attract females. Stressed males are less likely to initiate mating. Noise may also disrupt mating, with females potentially unable to hear mating calls (Slabbekoorn et al 2010).

Most mating takes place on or near the seabed, but a recent study using data storage tags on male cod indicated that males will follow females around 5-10 metres up through the water column to initiate spawning (P. J. Wright pers. comm.: see Figure 1). This suggests that any fishing gear which operates within 10 metres of the seabed has the potential to disrupt or prevent cod spawning.

Figure 1. Data storage tag records for a male cod in the northern North Sea during mating activity. Two instances of the male ascending to chase females are circled.



Fishing activity is just one potential reason for the current long period of reduced recruitment, with environmental change and pressure from other species being others. Reducing fishing on spawning cod is likely to improve the amount of eggs produced, and should therefore result in improved recruitment in the following year, but this is difficult to evaluate in advance. We are therefore unable to quantify the potential improvement in recruitment (and subsequent stock dynamics) that spawning closures in the first quarter should provide, but logic suggests that it must be beneficial. More quantitative evaluation will be possible following the next ICES stock assessment (in 2020).

References

- González-Irusta, J. M. and Wright, P. J. (2016). Spawning ground of Atlantic cod (*Gadus morhua*) in the North Sea. *ICES Journal of Marine Science*, **73**(2), 304-315.
- Grabowski, T. B, Thorsteinsson, V. and Marteinsdóttir, G. (2009). Assessing the lekking hypothesis for the mating system of Atlantic cod (*Gadus morhua*) using electronic data-storage tags. ICES CM 2009/B:01.
- Nordeide, J. T. and Folstad, I. (2000). Is cod lekking or a promiscuous group spawner? *Fish and Fisheries*, **1**, 90-93.
- Slabbekoorn, H., Bouten, N., van Opzeeland, I., Coers, A., ten Cate, C. and Popper, A. N. (2010). A noisy spring: the impact of globally rising underwater sound levels on fish. *Trends in Ecology and Evolution*, **25**, 419-427.

ITEM 006

FMAC Meeting 11th November 2019 Malmaison Edinburgh

FMAC Attendees

[REDACTED]	AFPO
[REDACTED]	Communities Inshore Fisheries Alliance
[REDACTED]	Communities Inshore Fisheries Alliance
[REDACTED]	Lunar FPO
[REDACTED]	MCS
[REDACTED]	NESFO
[REDACTED]	OFPO
[REDACTED]	Orkney Fisheries
[REDACTED]	SFF
[REDACTED]	SFO
[REDACTED]	SFO
[REDACTED]	Scottish Wildlife Trust
[REDACTED]	Shetland
[REDACTED]	Shetland
[REDACTED]	Shetland
[REDACTED]	SWFPA
[REDACTED]	WWF

Marine Scotland Staff

Allan Gibb (Chair)	Deputy Director of Sea Fisheries
[REDACTED]	[REDACTED]
[REDACTED]	Marine Scotland Compliance

Apologies

[REDACTED]	SFF
[REDACTED]	PJJ
[REDACTED]	RSPB
[REDACTED]	FIS
[REDACTED]	MCS

Welcome, Introduction and State of Play

The group observed two minutes of silence to commemorate Armistice Day.

The chair welcomed attendees and provided an update on the state of play with regards to NS Cod and highlighted that the purpose of the meeting was to seek support from the group for a strategic approach. The chair acknowledged that the last meeting

was held in October and thanked everyone for their feedback following the meeting and subsequent emails. With regards to timescales, the chair acknowledged that the group have expressed some concerns regarding short notice of meetings and assured the group that internally Marine Scotland are working on very tight timescales outwith our control.

Whilst on timelines, the chair outlined the upcoming meetings:

Tue 12 th November	Marine Scotland/Defra meeting, York
Wed 13 th November	NEAFC Annual Meeting, London
Wed 13 th November	EU/Norway Meeting, Brussels
Thu 14 th November	North Sea Technical Group Meeting
Mon 18 th – Fri 22 nd	EU/Norway First Round

The chair outlined his plans for a round table at the end of the meeting to confirm views and highlighted that, while we may come to an agreement on some views, everything will still be subject to scrutiny from Other Member States (OMS) through the Regional Group (RG) process, as well as the EU. Regardless of what is said in the meeting, the chair will still need to give his recommendations to Mr Ewing and will also need to communicate the groups' feelings.

In relation to concerns from some industry representatives that there are some issues regarding gear conflict with other countries in the North Sea the chair made it clear that the Scottish Government will not support measures that don't apply to everyone else fishing in the North Sea. Equivalence is key.

The chair outlined the current narrative around TAC setting in the North Sea:

ICES were advising -70% cut to NS Cod, which has been reduced to -61% as of Friday (8th). The Commission (CION) have been clear that they expect to follow the ICES advice, and have also been very forceful on the MSY 2020 point and published a non-paper last week advising cuts to mixed stocks as well, in order to significantly lower potential catches of Cod. CION are taking a very rigid interpretation of the North Sea Multi-Annual Plan (MAP).

The chair outlined that the rationale for the proposals today is that the North Sea MAP is not as rigid as CION seem to interpret it. The MAP makes reference to "rapid" not "immediate" recovery of stocks and this is the approach we aim to take. We will also have to consider socio-economic factors throughout our planning. So despite CION's MSY2020 goal, the MAP recognises that we may not get to that.

As part of the ICES advice there is an assumption that we will recover the stock to an MSY Btrigger target of 150,000 tonnes (which we haven't seen since 1982). We will need to assess whether this is the realistic trigger point and whether there is more than one stock in play (northern North Sea vs southern North Sea). Relative recruitment in northern North Sea has been quite steady whereas the South has seen a drastic fall. As of yet we have been unable to do a split assessment, however, if we were able to we might reach the conclusions that the North is not much below MSY Btrigger with the southern stock bringing down the total. It's worth noting that ICES are aware of the retrospective bias and are content with their catch advice.

Recovery Approach

The chair then ran through the proposed approach, containing 3 key elements: TAC setting plus 2 stages of complementary measures.

TAC setting:

- Proposing a multi-year rapid response seeking with a total catch of between 15,000t – 20,000t each year.
- 3 – 4 year approach + 2 stage process (as set out below).
- The current advice for next year is -61% which amounts to 13,800t but we would hope to commit to more over the 3 – 4 year period.
- We would hope for a couple of years of good year classes coming through.
- This puts us in a defensible position with regards to TAC.

The chair highlighted that indications are that Norway thinks a proposed TAC cut of 61% is too high and would suggest something like 19,000t+ would be more appropriate alongside complementary measures .

Stage 1 of complementary measures

The chair highlighted that the best way to keep cod catches low, is to not fish where they are, with this in mind, the first stage of complementary measures would focus on spatial solutions, outlined to be:

- Seasonal Spawning Closures (between January – March inclusive)
- Juvenile Closures
- RTCs based on abundance
 - With trigger levels assigned dependent on abundance of Cod in the area
 - E.g. higher triggers in northern North Sea and lower in southern North Sea

Stage 2 of complementary measures

The chair highlighted that OMS are very much focussed on gear selectivity with the caveat that certain sections of their fleet would be exempt from the mitigation measures. As previously mentioned, equivalence is of the utmost importance so we are pushing back against that hard, however, gear selectivity still has an important role to play.

- The chair then talked about Precautionary Areas.
 - These would be either small areas with narrow access conditions or larger areas with broader requirements. The feeling is that this puts the onus on the master with a focus on behavioural change, although acknowledging that they also need to be able to demonstrate what steps they are taking and the effect this is having.
- Measures within the precautionary areas are likely to include:
 - haul by haul reporting;

- move-on rules;
- selectivity measures.

The chair also reflected that during previous issues with choke species (and when the Landing Obligation started) much of the narrative and strength of mitigating measures flowed from workshops that Marine Scotland hosted in Edinburgh where fishermen were actively involved in the design.

The chair proposed setting up a working group of experts through the EU/Norway process with fishermen involved to come up with selectivity measures as part of Stage 2. This working group will meet as many times as they need to, to propose measures by a set timescale (31st March for example). We will recognise that it takes time to implement such measures once agreed upon.

The group expressed concern that the workshops will matter less if the outcomes are not binding and that CION may oppose our measures and dictate their own. The chair agreed, stating that it would be difficult to deliver equivalence without binding outcomes and that CION are aware that it is easier to take industry along than decree measures. The chair also highlighted that a TAC reduction alone will not reduce mortality enough.

The group agreed that, once implemented, it is important that we can demonstrate the effectiveness of the measures.

Discussion on Spawning Closures

The chair introduced this section and highlighted that the proposed maps contained a mixture of industry data and Marine Scotland data. The maps focus on Scottish waters and we would expect England, Norway etc. to come forward with their own proposals.

Coby Needle presented the pre-circulated maps with proposed spawning closures – highlighting that disturbance (both physical and noise) was as bad as catching when it came to disruption of spawning cod.

Following much discussion on positioning and size of closures, as well as behaviour of spawning cod and movement of their spawn, the key outcomes were:

- We need to be prepared to monitor, evaluate and learn as we go.
- We have no intention to suggest closures in OMS' waters: however, we will expect that they implement their own.
- The effect of closures is enhanced if the closures are more strict (closed to all vessels from all countries) even if they are probably smaller than would be ideal. If we find that boats are fishing around the closures in year one and catching spawning cod we can implement an RTC in the short term and then expand the seasonal closure the following year – the group were content with this step.
- Further clarification on the effect on creel areas to be determined following the meeting.

The closures were agreed as:

- 6 seasonal closures (1st January – 31st March)
 - Papa Bank (industry proposal)

- Long Hole (industry proposal and already closed for part of the year).
- West of Shetland (industry proposal but need to monitor – maybe through RTC in first instance and then possibly closed the following year if needed)
- South of Shetland (industry proposal)
- One to North East (industry proposal - Viking area – tend to spawn later so surveys not picking up)
- East of Orkney (Marine Scotland proposal – traditionally static but protects against displacement – to be refined for static gear)

It was noted that quantifiable benefits are difficult to quantify live, as there will be no fishing inside the closures to provide evidence, however, the benefit of a spawning closure could be seen the following year when assessing the state of the stock .

Discussion on Juvenile Closures

[REDACTED] presented the recirculated maps stating that a similar approach had been used as the spawning closures. He highlighted most of the juveniles are still found Skagerrak and Kattegat although the data from 2016 presented an unusual year in which large quantities of juvenile cod were found close to the east coast of Scotland.

The chair highlighted that if we are going to be asking Denmark to protect the large proportion of juveniles in Skagerrak and Kattegat then it stands to reason that we should cover some of our own ground.

The group enquired as to the behaviour of juveniles and whether they tend to move long distances and [REDACTED] noted that if they do move, it is a relatively small distance (no more than 20-30 miles).

The group agreed that we needed to be conscious of the scallop and squid fisheries on the East coast of Scotland should we implement the suggested juvenile closure.

Ben informed the group that CION raised the possibility of juvenile closures as part of a package during the last North Sea Technical Group meeting in Brussels and that we will be expected to present our findings this week as well.

On industry request, [REDACTED] agreed to look at data further back than 2011.

To summarise:

Juvenile areas are equally as important as spawning areas, particularly if our spawning areas are successful – increased numbers of juveniles will need protection in order to contribute to the spawning stock subsequently. The group acknowledged that if we don't have anything next year then will need something in subsequent years so as not to lose benefit of good year classes coming through.

Discussion on RTCs

The chair introduced RTCs highlighting that there is already a system in place for juvenile RTCs but that we are proposing abundance triggered RTCs as part of Stage

1; with the intention being that the trigger level will differ depending on the area (i.e. higher in higher abundance areas and lower in lower abundance areas).

Our thinking is that the RTCs will be instigated upon inspection as there is a level of confidence associated with boardings as opposed to eLog data; additionally an eLog related system would be difficult to deliver on a multi-national basis.

The chair then ran through a brief comparison of the old RTC scheme used during the Cod recovery period and the proposed new measures:

Old scheme:

- Maximum of 11 or 12 at a time.
- Mixture of 15 x 15 nm (boardings based) and 7.5 x 7.5 nm (evidence based)
- At any given time the maximum amount of ocean closed would have only been around 2,700 sq nm not including juvenile/spawning closures.

Proposed measures:

- 20 x 20 nm closures with a maximum of 6 RTCs which would equate to less ground than the last scheme ($6.75 \times 20 \times 20 = 2,700$ sq nm).
- This would apply to everybody – all vessels and all countries.
- We would reduce the soak time for static gears (seine and gill nets) to 24 hours to allow for some leeway in relation to displacement issues.
- Likelihood of 6 or 7 at any one time would appear to be slim to zero if based on current boardings of whitefish vessels (1.7% of total boardings in the last 12 months).
- Haul-by-haul reporting could assist with this.

The chair then asked for opinions from the group.

The group raised questions around enforcement around the reduced soak times and were told the enforcement would remain the same as the current 72 hours soak time.

Some attendees expressed concern regarding the Saithe and Monk fisheries, enquiring whether the RTC lines could be moved ad-hoc to accommodate for these. The chair informed the group that this would likely not be possible considering we are seeking equivalence from OMS.

Fishing representatives raised concerns about the RTC triggers (some preferring a weight trigger over cod count) and the length of the closures, with some attendees being in favour of smaller, shorter closures, especially in the event that catch of other species is significant. There was also concern raised that reactionary RTCs could make a block of closures around Shetland. Some attendees requested re-evaluating the shape of the closures, from a square, to a tailored area.

The chair acknowledged all of these concerns and highlighted that in an international forum, the more complexities we build into the measure, the more difficult it will be to get through the international process. We are already going to have to work quite hard to introduce RTCs, if we start adding complexities we may risk losing them altogether. It's worth noting that industry feedback has asked for straight lines, which is why we have gone for the square shape. When considering our approach on an international

level, we can highlight that during the Cod Recovery period, we proved that we can manage RTCs effectively; but with the current advice, it won't fly if we say we want fewer and smaller RTCs.

Environmental representatives enquired whether Marine Scotland envisages having greater compliance/inspection coverage in the new year, and would we be looking for the same commitments from OMS for their vessels.

The chair responded that on the latter point, yes we would be asking for OMS to enforce compliance on their own vessels. On the former, Marine Scotland won't have more inspection assets next year but between Compliance and Policy we will discuss tasking these assets accordingly. Compliance will have risk based goals (pelagic have been quite high as of the last few years) and the chair does not direct where the ships go, however, he does feed into the tasking with relevant information.

An industry representative asked whether Norway will be implementing the same suite of measures as us and whether they will be delivering these as of the 1st January as well. The chair expressed that these details would likely be ironed out over the coming weeks with the EU/Norway meetings.

Industry also expressed that given static gears such as gill/seine nets would also be catching cod, would there be the same trigger for RTCs with them. The chair replied that this could possibly work on a pro-rata basis.

There was further discussion around RTC triggers and positioning with no clear agreement reached on weight vs count as an RTC trigger but clarity from the chair that there would be 6 mile limit on RTCs to protect inshore fisheries.

The group broke for lunch at this point.

After lunch the chair recapped the positions on RTCs, highlighting that everything we do will be reviewed annually and everything we implement, if successful could inform our Future Catching Policy going forward and managed accordingly.

Recap:

3-part strategy (TAC + Stage 1 and 2 complementary measures)

- **TAC**
 - multiyear response of 3-4 years with a Cod TAC range of between 15,000 - 20,000t.
- **Stage 1**
 - Seasonal spawning closures between January 1st and March 31st.
 - Juvenile closure on the east coast of Scotland (based on comparisons with OMS action).
 - Juvenile RTCs already exist and these may get adjusted but will continue to apply.
 - RTCs for high abundance:
 - Trigger levels differing based on abundance of cod (higher in cod abundant areas and lower in lower abundance areas).

- These will be 20 x 20 nm in size and run for 21 days with the option to re-close if necessary.
- Being conscious of displacement issues, we would seek to reduce soak time of static gear alongside these.
- No closer than 6 miles inshore.
- **Stage 2**
 - Precautionary Areas (PAs) as a principled approach with the intention that culture/behaviour of masters will have to change and the onus will be on them to demonstrate how they are doing this.
 - PAs could be reactive and triggered by an event (e.g. RTCs).
 - Large PAs with broad restrictions or more restrictive but smaller PAs.
 - Extra selectivity:
 - EU/Norway to form a working group to inform this selectivity – if Scottish industry aren't invited to this forum Marine Scotland will host a workshop and invite Norwegian fishermen with the intention that the design of selectivity options should be led by industry.

The chair informed the group that he would be briefing the minister on where we stand following the meeting with DEFRA on 12th November and asked the group in a round-table fashion whether they agreed that this approach was the best possible negotiating objective that Marine Scotland can take forward on their behalf – highlighting that the complementary measures run alongside the TAC cut, and do not reduce it, and also clarifying that through all of this, equivalence with other keys is the priority.

Round room:

Industry views:

- Broad acceptance that the staged, multi-year approach and the measures proposed seem sensible, however the devil is in the details, especially with regards to trigger levels and positioning of RTCs
- Strong push back on the sizes of RTC from some representatives
- Strong push back on the nature of the RTC triggers, specifically with relation to weight vs Cod count as a means of triggering
- A feeling that we must take account of unintended consequences caused by displacement so that there's minimal damage to other industries
- TAC still remains a concern for many
- Equivalence would be key to ensuring industry buy in
- For the second phase there may need to be specific, well designed trials to avoid unintended consequences
- General acceptance that the idea of a workshop to develop selectivity measures is a good idea especially with fishermen involved although some felt that selectivity is an ineffective solution
- The socio-economic assessment needs to be put to the group for consideration
- FMSY advice of -33% still needs to be considered – why is 15,000t – 20,000t TAC is the best outcome we can expect?
- Concern that reactive RTCs may lead to a block of closures around Shetland

- Some concern that we may have set the bar too high and that it will be difficult to get OMS to agree to our measures, which may weaken the UK position during negotiations
- Some concern over assessing the stock within the closures given that there can be no survey fishing
- A feeling that long term integration of measures needs to be looked at e.g. alongside MPAs etc.
- A general understanding that measures will need to have a demonstrable impact otherwise there will be pain for no gain
- There was understanding that Marine Scotland is doing its best and that whatever outcome is achieved will be the best available

Environmental views:

- Broad acceptance of the package of measures with the idea that they are kept in line with the scale of the emergency
- Concern that there's potentially a lack of urgency considering the drastic advice
- Significant TAC adjustments are necessary to ease the pressure on cod
- Would like to see selectivity earlier but recognises the reasoning behind the process
- Agrees with industry views that impact of measures need to be demonstrable
- A want for Scotland to take a leadership role and seek to get buy in from OMS
- Consideration for the way in which these decisions are communicated out to stakeholders and general public
- Agrees with industry that integration with the likes of MPAs needs to be considered
- A feeling that the Working Group needs to take a full eco-system based approach when considering measures
- In the same vein, we need a suite of measures to ensure cod can recover and have long term sustainability – much of the conversation is regarding cutting cod catches but we need to also assess the wider ecosystem and how cod affects this
- Overall a positive and collaborative approach to challenging advice and a good approach to take with a desire to assess as we move forward

Conclusions:

The chair thanked the group for their input and explained that we're setting the bar high willingly, highlighting that the fish are primarily in our waters and that we are biggest beneficiaries. It's important that we show leadership, show that this is what we're prepared to do by stepping up to the plate. The chair acknowledges that evaluation and adaptivity will be important going forward

The chair ran through the conclusions from the round table, highlighting that there was broad agreement on the strategy and staged approach; with some disagreement on sizes of RTCs and details to be worked through on trigger points. He will brief the

minister on all of these outcomes and give his own recommendation but ultimately the decision will be with the minister.

The chair then outlined the next steps, highlighting that we would be meeting with DEFRA the day after this meeting after which a note would be written to Mr Ewing with recommendations. The chair stated that we will try to leave York with an agreed UK strategy, which we will try and deliver on an EU/Norway wide scale. However, as this is part of an international negotiation there was no guarantee of success.

The chair stated that he will be recommending 20 x 20 nm on RTCs to Mr Ewing but will highlight that this has little industry support, however we will act on his direction.

[REDACTED – CONTENT OUT OF SCOPE]

ITEM 007

National Cod Avoidance Plan – Scottish proposal

This plan will be implemented in 2020 as a precondition for UK vessels in order to continue fishing in the “precautionary area” defined by EU regulation (Article 14, 2nd amendment to 2020 TQR) established in the Northern North Sea. The UK will seek equivalence in 2020 from foreign vessels fishing in UK waters, although this is not guaranteed. The Scottish Government will take appropriate steps to ensure that these measures will apply in Scottish waters in 2021 on an equivalence basis (with a preference that we do this via licence conditions).

This plan seeks to address two key issues: 1) to support recovery of the North Sea cod stock and, 2) to support the fishing industry to manage within the reduction level of TAC set in 2020 and (likely) in 2021. Real Times Closures (RTCs) and Real Time Reporting (RTR) in particular will help manage quota issues for the fleet.

This plan mainly focuses on spatial measures to avoid catching abundance of cod. Whilst spatial measures are difficult to quantify, our previous experience of using spatial measures such as RTCs (particularly during the Cod Recovery Plan) demonstrates that such measures can have an observable effect on cod mortality and biomass.

1. Spawning Closures

The UK worked alongside EU Member States and Norway to establish ten spawning closures which came into effect on 01 January 2020. These measures will remain in place in 2021.

1.1 Features of the Spawning scheme

- As per current closures.

2. Real Time Closures (RTCs)

RTCs can be used to protect high abundances of recruited cod of all ages. In contrast with planned seasonal closures which assume a constant distribution over time, RTCs have the potential advantage of being responsive to changes in the actual distribution of fish.

2.1 Features of the RTC scheme:

- The application of RTCs for significant cod aggregations regardless of age class.
- RTCs should apply to all gear types excluding pelagic.
- RTCs are not to be established within 12nm of the coast.
- Each RTC should remain closed for 21 days, with an option to run consecutively.
- RTCs should be 15nm by 15nm in size
- The midpoint of tow will be used to establish the RTC, as agreed with Master of fishing vessel and then verified by track on plotter.
- Limit to 6 RTCs in place at any one time
- Haul by haul reporting

- RTCs will only be in operation when the main spawning closures are not. This means that RTCs will not be in operation from January to March, but can operate when the Foula Deeps closure is in place (November to December) and the Stanhope Ground (which runs until April).

2.2 Trigger mechanism:

- RTCs to be triggered by inspection at sea.
- At the Boarding officer's discretion, and in discussion with the Skipper, 5 boxes of catch (unsorted, preferably direct from the hopper) will be inspected to them to determine the catch composition (this is based on volumetrics only, no weighing at sea).
- If the cod present in the catch is 20% or more (i.e. 1 box) of the overall weight then officers should conduct a count.
- Based on the entire haul, if the number of cod caught per hour, regardless of size, is 80 or more, then the area should be closed.
- Trigger thresholds are to be developed with feedback mechanisms to allow for necessary adjustments.
- The Commanding Officer of the Marine Protection Vessel be designated with the overall responsibility of declaring a RTC.
- Information shall then be transmitted to UK FMC so that the RTC can be communicated to the whole fleet as soon as possible. The UKFMC will issue an email notification to vessels, other FMCs (OMS/EFCA) and vessels in the vicinity of the RTC will be contacted directly. An email notification will be issued to FMAC, who will be asked to pass it on to their members, and details will be put on the Marine Scotland website as quickly as possible. The efficacy of communications will be kept under review.

3. Real Time Reporting (RTR)

3.1 Features of the scheme:

- In addition to RTCs, we will put in place a system of RTR, to enable high abundance of cod to be reported, shared with vessels fishing in the affected area, and to support a system of move on.
- The RTR scheme will run concurrently to the RTC scheme.
- The UKFMC will be the contact point for Skippers who want to make a report of abundance. Skippers will use their own knowledge in order to determine abundance.
 - Abundance and Location (latitude and longitude) to be reported to UK FMC
 - "Move on" to a minimum of 15 nm radius once notified
- Information shall be transmitted to UK FMC so "move on" can be communicated to the whole fleet as soon as possible. The UKFMC will issue an email notification to vessels, other FMCs (OMS/EFCA) and vessels in the vicinity of the RTR will be contacted directly. An email notification will be issued to FMAC, who will be asked to pass it on to their members, and details will be put on the Marine Scotland website as quickly as possible. The efficacy of communications will be kept under review.
- Skippers will be able to make a judgement on whether they are able to continue in the area without catching cod.

- Details of the RTR / move on advice will remain on the Marine Scotland website for 21 days.

4. Selectivity

4.1 Features of the fish and mud areas:

- Use a minimum gear size of 120mm in fish areas
- Using a gear size of less than 120mm in mud areas will be permitted on the basis that mud areas are primarily Nephrops grounds. (maps / coordinates to be provided)

4.2 Additional selectivity:

- At this point Marine Scotland will not mandate the use of selectivity devices (in addition to those already in place). However, vessels are reminded that there are a range of selective gears available, in particular those developed recently in response to previous Cod avoidance plans which can be used.
- Of particular use may be:
 - i. Orkney trawl
 - ii. 600mm belly panel
 - iii. 135mm cod end
 - iv. 300mm SMP

It should be noted that the fish / mud area proposal will increase the mesh size being used when targeting fish to 120mm baseline, which supports increased selectivity outside of Nephrops grounds.

5. REM

Marine Scotland will not mandate the use of REM at this time, however we are very open to REM as a management tool and will address this option in the Future Fisheries Management.

There will be no derogation from any of the measures contained within this document if REM is on board a vessel.

ITEM 008

From: [REDACTED] @gov.scot
Sent: 21 January 2022 11:13
To: [REDACTED] @gov.scot; [REDACTED] @gov.scot; Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot
Cc: Wallace I (Iain) <Iain.Wallace@gov.scot>; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>
Subject: RE: Clyde Cod Closed Area

Will do, roll on Monday

[REDACTED]
[marine scotland](#)
Sea Fisheries Division
Scottish Government
Area 1 B South, Victoria Quay,
EDINBURGH, EH66QQ

[REDACTED]

From: [REDACTED] @gov.scot
Sent: 21 January 2022 11:07
To: [REDACTED] @gov.scot; Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot
Cc: Wallace I (Iain) <Iain.Wallace@gov.scot>; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>
Subject: RE: Clyde Cod Closed Area

Hi Allan,

Yes, should be fine to go on Monday with what we have so far. For today, I'm available for the next hour, and then from about 4 pm onwards, so I should be able to make a start on a handout with [REDACTED].

I also note from [REDACTED] VMS plots that most of the activity takes place outwith our new draft proposal for closed areas, which is helpful.

Cheers – [REDACTED]

From: [REDACTED] @gov.scot
Sent: 21 January 2022 11:02
To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot
Cc: [REDACTED] @gov.scot; Wallace I (Iain) Iain.Wallace@gov.scot; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; Director of Marine Scotland Mailbox

<Directormarinescotland@gov.scot>
Subject: RE: Clyde Cod Closed Area

I will make myself available.

[REDACTED]

From: Gibb AG (Allan) <Allan.Gibb@gov.scot>

Sent: 21 January 2022 11:01

To: [REDACTED] @gov.scot>; [REDACTED @gov.scot>; [REDACTED] @gov.scot>; [REDACTED] @gov.scot>

Cc: [REDACTED] @gov.scot>; [REDACTED] @gov.scot>; Wallace I (Iain) <Iain.Wallace@gov.scot>; MacKinnon D (Donna) <Donna.MacKinnon@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>

Subject: Clyde Cod Closed Area

[REDACTED]

Can you send this out. Say please see attached email from Allan Gibb. [REDACTED] can you confirm to [REDACTED] who should all get this. [REDACTED] worth you attending if possible. [REDACTED] you all set up?

Dear All

I would like to invite you to a technical meeting in relation to the Clyde Spawning Cod Closed Area. In particular we would wish to hear from skippers with a practical knowledge of the area as well as of course others with an interest in fisheries management in the area.

The original area has been in place for some 20 years and has simply rolled forward each time in terms of location. Given we have more scientific and positional evidence available to us now, particularly about the seabed and vessel activities, we have further reviewed the proposed closure and believe it is possible that the full policy objective "maximum protection from disturbance to spawning Cod" can be achieved by making some adjustments to the location of the closed areas.

We have worked closely with our scientists in Marine Scotland and will present a proposal that we believe fully meets the objective, but would welcome practical input where appropriate and also offering the chance for all to hear the rationale and participate in the discussion.

This will be a single topic meeting where we will be discussing only the location of closed areas to all fishing activity in line with the objective.

If you could provide attendee names to [REDACTED] by responding to this email. We will send out invitations first thing on Monday morning for a meeting at 10:30 on Monday 24th January.

Allan Gibb
Head of Sea Fisheries Division

marine scotland: Fisheries Policy

Scottish Government 1B (South) Mail Point 2
Victoria Quay, Edinburgh, EH6 6QQ

[REDACTED]

Email : Allan.Gibb@gov.scot



ITEM 009

From: [REDACTED] @gov.scot>

Sent: 21 January 2022 11:26

To: [REDACTED] @gov.scot>

Subject: Invitation to technical meeting: Clyde Cod Closed Spawning Area

Dear all,

Please see below an email from Allan Gibb. As noted below, please respond to me with attendee names.

Best,

[REDACTED]

MESSAGE FROM ALLAN GIBB, HEAD OF SEA FISHERIES DIVISION

Dear All

I would like to invite you to a technical meeting in relation to the Clyde Spawning Cod Closed Area. In particular we would wish to hear from skippers with a practical knowledge of the area as well as of course others with an interest in fisheries management in the area.

The original area has been in place for some 20 years and has simply rolled forward each time in terms of location. Given we have more scientific and positional evidence available to us now, particularly about the seabed and vessel activities, we have further reviewed the proposed closure and believe it is possible that the full policy objective "maximum protection from disturbance to spawning Cod" can be achieved by making some adjustments to the location of the closed areas.

We have worked closely with our scientists in Marine Scotland and will present a proposal that we believe fully meets the objective, but would welcome practical input where appropriate and also offering the chance for all to hear the rationale and participate in the discussion.

This will be a single topic meeting where we will be discussing only the location of closed areas to all fishing activity in line with the objective.

If you could provide attendee names to [REDACTED] by responding to this email. We will send out invitations first thing on Monday morning for a meeting at 10:30 on Monday 24th January.

Best

Allan Gibb

Allan Gibb
Head of Sea Fisheries Division

ITEM 010

From: [REDACTED]@gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

Sent: 19 January 2022 09:20

To: [REDACTED]@gov.scot>; Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Cc: Higgins K (Kate) <Kate.Higgins@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Huyton H (Harry) <Harry.Huyton@gov.scot>; [REDACTED]@gov.scot> [REDACTED]@gov.scot> Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot> [REDACTED]@gov.scot> [REDACTED]@gov.scot> [REDACTED]@gov.scot>

Subject: RE: Clyde Cod closure: FMQ + MRs for MSPs

Good morning,

Both letters have been issued ahead of today's meeting, as attached.

Many thanks,

[REDACTED]

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From: [REDACTED]@gov.scot>

Sent: 18 January 2022 16:09

To: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Cc: Higgins K (Kate) <Kate.Higgins@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Huyton H (Harry) <Harry.Huyton@gov.scot>; [REDACTED]@gov.scot> [REDACTED]@gov.scot> Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot> [REDACTED]@gov.scot> [REDACTED]@gov.scot> [REDACTED]@gov.scot>

Subject: Clyde Cod closure: FMQ + MRs for MSPs

Dear Private Office,

Please find attached an FMQ for the Clyde Cod closure, in advance of Ms Gougeon's meeting tomorrow. I also attach two MRs for Jenny Minto MSP and Elena Whitham MSP (including the original letters for convenience). These have been reviewed by Allan and SGLD. Spads have not cleared but are in copy of this email.

SGLD are currently reviewing the Q&A and we will aim to submit that later today.

Any questions, please let me know. As agreed, Allan will be supporting Ms Gougeon in her meetings with MSPs and MPs tomorrow.

Best,
[REDACTED]

Attachment 1

From: [REDACTED]@gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

Sent: 19 January 2022 09:19

To: 'Jenni.minto.msp@parliament.scot' <Jenni.minto.msp@parliament.scot>

Cc: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Subject: Letter from Cabinet Secretary for Rural Affairs and Islands - Clyde Cod

Dear Ms Minto,

Please see attached correspondence from Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands.

Kind regards,

[REDACTED]

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Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot St Andrew's House, Regent Road, Edinburgh EH1 3DG

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Cabinet Secretary for Rural Affairs and Islands

Mairi Gougeon MSP

[REDACTED]

E: scottish.ministers@gov.scot

Jenni Minto MSP

Jenni.Minto.MSP@parliament.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

Dear Jenni,

Thank you for your letter, I appreciate and understand the concerns raised by the Clyde Fishermen's Association, and welcome this opportunity to set out the rationale behind this policy.

Before I respond to the specific points you raise, I want to explain the principles which underpin this policy change. As you are aware, the Bute House Agreement commits both the Scottish Government and the Scottish Greens to restore marine habitats in Scotland's inshore waters, and this change in position is in line with this commitment. Moreover, it creates consistency with management in other areas, including the UK National North Sea Cod Avoidance Plan, which covers closure areas for all gear types (excluding pelagic), and the recent emergency Marine Protected Area (MPA) designation in the Inner Sound and related Marine Conservation Order, which includes prohibition on creeling and diving in order to protect the critically endangered flapper skate nursery area. The policy change is also supported by stakeholder responses to the consultation and scientific evidence – I set this out in greater detail below. Finally, in coming to this decision, I have considered the precautionary principle

I have taken this decision based on the best available scientific evidence relating to cod spawning practices. While spawning, cod are extremely vulnerable to all forms of fishing activity. They are focussed on mating, and the males are unwilling to leave their hard-won leks, so both sexes are less likely to try and evade oncoming fishing gear, increasing the risk of being caught. In addition, physical disturbance within the relevant areas of the Firth of Clyde during the mating period will disrupt the mating activity and potentially destroy the lek areas, and cod so disturbed may not return (and therefore may not spawn that year). Removal of all fishing activity should significantly mitigate this risk. If the stronger males are caught or disrupted leaving the weaker males, those males that remain may not be able to attract females. Moreover, stressed males are less likely to initiate mating. Scientific research around this topic suggests that any fishing activity within 10m of the seabed (which would include the

previously exempted activities of trawling, dredging and creeling) has the potential to impact on cod spawning activity. This scientific evidence was the basis of similar closures in the North Sea. More details are available on the Scottish Government website: Cod spawning areas: research - gov.scot (www.gov.scot)

With regard to the questions you raise around the process, an initial stakeholder consultation ran between 15th September and 13th October 2021, followed by a wider public consultation between 20th October and 4th November 2021. The consultation took place later in the year than was originally planned as the result of a number of often unexpected pressing external events which took up Marine Scotland officials' time in the first half of 2021, including dealing with the aftermath of a Tory Brexit and the ongoing challenges to the fishing industry as a result of the Covid-19 pandemic. The length of the consultation was comparable to previous years and was advertised on the gov.scot website (Clyde cod spawning closure 2022-2023: consultation - gov.scot (www.gov.scot)) and also targeted to ensure all stakeholders with an interest were given an opportunity to respond.

During both phases of the consultation, respondents were asked for their views about the existing exemptions. We received a wide and representative range of responses from industry (including the Clyde Fishermen's Association), environmental groups, and members of the public, and all responses were carefully considered during the decision-making process. When asked about the existing exemptions, a high proportion of responses called for some or all exemptions to be removed.

I acknowledge and appreciate that removal of the exemptions at this stage will have short-term costs impacting on some local vessels. However, the seasonal closure covers a short period of 11 weeks, during which vessels may fish in alternative locations, which the vast majority regularly do. The closure will not affect quota and should not affect the overall volume of fish that fishers are able to catch over the year. In addition to the cod stocks, other stocks may also benefit from the closure period, allowing greater fishing opportunities on the reopening of the seasonal closure.

Marine Scotland has a strong record of engaging with all stakeholders as part of the co-management approach set out in the Future Fisheries Management strategy. We have a number of fora, including FMAC and IFMAC, and communicate with stakeholders on a regular basis. On this particular issue, as I have mentioned above, the consultation process elicited a wide range of views which were all carefully considered when taking this decision. I would like assure you and your constituents that I remain committed to a policy of ongoing engagement with all stakeholders, particularly those who stand to be most affected by Scottish Government decisions. To that end, I have a series of meetings this week with groups and individuals (including the Clyde Fishermen's Association) to discuss this issue.

The recent SSI represents a change to our previous position – for sound environmental and biodiversity reasons, as supported by scientific evidence. I appreciate that this entails some short-term costs. However, by taking action now, we hope to see the cod (and potentially other) stocks replenish which will ultimately be beneficial for fishing interests.

I will be happy to discuss this further with you when we meet later this week.

Yours sincerely,

MAIRI GOUGEON

Attachment 2

From: [REDACTED]@gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

Sent: 19 January 2022 09:19

To: Elena.whitham.msp@parliament.scot

Cc: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Subject: Letter from Cabinet Secretary for Rural Affairs and Islands - Clyde Cod

Dear Ms Whitham,

Please see attached correspondence from Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands.

Kind regards,

[REDACTED]

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LEADER BYES

Cabinet Secretary for Rural Affairs and
Islands

Mairi Gougeon MSP

[REDACTED]

E: scottish.ministers@gov.scot

Elena Whitham MSP

Elena.Whitham.MSP@parliament.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

19 January 2022

Dear Elena,

Thank you for your letter, I appreciate and understand the concerns raised by the Clyde Fishermen's Association, and welcome this opportunity to set out the rationale behind this policy.

Before I respond to the specific points you raise, I want to explain the principles which underpin this policy change. As you are aware, the Bute House Agreement commits both the Scottish Government and the Scottish Greens to restore marine habitats in Scotland's inshore waters, and this change in position is in line with this commitment. Moreover, it creates consistency with management in other areas, including the UK National North Sea Cod Avoidance Plan, which covers closure areas for all gear types (excluding pelagic), and the recent emergency Marine Protected Area (MPA) designation in the Inner Sound and related Marine Conservation Order, which includes prohibition on creeling and diving in order to protect the critically endangered flapper skate nursery area. The policy change is also supported by stakeholder responses to the consultation and scientific evidence – I set this out in greater detail below. Finally, in coming to this decision, I have considered the precautionary principle.

I have taken this decision based on the best available scientific evidence relating to cod spawning practices. While spawning, cod are extremely vulnerable to all forms of fishing activity. They are focussed on mating, and the males are unwilling to leave their hard-won leks, so both sexes are less likely to try and evade oncoming fishing gear which means that mating adults are at risk of being caught. In addition, physical disturbance within the relevant areas of the Firth of Clyde during the mating period will disrupt the mating activity and potentially destroy the lek areas, and cod so disturbed may not return (and therefore may not spawn that year). Removal of all fishing activity should significantly mitigate this risk. If the stronger males are caught or disrupted leaving the weaker males, those males that remain may not be able to attract females. Moreover, stressed males are less likely to initiate mating.

Scientific research around this topic suggests that any fishing activity within 10m of the seabed (which would include trawling, dredging and creeling) has the potential to impact on cod.

spawning activity. This scientific evidence was the basis of similar closures in the North Sea. More details are available on the Scottish Government website: Cod spawning areas: research - gov.scot (www.gov.scot)

With regard to the questions you raise around the process, an initial stakeholder consultation ran between 15th September and 13th October 2021, followed by a wider public consultation between 20th October and 4th November 2021. The consultation was conducted later in the year than was originally planned, as a result of a number of often unexpected pressing external events which took up Marine Scotland officials' time in the first half of 2021. Including dealing with the aftermath of a Tory Brexit and the ongoing challenges to the fishing industry as a result of the Covid-19 pandemic. During both phases of the consultation, respondents were asked for their views about the existing exemptions. We received a wide and representative range of responses from industry (including the Clyde Fishermen's Association), environmental groups, and members of the public, and all responses were carefully considered during the decision-making process. When asked about the existing exemptions, a high proportion of responses called for some or all exemptions to be removed.

I acknowledge and appreciate that removal of the exemptions at this stage will have short-term costs impacting on some local vessels. However, the seasonal closure covers a short period of 11 weeks, during which vessels may fish in alternative locations, which the vast majority regularly do. The closure will not affect quota and should not affect the overall volume of fish that fishers are able to catch over the year. In addition to the cod stocks, other stocks may also benefit from the closure period, allowing greater fishing opportunities on the reopening of the seasonal closure.

Marine Scotland has a strong record of engaging with all stakeholders as part of the co-management approach set out in the Future Fisheries Management strategy. We have a number of fora, including FMAC and IFMAC, and communicate with stakeholders on a regular basis. On this particular issue, as I have mentioned above, the consultation process elicited a wide range of views which were all carefully considered when taking this decision. I would like assure you and your constituents that I remain committed to a policy of ongoing engagement with all stakeholders, particularly those who stand to be most affected by Scottish Government decisions. To that end, I have a series of meetings this week with groups and individuals (including the Clyde Fishermen's Association) to discuss this issue.

The recent SSI represents a change to our previous position – for sound environmental and biodiversity reasons, as supported by scientific evidence. I appreciate that this entails some short-term costs. However, by taking action now, we hope to see the cod (and potentially other) stocks replenish which will ultimately be beneficial for fishing interests.

Yours sincerely,

MAIRI GOUGEON

ITEM 011

From: [REDACTED]@gov.scot
Sent: 17 January 2022 10:34
To: [REDACTED]@gov.scot; [REDACTED]@gov.scot; Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot; [REDACTED]@gov.scot;
Cc: [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: RE: 22 01 14 - Clyde Cod Closure 2022_23 - FMQ (A36137291)

Hi folks,

Some text added... I also have a recent sediment map (enclosed) – the light green area to the east of Arran is mud, but the area is also quite patchy and spawning may be possible across quite a lot of it.

[REDACTED]

From: [REDACTED]@gov.scot
Sent: 17 January 2022 10:00
To: [REDACTED]@gov.scot; Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Cc: [REDACTED]@gov.scot; [REDACTED]@gov.scot

Subject: RE: 22 01 14 - Clyde Cod Closure 2022_23 - FMQ (A36137291)

Can you change the line that says NCAP applies to all gears – some exceptions as per attached map.

[map-seasonal-closures-jpg \(1120×792\) \(www.gov.scot\)](#)

Thanks
[REDACTED]

From: [REDACTED]@gov.scot
Sent: 17 January 2022 09:24
To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Cc: [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: RE: 22 01 14 - Clyde Cod Closure 2022_23 - FMQ (A36137291)

[REDACTED],

I've made some further changes deleting some of the text from the box, as was repeated in top lines.

Thanks

[REDACTED]

From: Gibb AG (Allan) <Allan.Gibb@gov.scot>
Sent: 17 January 2022 09:04
To: [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot;
[REDACTED]@gov.scot
Cc: [REDACTED]@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: RE: 22 01 14 - Clyde Cod Closure 2022_23 - FMQ (A36137291)

[REDACTED]

Couple minor edits from me. [REDACTED] to expand on the all gears and disturbance point please. Then to [REDACTED].

Allan Gibb
Head of Sea Fisheries Division

marine scotland: Fisheries Policy

Scottish Government 1B (South) Mail Point 2
Victoria Quay, Edinburgh, EH6 6QQ

[REDACTED]
Email : Allan.Gibb@gov.scot



From: [REDACTED]@gov.scot
Sent: 14 January 2022 16:32
To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot ;
[REDACTED]@gov.scot ; [REDACTED]@gov.scot
Cc: [REDACTED]@gov.scot ; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: 22 01 14 - Clyde Cod Closure 2022_23 - FMQ (A36137291)

Hi Allan

With thanks to [REDACTED] and [REDACTED], please find the link below for the draft FMQ.

[REDACTED] – there is a section flagged for you to check please. Thanks!

Will aim to get a draft to Kate Higgins on Monday.

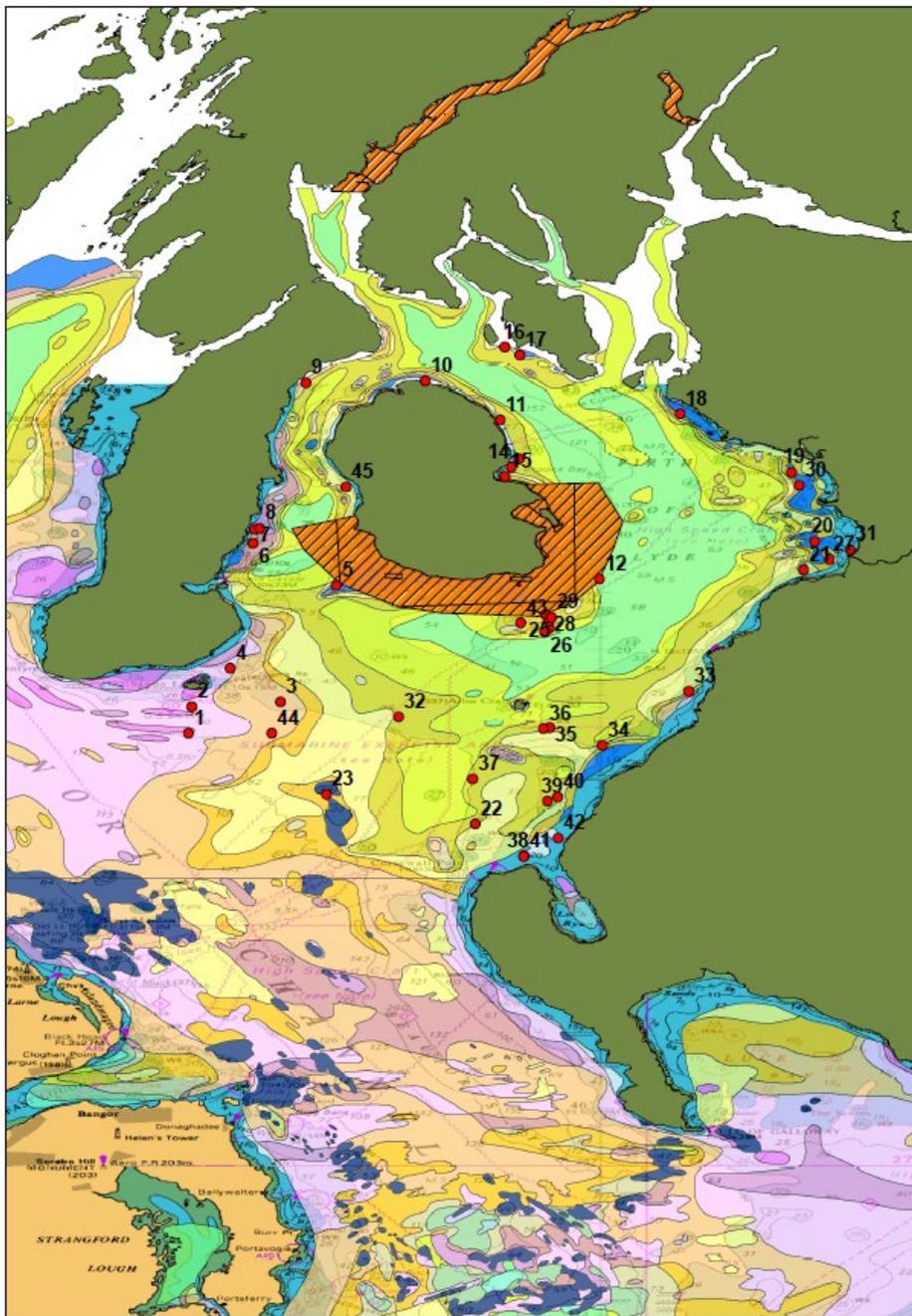
Thanks and have a good weekend all,

[REDACTED]

Click on the link to open '22 01 14 - Clyde Cod Closure 2022_23 - FMQ' –
[REDACTED- Internal System Link]

[REDACTED]

Attachment



250koffshore_seabed_sed_Proj

ROCK_D

- GRAVEL [MARINE SEDIMENT: FRENCH CLASSIFICATION:]
- GRAVEL [MARINE SEDIMENT]
- GRAVELLY MUD [MARINE SEDIMENT]
- GRAVELLY MUDDY SAND [MARINE SEDIMENT]
- GRAVELLY SAND [MARINE SEDIMENT: FRENCH CLASSIFICATION:]
- GRAVELLY SAND [MARINE SEDIMENT]
- MUD
- MUDDY GRAVEL [MARINE SEDIMENT]
- MUDDY SAND [MARINE SEDIMENT]
- MUDDY SANDY GRAVEL [MARINE SEDIMENT]
- SAND [MARINE SEDIMENT: FRENCH CLASSIFICATION: 25]
- SAND [MARINE SEDIMENT]
- SANDY GRAVEL [MARINE SEDIMENT: FRENCH CLASSIFICATION:]
- SANDY GRAVEL [MARINE SEDIMENT]
- SANDY MUD [MARINE SEDIMENT]
- SLIGHTLY GRAVELLY MUD [MARINE SEDIMENT]
- SLIGHTLY GRAVELLY MUDDY SAND [MARINE SEDIMENT]
- SLIGHTLY GRAVELLY SAND [MARINE SEDIMENT]
- SLIGHTLY GRAVELLY SANDY MUD [MARINE SEDIMENT]
- DIAMICTON
- GRAVEL, SAND AND SILT (for use on Digital maps only)
- ROCK OR DIAMICTON (Offshore digital maps only)
- ROCK AND SEDIMENT
- UNDIFFERENTIATED SOLID ROCK. See UNKN_DRFT
- MUSSEL DEPOSIT (MARINE, BIOLOGICAL DEPOSIT)
- CLAY AND SAND

ITEM 012

From: [REDACTED] @gov.scot **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

Sent: 17 January 2022 10:41

To: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>;

[REDACTED] @gov.scot

Cc: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED] @gov.scot;

[REDACTED] @gov.scot; [REDACTED] @gov.scot; Communications Net Zero &

Rural Affairs <CommunicationsNetZero&RuralAffairs@gov.scot>; [REDACTED]

@gov.scot ; [REDACTED] @gov.scot; Huyton H (Harry) <Harry.Huyton@gov.scot>;

[REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot;

[REDACTED] @gov.scot; [REDACTED] @gov.scot; Higgins K (Kate)

Kate.Higgins@gov.scot

Subject: RE: Clyde trawling ban - Letter to RAINE

Hi [REDACTED],

The letter has now been issued – see attached.

Many thanks,

[REDACTED]

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[REDACTED]

Attachment 1

From: [REDACTED] @gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs and Islands

Sent: 17 January 2022 10:40

To: rural.committee@Parliament.Scot

Cc: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Subject: Correspondence from Cabinet Secretary for Rural Affairs and Islands - Clyde Cod

Dear Convener,

Please see attached correspondence from Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands.

Kind regards,

[REDACTED]

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Attachment 2 (attached in both Word and PDF Format)

Cabinet Secretary for Rural Affairs and Islands
Mairi Gougeon MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

[REDACTED]

E: scottish.ministers@gov.scot

Finlay Carson MSP
Convener
Rural Affairs, Islands and Natural
Environment Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

17 January 2022

Dear Finlay,

Clyde Cod Seasonal (February to April) Closure for 2022 and 2023

I am writing to inform you of the Order being laid today regarding the seasonal closure in the Firth of Clyde which aims to protect spawning cod and promote recovery of the West of Scotland stock. This seasonal closure, in place since 2001, spans an 11 week period between February and April each year.

As you will be aware, the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2021 was laid in December 2021 with the previous exemptions in place for certain fishing methods and the intention was to review these exemptions in 2022. However, upon further reflection, I believe that this approach is no longer appropriate. Despite the

ongoing seasonal closure, the stock has shown little sign of recovery and as such the Scottish Government has removed the exemptions to maximise numbers.

I have therefore taken the decision to revoke The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2021 and replace it with The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 which continues the spawning closure for 2022 and 2023 without any exemptions.

This will create consistency with management measures in other areas, including the UK National North Sea Cod Avoidance Plan, which covers closure areas for all gear types (excluding pelagic), and the recent emergency Marine Protected Area (MPA) designation in the Inner Sound and related Marine Conservation Order, which includes prohibition on creeling and diving in order to protect the critically endangered flapper skate nursery area.

This is also in line with the commitments set out in the Bute House Agreement between the Scottish Government and the Scottish Greens and our shared aim to restore marine habitats in Scotland's inshore waters.

I hope that this information is helpful.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Mari Gougeon', with a stylized flourish at the end.

MARI GOUGEON

ITEM 013

From: [REDACTED] @gov.scot
Sent: 17 January 2022 12:17
To: [REDACTED] @gov.scot; [REDACTED] @gov.scot; [REDACTED] @gov.scot
Subject: FW: Clyde substrate maps

From: [REDACTED] @gov.scot
Sent: 17 January 2022 08:08
To: [REDACTED] @gov.scot ; [REDACTED] @gov.scot
Subject: RE: Clyde substrate maps

Hi [REDACTED],

I don't have the sediment layer you need but with regard to cod spawning grounds, our group produced this paper a few years ago. Cod do prefer coarser sand.

Regards

[REDACTED]

From: [REDACTED] @gov.scot
Sent: 17 January 2022 07:59
To: [REDACTED] @gov.scot ; [REDACTED] @gov.scot ; [REDACTED] @gov.scot ; [REDACTED] @gov.scot ; [REDACTED] @gov.scot; [REDACTED] @gov.scot
Subject: RE: Clyde substrate maps

Morning [REDACTED],

I'm afraid that my OSE is still playing up and I'm not able to produce you a new one right now.....probably can by this afternoon if someone else doesn't have one readily available. This one is from when we were planning the Clyde scallop survey in 2019. The scale is not on the map but is below;

- 250koffshore_seabed_sed_Proj
- ROCK_D
- GRAVEL [MARINE SEDIMENT: FRENCH CLASSIFICATION: ...]
- GRAVEL [MARINE SEDIMENT]
- GRAVELLY MUD [MARINE SEDIMENT]
- GRAVELLY MUDDY SAND [MARINE SEDIMENT]
- GRAVELLY SAND [MARINE SEDIMENT: FRENCH CLASSIFIC...
- GRAVELLY SAND [MARINE SEDIMENT]
- MUD
- MUDDY GRAVEL [MARINE SEDIMENT]
- MUDDY SAND [MARINE SEDIMENT]
- MUDDY SANDY GRAVEL [MARINE SEDIMENT]
- SAND [MARINE SEDIMENT: FRENCH CLASSIFICATION: 25...
- SAND [MARINE SEDIMENT]
- SANDY GRAVEL [MARINE SEDIMENT: FRENCH CLASSIFIC...
- SANDY GRAVEL [MARINE SEDIMENT]
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- SLIGHTLY GRAVELLY MUD [MARINE SEDIMENT]
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- ROCK AND SEDIMENT
- UNDIFFERENTIATED SOLID ROCK. See UNKN_DRFT
- MUSSEL DEPOSIT (MARINE, BIOLOGICAL DEPOSIT)
- CLAY AND SAND

From: [REDACTED] @gov.scot

Sent: 14 January 2022 18:24

To: [REDACTED] @gov.scot ; [REDACTED] @gov.scot

Subject: RE: Clyde substrate maps

Not an area we have done much modelling specifically , But [REDACTED] might be able to help

From: [REDACTED] @gov.scot

Sent: 14 January 2022 17:45

To: [REDACTED] @gov.scot ; [REDACTED] @gov.scot

Subject: RE: Clyde substrate maps

Hi [REDACTED]

I really only have maps of mud I'm afraid – however I'm fairly sure you can get still the BGS layers on NMPi which would have sediment by FOLK classification.

[REDACTED]

From: [REDACTED] @gov.scot

Sent: 14 January 2022 17:28

To: [REDACTED] @gov.scot ; [REDACTED] @gov.scot

Subject: Clyde substrate maps

Importance: High

Hi folks (apologies for the scattergun mailing list!),

You may be aware that SG have just proposed that the Clyde cod spawning closure will be extended to all gears from this year onwards, on the basis that any demersal activity (including creeling) has the potential to interfere with cod spawning behaviour. [Redacted].

I've enclosed a paper we put together in 2019 in relation to North Sea cod, although the conclusions should also apply to Clyde cod. The paper notes that cod prefer to spawn on coarse sand. Can I ask if cod would ever spawn on muddy substrate?

Also, for Monday morning I need the latest map of Clyde substrate, including areas of coarse sand on which cod might be expected to spawn. Could I trouble one of you to send me this if you have it? I can pull one off the internet, but I'd rather have some security about where it came from!

Many thanks and have a good weekend (I don't need anything until Monday),

[REDACTED]

[ATTACHMENT IN THE PUBLIC DOMAIN (SCIENTIFIC PAPER)]

[Spawning grounds of Atlantic cod \(*Gadus morhua* \) in the North Sea | ICES Journal of Marine Science | Oxford Academic \(oup.com\)](#)

[REDACTED – Attachment – Paper already included earlier]

ITEM 014

From: [REDACTED]@gov.scot>

On Behalf Of Cabinet Secretary for Rural Affairs and Islands

Sent: 14 January 2022 20:40

To: [REDACTED]@clydefish.com

Cc: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Subject: RE: FAO Cabinet Secretary - Mairi Gougeon

[REDACTED]

Thank you for sharing the statement and response to the recently announced The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022. I appreciate and understand that this has elicited strong feelings and reaction among the fishing communities of the Clyde.

The Scottish Government is committed to sustainable fisheries and has a record of working constructively with industry to achieve this. Our aim is to restore marine habitats in Scotland's inshore waters, to provide a higher chance of stock recovery and contribute to more sustainable fisheries in the future. This is a key tenet of both the Bute House Agreement and the Scotland's Fisheries Management Strategy 2020 – 2030.

Although we note the points you have made on this, it is the government's considered view that removal of the exemptions will create consistency with management in other areas, including the UK National North Sea Cod Avoidance Plan, which covers closure areas for all gear types (excluding pelagic), and the recent emergency Marine Protected Area (MPA) designation in the Inner Sound and related Marine Conservation Order, which includes prohibition on creeling and diving in order to protect the critically endangered flapper skate nursery area.

I will be happy to meet with you on Thursday 20 January at 14:30 in order to discuss the rationale behind this policy at greater length, as well as the concerns which you have raised on behalf of your members and their communities.

Kind regards

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs and Islands

[REDACTED]

[REDACTED]

Cabinet Secretary for Rural Affairs and Islands

2N.08

St Andrews House

☎[REDACTED]

☎[REDACTED]

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From: Gougeon M (Mairi), MSP <Mairi.Gougeon.msp@parliament.scot>

Sent: 12 January 2022 20:47

To: Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>

Subject: FW: FAO Cabinet Secretary - Mairi Gougeon

From: [REDACTED]@clydefish.com

Sent: 12 January 2022 18:53

To: Gougeon M (Mairi), MSP <Mairi.Gougeon.msp@parliament.scot>;

scottish.ministers@gov.scot

Subject: FAO Cabinet Secretary - Mairi Gougeon

Dear Cabinet Secretary Gougeon,

The Clyde Fishermen's Association would like to request a meeting with you at your earliest convenience regarding the survival of our local fishing fleets.

Yours sincerely,

[REDACTED]

ITEM 015

From: [REDACTED]

Sent: 13 January 2022 09:46

To: 'rural.committee@parliament.scot' <rural.committee@parliament.scot>

Cc: [REDACTED]@gov.scot>; Gibb AG (Allan) <Allan.Gibb@gov.scot>

Subject: The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022

Hi [REDACTED]

Just dropping you a note to inform you that this SSI is being laid today.

The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2021 was laid in December 2021 with the previous exemptions in place for certain fishing methods. The intention was to review these exemptions in 2022. However, following further reflection it was considered that this approach is not in line with the policies referred to in the Scottish Government – Scottish Green Party agreement. The decision has been made to revoke The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2021 and replace it with The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 which continues the spawning closure without any exemptions.

We believe that we have followed all the correct procedures (the SSI is accompanied by a Policy Note, Parliamentary Handling Note and BRIA), but please let us know if you need any additional information.

Kind regards,

[REDACTED]



ITEM 016

From: [REDACTED]@gov.scot>

Sent: 13 January 2022 10:55

To: Higgins K (Kate) <Kate.Higgins@gov.scot>; Cabinet Secretary for Rural Affairs and Islands <CabSecRAI@gov.scot>; [REDACTED]@gov.scot>

Cc: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot>;

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZero&RuralAffairs@gov.scot>;

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Huyton H (Harry)

<Harry.Huyton@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>;

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: RE: To clear - BBC enquiry - Clyde trawling ban

Hello,

Please find attached the final blog for info with the updated paragraph.

Note that the blog will be published once the SSI has been laid. I understand it's been sent and we are waiting for confirmation, so hopefully the blog will be live in the next few hours.

We will also Tweet from the MS Twitter and tag the Cab Sec.

[REDACTED]

[REDACTED – email chain is a repeat of that in preceding document]

Attachment [REDACTED]

[REDACTED]

ITEM 017

Page 1

Firth of Clyde cod spawning closure for 2022/23: Summary report

This report was created on Tuesday 08 February 2022 at 11:12 and includes **208** responses.

The activity ran from 20/10/2021 to 04/11/2021.

Contents

Question 1: Do you agree with the Scottish Government's view that it is appropriate to renew the seasonal closure in the Clyde, as in previous years, to protect spawning cod, for 2022/23?

1

Q1 1

Please provide your comments in the text box below 2

Question 2: Do you have any views on the proposed continuation of exemptions, which have previously applied, for fishing boats fishing with scallop dredges, creels or trawls used for fishing for Norway lobsters?

2

Please provide your comments in the text box below 2

Question 3: Do you have any views on alternative or complementary measures that could be considered for the protection of cod spawning in the Firth of Clyde for 2024 and beyond?

2

Please provide your comments in the text box below 2

What is your name? 2

Name 2

What is your email address? 2

Email 2

Are you responding as an individual or an organisation? 2

Are you responding as an individual or an organisation? 2

What is your organisation? 2

Organisation 2

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

3

Publishing permissions 3

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?

3

future contact/internal sharing 3

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. 3

privacy policy 3

Please help us improve our consultations by answering the questions below.
(Responses to the evaluation will not be published.) 4

Matrix 1 - How satisfied were you with this consultation? 4

Please enter comments here. 4

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation? 4

Please enter comments here. 4

Question 1: Do you agree with the Scottish Government's view that it is appropriate to renew the seasonal closure in the Clyde, as in previous years, to protect spawning cod, for 2022/23?

Q1

Yes

No

Don't know

Not Answered

0 198

Page 2

Option Total Percent

Yes 198 95.19%

No 8 3.85%

Don't know 2 0.96%

Not Answered 0 0.00%

Please provide your comments in the text box below

There were **126** responses to this part of the question.

Question 2: Do you have any views on the proposed continuation of exemptions, which have previously applied, for fishing boats fishing with scallop dredges, creels or trawls used for fishing for Norway lobsters?

Please provide your comments in the text box below

There were **203** responses to this part of the question.

Question 3: Do you have any views on alternative or complementary measures that could be considered for the protection of cod spawning in the Firth of Clyde for 2024 and beyond?

Please provide your comments in the text box below

There were **164** responses to this part of the question.

What is your name?

Name

There were **205** responses to this part of the question.

What is your email address?

Email

There were **208** responses to this part of the question.

Are you responding as an individual or an organisation?

Are you responding as an individual or an organisation?

Individual

Organisation

Not Answered

0 182

Option Total Percent

Individual 182 87.50%
Organisation 26 12.50%
Not Answered 0 0.00%

What is your organisation?

Organisation

There were **37** responses to this part of the question.

Page 3

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publishing permissions

Publish response with name
Publish response only (without name)
Do not publish response
Not Answered
0 96

Option Total Percent

Publish response with name 88 42.31%
Publish response only (without name) 96 46.15%
Do not publish response 24 11.54%
Not Answered 0 0.00%

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?

future contact/internal sharing

Yes
No
Not Answered
0 183

Option Total Percent

Yes 183 87.98%
No 25 12.02%
Not Answered 0 0.00%

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

privacy policy

I consent
Not Answered
0 208
Page 4

Option Total Percent
I consent 208 100.00%
Not Answered 0 0.00%

**Please help us improve our consultations by answering the questions below.
(Responses to the evaluation will not be published.)**

Matrix 1 - How satisfied were you with this consultation?

Very dissatisfied
Slightly dissatisfied
Neither satisfied nor dissatisfied
Slightly satisfied
Very satisfied
Not Answered
0 63

Option Total Percent
Very dissatisfied 10 4.81%
Slightly dissatisfied 21 10.10%
Neither satisfied nor dissatisfied 63 30.29%
Slightly satisfied 42 20.19%
Very satisfied 37 17.79%
Not Answered 35 16.83%

Please enter comments here.

There were **44** responses to this part of the question.

***Matrix 1 - How would you rate your satisfaction with using this platform
(Citizen Space) to respond to this consultation?***

Very dissatisfied
Slightly dissatisfied
Neither satisfied nor dissatisfied
Slightly satisfied
Very satisfied
Not Answered
0 72

Option Total Percent
Very dissatisfied 12 5.77%
Slightly dissatisfied 4 1.92%
Neither satisfied nor dissatisfied 37 17.79%
Slightly satisfied 42 20.19%
Very satisfied 72 34.62%
Not Answered 41 19.71%

Please enter comments here.

There were **26** responses to this part of the question.

ITEM 018

Consultation document has been published at
<https://consult.gov.scot/marine-scotland/cod-spawning-closure/>

ITEM 019

From: [REDACTED]@gov.scot>
Sent: 06 July 2021 14:55
To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Thanks. That seems v odd. Problem may be that they are all under 12?

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 01 July 2021 17:34
To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Subject: FW: Creelers within clyde cod closure area

Hi [REDACTED] and [REDACTED] –

You'll see from [REDACTED] exchanges below that we are lead to believe that the removal of the derogation will be to one vessel. This is, however, based on the data provided by the MAU and the consultation and engagement might suggest a higher impact.

I am just about to go off for a week's holiday but maybe we can pick this up when I am back on 12th? Got to look out for those wee boaties.

Thanks, [REDACTED].

From: [REDACTED]@gov.scot>
Sent: 01 July 2021 16:34
To: [REDACTED]@gov.scot>

From: [REDACTED]@gov.scot>
Sent: 01 July 2021 16:34
To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Thanks [REDACTED]

I've copied in [REDACTED] and [REDACTED] who are the SFO's in CN and Ayr respectively to keep them in the loop

Regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 01 July 2021 15:23
To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Thanks again for the info [REDACTED]. [REDACTED] and I have just had a catch up on this and just to keep you in the loop on our current thinking – On the basis that the MAU have only been able to confirm that the exemption has been used by one vessel in each year, it seems that the removal of the exemption will have a minimal impact so this will inform our starting position. If there is additional evidence then we can pick that up through the consultation.

Kind regards,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 29 June 2021 10:36
To: [REDACTED]@gov.scot> **Subject:** RE: Creelers within clyde cod closure area

Hi [REDACTED]

So sorry I thought I'd gotten back to you – last week turned into one of those weeks. I spoke with [REDACTED] in CN and we were surprised there was only vessel. The others who were thought could possibly fished there are;

[REDACTED]

The vast majority of this effort would have been in area 3(1)(a).

It could be they fish in the area but not in the timeframe

Regards

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 29 June 2021 10:32
To: [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Hi [REDACTED],

Just wondering if you've managed to sense check this with the local FOs yet? [REDACTED] is on leave next week so I'm hoping to be able to give her an update before the end of this week.

Many thanks!

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 22 June 2021 11:28
To: [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Hi [REDACTED]
No bother, will get back to you
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 22 June 2021 11:09
To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Hi [REDACTED],

Sorry to keep bothering you!

I asked [REDACTED] to look into this data and she has come back with the following

There is one vessel in each of 2020 & 2021 with a main gear of Traps,

[REDACTED] - 2021
[REDACTED] – 2020

This is vessels within the closed area, during the closure period. It looks like there's not much at all. Could you please sense check with the local offices if that seems right?

Many Thanks

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 21 June 2021 15:33
To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;
[REDACTED]@gov.scot>
Subject: RE: Creelers within clyde cod closure area

Hi [REDACTED]
Could the information be pulled by gear type – FPO – by the stats branch?
Otherwise I can ask local offices
Regards
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 21 June 2021 11:57
To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;
[REDACTED]@gov.scot>
Subject: Creelers within clyde cod closure area

Hi [REDACTED]/ [REDACTED],

We're still working on gathering information on the Clyde cod situation. Can you give any indication of how much creel activity there is in that area? Do we have data available on creels or just local knowledge?

Many Thanks!

[REDACTED]

ITEM 020

From: [REDACTED]@gov.scot>

Sent: 20 July 2021 21:00

To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> [REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;

[REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ; [REDACTED]@gov.scot>

Subject: RE: Clyde Cod Consultation Draft

Hi [REDACTED],

[REDACTED] has covered the points I would have raised so nothing more to add from me.

Cheers

[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 19 July 2021 14:20

To: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;[REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;

[REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ; [REDACTED]@gov.scot> ;

Subject: Clyde Cod Consultation Draft

Hi All,

Attached is the link for the Clyde Cod draft consultation document, which we are hoping to get out as soon as possible. Would appreciate if you could take a look over it at your earliest convenience. To note, it is still to be cleared by Allan, and then will be sent to Cab Sec for final clearance.

[REDACTED]/ [REDACTED] - sending you this in [REDACTED] absence as she had requested to see it before it goes out – the main mention of MPAs is para 24 and wording remains similar to the 2019 version.

Click on the link to open '21 07 15- Clyde Cod Closure 2022_23 - Draft Consultation letter' [REDACTED – INTERNAL SYSTEM LINK]

Many thanks [REDACTED]

ITEM 021

From: [REDACTED]
Sent: 28 July 2021 17:18
To: [REDACTED]@gov.scot>
Subject: RE: Clyde Cod

Thanks very much [REDACTED]! I really appreciate your input.

Thanks,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 28 July 2021 12:14
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Clyde Cod

Hi [REDACTED],

I have added a comment on CMPP and Clyde 2020.
Attached a list of research projects that was aggregated for Clyde 2020.
There a number of ongoing PhD studentships relating to gadoids in the Clyde.

Hope it helps,
Best wishes, [REDACTED]

From: [REDACTED]@gov.scot>
Sent: 26 July 2021 11:45
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: Clyde Cod

Morning

Thanks very much to all of you for your input. I'm just catching up on things from Friday so am about to take a look at your comments in more detail now. I'll come back to you once I've done so if I need anything further.

Many Thanks,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 26 July 2021 11:37
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: Clyde Cod

Hi [REDACTED] and [REDACTED],

Many thanks to you both. [REDACTED], do you need anything else from us for now?

Best wishes – [REDACTED]

From: [REDACTED]@gov.scot>

Sent: 26 July 2021 11:06

To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot>

Subject: RE: Clyde Cod

Hi [REDACTED]

I've also had a look at it – not much further to add.

[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 26 July 2021 09:43

To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: RE: Clyde Cod

Hi [REDACTED],

I have responded to [REDACTED] comments and also noted that were inaccuracies in some statements made about the “2015” paper (Clark, Bailey & Wright). The 2015 paper found no evidence of recovery in the Clyde and we didn't consider the whole of 6a. Rather, we used two other inshore spawning areas for comparison, where no measures were taken. We were not able to identify why mortality still seemed high but were not able to discount fishing as implied in the letter.

As [REDACTED] mentions, the fact that this is a 'stock/sub-population' means that local measures are needed.

Kind regards,
[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 23 July 2021 11:06

To: [REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: FW: Clyde Cod

Hi [REDACTED],

Thanks for this – I have been through the document and commented where I can. I've also cc'd [REDACTED], [REDACTED] and [REDACTED] as they are likely to be able to provide more detail – folks, if you can go through this when you get a

minute and comment on the sections where I have named you in a comment (and other sections if you have time!), that would be great.

Best wishes – [REDACTED]

ITEM 022

From: [REDACTED]
Sent: 29 July 2021 14:06
To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: For Review - Clyde Cod Consultation Doc DRAFT

Thanks Allan,

I'll send to [REDACTED] this afternoon, and will send up to CabSec tomorrow.

[REDACTED]

[REDACTED]

From: Gibb AG (Allan) <Allan.Gibb@gov.scot>
Sent: 29 July 2021 10:00
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: RE: For Review - Clyde Cod Consultation Doc DRAFT

Im happy, can you also share with [REDACTED] and inshore for info.

Allan Gibb
Head of Sea Fisheries Division

marine scotland: Fisheries Policy

Scottish Government 1B (South) Mail Point 2
Victoria Quay, Edinburgh, EH6 6QQ

[REDACTED]
Email : Allan.Gibb@gov.scot



From: [REDACTED]@gov.scot>
Sent: 28 July 2021 17:49
To: Gibb AG (Allan) <Allan.Gibb@gov.scot>; [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>
Subject: For Review - Clyde Cod Consultation Doc DRAFT

Hi Allan/ [REDACTED]

With apologies that this has taken far longer than planned and seems to have grown arms and legs....below is the link for the draft Clyde cod consultation document.

Following the comments* from [REDACTED] and [REDACTED], I've updated accordingly where possible. I've also asked [REDACTED] to review and have updated according to his, [REDACTED], [REDACTED] and [REDACTED] comments. On the back of that, I asked [REDACTED] to recheck some of the MAU data...she has now come back with some considerably different figures. They still support the argument that there are alternative fishing grounds for *nephrops* and scallops surrounding the closed area for the past couple of years, but it's not quite so clear cut across the 5 year period. I've included the plots below to show the difference (old plot on the left, updated plot on the right for each pair). The old plots were included in the Sub to CabSec.

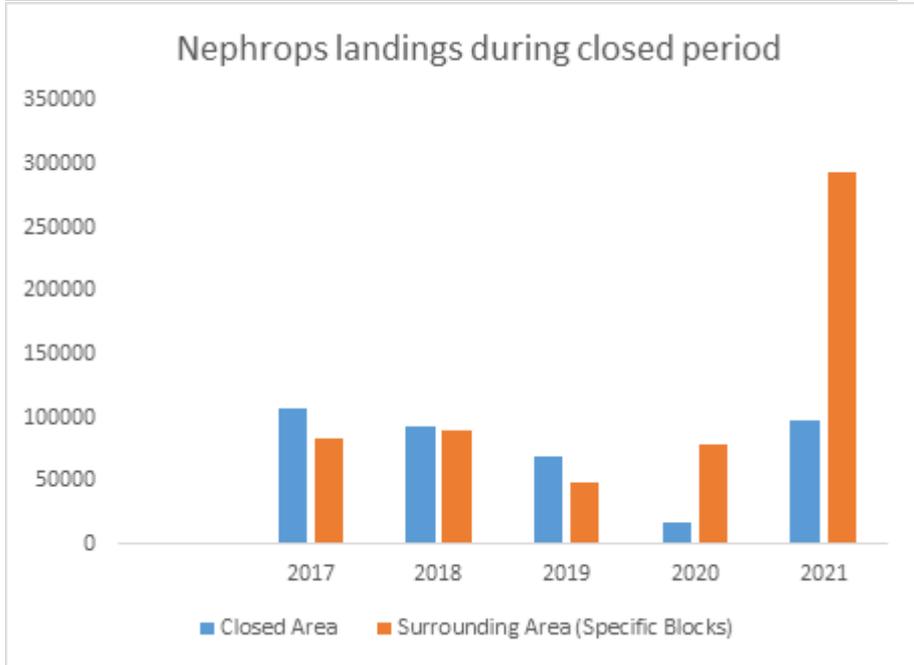
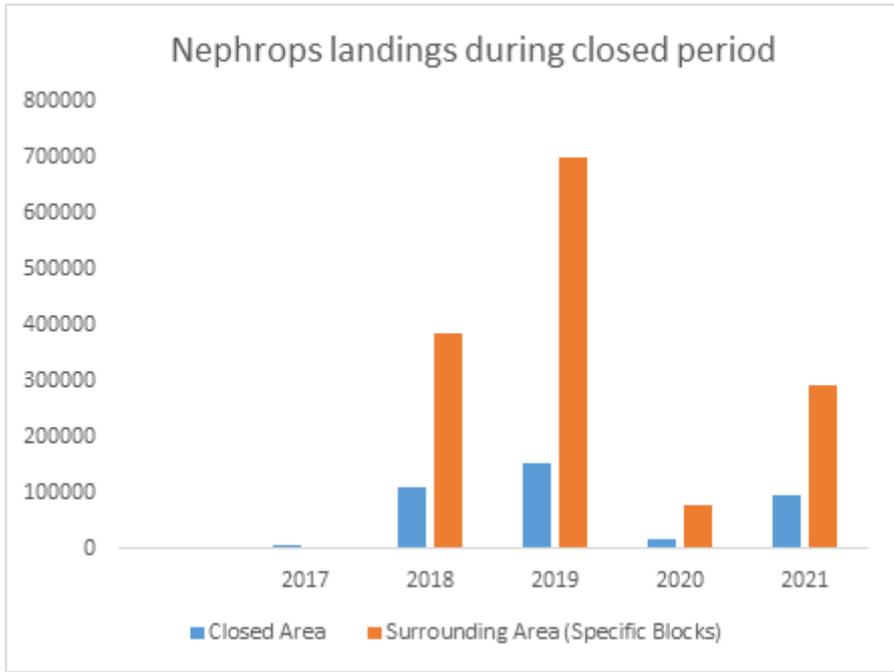
Click on the link to open '21 07 15- Clyde Cod Closure 2022_23 - Draft Consultation letter' – [REDACTED – INTERNAL SYSTEM LINK]

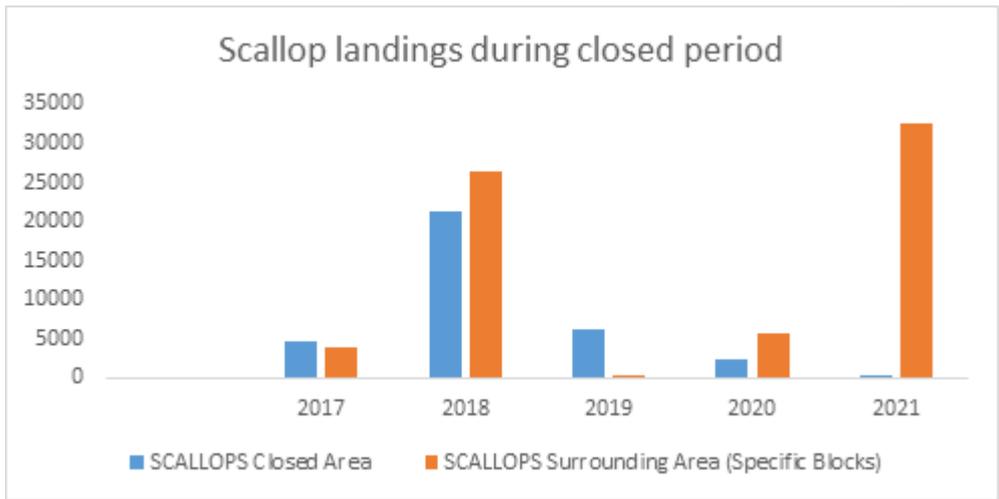
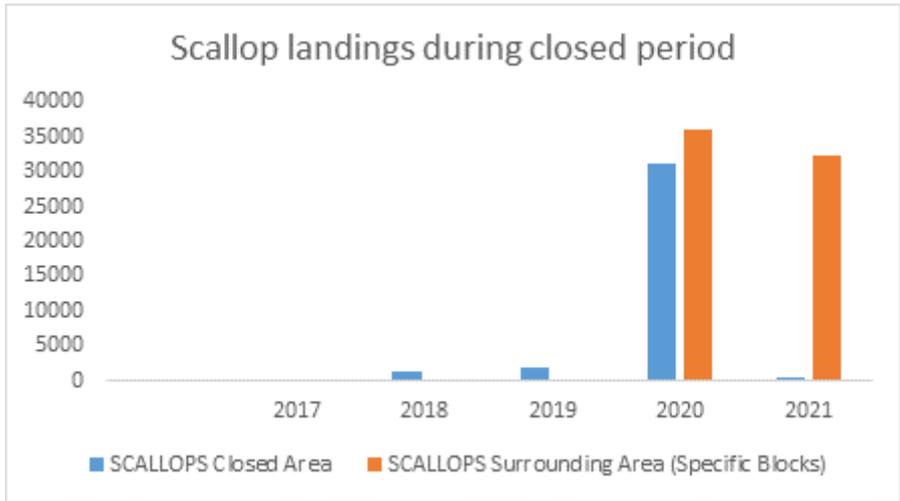
* if you want to look back at any of these, they are in the several previous versions of the same doc in eRDM.

Once you're content with this, it will need to go back to CabSec for approval before we begin the consultation.

Thanks,

[REDACTED]





[REDACTED]