# Liaison with the Fishing Industry on the UKCS

## Guideline

Issue 08
November 2023

## Acknowledgments

In preparing and publishing this document, OEUK gratefully acknowledges the contribution of the following namely:

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- Sarh Doyle, OEUK
- Matthew Frow, Seafish
- David Lecore, NSTA
- Steven Alexander, SFF
- Ian Rowe, NFFO
- Charles Scott, FLTC
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ISBN: 978-1-913078-06-5
PUBLISHED BY OEUK

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## Revision history and changes

| Rev | DD | MM | YYYY | Review by |
|---|---|---|---|---|
| Issue 6 | XX | April | 2015 | Oil & Gas UK and interested parties |
| Issue 7 | 11 | May | 2019 | Oil & Gas UK and interested parties |
| Issue 8 | XX | May | 2023 | OEUK and Interested parties |

| Rev | Location of changes | Brief description of change |
|---|---|---|
| Issue 7 | Throughout document | Review of document format and layout<br>A new detailed and expanded section for assessing fishing claims |
| Issue 8 | Throughout document | Review of document<br>Change of name to OEUK<br>Changes to data collection responsibilities to ISC<br>Addition of training guidance for FLO's<br>Incorporation of Static Gear Code into appendix<br>Addition of NSTA<br>Amend and update contacts to websites only<br>Update claims flow chart |

# List of abbreviations

| Abbreviations | Definitions |
|---|---|
| CEFAS | Centre for Environment, Fisheries & Aquaculture Science |
| DARD | Department of Agriculture and Rural Development Northern Ireland |
| Defra | Department for Environment Food, and Rural Affairs |
| DESNZ | Department for Energy Security and Net Zero |
| ED50 DATUM | European Datum 1950 |
| EIA | Environmental Impact Assessment |
| ERRV | Emergency Response & Rescue Vessel |
| FLO | Fisheries Liaison Officer |
| FLR | Fisheries Liaison Representative |
| FLTC | UK Fisheries Oil & Gas Legacy Trust Fund Limited |
| FLTCS | FLTC Services Limited |
| FOOCG | Fisheries & Offshore Oil Consultative Group |
| GPS | Global Positioning Systems |
| HAZID | Hazard Identification (risk analysis) |
| HMSO | His Majesty's Stationery Office |
| HSE | Health & Safety Executive |
| KB | Kingfisher Bulletin |
| KIS | Kingfisher Information Service |
| KIS-ORCA | Kingfisher Information Service – Offshore Renewables and Cable Awareness |
| ISC | Information & Samples Coordinator – single point of contact within each licence operator/licensee/ infrastructure owner company appointed as a requirement of the Energy Act 2016 as the focal point for data reporting to the NSTA |
| MCA | Maritime & Coastguard Agency |
| MMO | Marine Mammal Observer |
| MODU | Mobile Offshore Drilling Unit |
| NFFO | National Federation of Fishermen's Organisation |
| NSTA | North Sea Transition Authority (formally OGA) |
| NDR | National Data Repository |
| NIFF | Northern Ireland Fishermen' Federation |
| OIM | Offshore Installation Manager |
| OPRED | The Offshore Petroleum Regulator for Environment & Decommissioning |

| Abbreviations | Definitions |
|---|---|
| PON | Petroleum Operations Notice |
| ROV | Remotely Operated Vehicle |
| SFF | Scottish Fishermen's Federation |
| SFI | Sea Fisheries Inspectorate |
| UKCS | United Kingdom Continental Shelf |
| UKHO | United Kingdom Hydrographic Office |
| VAT | Value Added Tax |
| WGS84 datum | World Geodetic System 1984 datum |

NB References to oil, oil industry etc shall be taken to include gas.

# 1 Introduction

There is a long history of collaboration between the oil & gas and fishing industries in the UKCS and many systems and processes have been put in place to ensure the two work safely together and follow good practice.

Since the early 1980s, it has been a condition of oil and gas licensing awards that operators must appoint a Fisheries Liaison Officer (FLO) to liaise with relevant government departments and fishing organisations on their exploration, production and decommissioning activities. This document provides a set of guidelines outlining the current arrangement and procedures for fisheries liaison.

This document updates issue No. 8, which was published in October 2022 This release contains a new detailed and expanded section for assessing fishing claims. All amendments were made in consultation with the relevant government departments and fishing organisations to reflect the changes made over the past few years.

# 2 Liaison with the fishing industry

Relevant oil and gas licences have regulatory provisions (drawn from Model[1] clauses) which require the licensee to appoint an FLO when it is surveying and operating vessels while exploring for, or producing, oil. This is to ensure the location and removal of any debris resulting from licensed activities.

There are also provisions which require the licensee only to carry out operations authorised by the licence in or about the licensed area in such manner as to not unjustifiably interfere with other marine activities in the area or with the conservation of the living resources of the sea.

There are areas of seabed considered particularly sensitive that require close liaison with relevant government departments and fishing organisations. Where no specific timescale is laid down in the licence conditions, it is recommended that contact should first be established at least three months prior to any intended activity. Direct liaison with the relevant fishing organisations and government departments may be required, as well as presentations, as appropriate.

Oil and gas activities that may require liaison include, but are not limited to, the following:

- Activities that require a marine licence
- Surveys (seismic, site, pipeline route, etc.)
- Debris clearance
- Positioning of a drilling rig (for drilling, workover operations, etc.)
- Field developments (including the positioning of surface and subsurface infrastructure)
- Pipe-laying/cable-laying (including associated protection material e.g. rock dumping)
- Decommissioning programmes
- New/emerging technologies

All of the activities described above are subject to consents (under the Petroleum Act 1998 (As amended) and the Energy Act 2016) and various environmental and navigational approvals, where a number of statutory bodies are consulted. For survey operations, the relevant fisheries organisations are notified by the Offshore Petroleum Regulator for Environment & Decommissioning (OPRED), a function of the Department for Energy Security and Net Zero (DESNZ).

In every case early liaison with the relevant organisations is recommended and such contact should be made by the FLO. The FLO is then responsible for keeping them regularly updated on the specific activities. The principal government departments and fishing organisations are listed in Appendix D.

For information, the major organisation representing the Scottish fishermen is the Scottish Fishermen's Federation (SFF) whilst in England and Wales it is the National Federation of Fishermen's Organisations (NFFO). The SFF is a major consultee for Marine Scotland and likewise the NFFO for the Department for Environment, Food & Rural Affairs (Defra).

[1] Clause 45 of the Petroleum Licensing (Production)(Seaward Areas) Regulation 2008 - relationship with the fishing industry.

In more sensitive areas, such as the Inner Moray Firth, it may also be necessary to consult directly with local fishing organisations or, in some cases, individual local fishermen, particularly those who are not members of the major federations. In particularly sensitive areas, an operator and local fishing organisations may wish to formulate site-specific agreements to enable the operator and fishermen to conduct their respective activities simultaneously with minimum disruption to either party.

## 2.1 Fisheries liaison officer (FLO)

The liaison expectations are described in the operator's offshore licence (where applicable). Whilst licences in the early licensing rounds did not necessarily require the appointment of an FLO, it is recommended that the FLO duties should be extended to all areas of the operator's activities. An FLO should have a good working knowledge of fishing vessels, fishing techniques or the workings of the fishing industry and, more important, have access to key individuals and departments within the fishing industry, government and also with FLOs at other operators.

The FLO is responsible for:

- Establishing links with the relevant government departments and fishing organisations in support of the operator's offshore operations and ensure those bodies are kept reasonably informed of the operator's activities in the licensed area;
- Progressing any matters referred by relevant government departments and/or fishing organisations and ensure, where necessary, a co-ordinated operator response;
- Providing advice on fishing techniques and fishing activity in the operator's area of operation;
- Maintaining good contact with, and advising any contractors commencing operations on behalf of the operator, of any sensitive fisheries issues in the proposed area of operations;
- Providing advice and/or arranging for fishing studies to be conducted to enable relevant departments to assess design and/or operational criteria;
- Arranging for fishing industry representatives and perhaps arranging vessels to support the operator's offshore operations, should such support be required;
- Investigating and closing out fishing claims on the operator's behalf;
- Advising the appropriate internal department(s) on notifications required to be provided to fishing organisations and/or government departments;
- Coaching, raising awareness and developing expertise on fishing issues among other relevant groups within the operator e.g. project managers, representatives etc;
- Networking with other operators' FLOs on matters of mutual interest;
- Identifying and liaising with the Information & Samples Coordinator (ISC) and the persons within the company reporting data on digitised infrastructure and Pipeline Summary Information to the North Sea Transition Authority (NSTA) as a requirement of the Energy Act 2016, data which is then used in support of the FishSAFE information project;
- Maintaining a relationship with the OEUK Fisheries Liaison Claims Co-Coordinator;

Relevant departments, offshore projects and support teams of the operator can actively support the FLO by advising the officer of any proposed offshore developments and updating the FLO frequently on any offshore operations or incidents that could impact fishermen, for example:

- Operations or proposed operations involving the laying or installation of any plant or equipment on the seabed, or any other project or proposed activity that may impinge on fishing operations - particularly in any inshore, nearshore or landward licence area;
- Surveys (seismic, site, route or any other type) that may impinge on fishing operations;
- Emerging technologies being considered by the operator that may impact fishing operations;
- Any activity within a field development, but out with the statutory Safety Zone, that may impinge on fishing operations;
- Any other operations by the operator or other operator(s) in the area that could have a cumulative effect on fishing activity in that area;
- Loss of equipment on the seabed that could prove a snagging hazard prior to recovery;
- Suspension or abandonment of a well head in open water;
- Incidents involving fishermen or assistance provided to a fisherman by an offshore operation;
- Emergency situations that could impact fishermen e.g. oil spill;

The FLO can advise on any potential fisheries impact resulting from the above and, where applicable, take such action to make the necessary liaison arrangements.

## 2.2 Services provided by the fishing industry

The fishing industry can provide a number of services to operators in support of their offshore operations including, but not limited to:

- Provision of fishing vessels, to act as guard/fisheries vessels, to protect newly laid pipelines, subsea installations, project operations and collision risk management observations;
- Escorting vessels during seismic and remotely operated vehicles (ROV) / side scan survey)
- Scouting for, and with the express permission of the owner, removing/replacing static fishing gear during subsea surveys and/or offshore projects;
- Undertaking site-specific trawl sweeps;
- Remediation/clearance of seabed debris in final stage of decommissioning;
- Provision of local representative of the approved Fishing Liaison Representative (FLR) by the area specific National Fishermen's Federation during surveys and offshore projects;
- Provision of site-specific fishing advice for dedicated offshore/near shore areas;
- Provision of advice on fishing techniques, vessels and gear employed by the UK and foreign fishing industries.

### 2.2.1 Procurement of services from the fishing industry

From a technical perspective, operators wishing to procure any of the services mentioned in Section 2.2 may wish to consider the following:

- The services to be provided are fit for purpose for the task, area and environmental conditions in which the services are to be performed;
- The organisation to provide the services has the in-house technical and personnel infrastructure and expertise to support the services;
- The organisation to provide the services comply with the necessary health and safety, state and international legislation.

It should be noted that the Maritime & Coastguard Agency (MCA) has specific standards that are applied to fishing vessels engaged as Guard/Fisheries Liaison vessels.

## 2.3 Fisheries liaison representative (FLR)

There will be times when an operator's offshore operations are conducted in areas that are also frequented by fishermen. To reduce the risk of any operational conflicts between the parties, operators are strongly encouraged to utilise the services of the FLR on their offshore vessel. The relevant national fishing federation can provide advice as to whether a FLR is necessary for any particular activity.

### 2.3.1 Responsibilities

The company contracting the FLR is responsible for ensuring that the FLR is suitably qualified and is capable of undertaking the duties required. As a minimum, the FLR will be fully conversant with all methods of fishing employed in the area of operations and have experience of fishing in the area. Wherever possible, the FLR should be local to the area of operations. In addition, the FLR will need to present up-to-date certification in respect of emergency safety training and medical examination carried out in accordance with the relevant industry guidelines issued by the fishermen's federations.

The FLR is responsible to the company representative (where applicable) on board for liaison with fishing vessel skippers in the area of operation.

The FLR is expected to discuss ongoing operations on a frequent basis with the key personnel on board the vessel undertaking the offshore operation to minimise disruption between operations of the operator or contractor and any fishermen working in the area of operation. Therefore, it is expected that the FLR will be accommodated on board the Fisheries Liaison Vessel undertaking the primary role of the operation. In cases where there is a premium on bed spaces, operators may wish to utilise the services of the FLR to act as a Marine Mammal Observer (MMO) provided that the FLR is suitably qualified and the use of an FLR in this role does not contradict any government requirements for MMOs.

### 2.3.2 Use of escort vessel when no FLR is onboard

There may be occasions when, with the agreement of the relevant fishermen's federations, it is decided that a FLR need not be utilised for a particular survey. For example, the survey is to be conducted in an area of

- very little, if any, fishing effort;

- minimal fishing effort for a short duration (to be decided by the representatives);
- minimal fishing effort for a short duration and where it is impracticable for the FLR to join the vessel for the survey. E.g. the survey vessel moves from one prospect area to the area to be surveyed with little lead time to mobilise an FLR.

The primary role of the escort vessel will be to support the operational aspects of the survey.

The master of the survey vessel and the master of the escort vessel shouldjointly decide if it is necessary to liaise with fishing vessels in the vicinity. In all cases, the operator's representative should be informed of any problems encountered. Operators may wish to utilise the services of the fishing industry in the provision of local Fisheries Liaison Vessels.

# 3 Fisheries liaison support in offshore operations

Several operations associated with exploration, production and decommissioning have the potential to interact with fishing activities and will require effective liaison to minimise the potential for disruption. This can be in the form of interaction with mobile fishing or from the deployment of static gear.

The activities described within this section require compliance with the pertinent legislation. This section is intended as guidance only and is not a definitive description of compliance requirements for FLOs or operators. FLOs are encouraged to consult their internal procedures to ensure compliance with the latest laws and guidance issued by the relevant bodies. For guidance on static gear, this section should be read in conjunction with the "Code of Practice on Interaction with Static Gear Fisheries" (*see Appendix B*).

It is important in the lead-up to major activity that the operator assesses the potential impact on fishing activity, and where necessary, commences an appropriate period of consultation with fisheries' interests in advance. The FLO plays a prime role in liaising with the fishing industry prior to and during offshore operations. Experience has shown that early notification by the FLO is fundamental to establishing a good relationship with fishing industry representatives.

When planning and carrying out operations, it is recommended that operators consider:

- Making an assessment of the potential impact on fishermen;
- Establishing the level of fishing activity in the area;
- Determining the seasonal nature of the local fishing activities and assess whether the proposed timing of operations conflicts with heavy fishing activity;
- Determining if there is other industry related activity planned or ongoing at the same period that could worsen the impact on fishers;
- Opening a dialogue with the relevant fishing federations/associations at the planning stage and maintaining this during operations, through the FLO, so as to minimise disruption to fishermen;
- Providing a copy of the OPRED application and approval to undertake the activity from the Portal Environmental Tracking System (PETS) to the relevant fishing federation.

In areas with a high density of deployed static gear, the FLO should be aware of the following:

- Surface marker buoys cannot always be seen from the rig or support vessels especially in darkness or during strong tides.
- A string of static gear may comprise up to one hundred pots attached to each pair of surface marker buoys.
- Fishermen experience considerable problems recovering their strings of pots if the surface markers are sunk and the strings have been dragged from their known location – despite global positioning system (GPS) or other position reference, the pots may be unrecoverable.

- Fishermen whose static gear is towed away and not recovered lose not only the value of the equipment but also the earning power derived from it.

In certain areas, anchor mounds can create major difficulties for smaller fishing vessels. In areas where such problems are expected or reported, consideration should be given to levelling such anchor mounds wherever practical and without damaging the environment.

In addition to these general considerations, different activities will require specific considerations as detailed in the following sub-sections.

## 3.1 Seismic survey

The following considerations apply to seismic survey activities:

- Consider alternative seismic techniques that could minimise disruption to fishermen e.g. bottom cables;
- Utilise an FLR on the seismic vessel and/ or utilise a local fishing vessel to act as an escort vessel;
- It is noted that there are times when fishing vessels are engaged in fishing operations that either require them to remain stationary e.g. hauling the net and taking fish on board or are “anchored” to the seabed e.g. attempting to free from a seabed fastener and as such cannot readily move out of the way of an approaching vessel. Ensure survey vessels remain within the prospect area previously advised to fishermen, as far as possible, to avoid any confusion.

In the event the proposed survey overlaps a static fishing area, or the survey vessel unknowingly enters an area where static fishing gear has been deployed, either inshore or offshore, the following should be considered:

- Fishermen will need a suitable period of fine weather prior to and after the survey operation to move and redeploy their static gear. Fishermen essentially have two options when faced with a survey operation – lift the gear and redeploy in an adjacent area outside the survey area or lift the gear and return it to shore. Both options present practical difficulties i.e. adjacent locations might not be available owing to the density of static gear deployed by other fishermen. In such cases, gear may have to be redeployed in less viable fishing areas.
- As a result, there is the potential for fishermen to suffer a loss of earnings during the period immediately prior to and after the survey period.
- Whilst there is no legal requirement for the operator of a seismic survey to make any payment to fishermen, local conditions may warrant the consideration of "inconvenience payments", particularly in areas where the operator may require fishermen to move their gear to another location, or to cease fishing in the area during the whole or part of the seismic period. Where such payments are considered, operators may wish to take into account the actual earnings of the individual fishermen affected by requesting substantiation of the monthly earnings received in the previous tax year, or for a period as mutually agreed between fishermen and operator. Preferably, i.e. for reasons of transparency, this would be in the form of audited accounts together with a signed statement of confirmation from their auditor.

- Should the cost of the survey become prohibitively high as a result of claims from fishermen, operators may uphold their commercial right to cancel or re-schedule the survey, at their convenience.

## 3.2 Pipeline operations

### 3.2.1 Pipeline survey

Static fishing gear is laid in abundance over the pipelines in the Southern North Sea and can extend up to 50 nautical miles from the shore. To enable a survey vessel to have unrestricted access to a pipeline it is necessary for the static gear to be temporarily relocated away from the pipeline.

In addition to those mentioned for seismic surveys, the additional points below are offered for consideration by the FLO and/or operator project team:

- Provide notice (as soon as reasonably practicable) before the operation starts to allow time for the necessary liaison arrangements;
- Utilise survey vessels that are sufficiently manoeuvrable to sail easily between static fishing gear;
- Advise promptly of any changes to the schedule;
- Be aware of any meetings pertaining to the proposed operation, e.g. HAZID;
- Seek guidance from FLOs and discuss lessons learnt from other operations.

### 3.2.2 Laying a pipeline

It is recommended that the FLO becomes involved with a pipe lay project at the conceptual stage, to offer fisheries advice. Where it is proposed to lay a pipeline that traverses fishing grounds, it is recommended that the FLO and/or project team establish early engagement with relevant government departments and fishing organisations to allow concerns to be raised and discussed.

Throughout the planning stage for a pipeline installation, it is recommended that operators consider:

- The potential impact on fishermen;
- The level of fishing activity in the area to be traversed by the pipeline;
- Proposed burial status of the pipeline;
- Rock dumping or mattress placement outside the 500-metre safety zone;
- If the pipeline is laid proud of the seabed, the risk of trawlers' nets snagging and potentially damaging it should be quantified;
- Any requirement for protection structures on valves outside the 500-m safety zone;
- Alternative routes to avoid fishing grounds;

- The possibility of Guard/Fisheries Liaison Vessels in areas vulnerable to fishing activity during pipeline installation;
- Rectifying any anchor mounds from the lay barge;
- Spoil from a trenched or buried pipeline;
- Utilisation of a FLR on the laybarge and/or support vessels;
- Provision of pipeline route data and subsequent provision of span data to the NSTA for dissemination to fishermen through the FishSAFE information system. It should be noted that all pipeline protection material applications have conditions requiring as laid information to be sent to the United Kingdom Hydrographic Office (UKHO) and all information is officially notified to FishSAFE.
- The distance needed between multiple parallel pipelines to allow trawling;
- Discussing the trawlability with relevant organisations.

### 3.2.3 Post-lay spoil and berms

Excess spoil or high berms can pose a serious snagging threat and/or contamination risk to fishermen trawling along or over the pipeline. It is recommended that operators:

- Ensure that the post-lay survey provides adequate information on any spoil or berms resulting from burial or trenching to enable an assessment of potential hazard.
- Notify any anomalies to fishermen through the FishSAFE information system at the earliest opportunity.
- Have effective reporting routes between pipelay contractor and operator and within the operator's own organisation.
- Consider the provision of swept gates through berms to enable safe transit of trawl gear and the subsequent inclusion of their locations in FishSAFE.

### 3.2.4 Pipeline remedial work

Pipeline remedial work, such as rock dumping and mattress laying, has a similar potential to disrupt fishing activities in static gear fishing areas. Therefore, the relevant points offered for consideration in respect of seismic and pipeline surveys should also be considered for pipeline remedial work.

## 3.3 Well operations

### 3.3.1 Drilling a well from a mobile offshore drilling unit

The following points apply to seismic survey activities:

- The plan for the rig to move on location must be assessed to see if it interferes with mobile or fixed fishing. This is assessed through applying for a Consent to locate via OPRED. FishSAFE is also notified of operations before the start.
- The positions of the anchors and pennants must be published in the Kingfisher Bulletin (KB) and be available to the mobile offshore drilling unit (MODU) support vessel / Emergency Response & Rescue Vessel (ERRV) and the Offshore Installation Manager (OIM) so it can be shared with fishermen.
- There must be a methodology in place so that the support vessel / ERRV / OIM has the responsibility to alert and warn fishermen in close proximity or posing a hazard of getting snagged. This is a condition of an operators Consent to Locate.

### 3.3.2 Well suspension

Operators must notify the regulator of a suspended well and a suspended wellhead that may pose a snagging threat to fishermen trawling in the area thereby jeopardising the safety of the vessel, crew and integrity of the suspension. All wells have a Consent to Locate and consent conditions requiring operators to notify the relevant bodies. As soon as the well is suspended, FLOs are urged to notify the Kingfisher Information Service (KIS) (email: kingfisher@seafish.co.uk) with details of the suspended well (well number, operator, geographical co-ordinates stating whether European Datum 1950 (ED50) or World Geodetic System 1984 datum, (preferably in WGS84 datum). KIS will then arrange for these details to be circulated to fishermen.

### 3.3.3 Well abandonment

Following successful abandonment of a subsea well in open water, it is recommended that operators:

- Carry out any debris inspection required under prevailing legislation or approved decommission programme to ensure that the seabed area around the well is left free of debris that could result in a hazard to fishing.
- Consider commissioning a trawl sweep of the well site using a fishing vessel and fishing gear appropriate to the area, to ensure that there are no snagging hazards at the site that presents a threat to fishermen.

## 3.4 Fixed installations

### 3.4.1 Establishing a fixed installation

For the establishment of a fixed installation, be it surface or subsea it is recommended that fishing organisations are consulted at the early planning stage. All applications that require an Environmental Impact Assessment (EIA) should include a fishing effort study which indicates the level of fishing in the proposed area. The placement of a subsea installation outside a platform's 500m Safety Zone has the potential to pose a snagging risk for fishing gear. Where an operator has not applied for and been granted a 500m Safety Zone through the Health and Safety Executive (HSE) for a subsea structure, the

FLO may wish to consider discussing preference protection of the structure to safeguard the integrity of the structure and enable release of nets with the relevant Fishing Organisations.

It is recommended that the following design and construction criteria for a subsea installation are considered in relation to fishing activity:

- The level of fishing activity in the area where the subsea installation is to be placed
- The distance of the subsea installation from a platform and/or ERRV
- The hazard it may pose to the safety of fishermen trawling in the area
- The vulnerability of the subsea installation if snagged
- The cost effectiveness of the construction and installation of a protection structure against the repair of damage subsea installation and the associated loss of production if snagged

### 3.4.2 Reducing the risk of having vessel snagging a subsea installation

Subsea installations pose a snagging risk to fishermen which may jeopardise the safety of the vessel and crew and the integrity of the subsea installation. The FLO may wish to highlight this issue within their organisation making colleagues aware of the potential snagging hazard. Operators are also reminded that fishermen, and in particular non-UK fishermen, may not always be aware of the presence of certain subsea installations.

If fishing activity is deemed to be high, or there have been previous incidents or near misses, and the subsea installation is considered to be vulnerable to snagging, the operator may wish to further consider the number of safeguards in place to reduce any such risk to a minimum:

- Dedicated ERRV
- Guard/fisheries liaison vessel support
- Radar warning system
- Site specific procedures
- Surface marker
- Method of communication between fishing vessel and ERRV/Guard/fisheries liaison vessel/ offshore installation

## 3.5 Decommissioning

The decommissioning of installations is covered by UK legislation and decommissioning options should be discussed with the regulator. It is recommended that at an early stage of a decommissioning programme, stakeholder dialogue should be opened with the relevant fishing federations/associations. Refer to Guidelines on Stakeholder Engagement during Decommissioning Activities.

At decommissioning it is recommended that items of debris resulting from operational or decommissioning activities are identified and removed from the site where practicable. A trawl sweep

in and around the location of the decommissioned subsea installation to assure fishermen that it is clear and suitable for bottom trawling may be considered. In the event of a trawl sweep being conducted, the operator would expect a certificate to be issued by the relevant fishing organisation certifying that the seabed is clean and clear for commercial fishing.

## 3.6 Intention to adopt new / emerging technologies

It is recommended that the FLO be aware of new/ emerging technologies, preferably at the conceptual stage, to offer fisheries advice, where it is proposed to use/ adopt new technologies that may affect fishing grounds. It is recommended that the FLO and/ or project team establish early engagement with relevant governmental departments and fishing organisations to allow concerns to be raised and discussed.

It is recommended following design and construction criteria for new/ emerging technologies, the following are considered in relation to fishing activity:

- How much fishing goes on in the area where the new/ emerging technologies will be used;
- The extent if any of the hazard posed to fishermen;
- Impact on fishing grounds;
- Any available alternative routes.

# 4 Communication to fishermen

This section describes the individual organisations involved with communicating to fishermen on the oil and gas industry issues and the main tools used in communication. This section also describes how data on the location of oil and gas infrastructure is collected, normally, twice per year from operators and shared with fishermen. This is called the FishSAFE project.

## 4.1 The Kingfisher Information Service (KIS)

The KIS, formerly known as Kingfisher Charts, is a department within the Seafish Industry Authority which is a UK statutory body charged with serving the fishing industry, from catcher to consumer. The primary aim of the KIS is to improve safety throughout the catching sector and to prevent gear losses and potential snagging incidents through the dissemination of accurate positional seabed information. KIS website can be accessed here https://www.seafish.org/kingfisher.

In fulfilling this role, the KIS works closely with the oil & gas industry by producing and distributing information directly to the fishermen through a variety of projects. All these products and services are free of charge to fishermen. These include:

Details of the services offered by KIS can be obtained by email: kingfisher@seafish.co.uk or Tel: 01472 252307

### 4.1.1 The Yellow Card

This is a free card published every six months showing a listing of the positions of all suspended wellheads beyond the 500-m safety zones. The geographical co-ordinates published in the card are in WGS84 datum. This information is available by email, may be downloaded from the Seafish website or in hard copy and supplied to UK fishermen. This service is funded by FLTC.

### 4.1.2 Kingfisher Bulletin (KB)

The KB dates back to the 1980s and its remit is to alert the fishing industry of potential manmade offshore hazards or activities taking place. In 2020 The KB was transformed into a modern web and app-based service, with key elements including:

- Web based at www.kingfisherbulletin.org.
- Downloadable for smartphone or tablet from the App store or Google Play.
- Operators are able to submit information for inclusion directly via the system at https://kingfisherbulletin.org/submit-notice or via the app.
- Users (predominantly fishers) create 'alert areas' covering the sea area they are most interested in.
- When a new notice is added to the system, users receive an alert via the app, email or social media applications
- Operators are able to create a free account here: https://kingfisherbulletin.org/new-account.
- For further information, please contact KIS at: kingfisher@seafish.co.uk.

### 4.1.3 Social media

KIS also uses social media to promote hazards, activities and news. All notices from the KB are automatically added to KIS Twitter and Facebook pages. This is currently on Twitter at https://twitter.com/Kingfisherinfo and Facebook at https://www.facebook.com/kingfisherInformation/

### 4.1.4 Companion app

This is a platform for the fishermen to provide images and information about oil and gas related hazards.

### 4.1.5 Offshore development map

Informational data sheets, flyers or brochures for new or existing offshore projects of seabed information to the fishing fleet.

### 4.1.6 Kingfisher Information Service – Offshore Renewables and Cable Awareness (KIS-ORCA)

Formally known as KIS–CA, this project runs on the same framework as FishSAFE, although it relates to submarine telecommunications and power cables and renewable energy structures. This project is part-funded by Subsea Cables UK and Renewable UK.

### 4.1.7 FishSAFE information project

FLTCS Services Ltd (FLTCS) contract KIS to manage the supply of FishSAFE information to fishermen. The FishSAFE Information Project is the primary means by which information about oil & gas industry infrastructure is collected, quality-controlled and then passed to fishermen. The project provides fishermen with free and accurate positional information on all seabed and surface oil/gas installations throughout the UKCS area. This is delivered both in digital (electronic) to UK and non-UK fishermen and paper (charts) formats. The FishSAFE website is updated frequently to provide urgent notices to fishermen about oil and gas infrastructure and details of new snagging hazards. https://www.fishsafe.org.

#### 4.1.7.1 Collection and processing of infrastructure data for the FishSAFE project

From April 2019, the twice-yearly call for data has been issued directly by the NSTA to the company-appointed Information Samples Co-Ordinator (ISC) under a Section 34 Notice (the statutory reporting notice for oil industry-related information and samples under the Energy Act 2016). As the process is now mandatory rather than voluntary, all infrastructure and pipeline operators have a legal duty to comply. In all other respects the call for data process remains the same as in previous years. Submissions of changes to infrastructure data from UKCS operating companies to include new infrastructure, decommissioning of existing infrastructure and pipeline freespans will continue to be submitted to NSTA which publishes its datasets for users, including FishSAFE. Further information is extracted from the 'Bulletin' (suspended wells), and HMSO Statutory Instruments (Safety Zones). All changes to the data are rigorously checked for consistency and accuracy before addition to the database. Anomalies are referred back to the operator for checking and re-submission.

The infrastructure data is made available by NSTA to KIS. KIS converts this data into a number of different formats, compatible with the commonest on-board fishing plotter systems used by fishermen and also the FishSAFE Alarm Unit. This enables the fishermen to overlay their own charts

with accurate data on all surface and subsea infrastructures that in turn should improve vessel/crew safety and help reduce the risk of damage to subsea installations. This information is then distributed via the SFF and NFFO to all UK fishermen. KIS covers all European distribution. (The FishSAFE project is funded by FLTCS, and grants from The European Fisheries Fund and the Scottish Ministers have recently assisted the project).

The FishSAFE Alarm Unit is an additional piece of equipment that allows the FishSAFE Information to be viewed on the bridge of a vessel and delivers an alarm when vessels are approaching subsea installations that are recorded in the database. General information on the FishSAFE system and, in particular those vessels fitted with FishSAFE units, can be obtained from the SFF. The FishSAFE alarm unit has been supplied to the UK fleet only.

#### 4.1.7.2 The role of operators in the FishSAFE project

Please note, the provision of data relating to UKCS surface and subsea infrastructure to fishermen is now recognised as a major safety aid in support of fishing vessels engaged in trawling. Disseminating this information to fishermen is enabled by the call for data on a regular basis each year, now a statutory obligation under the Energy Act 2016. The FLO, and in particular those persons (the ISCs) within the operator responsible for the timely provision of this data, should be aware that failure to provide updated data by the required bi-annual deadlines is a breach of the Section 34 Notice (Energy Act 2016) and so is issuing fishermen with out of date data. If fishermen are unaware of any new infrastructure, particularly on the seabed, there could be serious snagging incidents endangering the fishing vessel and those on board.

It should also be noted that it is the responsibility of the NSTA to issue the call for data to the ISC. Each licensee/operating company must appoint an ISC as a single point of contact with the NSTA. This is a requirement of the Energy Act 2016. If you do not know who your ISC is or there is no ISC yet appointed then please contact the NSTA.

# 5 Oil and gas industry related debris

There are international conventions and domestic legislation governing dumping at sea and the deliberate release of wastes and debris is prohibited from installations and vessels. However, during operations, incidents may occur that result in the loss of items overboard. Debris from the oil and gas industry on the seafloor can pose a threat to fishermen.

To facilitate recovery of any such debris, it is recommended that operators:

- Record the position of any item lost overboard to enable future recovery; and
- When applicable submit a Petroleum Operations Notice (PON) 2 notification to OPRED no later than six hours after the event has taken place. Upon submission of a PON2 it is automatically issued to KIS.

Wherever practicable the operator should make every effort to recover the object[s]. Where it is not possible to recover the items lost immediately, operators shall inform the FLO and the appropriate navigational and fisheries organisations. They shall also ensure that the nature and location of the lost item(s) is published in the KB. Operators can consider developing a plan of action for retrieving lost objects at a later date.

## 5.1 Discarded paint cans

Fish catches are contaminated by paint cans that rupture when the catch is retrieved on board. The part of the catch contaminated by paint has to be dumped, which may be the complete haul from that tow.

There is no doubt that some paint cans recovered have been discarded by vessels that have not been employed in the offshore oil and gas industry. Nevertheless, paint cans recovered marked with the name of the offshore support vessels may provide proof that some paint cans have been discarded by those vessels.

The FLO may wish to consider the following:

- Are vessel owners on hire aware of the practice of discarding paint cans overboard (in contravention of MARPOL legislation)?
- Is there a means to bring this practice to the attention of vessel owners e.g. contractual conditions and/or a company/vessel audit document and/or safety briefs at on hire surveys or similar?
- Are the master and crew of vessels on hire aware of the problems that discarded paint cans create for fishermen?

# 6 Snagging of fishing gear

Occasionally a fishing vessel may become snagged on a seabed fastener (natural or man- made e.g. berm or clay), or on the operator's pipeline or subsea structure or a piece of oil and gas industry-related debris, (collectively referred to as a seabed fastener in this section) whilst trawling.

It is the responsibility of the vessel's skipper to contact the coastguard immediately with details of the incident and the position of his vessel. The coastguard will confirm the position of the vessel and will advise the skipper on the best steps to ensure its safety.

Any action taken to attempt to free trawl gear snagged on a seabed fastener is the responsibility of the vessel's skipper.

In all instances where an operator is advised that a fishing vessel has become snagged on a seabed fastener within that operator's licensed area, the operator's personnel should follow the operator's procedures for dealing with such incidents. Operators should consider the inclusion of such a scenario in their emergency plans and developing appropriate internal procedures and inform the FLO. The operator may wish to consider exercising and training staff in the response to a vessel snagging on a seabed fastener within their licence area.

When a vessel is snagged (or suspected to be snagged) close to an oil installation or oil / gas related operation where it is possible to liaise with the OIM / Master, the vessel skipper and/or coastguard may wish to talk to the facility to gain information relating to the incident.

A dialogue should be established between the parties involved to discuss

- The situation in play
- The best course of action that will minimise harm to personnel, potential for pollution or damage to assets in that order

All communications must be logged and recorded by both parties to assist in subsequent claims or investigations.

## 6.1 Suspected pipeline snagging incident

Safety notices and warnings have been issued to fishermen containing advice on actions to be taken should their gear become snagged on what they believe to be a pipeline. These notices warn of the risk of safety to vessel and crew if continued efforts are made to free the gear and the vessel is carrying a heavy load.

It is the responsibility of the vessel's skipper to contact the coastguard immediately with details of the incident and the position of his vessel. If the coastguard believes that the gear is snagged on a pipeline, he will advise the operator of that pipeline or subsea structure as soon as possible.

Notwithstanding the Annual Notice to Mariners No. 24, guidance notes on Admiralty charts and other maritime publications advising fishermen not to trawl in the vicinity of pipelines, there is no law that forbids fishermen to trawl along, over or across a pipeline providing:

- The fishing vessel does not enter a statutory 500-m Safety Zone through which a pipeline traverses (except for certain provisions)

- The fishing vessel does not enter a statutory 500-m Safety Zone around a subsea installation connected to the pipeline (except for certain provisions);
- The fishing vessel does not remain or sail close to within one nautical mile of vessels engaged in laying or repairing a pipeline;
- The fishing vessel keeps at least one nautical mile away from buoys marking a pipeline.

Because they stand above the seabed, pipelines and structures pose a snagging hazard to trawl gear, even if they were designed and built to be over-trawlable. Any action taken to attempt to free trawl gear snagged on a pipeline is the responsibility of the vessel's skipper.

# 7 The OEUK fishing claims framework

The OEUK fishing claims framework was established to review claims from fishermen who suffered loss or damage to gear and/or sustained damage to the vessel and/or incurred a loss of fishing time as a result of snagging on a seabed fastener specifically if this seabed fastener is oil and gas industry related infrastructure or debris.

In such cases, the fisherman may seek compensation from the operator of the licence block in which the snagging incident occurred or when the identity of the operator cannot be established from the OEUK Fisheries Compensation Fund (Section 9.3).

Under the framework a fisherman who loses or damages his gear on a seabed fastener is not considered for compensation if:

- The seabed fastener was not oil and gas industry related; or
- The fisherman is unable to offer proof that the seabed fastener was oil related; or
- The fisherman snags a suspended or production wellhead, the details of which were contained in the list of such wellheads issued to the fishermen by KIS, FishSAFE Information, FishSAFE alarm unit, Yellow Card or KB; or
- The fisherman snags a fastener within the statutory safety zone of an offshore installation or subsea wellhead; or
- The position of the oil and gas industry related fastener/debris has been communicated to the fisherman a reasonable time prior to the incident.

Note should be taken of a section contained in the International Convention for the Protection of Submarine Cables 1884, as extended by the Convention on the High Seas,1958, which stipulates:

*'Owners of ships who can prove they have sacrificed an anchor, net or other fishing gear, to avoid damaging a submarine cable or pipeline, shall receive compensation from the owner of the cable or pipeline.'*

The OEUK fishing claim framework acts as a vehicle for the submission of such claims relating to snagging incidents on pipelines or subsea structures.

The OEUK fishing claim framework utilises a fishing claim form to process and assess claims. Details on how the form is completed are found in Section 8.

It is the responsibility of the FLO to investigate and close out fishing claims on the operator's behalf submitted through the OEUK fishing claim framework

## 7.1 Non-attributable oil related debris

It is not uncommon for a fisherman to snag and recover an item of oil and gas industry related debris from:

- within an offshore exploration licence block that has not been allocated to an operator; or
- an offshore exploration licence block in which the incumbent operator or any previous operator, has conducted no operations in that particular area; or

- an exploration licence block that has been relinquished by an operator.

In these cases, the OEUK Fishermen's Compensation Fund may consider a claim.

## 7.2 Claims for foreign fishermen operating in the UKCS

The OEUK Fishermen's Compensation Fund cannot deal with claims from foreign fishermen.

A foreign-registered fishing vessel may submit a claim using a standard UK claim form, following a snagging incident in the UKCS. It is left to the discretion of the operator to decide whether to make an offer of settlement for a claim made by a foreign fisherman who has snagged a seabed fastener or other debris that could be attributed to that operator.

## 7.3 Claims from UK fishermen operating outside the UKCS

The OEUK Fishermen's Compensation Fund cannot deal with claims for compensation from UK vessels that arise from snagging accidents outside the UKCS.

If a UK registered fishing vessel snags an oil related fastener or other debris outside the UKCS and completes a claim form, the FCC will endeavour to identify the operator of the licence block in which the incident occurred or the owner of the pipeline and advise the fisherman accordingly. The fisherman, or his agent, can then submit the claim directly to the operator concerned.

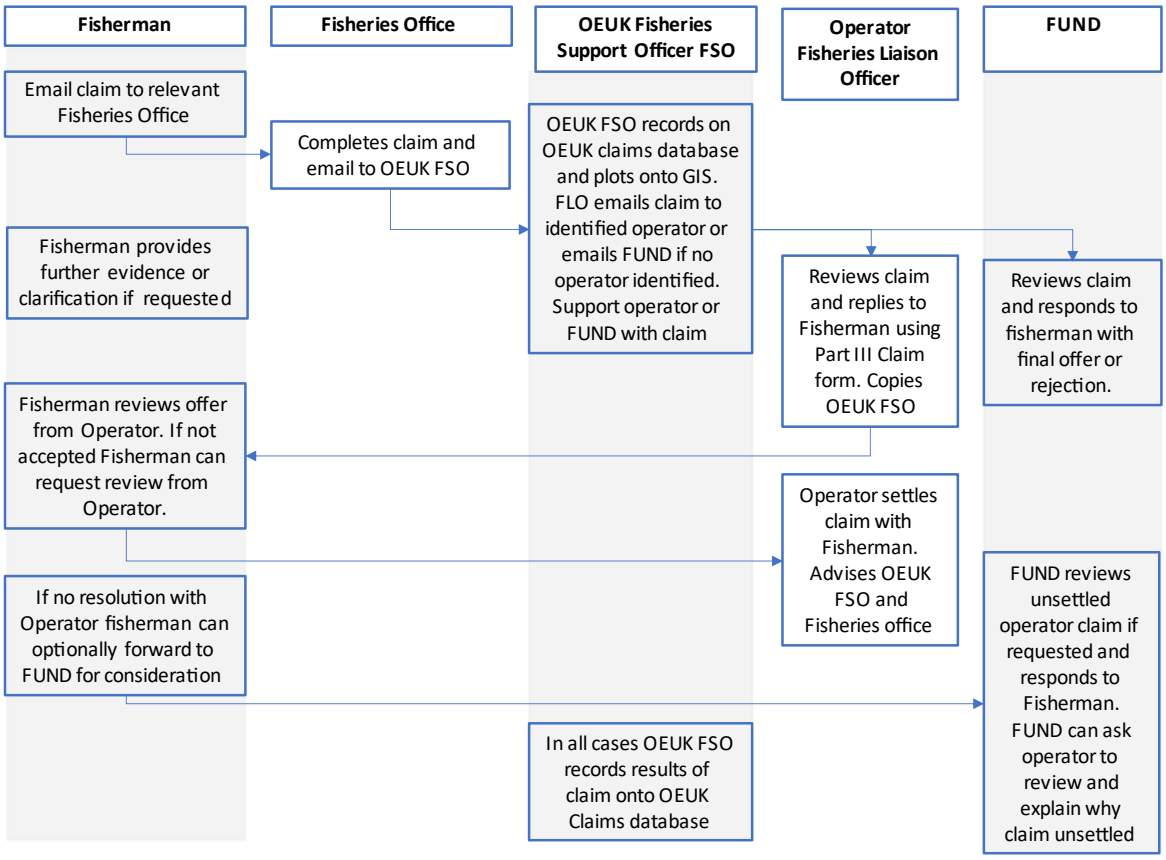
# 8 Assessment of a fishing claim

Following a snagging incident, as a first step the fisherman should report the incident to the local Sea Fisheries Inspectorate (SFI), Marine Scotland Fishery Office or Department of Agriculture and Rural Development Northern Ireland (DARD) Fishery Officer. It will supply the necessary claim form according to the OEUK fishing claim framework. The procedure to be followed is outlined in Section 8 and an embedded copy of the forms to be used is contained in Appendix C.

The fisherman, his agent or the vessel owner (the claimant) is responsible for completing and submitting the claim to the OEUK FCC together with any relevant supporting information or documentation such as invoices.

The assessment of fishing claims is summarised in the flow-chart below and described in detail within this section.

Figure 1: The assessment of fishing claims




All correspondence to be via email

## 8.1 Initial assessment by the OEUK FCC

On receipt of a claim the OEUK FCC will:

- Obtain further information or clarification from the claimant if considered necessary;
- Ascertain the licence block in which the incident occurred and the operator of that licence block;
- Plot any drilling operations and/or suspended wellheads and/or any other subsea installations in the close proximity to the incident that could have been responsible for the snagging;
- Ascertain whether any other previous fishing incidents occurred in the close proximity of the claim;
- Check the supporting invoices for accuracy and validity for example, that they are signed and dated;
- Plot the position of the incident on a digitised Admiralty chart;
- Send the claim and supporting information to the FLO of the licenced operator of the block in which the incident occurred;
- Offer guidance to the FLO for dealing with the claim;
- Log the details of the claim in the OEUK fishing claims database;
- Maintain an overview of the claim until resolution either way;
- Maintain contact with the claimant to ensure receipt of any delayed documentation;
- Write to claimant and relevant fishery offices advising them of the name of the operator to whom the claim has been sent and the number of the licence block in which the incident occurred;
- Send the claim documentation to the OEUK Fishermen's Compensation Fund if the incident occurred in an unallocated or relinquished licence block.

## 8.2 Assessment by the operator

### 8.2.1 Claims resulting from incidents outside safety zones

If an operator receives a claim resulting from an alleged snagging incident outside safety zones, the following points may be considered in assessing the claim:

- Was the incident in close proximity to any of the operator's operations (drilling/construction) or assets (pipelines);
- Was any debris sighted, and if so, what was its nature?
- Were there photos of any debris and/or damaged gear and/or vessel damage submitted?
- If debris was landed it may require inspection to ascertain ownership.

- Was the fisherman given any warning or advice by offshore personnel or a vessel chartered by the operator - if so, obtain a report.
- If appropriate, did the fisherman contact the coastguard?

Analysis of the above information will allow a general assessment which may be carried out by the FLO or other operator personnel. It is the responsibility of the FLO to ensure that the claims are considered and the assessment is carried out.

### 8.2.2 Claims resulting from incidents involving a pipeline or subsea structure

If an operator receives a claim for an alleged snagging incident involving a pipeline or subsea structure, the following points may be considered in assessing the claim:

- Did the fisherman report the incident to the coastguard and/or operator?
- If the incident occurred above, or in close proximity to, a pipeline or subsea structure, was the fisherman advised by the operator to slip/cut/release his gear?
- Was the pipeline buried at the location of the snagging incident or protected by a statutory Safety Zone at the location of the snagging incident?
- Was any fishing gear found during a subsequent subsea inspection of the pipeline or in previous surveys?
- Did the incident occur in the close proximity to any subsea installation or pipeline obstruction/ freespan that had been communicated to the fishermen via FishSAFE Information, FishSAFE alarm unit, Kingfisher Yellow Card or KB
- Was there any debris or other snagging hazard at the location of the snagging incident noted during previous surveys

Was there any spoil resulting from pipeline burial/trenching at the location of the snagging? An operator may wish to wait until the pipeline or subsea structure has been surveyed in order to determine whether or not any lost gear has snagged the pipeline or subsea structure as reported in the claim. If the operator does wish to wait, the FLO should write to the claimant advising of the potential delay in dealing with the claim and copy the letter to the OEUK Fishing Claims Co-ordinator.

### 8.2.3 Claims resulting from snagging previous operator's debris

*Snagging incidents sometimes occur that may be related to the activities of the previous licensee. The OEUK Fishing Claims Co-ordinator will submit the claim received to the current licensee where the alleged snagging incident occurred.*

*It is the responsibility of the current licence holder to process, and settle if appropriate, the claim even if the debris or obstruction event occurred during the previous licensee's period of ownership.*

*The OEUK Fishermen's Compensation Fund considers claims for incidents where the previous licence holder of the licence block has either ceased operating in the UKCS or has merged with another operator.*

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### 8.2.4 Claims resulting from snagging anchor mooring systems

Claims submitted by fishermen for damage resulting from snagging an anchor or cable from a mobile drilling unit or flotel are not usually accepted. This is based on the fact that, after many years of offshore operations in the UKCS, fishermen are aware of the general deployment of moorings from these units and the fact that the anchors are normally marked by buoys. However, such claims may be considered on a case-by-case basis by the operator or the Fisheries Compensation Fund.

## 8.3 Acceptance and rejection of claims

Each claim is treated on its merits and based on accuracy of information and supporting evidence provided by the claimant together with the findings of any investigations conducted by the FLO.

### 8.3.1 Claims resulting from incidents in open water

The following is offered as guidance to the operator.

A claim may be considered for approval (in full or part) at the operator's discretion where as much information as possible has been collected, provided:

- There is clearly identifiable liability for recovered debris that can be associated with the operator or its contractor; or
- There is clearly identifiable liability for recovered debris that can be associated with a previous operator or its contractor; or
- There is no clearly identifiable liability for recovered debris, but an element of doubt does exist that such debris could have come from the operator's activities in the area – or that of its contractors; or
- There is no clearly identifiable liability for recovered debris, but an element of doubt does exist that such debris could have come from the activities of a previous operator in the area – or that of its contractors; or
- No debris has been recovered, but an element of doubt exists as to the cause of the incident. In assessing such a claim, consideration is given to the fact that should a fisherman lose gear it is not possible to identify the cause of the incident.

A claim may be rejected where:

- It is not, attributable to an operator's operation – or that of its contractors; or
- It is not attributable to a previous operator's operation – or that of its contractors; or
- It arises from an incident within a statutory Safety Zone; or
- It arises from an incident involving a suspended wellhead, the position of which has been communicated to the fishermen at a reasonable time before the incident; or
- It arises from an incident involving a piece of oil-related equipment on the seabed, the position of which has been communicated to the fishermen at a reasonable time before the incident.

### 8.3.2 Claims resulting from incidents involving a pipeline or subsea structure

The following is offered as guidance to the operator for claims resulting from snagging incidents involving a pipeline or subsea structure outside a statutory 500-m safety zone:

An offer of settlement may be made in respect of any subsequent claim where a fisherman decides to slip, cut or buoy off his gear, or loses part of his gear, in order to protect the integrity of a pipeline or subsea structure

- following advice from the operator or when advised to do so by the coastguard;
- or at a location that has not been communicated to the fishermen as a potential snagging hazard at a reasonably sufficient time before the incident.

A claim may be rejected where a fisherman decides to release, cut or buoy off his gear, or loses part of his gear in order to protect the integrity of a pipeline or subsea structure when:

- a subsequent survey reveals no evidence of gear at the reported site on the pipeline/subsea structure or in close proximity to the pipeline/subsea structure based on the geographical co-ordinates provided by the fisherman at the time of the incident; or
- The location of a snagging incident or the subsea structure has been communicated to the fishermen at a reasonable time before the incident as a potential snagging point; or
- A subsequent survey confirms that the gear is snagged on suspected oil related debris in close proximity to the pipeline that was not as a result of the pipeline operator's operations.

## 8.4 Assessing level of *ex gratia* payments

Claims for compensation for lost or damaged gear, supported by original invoices for costs (exclusive of VAT) for replacement or repairs, are detailed on the claim form. Payment for any damage to vessel and/or gear does not normally exceed the insurance excesses shown on the claim form.

The claim form also contains details of any loss of fishing time resulting from the snagging incident. An estimated value is provided by the claimant and is supported by the narrative section of the claim form. An independent assessment of the average earnings of similar vessels working in the area at the time of the incident is provided by the local Fishery Officer. In most cases, it is recommended that any compensation for loss of fishing time be based on the Fishery Officer's figures. To assess an offer of payment for loss of fishing time the following may be useful: vessels engaged in trawling normally do so over a twenty-four-hour period. Each trawl lasts about six hours. Therefore, if a vessel has lost six hours fishing time (one trawl/haul), the average daily earnings of similar vessels as stated by the Fishery Officer should be divided by four to obtain the six hours claimed by the fisherman. The resultant figure will provide a loss of fishing estimate.

If there is a large discrepancy between the claimant's figure and the value calculated from the average earnings, consideration may be given to increasing the calculated figure - based on the merits of the claim. Payment for loss of fishing for vessels engaged in pair trawling is normally calculated at one and half times the value for loss of fishing.

The level of payment in respect of a claim is at the discretion of the operator. However, if the claim is considered genuine but there is little or no supporting evidence, operators are encouraged to give the benefit of doubt to the claimant.

# 9 Completing the claim form

## 9.1 Introduction

The claim form and supporting documentation are the means by which an operator and/or the OEUK Fishermen's Compensation Fund can make assessment of a claim within the OEUK Fishing Claim framework. A well-documented set of claim forms together with accurate supporting documents can save the operator and Compensation Fund committee considerable time in assessing the claim.

FLO's are reminded that it is a Licence condition that claims should be dealt with promptly (see the Petroleum Licensing (Production) (Seaward Areas) Regulation 2008 (2008/225) 45 (3)).

It is recognised that operational workloads will take priority. Nevertheless, efforts should be made to process a claim within three months of receipt of all relevant parts of the claim form from the Fishing Claims Co-ordinator. FLOs with claims outstanding are notified by the Fishing Claims Co-ordinator in good time prior to a Fishermen's Compensation Fund meeting to enable them to close out a claim if they are in a position to do so.

This section provides those completing the claim form with guidance on completing each section and what supporting documentation may be required. Electronic claim forms are held by each fishery office in the UK and can be completed in electronic form on a computer or completed by hand or a combination of both.

The claim form is in three parts, Part I and Part II of the claim form must be signed by the relevant Fishery/Fisheries Officer. Part I and Appendix A can be forwarded to the Fishing Claims Co-ordinator prior to Part II and also any supporting invoices should the Fishery/Fisheries Officer so wish, though the preference is for all parts of the claim form to be sent together. This information is shown at the top of the Part I of the claim form. In total one original claim form and four copies are required. Paperwork is to be distributed by email. The claim form contains the recipients' details.

## 9.2 Processing of the claim by OEUK FCC

On receipt of a claim, the OEUK FCC will carry out an initial assessment as outlined in Section 8.1. It is not unusual for the FCC to receive initially Part I and Appendix A of a claim prior to receiving the Part II and other supporting documentation – particularly the invoices. In such cases the FCC maintain contact with the claimant and fishery/fisheries office to ensure receipt of all the documents.

The FCC will send the claim documents to the operator in question under covering letter and write to the claimant, the Fishery/Fisheries Office from where the claim originated and the Aberdeen Fishery Office, advising them of the name of the operator to whom the claim has been sent and the licence block number in which the incident occurred.

## 9.3 Claim form part I & part I appendix

The claim form is attached in Appendix 8

The Fishery/Fisheries Officer should complete the "F.O. Ref. No." in the top right-hand box if applicable.

The Fishing Claims Co-ordinator will complete the "Operator" and "Block Number" details when he has plotted the claim.

### 9.3.1 Part I – Section 1

Part 1 section 1 should be completed by the claimant. It is important that the details in the two boxes in subsection 1 are provided as requested and in legible handwriting if not printed.

The start of tow position is important to allow the Fishing Claims Co-ordinator to identify the operator to whom the claim is to be sent, as it is possible that the vessel towed through more than one concession block. The longitudinal co-ordinates must be annotated east or west. The box relating to the positioning for the start of the tow (Item 3) must be completed as well as the position where the debris was snagged (Item 4).

It is important that any debris recovered, photographed and stored ashore (Item 6 and 7) is retained for as long as practicable. It is appreciated that large items may have to be removed from a harbour quayside, but such items should be stored at another location if possible pending possible inspection.

In Subsection 8 of the claim form the claimant should sign the Declaration and print his name clearly.

### 9.3.2 Part I -photographic evidence

Supporting photographic evidence of debris will help processing a claim. Photographs are particularly important when debris, such as a wire hawser, has been recovered to deck then cut and released for safety reasons.

When providing photographic evidence, the following points should be considered:

- Taking photographs of debris is secondary to the safety of vessel and crew;
- The viewer should be able to judge the scale of the debris from other objects adjacent to it in the image e.g. a wire hawser should be shown against something of a recognisable size
- Photos of contaminated catch should include photos of paint can(s)

### 9.3.3 Part I – Section 2

This section is to be completed by the Fishery/Fisheries Officer at the port where the claim is initiated.

The Fishery/Fisheries Officer to insert any observations regarding the sighting of the damaged gear and/or debris. It is important that the officer witnesses any damaged gear and/or debris to provide an independent third-party verification of the damage and/or debris if possible.

A claim will not be accepted unless Section 2 has been completed.

### 9.3.4 Part I Appendix “A of the Claim Form”

The Fishery/Fisheries Officer should complete the “F.O. Ref. No.” box if applicable.

The claimant to provide the position where any debris has been subsequently lost/ dumped following the snagging incident in the relevant box in the top section of the form and is urged to provide an SFPA/Defra Satellite Track Report as mentioned at the top of the narrative section. The provision of this data provides evidence to the operator and/or Compensation Fund that the vessel was in the vicinity of the incident on the day and at the time of the incident.

### 9.3.5 Part I Appendix "A – Narrative Section of the Claim Form"

The narrative section to be completed by the claimant with as much detail as possible about events leading up to the incident, the incident itself, the recovery, or attempted recovery, of the gear and debris and of the debris itself.

It is accepted that incidents can occur at night and in poor weather conditions. While the safety of the vessel and its crew is paramount, in keeping with good seamanship and safe practices, if the debris cannot be retrieved on board, every effort should be made to sight the debris if it is at the surface or hanging over the side in order that a good description can be provided.

Supporting photographs of debris or contaminated catch can support the narrative.

Regarding the narrative section, the claimant is to provide the following information as it pertains to the incident, including (but not limited to) the following:

- Details of tow leading up to the incident;
- Details of any contact and conversations made with the coastguard, rig or platform or operator;
- Detailed description of the debris, for example the diameter or serial numbers of recovered wires;
- Any serial numbers and/or label(s) on recovered paint cans;
- Detailed description of what gear was lost and what was recovered;
- Details of any damage to the vessel or gear.

## 9.4 Claim form – part II

### 9.4.1 Part II – Section 4

Part II Section 4 is completed by the claimant. In Item 3 the main elements of the gear lost or damaged is itemised. If there is insufficient space the claimant may use a separate sheet. It is important that the itemised list of gear lost or damaged agrees with the statement contained in the narrative in the Appendix A to Part I.

In Item 4 the values for lost/damaged gear and/or damage to vessel must be supported by original invoices (containing the invoice number) for the replacement gear and/or repair to any damage. Invoices are signed and dated by the vendor acknowledging that payment has been received. Quotations will not be accepted.

In Item 5 the claimant indicates the number of hours of fishing time lost as a result of the incident. The box for quantities of fish lost/dumped (and estimated value) is only completed if fish has been dumped owing to contamination e.g. from paint.

### 9.4.2 Part II – Section 5

Part II section 5 is completed and signed by the Fishery/Fisheries Officer giving details of average earnings for similar vessels in the area.

## 9.5 Completing Part III of the claim form

### 9.5.1 Completing Part III by the operator

Part III of the claim form is used by the operator to either reject a claim or make an offer of settlement. In all cases the operator completes the boxes at the top of Section 6 with the same information that appears in Part I of the claim form. Sections 6 and 7 of Part III of the claim form are completed by the operator. An electronic version of the form can be obtained from the FCC.

The operator details the acceptance and settlement offered in Section 6 following assessment of the claim by the operator. If the claim is rejected, reasons for the rejection are given in as much detail as possible in Section 6 Item 3. Section 7 of Part III is then filled out as appropriate by the operator.

If the claim is rejected, Item 4 in Section 7 is deleted and the document signed by the operator.

Two signed copies of Part III of the form should be returned to the claimant with all original supporting documentation. It is normal practice for the claim to be returned under a covering letter. Copies of the completed Part III are forwarded by the operator to the FCC and to Marine Scotland.

If the claimant submits the claim to the Compensation Fund, there are occasions when the Compensation Fund committee will request the operator to reconsider the rejection – perhaps offering new evidence or guidance. The operator decides whether or not to withdraw the rejection and make an offer of payment.

If the claim is accepted, and an offer of settlement is made, Item 5 in Section 7 is deleted by the operator and Part III signed. One signed original Part III together with one copy is returned to the claimant, again under a covering letter. Copies of the completed Part III are forwarded by the operator to the Fishing Claims Co-ordinator and Marine Scotland.

It is the responsibility of the FLO to ensure that Part III of the claim form is completed, any payments are made, and the relevant copies of the form and letters are returned as per the distribution listing on the claim form.

### 9.5.2 Completing Part III by the claimant

Upon receipt of the completed Part III, the claimant has a number of courses of action:

- accept the rejection and proceed no further; or
- accept the offer and sign and return the Part III to the operator; or
- reject the offer and attempt to open negotiations with the operator; or
- accept the rejection and submit the claim to the OEUK Compensation Fund; or
- query the rejection and attempt to open negotiations with the operator.

If the claimant decides to reject the offer it will be necessary for the operator to enter into negotiations, either with the claimant or his fish selling agent. It is preferable to avoid protracted negotiations. If an alternative offer is then made by the operator, this is undertaken in writing to the claimant and if subsequently accepted, another Part III of the claims form is completed and sent to the relevant recipients to note that a revised offer has been accepted.

Once a reasonable offer is made and refused, the claimant has no recourse to the Fishermen's Compensation Fund.

### 9.5.3 Distribution of claim form part III

Part III of the claim form is distributed by the operator per the guidance on the form.

## 9.6 Sending a claim to the Compensation Fund

The Fishing Claims Co-ordinator will forward a claim to the Compensation Fund if:

- The incident has occurred in an unallocated concession block; or
- The incident has occurred in a block that has been relinquished.

A claimant may forward a claim to the Compensation Fund if it has been rejected by an operator. It is the responsibility of the claimant to submit a claim to the Compensation Fund. The claimant should send all the original claim documentation together with a copy of the Part III rejection to the SFF at its email address marked for the Secretary's attention.

A note or covering letter should accompany the documentation requesting that the claim be included on the agenda for the next meeting of the Compensation Fund.

## 9.7 Recording fishing claims

For future reference it is recommended that all claims received by the operator (or copies of those rejected) should be filed together with the internal and external supporting documentation.

## 9.8 Dealing with complaints

Complaints regarding the claims process should be initially routed to the OEUK fisheries claims co-ordinator. The OEUK Co-ordinator will then be responsible to resolving the complaint in conjunction with (or assigning it to) the relevant associated party(ies) to the claim (e.g.:- Regulatory body, operator, OEUK or Fishing Federation). When the complaint is assigned to a single entity, that entity will follow its own process of complaint resolution, keeping the OEUK fisheries claims co-ordinator informed of the developments. Complaints will be dealt with in a timely manner, normally within 3 months.

# 10 UK Fisheries Oil and Gas Legacy Trust Fund Limited (FLTC)

## 10.1 Introduction

FLTC has been established to facilitate interactions between the offshore oil and gas and fishing industries and specifically to manage a fund set up to offset legacy issues, in particular concerning the safety of fishermen. The company collects and manages funds provided by the oil industry at the time of decommissioning to finance the provision of information about operational oil assets and any structures or pipelines left on the seabed after decommissioning.

## 10.2 Structure of the company

FLTC is a charitable not-for-profit company limited by guarantee. The Founding Members are the fishing and oil and gas industry associations (SFF, NFFO and OEUK).

Each founding member is entitled to appoint a Director (two from OEUK). The agreement of all Founding Members is required for any changes to the Memorandum and Articles of Association. Should the company be wound up, its property/business must be transferred to a similar charitable body and if that is not possible then to the Royal National Mission to Deep Sea Fishermen and/or Royal National Lifeboat Institution and their successors, failing which then to a body dedicated to the reduction of the risk of loss or damage from marine related incidents in UK waters.

FLTC has formed FLTCS, a wholly owned subsidiary, to carry out trading activities.

### 10.2.1 FLTC board

The FLTC Board controls the operations of the company. Each founding member may bring an observer from its organisation to attend and, on invitation, to be heard at Board meetings, but not to participate in voting. This is intended to promote wider exposure of company decision-making within member organisations.

An independent Chairman of the Board has been appointed (and may be removed) by the Directors. The Chairman has the casting vote.

OPRED provides an observer of Board proceedings by invitation from the Board. The role of the OPRED observer is to provide advice when appropriate. The observer does not have any decision-making role. The observer also assists in:

- Decision-making associated with regulatory compliance;
- Transparency of process, funding and expenditure; and
- Linkage with other regulatory organisations.

Company officers are also employed to manage the ongoing requirement of FLTC as determined by its directors.

## 10.3 Structure of OEUK fishermen compensation fund

The Fund is managed by fishermen from those organisations that represent fishermen on the Fisheries and Offshore Oil Consultative Group (FOOCG) and funded by OEUK. Table 1 outlines the members.

Table 1: Members of the fisherman's compensation fund

| Name | Provided by |
|---|---|
| Chairman | SFF |
| Vice Chairman | NFFO |
| Secretary | SFF |
| Fishing Advisor | NFFO |
| Assessor | OEUK Fishing Claims Co-ordinator |
| Assessor | Senior Fishery Officer (Aberdeen) |

Please refer to the FishSAFE website http://www.fishsafe.org for Fishermen's Compensation Fund Terms of Reference and Constitution.

OEUK supports a dedicated FCC to assess and process claims from fishermen. This role is explained in section 8.1.

### 10.3.1 Committees

Two standalone committees have been formed to take over, maintain and develop existing schemes previously managed by OEUK.

- The Technical Committee – to advise regarding the management of seabed information collection and dissemination systems and to develop technological innovations when appropriate; and
- An Investment Committee – to advise the Board on investment fund investments to generate revenue for company activities.

## 10.4 FLTC activities

### 10.4.1 Overview

The FLTC's activities include:

- Provision of information to fishermen about oil assets in UK waters. FLTC finances services for collection and dissemination of information about oil and gas hazards in UK waters. Previously, this information was provided through the KIS-UKCS programme. That programme has been enhanced and renamed FishSAFE Information.
- Inter-industry issues management concerned with health and safety or environmental aspects of marine operations.

- Financing the development, production and supply of the FishSAFE unit, an audible and visual warning device for fishermen of oil and gas related hazards and sponsoring the FishSAFE web site http://www.fishsafe.org.
- Management of FLTC Investment Fund

# Appendices

## A Training specification for FLOs

This appendix specifies the requisite skills and knowledge required by an FLO to perform duties. It takes the form of a simple training specification matrix and highlights resources available to assist.

FLOs are invited to complete the activities and return to Fisheries Support Co-ordinator for assessment.

| Session | Learning objectives | Resources | Activity |
|---|---|---|---|
| 1<br><br>FLO role | 1.1 Gain knowledge of the role and responsibilities of the FLO<br><br>1.2 Understand summary role of ISC in data collection and the importance of effective data collection on the fishing industry | OEUK FLO Guidelines OEUK (This document)<br><br>Guidance on the role of ISC's (NSTA website) | Read the Resources then answer the questions: -<br><br>○ What type of skill set should an FLO have?<br>○ As FLO do I consider myself to be the correct person or should I seek help?<br>○ Who should I engage with to deliver my role as FLO?<br>○ Who do you consider your list of external stakeholders w.r.t fisheries Liaison e.g. SFF? Create a simple table listing the stakeholders and the reason for your engagement.<br>○ If I need help, who can I ask?<br>○ What is the role of the ISC and what are the key differences with an FLO? |
| 2<br><br>Understand fishing methods | 2.1 Understand the main types of fishing deployed in the UKCS and how the various type could interact with oil and gas activity<br><br>2.2 Understand static gear fishing techniques and how the various types could interact with oil and gas activity | https://britishseafishing.co.uk/commercial-fishing-methods/ | Read the Resources then answer the questions: -<br><br>○ For your company what fishing methods are likely to be of most concern and why?<br>○ What fishing methods are carried out in your area of operation?<br>○ Where can a UK fisherman fish (in relation to offshore oil and gas facilities)?<br>○ What problems are static gear fisheries likely to cause me and why? |

| Session | Learning objectives | Resources | Activity |
|---|---|---|---|
| | 2.3 Understand nearshore shell fishing techniques and issues. | | |
| 3<br><br>Data gathering and distribution | 3.1 Identify and understand the role of the key bodies in the collection and distribution of infrastructure and activity information to fishermen.<br><br>3.2 Understand the process for the submission and distribution of infrastructure information to the regulator and to fishermen.<br><br>3.3 Understand the processes for the submission and distribution of activity information to fishermen e.g. offshore activities, new developments and new hazards.<br><br>3.4 Gain the skill: create an alert to fishermen using the online KB<br><br>3.5 Understand the tools e.g. "FishSafe" used by fishermen to view the data provided.<br><br>3.6 Understand the importance of 'closing-out' an activity or recovery of a hazard. | Guidance on the role of ISC's (NSTA)<br><br>Kingfisher Information Services<br><br>FishSAFE website<br><br>Companion App (via Fishsafe.org)<br><br>Yellow Card for suspended wells<br><br>https://kingfisherbulletin.org/<br><br>kingfisher twitter Feed | Read and browse the Resources then answer the questions.<br><br>Initially: -<br>• Visit the FishSAFE website and familiarise yourself with its content<br>• View the Companion app video and download the app to your own tablet / smartphone.<br>• Access and read the latest KB (?) and the Bulletin User Guide<br>• Access and look at the Kingfisher yellow card.<br>• Go to Twitter https://twitter.com/kingfisherinfo to familiarise yourself with its content<br><br>Questions<br>○ Describe four ways that you can get information to fishermen.<br>○ Please describe how your activity, hazards and developments are captured and sent to KIS.<br>○ Describe who would support you in the gathering of the activity information. Is this the FLO's responsibility?<br>○ Create a dummy alert on the KB.<br>○ Describe what process is undertaken to quality-assure (QA) the activity information.<br>○ List any improvements you can think of to improve your overall process and QA procedures for the submission of activity information to KIS. |

| Session | Learning objectives | Resources | Activity |
|---|---|---|---|
| 4<br><br>Managing a fishing claim | 4.1 Understand the process for managing a fishing claim for damage to gear, vessel or loss of fishing time.<br><br>4.2 Understand the difference between a claim for losses and a claim for loss of access.<br><br>4.3 Gain the skill to assess a fishing claim. | OEUK FLO guidelines (This document) | Please contact the OEUK Fisheries Support Co-ordinator for a sample claim.<br><br>○ Do you have all the information to assess the claim? What additional information do you need?<br>○ What factors are you considering when determining if your company should offer a settlement?<br>○ What settlement would you make in this case (if any) and why?<br>○ Who do you think should review the claim in your organisation as well as you as the FLO?<br>○ Have you got the financial authority to make any settlement and if not who else do you need to engage for authorisation? Is this likely to complicate matters.<br>○ Where can you go for help? |
| 5<br><br>Emergency Situations | 5.1 Identify if your company has properly considered fishing interactions as part of ER preparedness scenarios.<br><br>5.2 Understand best practice for emergency response scenario involving fishing boat interaction with an oil and gas facility. | Your own Emergency Response Plans (ERP)<br><br>Your own HSE / Emergency management advisors | Read your own ERP then answer the questions.<br><br>○ Describe the incident potentials outcome should a fisherman interact with oil and gas facilities or other infrastructure.<br>○ Does the scenario of a fisherman snagging nets appear in the platform or control room's ERP Has this scenario ever been exercised?<br>○ What is the telephone number a fisherman should call to access your company's 24/7 duty emergency manager (if |

| Session | Learning objectives | Resources | Activity |
|---|---|---|---|
| | | | not in sight of the platform) to get information about the asset?<br>○ Is there a checklist of information to be gathered if a fisherman should venture into a Safety Zone? (Data would be required to support any investigation by the HSE). What is the name of the HSE form and is there on each of your platforms / control room? (Hint: visit HSE website.) |

# B Code of practice for interaction with static gear

## B.1.1 Basic principles

In handling the interaction between the project and static gear fishermen, some principles need to be kept in mind:

- The operator and some fishermen may hold licences to work in a particular area; often fishermen traditionally fish a particular area, and some may hold a special permit to do so.
- Merchant Shipping (Prevention of Collisions at Sea) Regulations govern interaction between surface vessels but there is no legislation requiring a fisherman to move his static gear for the benefit of another activity.
- The international and malicious destruction of, or damage to the property of another is a criminal offence.
- Disturbance/displacement affects the fishermen's livelihood.
- The fishermen's knowledge of local fishing activities will be better than that of the operator.
- The National Fishing Federations and Associations promote good liaison and relations with the other industries exploiting marine resources; offshore operators and their contractors may wish to utilise their expertise and good offices.

## B.1.2 Scope and boundaries of the code of practice

Fisheries affected are those in which gear is attached to or laid on the seabed and hence cannot readily be moved, or at least require adequate notice to be moved, from the path of a project vessel. They may include:

- All forms of shell fishing with static gear;
- Fixed nets, and other catching methods involving nets and traps;
- Salmon netting as pursued in a number of areas of the UK.

The areas in which static gear will be found are limited only by the availability of target species and the ability of the fishermen to recover their gear. Large areas off eastern England and the English Channel are fished intensively using pots to catch shellfish. Generally, the pots are in moderate depths, but are common 50 nautical miles offshore in some areas. Shell fishery is also pursued on relatively deep banks off the northwest coast of Scotland. Netting for finfish is common along the coastline and for considerable distances offshore, on relatively shallow banks and around wrecks in certain UK waters.

Salmon netting is carried out in river mouths, principally in Scotland, and to a lesser degree in parts of England, Wales and Northern Ireland. There is a considerable and complex body of law on the subject and there are significant differences between English and Scottish law on the ownership and operation of salmon fisheries.

## B.1.3 Project preparation

## B.1.4 Planning

Whenever a project is planned in UK waters, fishing activity in the area and the potential impact on those fisheries must be assessed. The operator's FLO and project team should consult with the appropriate federations and associations at the earliest possible stage. Their guidance is often invaluable and will include likely fishing activities in the area of the project, the local fishing groups involved and the season(s) to be avoided, if possible. Note that certain licences, consents and authorisations for projects may contain restrictions on timing. This early consultation is essential in areas where static gear may be deployed. Consultation with fishing interests and the subsequent notifications and activities discussed here should be shown in the project plan.

## B.1.5 Identifying fishing actives and critical seasons

It helps to determine the type, intensity and season of fishing activity in the proposed project area at the early stage of planning. If a project disrupts fishing at high season it will meet with strong opposition regardless of offers of compensation. In contrast, a project at low season may trouble nobody.

There are a variety of sources of information on fishing activity in an area, including:

- International Council for the Exploration of the Sea (ICES) surveys, although the fishing intensity data may not reflect current practice and it covers a relatively broad area;
- The CEFAS Review of Coastal Fisheries which is updated every five years;
- SeaFish which can provide details and demonstrations on specific fishing techniques;
- Statistical Bulletin, Scottish Salmon and Sea Trout Catches, issued annually by Marine Scotland and each District Salmon Fishery Board Clerk;
- Consultation with the local Inshore Fisheries and Conservation Authorities (IFCA) Committee in England, Wales, Channel Islands or Isle of Man;

- MFA (Defra) fisheries inspectorate in England and Wales, MS in Scotland, DARD in Northern Ireland; and
- The national federations or representative associations who can identify affected local groups or associations.

## B.1.6 Consultation with local fishing groups/organisations

Sea fisheries committees and/or the national federations will identify groups or local associations, active in the area and likely to be affected. The Salmon Net Fishing and Shellfish Associations should be able to provide contacts for these fisheries. Representative local groups should be contacted for a realistic assessment of fishing activities and the likely effects of the proposed project. It is recommended that operators should aim to identify all those fishermen likely to be affected significantly. When in doubt or when concerned over the *bona fides* of individuals or groups, operators can seek advice from the IFCAs, MFA, federations and/or associations.

These consultations should address the questions of whether guard/fisheries liaison or scout vessels will be required. When there is an agreed requirement, it can be worthwhile employing a local boat, suitably certified and fit for purpose for the required work. Local knowledge of the area and of those who fish the area will be very helpful. The consultations should also address any need for an FLR, either on board a project vessel, or in certain cases onshore.

Often, local fishermen can provide good advice not just on the best seasons, but also on currents, seabed conditions, the best routes and the avoidance of likely seabed obstructions.

The consultation process should include:

- A list of fishermen likely to be affected;
- The likely impact of the project on local fishing activity;
- Indications of the most and least favourable season in which to carry out the project in terms of fishing interactions;
- Advice on the best route/location based upon fishermen's local knowledge;
- Agreement on whether a guard/fisheries liaison/scout boat and/or FLR are required for the project.

## B.1.7 Timescales

Static gear fisheries tend to follow an annual pattern of fishing effort and major projects in a static gear area may require consultation up to a year in advance. It is good practice to initiate the consultation as early as possible and as soon as the project is in the public domain and applications such as Pipeline Works Authorisation and the relevant approvals and consents have been made to the NSTA and OPRED respectively. Timescales of the consultation are affected by the time of the project; whether it coincides with the high catch season; and the quantity of pots or the length of nets placed by the fishermen. The time taken and feasibility of removing or relocating the gear is also dependent on a number of factors such as weather condition and the availability of relocation. All these factors make good local advice and consultation essential.

## B.1.8 Notifications and communications

It is recommended that the notifications required before project commencement and during its implementation are agreed in local consultations. These will include:

- When and how affected fishermen will be notified of the start date and anticipated duration of the project and how the accuracy of the predicted start should improve as that date approaches;
- How far in advance the final notification of the start date will be given, to allow sufficient time for any relocation/removal of gear with due allowance for adverse weather;
- Procedures for notifying short term delays or deferment to the project, before or during implementation;
- Clear understanding of the boundaries of the project area and the area to be cleared, in coordinates understood by the fishermen (*See Section 3.3.3 concerning route marking*);
- Procedures for advising of long-term delays and of when the project is complete, to allow reinstatement of gear;
- Key contacts and how to communicate with them promptly.

The notification schedule should appear in the project plan.

# B.2 Project implementation

## B.2.1 Timing

Where there is a significant static gear fishery, ideally, projects should be timed to avoid high seasons. When this is not possible the following actions are recommended:

- Consulting early and regularly with representative local fishing groups; keeping the fishermen adequately informed of activities that will affect their livelihood; giving sufficient notice before carrying out any gear removal/displacement safely and in time;
- Avoiding calls for gear removal/displacement before the start date is known; setting realistic start dates.
- Minimising the duration of any disruption to normal fishing;
- Giving increasingly accurate notification of commencement so that any relocation or removal of gear can be carried out efficiently and safely;
- Establishing a finite date for relocating/removing gear prior to project commencement from which date any payments for loss/reduction of fishing will apply; clear understanding of the date for gear relocation/removal and from which any payments will apply;
- Giving prompt advice of any changes to the schedule and of any significant delays and project completion.

## B.2.2 Local contacts and communications

The operator's FLO should establish local contacts, who will notify the relevant fishermen of the project's start and finish dates as well as of its progress and any timetable changes. This should also provide a route for the fishermen to advise of any difficulties or scheduling problems on their part.

## B.2.3 Removal of gear

### B.2.3.1 Introduction

Significant effort is required of fishermen to remove gear from an area. Whether it is necessary to remove gear from the route or area of the project depends upon a number of factors including:

- The type of project and equipment being used e.g. construction, pipe/cable lays; towed or hull mounted survey equipment, etc.;
- Where in the water column and the depth of water where the project will take place and hence the potential clearance above gear attached to the seabed;
- Intensity of fishing effort and whether surface markers for the gear are used;
- Whether impact can be minimised by subdividing the project area, or using a rolling programme;
- Timing of the project vs seasonal peaks of the fishery.

These questions should have been resolved in local consultations. However, any movement of gear into another fishing area will inevitably affect other fishermen. The intensity of static gear in adjacent areas may preclude any relocation of gear to those areas. This again needs to be addressed at the consultation stage. Where the gear is moved to, and the effort involved in moving it, will be relevant to any compensation claims (*see Section 4.4*). If gear has to be removed completely, it probably means that at least some will have to be landed to safe storage areas. This may need a longer notification period to allow safe removal and also be relevant to any compensation. A final consideration is the difficulty in removing/relocating gear as a result of various weather states, tidal or other currents and the size of craft employed.

### B.2.3.2 Fishermen affected

Theoretically, those fishermen affected are those with gear in the path of the project at the time of commencement. Practically it is far more complex. Hence at the consultation stage, those fishermen who would normally have gear in the area at the time of the project must be identified so that:

- They can be kept advised of progress and remove/replace gear at the appropriate time;
- The basis of any compensation is clear and can be administered fairly.

### B.2.3.3 Marking of routes

If a clear corridor or area is required for the project, it should be agreed in advance. Any such corridor or area should be of sufficient dimensions to allow project vessels to operate safely without damaging themselves or their gear. This needs careful consideration in the case of geophysical, hydrographic, site

or route surveys using towed gear where the footprint is large and depends upon manoeuvring, weather and tidal factors. Agreed areas to be cleared should include turning areas and locations where project vessels can shelter, with their gear deployed, without disrupting gear.

An effective method should be agreed at the consultation stage for marking the route or area from which gear is to be removed. Depending on the circumstances it may be one of the following:

- Lines of dhan buoys with effective anchors;
- Clearly identifiable sight lines;
- Electronic means providing that the fishermen affected have the necessary GPS or similar navigation receivers.

### B.2.3.3 Notice period

During consultations, a realistic timetable should be set for advising affected fishermen of project commencement. This could be in the form of a "diminishing window" where the estimated start date becomes more precise as the project gets closer. An example is detailed in Table 2:

Table 2: Timetable for advising fishermen of project commencement

| Period to commencement | Accuracy of predicted start date |
|---|---|
| One year | +/- 3 months |
| Three months | +/- 1 month |
| One month | +/- 1 week |
| Two weeks | +/- 3 days |
| One week | Confirmed date |

The final, confirmed notice period will be dependent upon the circumstances of the project plus the extent and complexity of any gear removal/relocation, with due allowance for likely weather effects. As a general rule at least a five-day notice period is needed for fishermen to remove/relocate their gear. In many cases a longer period will be needed.

The project manager and FLO should be careful to avoid giving unrealistic or over-optimistic estimates of start dates. To foster good relations, avoid having fishermen remove gear unreasonably early or giving notice that is too short.

### B.2.3.4 Responsibilities

The responsibilities of the project team are detailed in Table 3.

Table 3: Project team responsibilities

| Role | Responsibilities |
|---|---|
| Project manager | Overall responsibility for safe management and co-ordination of the project and for keeping the designated FLO advised of project progress, including changes, in a timely manner. |

| Role | Responsibilities |
|---|---|
| FLO | Responsible for advising the project manager on fishing issues relevant to the project; passing on timely notifications to affected fishermen, via local representative(s) where involved. |
| FLR | Liaison between project vessel and local fishermen. Responsible for co-ordination of gear removal and reinstatement, particularly in a rolling programme. |
| Local representation | Communicating notifications and advice to affected fishermen, keeping FLO advised of issues as they develop and providing the link. |
| Affected fishermen | Removal/adjustment of gear as agreed to meet properly notified start dates. Reinstatement on confirmation project completion or suspension. |

#### B.2.3.5 Re-instatement of fishing gear

Communication between the projects and affected fishermen should be effective and timely, so as to keep them advised of progress, delays and project completion. The FLO, FLR and Local Representative(s) should be involved. The purpose is to allow reinstatement as soon as it is practical to do so.

## B.3 Project delays and notification

If, prior to project commencement, significant delays occur that will take the start date outside the window previously advised, this should be communicated promptly as outlined in Section 3.2. the FLO should consult with local representative on whether the anticipated delay justifies a temporary reinstatement of gear. If agreed that these delays are long enough to resume fishing in the area, reinstatement can take place, provided that it is a worthwhile course of action and not merely disruptive.

## B.4 Compensation (If appropriate)

### B.4.1 Introduction

Compensation for disruption/displacement is probably the most contentious question when projects take place in heavily fished inshore waters. Possession of a development licence "to search and bore for and get petroleum" is not necessarily a *carte blanche* to proceed, regardless of fishing activity. The licence will almost certainly include a condition about consultation with affected fishermen – generally small independent businesses whose livelihood could be affected. The general principle should be that fishermen are not disadvantaged by a project passing through the area in which they normally fish. The preferred method is to avoid the most productive seasons of the fishery affected. When this is not possible, a fisherman may expect to receive financial aid to replaces earnings lost during the project.

In deciding whether compensation will be appropriate, the following need to be considered:

- Who is eligible?
- How to establish who are *bona fides* fishermen?
- What is the basis for compensations, individually and generally?

- How to deal with disputes and spurious claims.

In resolving these issues, good advice will contribute to a satisfactory outcome. Impartial advice may not be easy to obtain, but some possible sources are:

- IFCA Committees in England and Wales;
- Local Fisheries Officers (MFA in England & Wales, MS in Scotland, DARD in Northern Ireland;
- National federations and associations.
- Other operators with experience of the area and the particular fisheries

## B.4.2 Justification for compensations

Operators may wish to think through the following when considering compensation:

- Will the static-gear fishermen who normally and traditionally fish in the project area be prevented from carrying out their normal, income generating, activities, at a similar level during the project?
- Is it a heavily fished or lightly fished area?
- Is it high season, "normal" season or low season for the main fishery affected?
- Can the project be moved to low season?
- Is there room for the fishermen to relocate their gear easily and carry on fishing or do they need to remove all or part ashore?
- Will relocation of gear affect other fishermen?
- Is there a better route/area?
- Will fishermen incur additional costs in clearing the project area?
- What is the total period during which fishing is likely to be interrupted, including time to remove and replace gear, making due allowance for weather?

## B.4.3 Establishing eligibility

Basic principles including but not limited to the following:

- A fisherman must be able to demonstrate, by reliable means such as a logbook, or alternative but detailed catch records, that he normally and traditionally fishes the area for commercial purposes, at the time of year when the project is taking place and that he suffered actual loss of earnings.
- The fisherman must hold a current licence, permit or heritable right to fish the area for the species likely to be lost.
- He uses a properly registered and certified fishing vessels suitable for the particular fishing in the area of the project (boats used for salmon fishing may not necessarily be registered).
- The vessel or a previous similar vessel registered to the same fisherman (*see qualification above*), has been operational for a reasonable qualifying period, the duration varying with the fishery, and it is essential to reach agreement on the topic.

- The fisherman would normally have income-earning gear deployed in the area at the time of the project.
- The effort and time required to relocate to remove gear should be taken into consideration.

The FLO should take good local advice if this is available. The associations will have nominated fisheries specialists who can either advise or suggest suitable contacts.

## B.4.4 Basis and validity of any claim

Assessing the appropriate level of compensation is critical.

The following could form the basis for negotiating compensation:

- As far as practicable, demonstrated loss of earnings from gear deployed in the project area;
- Whether or not the fisherman was able to replace those earnings nearby;
- The amount of effort and non-earning time involved in moving and replacing gear;
- Whether individuals incurred additional costs in complying with the requirements of the project;
- That any compensation paid is appropriate to the effort involved and it reflects the actual level of earnings rather than "loss of right to fish the area".

Care should be taken that the total payment is distributed fairly and equitably to reflect the efforts and loss of individual fishermen.

## B.4.5 Claims for damage to the fishery

Good baseline data obtained in advance of the project, agreed with the fishing community and the regulators, will help to show any change to the catches attributable to the project. Any EIA prepared in connection with the project should detail this baseline data which should be as comprehensive as possible in its coverage. In lengthy projects the effects on fishing should be monitored regularly. This may identify trends at an early stage and allow for remedial action and/or for issues to be resolved. In certain fisheries, for example salmon netting, there may be claims that underwater noise or disturbance of bottom sediment will discourage fish from passing through the area. Even the laying of moorings is believed to affect the behaviour of salmon. If such effects are potentially a factor, they should be addressed at the planning/EIA stage. They might affect the timing of the project.

In practical terms any long-term (multi season) damage to the fishery might escape notice until an apparent reduction in catch is detected at the end of each complete season. This apparent reduction may be caused by a number of factors, not necessarily connected to the project. Therefore, fishermen claiming compensation for reduced catches may have to demonstrate conclusively that the reduction was caused by the project.

# C Claim for compensation form

Please click on the link below to open.

Link: Fishing-Guideline-Claim-Form-OEUK

# D Principal government department and fishing organisations

Users should follow the link to get the up to date postal and telephone numbers as required.

| Government departments | |
|---|---|
| Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) | https://www.gov.uk/government/organisations/offshore-petroleum-regulator-for-environment-and-decommissioning |
| Health and Safety Executive (HSE) Offshore Safety Division (OSD) | https://www.hse.gov.uk/offshore/index.htm |
| Scottish Office Marine Scotland | https://marine.gov.scot/ |
| Department for Environment Food and Rural Affairs (Defra) – Marine Management Organisation | https://www.gov.uk/government/organisations/marine-management-organisation |
| Marine Scotland Science | https://www.gov.scot/collections/marine-scotland-science/ |
| The Centre for Environment, Fisheries & Aquaculture Science (Cefas) Lowestoft | https://www.cefas.co.uk/ |
| Maritime and Coastguard Agency (MCA) Aberdeen | https://www.gov.uk/government/organisations/maritime-and-coastguard-agency |
| Department of Agriculture Environment and Rural Northern Ireland (DAERD) | https://www.daera-ni.gov.uk/ |
| UK Hydrographic Office (UKHO) | https://www.gov.uk/government/organisations/uk-hydrographic-office |
| North Sea Transition Authority | https://www.nstauthority.co.uk/ |
| **Non-governmental** | |
| Kingfisher Information Services | https://www.seafish.org/kingfisher |
| **Fishery Offices and Inshore Fisheries** | |
| Fishery Offices - Scotland | https://www.gov.scot/publications/fishery-offices-information/ |

| Fishery Offices and Inshore Fisheries cont. | |
|---|---|
| Fishery Offices - England and Wales | https://www.gov.uk/government/organisations/marine-management-organisation#org-contacts |
| Fishery Offices – Northern Ireland | https://www.daera-ni.gov.uk/contacts/contact-your-local-fishery-office |
| Inshore Fisheries and Conservation Authorities – England and Wales | http://www.association-ifca.org.uk/ |
| **Fishing Organisations** | |
| Scottish Fishermen's Federation (SFF) | https://www.sff.co.uk/ |
| National Federation of Fishermen's Organisations (NFFO) | https://www.nffo.org.uk/ |
| Northern Ireland Fishermen's Federation (NIFF) | https://www.nffo.org.uk |
| Shellfish Association of Great Britain | https://www.shellfish.org.uk/ |

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Member companies dedicate specialist resources and technical expertise in developing these guidelines with OEUK with a commitment to work together, continually reviewing and improving the performance of all offshore operations.

**Guidelines are free for our members and can be purchased by non-members.**


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