

Minutes: Lemon Sole Steering Group

Meeting Date: 7th September 2022

Location: Online

Attendees	Organisation
BL: Bill Lart	Seafish
LB: Lisa Bennett	Marine Stewardship Council
CJ: Carolyne Jensen	Flatfish
GC: Giuseppe Scarcella	Principle 1 consultant
JP: Jo Pollett	Marine Stewardship Council
HS: Hayley Swanlund	WWF-UK
IG: Iain Glasgow	Department for Environment, Food and Rural Affairs
EU: Emma Ulyatt	Department for Environment, Food and Rural Affairs
KK: Katie Keay	Marine Stewardship Council
RC: Rod Cappell	Poseidon
LH: Leendert Hakvoort	Osprey
Apologies	
LR: Lisa Readdy	Centre for Environment, Fisheries and Aquaculture

Purpose of the meeting

This meeting was to discuss the results of a recent review of the Principle 1 scores, and an opportunity to hear an update from Defra progress towards a single species Total Allowable Catch and the Defra led Fishery Management Plan. The Steering Group also discussed how to make progress with the compliance and enforcement performance indicator.

Agenda Item 1: Principle 1 scoring review

The annual review of this Fishery Improvement Project (FIP) by Poseidon indicated that the fishery might be able to pass a full assessment on aggregate scores. Giuseppe Scarcella is a Principle 1 expert commissioned by the Steering Group to review Principle 1 performance indicators and provide independent scores against the MSC Standard requirements. The aggregated P1 score was 81.7, which means the fishery would be likely to pass MSC assessment.

Principle 1.1.1 – Stock status (SG90)

GS scored stock status at 90 due to a new stock assessment in June 2022 which, based on F_{msy} proxy reference points, demonstrated that F has been less than F_{msy} from 2001 – 2020. This indicates a high degree of certainty that the stock is in a good condition. However, there are still uncertainties related to the estimated F_{msy} proxy, therefore SG100 is not met.

Discussion

BL discussed the 'age at maturity' and 'length at maturity' figures in the review, and said he thought the figure for size at maturity was low for lemon sole. GS said he would review these figures in the ICES stock assessment to be sure they are accurate, but he did not believe it would change the scoring.

Principle 1.2.1 – Harvest strategy (SG75)

The main component of the harvest strategy is a joint Total Allowable Catch (TAC) for lemon sole and witch. Giuseppe considered this approach to be managing the stock at a sustainable level, based on the most recent stock assessment, however, ICES advises using single species TACs would be more appropriate to secure a robust harvest strategy for both species. Scoring issue (f) considers discard rates, which averages 15.9% of the total catch between 2020 and 2021. This is in part due to the mesh size designed to catch white fish rather than flatfish, which results in high discard rates of lemon sole. GS said this scoring issue is specific to each Unit of Assessment (UoA), and the FIP needs discard data by UoA before he can consider revising the scoring.

Discussion

BL said he has updated data on harvest rate by gear and the distribution of mesh sizes in the fishery, which shows that the main 120mm catching mesh size has very low discards of lemon sole. RC said one of the actions for the FIP was a review of alternative measures in the fishery, and said the Steering Group intended to have the management authority to review this report. The gear that the FIP covers is demersal trawl and seine.

Principle 1.2.2 – Harvest control rules (SG80)

GS said because the new approach by ICES on data limited stock is now clear, he believes harvest control rules (HCR) score SG80. However, management of witch and lemon sole under a combined species TAC may hinder effective management of the exploitation rates of the individual species, hence SG100 is not met.

Discussion

RC commented that in GS's review there are two PIs the score below 80 but they are different to the ones he expected. GS said the reason is the ICES approach for data limited stock had not previously been implemented, and this year it has, so it is reasonable to change the scoring for 1.2.2.

RC asked if the harvest control rule was defined by ICES, or if it was defined by management and set out in the TAC - he believed the HCR was what the TAC is set at. GS agreed but said that the catch is below the ICES advice, so the management authorities are still following the advice. GS said that the stock is in good shape and the harvest control rule is well defined.

Principle 1.2.3 – Information and monitoring (SG80)

There is good information on catch and the biology of the species, however there is no age data which is why it is assessed using a data limited approach and SG100 is not met.

Principle 1.2.4 – Assessment of stock status (SG75)

The methodology used to estimate the status of lemon sole is acceptable using the application of the Data Limited Stock rule. However, the report states that the methodology only identifies major sources

of uncertainty, and that the uncertainties for growth or natural mortality have not been explicitly calculated, therefore SG80 is not met.

General discussion

RC said it is encouraging that the aggregate score is over SG80, the only risk is the debate around 1.2.2 and whether the harvest control rule is considered 'well-defined' or not. GS agreed and said the full assessment does allow for more communication between ICES, managers and scientists to discuss these topics. There is also the possibility next year that the TAC will be split which would also help the scoring.

Actions from Item 1:

1. BL to share his report on length-frequency distribution of catch by gear type (mesh size) with GS
2. GS to review the ICES paper and the information available on the age of maturity in North Sea stocks

Agenda Item 2: Defra update – Single TAC and FMP

Single Total Allowable Catch

IG updated that Defra is aligned with ICES' suggestion for a single species Total Allowable Catch (TAC) for lemon sole and witch. Defra is concerned about witch being below its reference points, and that both of the TACs are on a downward trajectory. The June 2022 ICES advice showed some improvement in the witch TAC, but the ICES advice for lemon sole suggests a small decrease in TAC based on the new stock assessment model. . Defra has asked ICES to confirm their advice from 2018, which was that there should be two separate TACs. Defra expects to get that advice from ICES sometime in Autumn 2022, after which the Specialised Committee on Fisheries (SCF) will consider whether the TAC should be split.

Discussion

RC asked if the European Union had a similar view on this topic, for example if ICES advises a single TAC, would this be easily agreed upon. IG said he is unsure, but an issue may be that the TAC area doesn't match the advice area, which may present concerns and is the main issue that needs to be resolved. JP asked if the next steps would be discussed in the autumn, but IG doesn't think there will be a formal conversation with the SCF this year due to the start of the negotiations for 2023, which will take precedence.

BL asked if the multi-annual plan (MAP) is in UK law and IG said the North Sea MAP has been retained 'as-is' in UK law and the Western MAP was retained with some minor amendments. These will remain in place until they are amended by the national fishery management plans (FMPs) that are currently being developed.

Fishery Management Plan

EU updated that Defra are leading on the development of the Southern North Sea and Eastern Channel Mixed Flatfish FMP, which is named as a priority FMP in the draft Joint Fisheries Statement. This FMP

contains nine stocks, including lemon sole, and multiple ICES areas (4b 4c, 7d). The Defra FMP team have commission multiple government and non-governmental organisations to gather and provide information on the relevant stocks to support the development of the FMP. EU said they have also asked some questions to the Centre for Environment, Fisheries and Aquaculture (Cefas) about other most data limited species such as halibut and dab, to get an idea of what information is available. They are still in the initial stages of the FMP process, and EU hopes to be able to provide a more thorough update soon.

Discussion

BL and EU discussed the stock locations, and the potential issues with the crossover of species within different fisheries. EU said a large part of the work Defra is doing is ensuring FMPs do not contradict each other, and there is a staff member in the FMP program team responsible for making sure all FMPs align. JP asked if this FMP is only being developed for the southern North Sea, will the northern North Sea area continue using the North Sea MAP until it's overwritten by an FMP. IG said the MAP will remain in place until it is replaced by an FMP, even if the southern North Sea is further progressed than the northern North Sea.

RC wanted to ensure the relevant bodies in Scotland were being consulted with, as a lot of the catch is in 4a and there are a lot of Scottish vessels fishing in English waters. EU said there are the appropriate people in place to ensure these things are considered, and the FMP is still in the early stages of consultation. The projected timeline for the national FMP is to review against the other FMPs (Bass and the Channel non-quota demersal) in summer 2023, and then publish in 2024. Stakeholder engagement will go ahead when parts of the FMP are better assembled to get the best feedback.

RC highlighted the importance of ensuring that any FMP being developed is aligned with how the fishery actually operates. RC said it is useful to know that the North Sea MAP remains in place until a new FMP is developed, as this provide more certainty for management, especially if the FIP was ready to move into assessment before the FMP is in place.

Actions from Item 2:

1. EU to check if there is an FMP planned for the northern North Sea (Area 4a) and send information to BL
2. Secretariat to follow up with EU how a UK FMP would align with a European MAP

Agenda Item 3: Potential conditions in Principle 2

JP updated that the annual review this year aligned the FIP Principle 2 scores with the scores from the recent reassessment of the Scottish Fisheries Sustainable Accreditation Group (SFSAG) Northern Demersal Stock. There are now only two Principle 2 performance indicators (2.1.1 and 2.4.2) that do not meet SG80, and would trigger conditions if the lemon sole fishery was certified. JP discussed the conditions the SFSAG fishery has for primary species and habitats, and that if lemon sole was added to the SFSAG certificate, it is likely that the independent assessors would harmonise with those conditions.

The habitat condition will be informed by the post-doctoral research on the impacts of trawl gear on habitats that is being undertaken for the *Nephrops* FIP. The SFSAG certificate also has two recommendations, although the PIs have scored SG>80. Recommendation 1 (PI 2.3.2) is around

implementing self-sampling programs for collecting information on ETP data, which is similar to work in other FIPs in using the Cefas Clean Catch app.

Recommendation 2 (2.4.2) is regarding investigating and collaborating on zonal habitat management, including reduction of fishing pressure in certain areas, which will likely be based on data that comes out of the post-doctoral report. The Steering Group agreed to work with SFSAG to ensure that the FIP actions align with the SFSAG conditions.

Discussion

BL queried if the post-doctoral work was focussing mostly on *Nephrops* grounds and JP said the research was covering the full area of the FIP, and not the functional units specifically.

Agenda Item 4: Compliance and enforcement

JP showed a table comparing the compliance and enforcement (PI 3.2.3) scores of three fisheries operating in the North Sea area (slides available). SFSAG Northern Demersal stocks and Joint Demersal Fishery North Sea both have a score of 65, with similar conditions requiring evidence that the monitoring, control and surveillance system has demonstrated an ability to enforce the Landing Obligation. However, the Osprey Trawlers North Sea twin-rigged plaice MSC certified fishery scored SG80. Their recent surveillance audit concluded that evidence had been provided by the client group to show compliance with the Landing Obligation. The Steering Group agreed it would be useful to speak with Leendert Hakvoort, the representative for the Osprey fishery, to discuss this performance indicator and what Osprey are doing to demonstrate compliance.

LB discussed the answer Marine Scotland provided to a recent Freedom of Information request regarding compliance with the Landing Obligation in the West of Scotland and the North Sea. Marine Scotland replied that they do not record individual 'risk' checks, and that a vessel will be checked for multiple risks at any one time, including the Landing Obligation. The response referenced the fact that to prove a breach of the Landing Obligation, officers need to witness the discarding taking place. There have been 17 recorded instances of this happening since the legislation was implemented, and several warning letters and fixed penalty notices have been issued as a result.

Discussion

RC said this response to the FOI demonstrates evidence that Marine Scotland is implementing the legislation and penalties have been applied as a result, although the response also acknowledges the problem of needing to see fish being discarded first-hand to prove a breach. RC agreed that the Steering Group should look at the Osprey certificate to see what they have shown as evidence. Overall, RC expects that the aggregate score for Principle 3 would likely be more than SG80.

Actions from Item 4:

1. Secretariat to
 - send slides on compliance performance indicator comparison to RC, including the paragraph from the Osprey report regarding PI 3.2.3

- contact LH to discuss the evidence provided by Osprey for PI 3.2.3 – compliance and enforcement

Any Other Business

BL asked what was happening with the FMP, and LB agreed to look at the two versions from BL and Cameron Moffat (who has now left Young's Seafood and therefore no longer chairs this FIP) to ensure both copies are merged into one document. BL said there was a draft harvest strategy that the Steering Group has been working on, which still needs to be included in the FMP because the biggest concern for lemon sole is needing a robust strategy to implement management measures if the lemon sole catches reach a pre-agreed proportion of the TAC. RC discussed a similar situation with the multi-annual plan for *Nephrops*, where a problem was identified which went to industry, who came up with a solution via a voluntary closed area. Having the draft harvest strategy from the Steering Group demonstrates that the issue has been thought about, so it's useful to include it in the FMP. RC said the lemon sole FMP is also useful as a method of gathering of information and knowledge that has been accrued over the FIP.

Actions from Other Business:

1. Secretariat to merge the two FMP documents to create one up-to-date document and send to BL
2. BL to share his feedback on the harvest strategy document with the Secretariat

Meeting Closes

1630

Actions Arising	Responsibility
Bill Lart to: <ol style="list-style-type: none"> 1. Share his report on length-frequency distribution of catch by gear type (mesh size) with GS 2. BL to share his feedback on the harvest strategy document with the Secretariat 	BL
Giuseppe Scarcella to <ol style="list-style-type: none"> 1. Review the ICES paper and the information available on the age of maturity in North Sea stocks 	GS
Emma Ulyatt to: <ol style="list-style-type: none"> 1. Check if there is an FMP planned for the northern North Sea (Area 4a) and send information to BL 	EU

	Secretariat to: <ul style="list-style-type: none">1. Follow up with EU how a UK FMP would align with a European MAP2. Send slides on compliance performance indicator comparison to RC, including the paragraph from the Osprey report regarding PI 3.2.33. Contact LH to discuss the evidence provided by Osprey for PI 3.2.3 – compliance and enforcement4. Merge the two FMP documents to create one up-to-date document and send to BL	Secretariat