

Terms of Reference for Fishing Industry Representatives (FIRs) to Commercial Fisheries Working Group(s)

1. Introduction

Conditions are attached to offshore wind farm Section 36 consents and Marine Licences specifying the need for offshore wind farm developers to engage with the commercial fishing industry through membership of a regional Commercial Fisheries Working Group (CFWG). The exact wording of individual projects consent/licence condition vary, but the spirit of the CFWG is to facilitate communication and collaboration between the commercial fishing industry and offshore wind farm developers.

Developers are required to produce a Commercial Fisheries Mitigation Strategy (CFMS) or Fisheries Management and Mitigation Strategy (FMMS). The CFWG is the forum where consent plans relevant to the fishing industry should be discussed, with the particular aim of defining and finalising the CFMS/FMMS for approval by Scottish Ministers. The formal approval of the CFMS/FMMS is the responsibility of Marine Scotland Licensing Operations Team (MS-LOT) on behalf of the Scottish Ministers.

It is acknowledged that, given that projects may have differing timelines and strategies, as well as interactions with fisheries, individual projects may also hold separate discussions with members of the fishing industry and CFWG outside the forum of the CFWG.

During the consents process, and the subsequent delivery of the offshore wind farm projects, developers have made use of the *FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison* (January 2014) in utilising Fishing Industry Representatives (FIRs) in accordance with paragraph 4.2 of the Guidance.

These Terms of Reference are intended to provide a scope of work for FIRs to deliver to CFWGs. It is recognised that developers may also appoint project specific FIRs, this role is not intended to be covered by these Terms of Reference.

Separate Terms of Reference have been produced for CFWGs (Version 2.0, dated 25 Nov 2019).

2. Commercial Fisheries Liaison

The CFWG is set up as a requirement of consent, to facilitate communication and collaboration between the commercial fishing industry interests and offshore wind farm developers. As the projects progress through the initial development, consent and licensing and post-consent, construction and operational phases, FIRs are required to continue in post and participate in the regional CFWGs.

FIRs can be identified to represent specific fisheries, geographic areas, associations and/or local harbours at CFWG meetings. The remit of each FIR will be agreed upon on their appointment by the developer, or their representative, following discussion with the CFWG. Any change in remit will be agreed upon by the CFWG. FIRs are also required to facilitate communication and collaboration outwith the CFWG in relation to, for example, consent and licence applications, stakeholder consultation and survey facilitation.

The appointment of individuals to the role of CFWG FIR will be made by the developers, or their representatives, following agreement with the CFWG. Where possible, this agreement should be made at a CFWG meeting and minuted. Otherwise, agreement will be made agreed in writing. The FIR will work closely with Company Fisheries/Fishing Liaison Officers (CFLOs) representing the relevant projects at the CFWGs.

The developer members of the CFWG will remunerate FIRs on the basis of an agreed daily rate plus reimbursement of reasonable travel expenses (as agreed in the FIR's contract to be determined as explained below). This shall include remuneration for all activities listed below (but not necessarily limited to) in the Scope of Works. The minimum expected time commitment for the FIR role will vary between CFWGs and will be agreed in the FIR's contract. The timescale for remuneration will be dependent on the contracting party. FIRs should submit invoices on a monthly basis.

At the outset of the FIR appointment, it is recommended that a meeting is held to ensure the FIR is fully briefed on their role (in line with these Terms of Reference), including, but not limited to, any relevant procedures and project background.

The developers will determine how to contract the FIRs, this could be sub-contracted, e.g. through the developer's CFLO.

3. FIR Scope of Works

In performance of their role, FIRs should expect to:-

- Be a primary contact point within the fishing community in their agreed remit, who can be trusted to accurately determine fishing industry views and objectively provide the developer(s) with this information.
- Ensure they are known to as many fishermen and groups as possible in their agreed remit. Ensure that membership to any particular association / organisation is not a barrier to communication with FIRs.
- Ensure dissemination of information from the developer(s) and from the CFWG through associations, individual fishermen and other interested parties, across their agreed remit, subsequently allowing efficient feedback to the developer(s) or the developer's CFLO.
- FIRs will employ all means possible to communicate with all fishermen within their agreed remit.
- Assist in circulation of Notice to Mariners and subsequent updates for project activities.
- Attend any CFWG meeting as required including preparation and through timely distribution of minutes, fulfilling relevant actions, and information received from the CFWG.
- On invitation, attend public stakeholder engagement events.
- Contribute to maintaining and updating a fisheries register, held by developers, to cover all interested fishing parties within the FIR's agreed remit.
- Contribute to the population and/or verification of the developer's commercial fisheries baseline (regardless of if this is additional to stakeholder consultation with any association to which the FIR is affiliated).
- Provide impartial advice to the CFWGs, as required, regarding commercial fisheries activities in the FIR's agreed remit.

- Objectively and impartially assist with the collection of information from fishermen, within their agreed remit, regarding their activity in relation to developments.
- Keep a record of all communications with fishermen and developers.
- Objectively, impartially and confidentially assist with damage to gear claims within their agreed remit.

This is not intended to be an exhaustive list, and additional duties may be agreed with the CFWG.