

Consolidated Policy and Clarifications

Revised Policy on Polyvalent Mackerel Management Arrangements and licensing issues

Quota management

- The mackerel quota available for the polyvalent segment of the fleet will continue to be set at 13% of the national annual quota.
- There will be 4 categories of polyvalent vessels permitted to land mackerel under the proposed new quota management system.
- Polyvalent mackerel quota will be managed involving individual allocations to Tier 1 and Tier 2 qualifying vessels. Under 18m vessels in overall length, whether using trawls or gill nets who are not in Tier 1 or Tier 2 will have access to a bi-monthly general boat allocation for mackerel. A quota provision will be made for a hook and line fishery for under 15m vessels.
- Track record will determine the allocation of Mackerel quota as set out below. It will be based on track record from the two best years 2007, 2008, 2009.
- Vessels which will qualify to be allocated an individual allocation of mackerel will be established based on having caught more than 35% of the mackerel allocated to them in an average of 2 of the reference years.
- The **Tier 1** vessels will be determined as those which landed more than an average of 275 tonnes per year using trawls. These vessels will be allocated 76.5% of the polyvalent mackerel quota (adjusted on basis of transfer of Village queen to Tier 1 – provisional see below). Each vessel will receive an equal distribution of the allocation.
- The **Tier 2** vessels will be determined as those which landed more than an average of 25 tonnes of mackerel per year using trawls. These vessels will be allocated 21%, of the polyvalent mackerel quota (adjusted on basis of transfer of Village queen to Tier 1 – provisional see below). Each vessel will receive an equal distribution of the allocation.
- The percentage breakdown between **Tier 1**, **Tier 2** and the **Under 18m without a specified track record** is based on the average landings by vessels in those categories in the past three years (adjusted to actual number of years fished if less, during the period and to take account of earlier years for vessels qualifying due to off register capacity). This breakdown will be adjusted using the methodology set out above following finalisation of the determination of the vessels in Tier 1 and Tier 2.

- Vessels under 18m in overall length without a track record as specified below in mackerel fishing, using trawls or gill nets, will have access to a periodic boat catch limit (e.g. monthly, bi-monthly), subject to availability of the quota set aside for this category. The allocation % will be set at 2.5% of the polyvalent allocation (provisional – see above).
- Hook and line fishery for vessels under 15m in overall length will continue to be allocated 400 tonnes under current arrangements. Vessels using hooks and line to fish for mackerel may not engage in trawling or gill netting in the same trip (week?) as they fish using hook and line fishing gear. The 400 tonnes is taken off the top of the quota before the polyvalent / RSW Pelagic segment split is determined.
- Vessels which were introduced into the fleet using capacity which was “off register” for some of the years 2007 – 2009, will be permitted to use the most recent track record of the capacity introduced to determine its placement in the tiers. This provision will be implemented as follows: any vessel which is off register for a minimum of 6 months in a year to be permitted to have a reference year (2007 – 2009) not taken into account for track record purposes and the next previous year (with on register capacity of > 6 months) would be taken into account. This is subject to the general rule which has been applied whereby the average of the best 2 years of 3 years landings is taken into account.
- Vessels within the polyvalent segment will be permitted to engage in pair fishing with other polyvalent vessels, including when the paired vessels are in different tiers.

For vessels in Tier 1 and 2, it is proposed that allocations will be made as a single annual allocation from 1st January to 30th November. Of this allocation, a maximum amount, to be determined each year, will be set for the spring fishery. At the end of this period, any uncaught quota in the polyvalent allocation will be determined and reallocated to all vessels within the Tier.

Vessel owners qualifying under Tier 1 or Tier 2 or who consider that they should qualify will be given details of the track record used in respect of this proposal, where requested.

Licensing Policy

- The capacity of vessels with the specified track record in mackerel fishing in the polyvalent segment of the fleet will be ring fenced for the purposes of access to allocation of mackerel. For vessels to retain access to the allocation of mackerel in their allocated tier, they must use 100% replacement capacity from the tier in which they are allocated or a higher tier.

- In the event that replacement capacity is used from a lower tier, the allocation of mackerel to the vessel will be based on the allocation to the lower tier.
- In the event that capacity without the specified track record (set out earlier) is used, the vessel will not get any allocation of mackerel.
- Following the establishment of Tier 1 and Tier 2, the total number of units (vessels) in both categories in receipt of a mackerel allocation will be fixed going forward (in a similar way that the number of units/vessels in the RSW Pelagic segment is limited). The introduction of replacement vessels can not result in an increase in the number of units in either Tier. In the event that two vessels replace an existing vessel in either Tier, the mackerel allocation will be made available to only 1 vessel. The vessel which will be allocated the mackerel allocation will be determined by the owner of the capacity of the vessel being replaced. In these circumstances, the Sea Fisheries Boat Licensing Authority shall be notified at the time of licensing of the replacement vessel, the vessel which will qualify as a Tier 1 or Tier 2 vessel, as appropriate.
- The use of refrigerated seawater tanks (RSW) will be permitted by vessels in the polyvalent segment, subject to any safety restrictions required by the Department of Transport and detailed vessel specific drawings and associated ullage tables as are required under the EU Control Regulation and/or as required by the SFPA to prove the carrying capacity of any vessel introduced or altered. This will involve the removal in Fleet Policy Directive 2/2003 of the provision that currently precludes the use of pelagic wet storage capacity (tanks) by vessels in the polyvalent segment of the fleet. It will also require modification to other Policy Directives including the removal of vessels with pelagic wet storage capacity (tanks) as a separate sub-segment in the polyvalent segment of the fleet. This decision will be given legal effect by means of a Fleet Policy Directive, consequent on this policy decision.
- Introduce further extension of the Moratorium on Active Pelagic History in respect of 2009 and 2010 (as currently in place for earlier years) and specify that Active Pelagic History will be considered by the Licensing Authority to determine track record in herring and mackerel fishing only for licensing purposes in herring fisheries. This decision will be given legal effect by means of a Fleet Policy Directive consequent on this policy decision.

Clarification 1

In relation to the clarification sought on Tier placement, I have considered the points made and have decided to clarify further this aspect of the policy to ensure that it is fairly and equitably implemented and does not result in a disproportionate impact in terms of a number of vessels qualifying for access to Tier 1 or Tier 2 based on the track record of a single vessel. I also consider that the vessel which uses the highest proportion of the capacity should be permitted to use the track record of that vessel.

Your proposal that a system based on a pro-rata calculation on the percentage of the capacity each vessel purchased could, I believe, lead to more than one vessel qualifying for access to a Tier based on the track record of a single vessel. In this regard, I have sought to apply the principles that are being applied to the licensing policy following the establishment of Tier 1 and Tier 2 (bullet point 4 on Licensing Policy set out in my letter of 8 October 2010) to the determination of access in the initial establishment of the Tiers.

Accordingly, the following arrangements will apply:

- in order to take into account landings, in years previous to the reference period, when calculating tier placement for a vessel in which the capacity was off register for more than 6 months in a year in the reference period, that vessel must have taken 100% of its capacity (both kilowatts and gross tonnage) from the qualifying vessel.
- where two or more vessels have taken 100% of its capacity (both kilowatts and gross tonnage) from the qualifying vessel, only the vessel which used the highest proportion of capacity from the original vessel will qualify to take account of that vessels landings.

Clarification 2

Hook and Line fishery

I refer to the issue you raised concerning the hook and line fishery and the gill net fishery. I wish to assure you that these fisheries may be open, subject to quota management arrangements and available quota, during the months of August and September in future years. In a similar way to the management arrangements in place for whitefish quotas, I will consult industry representatives as part of the Quota Management Advisory Committee on these arrangements. The closure of the Gill-net fishery was related to the implementation of the new mackerel policy this year. This fishery was opened on 14/10/2010. You will note that the gill-net fishermen may also take part in the hook and line fishery and vice versa. In order to control the uptake from each fishery, a vessel may only carry hook and line gear in a trip where landings are declared as hook and line caught fish.

Seasonal allocations

It is the intention of the revised policy to provide an annual quota (11 month) for vessels, so as to allow the vessels to devise an annual fishing plan. This I believe will assist owners in targeting a range of species and stocks as they come into season, which is the intent underlying the activities of the polyvalent fleet. In relation to seasonal catch limits, as for the RSW Pelagic segment, I will seek the views of industry representatives before applying any seasonal arrangements each year that will apply to vessels in receipt of mackerel authorisations.

Combination of quotas

I wish to address the issue which you raise in relation the combination of boats within a tier. The quota to be allocated to a vessel is based on the number of vessels in a tier. Vessels within a tier may combine their capacity in a single vessel within a Tier but will not be given access to 2 quota shares in such circumstances. This policy is intended so as not to promote unduly the practice of stock specialisation within the polyvalent fleet and would eventually reduce the numbers prosecuting the fishery to a small number of large vessels. This would not I believe be in the long term interest of the industry and the dispersed coastal communities which depend on it. This is the Policy which has been applied to the RSW segment of the fleet in relation to mackerel.

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