Killybegs Fishermen's Organisation Submission to Public Consultation on a Review of Trawling Activity Inside the 6 Nautical Mile Zone

Background

The Minister for Agriculture, Food, and the Marine (DAFM), Mr Charlie McConalogue TD, has launched a Public Consultation on a review of trawling activity inside the 6nm zone and baselines. This follows from a ban on sea-fishing boats over 18m in length overall from trawling in the waters inside the six nautical mile zone and baselines which was previously introduced in 2018. This ban fell due to a legal challenge.

The KFO notes this latest consultation follows from a commitment in the Programme for Government, 'Our Shared Future 2020', to "*Ensure that inshore waters continue to be protected for smaller fishing vessels and recreational fishers and that pair trawling will be prohibited inside the six-mile limit*". The purpose of this consultation, is stated as being to gather information regarding options for restricting trawling inside Ireland's six nautical mile zone and the baselines with four possible options identified:

- Option 1: No change to the status quo.
- Option 2: All sea-fishing boats excluded from pair trawling inside the six nautical mile zone and baselines.
- Option 3: All sea-fishing boats over 18m in length overall excluded from trawling inside the six nautical mile zone and baselines.
- Option 4: All sea-fishing boats over 15m in length overall excluded from trawling inside the six nautical mile zone and baselines.

Other possible options may arise during the consultation for consideration.

As with the previous consultation in 2018, it is supported with information provided by:

- Department of Agriculture, Food and the Marine 'Consultation Paper on Minister's Review of Trawling Activity Inside the 6 Nautical Mile Zone'
- An analysis by the Marine Institute (MI) has compiled an analysis entitled: 'Fisheries inside Ireland's 6nm zone'.
- An analysis from Bord Iascaigh Mhara (BIM) entitled: 'Economic assessment of fishing activity within Ireland's 6nm zone'.

The KFO acknowledges that the Marine Institute and BIM supporting analyses are an update of the previous 2018 consultation using a new reference period from 2018-2022.

General comments

The Killybegs Fishermen's Organisation Ltd (KFO) does not support any of the options put forward in the consultation document. The KFO acknowledges the need for improved management measures in inshore waters but would highlight the impacts Brexit has had on pelagic vessels of all sizes from loss of quota under the Trade and Cooperation Agreement (TCA) between the EU and the UK. Further restrictions will increase the economic pressures on these vessels for no gain in terms of conservation of stocks. Therefore, rather than a ban based on an arbitrary vessel size and/or fishing method, the KFO would advocate tailored

measures in inshore waters and fisheries, where data supports the need for such measures. Such an approach would be more closely aligned to the objectives of the Common Fisheries Policy (CFP), the Marine Strategy Framework Directive (MSFD), and the National Marine Planning Framework (NMPF). Management measures should be developed in consultation with the industry and take account of the socio-economic impacts on all stakeholders.

The consultation document indicates that no decision has been made, and no decision will be taken, without full consultation with all stakeholders/ However, the consultation document is written in such a way that indicates a clear bias towards options 3 and 4 that propose to exclude larger vessels over 15m/18m from trawling inside 6nm and the baselines. The other two options – options 1 and 2 - are presented in a tertiary way that suggests that the Minister does not see these as credible options. Therefore, the focus of the KFO submission is on options 3 and 4.

The KFO is of the view that there is a clear need to distinguish between the 6nm and the baselines. As drawn, the baselines already close off a larger part of inshore waters and in fact in some areas (e.g., Galway Bay and Donegal Bay) inshore vessels rarely leave the waters inside the baselines. (Figure 1 below shows the extent of the area within the baselines). Extending restrictions on trawling beyond the baselines in these areas, effectively means displacing vessels more than 10-12nm offshore. For mid-sized vessels 15-18m), particularly in the winter months, this raises clear safety concerns.

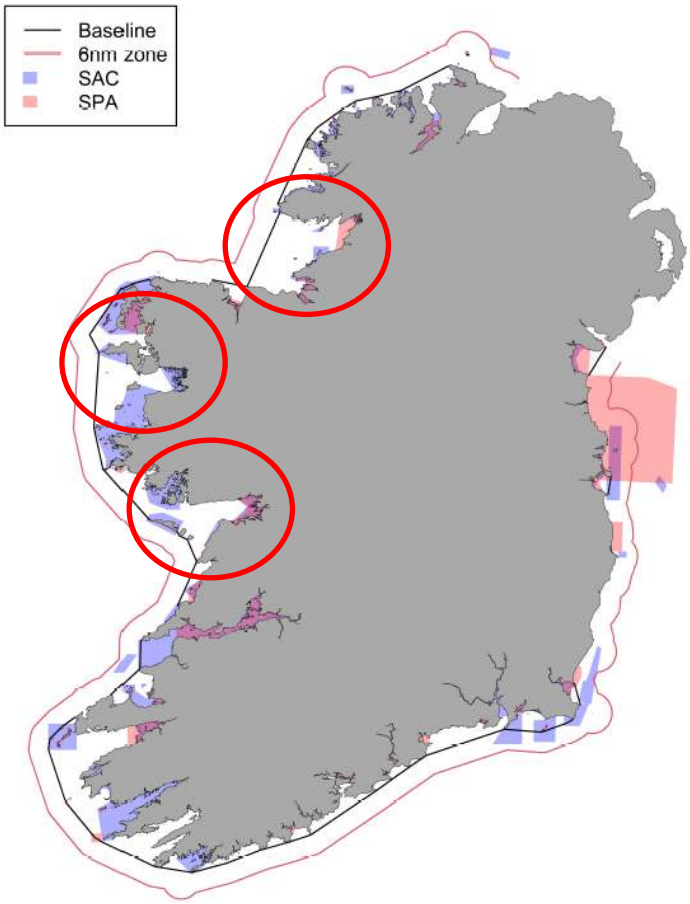

Figure 1 Marine Special Areas of Conservation (SAC) and Special Protection Areas (SPAs) around Ireland2. The map also shows the baselines and bay closing lines defined in Statutory Instruments No 22/2016 and 155/2019. The 6nm zone extends 6nm from the coast (including small islands and exposed banks) or from the baselines/bay closing lines (whichever is further). Source: Marine Institute

Similarly, the sprat fishery, which is highlighted in the consultation as being a fishery of conservation concern also takes place within the baselines, rather than in the area from the baselines out to 6nm. Figure 2a and b below, taken from the MI analysis shows the high level of pelagic trawling activity within the baselines and the location of the sprat fishery which is focused in bays and estuaries within the baselines. Therefore, the KFO would suggest it would be more sensible to consider additional restrictions inside the current baselines in bays and estuaries rather than necessarily excluding vessels from trawling within in the wider 6nm area.

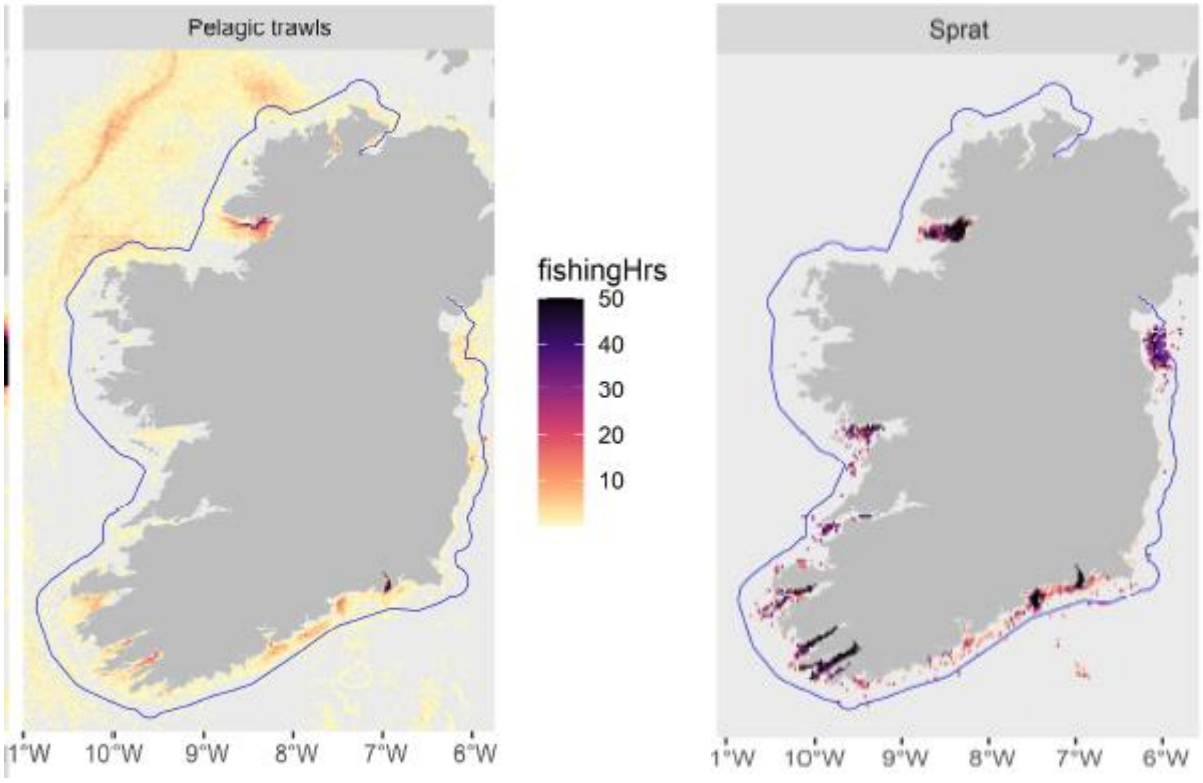

Figure 2 a and b Pelagic Trawl activity within the 6nm and baselines which illustrates the high level of activity within the baselines corresponding to the sprat fisheries. Source: Marine Institute

The KFO fully acknowledges the importance and reliance of smaller vessels on the waters inside 6nm and baselines and is open to discussions on management measures within specific fisheries to ensure the continued economic sustainability of these vessels. However, the KFO maintains there is nothing in the supporting documentation to show how excluding vessels over 15m/18m vessels from trawling inside 6nm zone will improve the availability of fish for the under 12m sector. Such an exclusion will merely displace vessels into other fisheries.

The vessels which would be most affected by such an exclusion do not fish there for convenience; they are limited by factors such as available fishing grounds, seasonal distribution of fish, market forces affecting both demand and prices but also, safety concerns for vessel and crew. There is also no indication of how fisheries within 6nm would be managed if restrictions on larger vessels would be introduced and what measures would be taken to ensure fishing effort would not significantly increase following the introduction of such restrictions. Regardless of any restrictions, there is an urgent need for additional measures to protect shellfish stocks given currently many are recognised by the MI as being overfished (Marine Institute and BIM, 2024).

The KFO acknowledges that trawling has environmental impacts, as do all fishing methods. However, the impacts of trawling are dependent on many factors relating to the construction and operation of the gear,

target species and area fished. The KFO supports closed areas with clear conservation objectives aimed at protecting spawning grounds, nursery areas, sensitive habitats and species but does not understand how a blanket ban of vessels over 15m/18m from trawling within 6nm would achieve such objectives. If the intention is to protect an area from trawling and there is robust scientific evidence to support this, then that specific area should be closed, and a scientific monitoring plan put in place.

Regarding the BIM economic and MI catch analyses supporting this Public Consultation, the KFO maintains that these are based on partial data and broad assumptions, which make them inappropriate to inform the crucial decisions posed by this Consultation. The analyses are based purely on the period 2018-2022 and take no account of historic fishing activity outside the reference period or potential future fishing opportunities inside six nautical miles and baselines. This includes the Northwest herring fishery which traditionally was prosecuted by the larger pelagic vessels outside 12nm as well as the smaller vessels inside the 6nm zone and baselines. This fishery has been at a very low levels since 2015 with the TAC reducing from around 10,000 tonnes in 2010 to a scientific monitoring TAC up until 2023. However, the most recent ICES advice indicates strong signs of a recovery of this stock, leading to the fishery being opened on a limited basis in 2023, rather than as a purely scientific fishery. With good management and monitoring, there is an opportunity to return this fishery to previous catch levels, which would be a boost to vessels participating in this fishery. This is not reflected in the BIM and MI analyses or the impact on excluding vessels over 15m/18m with a long track record in this fishery from increased fishing opportunities in the future.

The consultation document also claims that excluding vessels over 15m/18m from trawling within 6nm will re-establish links between local fish resources, local fleets and local economies. On the contrary, the KFO would argue that mid-size vessels of 15-18m remain a vital part of the local fleets and communities, supplying local markets, restaurants and food service already. There is no evidence to support the claim made that there is widespread migration of vessels between 15 and 18m and that they have a disconnect with the local fish resources, fleets or economies. Such vessels are still restricted by weather, fish short trips and concentrate their fishing operations in inshore waters, only venturing further afield or to other ports when weather and fishing opportunities allow them to do so.

In addition, reducing the fishing industry to a tourist offering as suggested in the consultation document does the fishing industry a dis-service. Outside major recognised fishing ports, small inshore fishing vessels are being squeezed into less and less space – on piers, moorings, suitable storage for live crustaceans by the demands of a growing tourist industry.

Finally, the suggestions that the local supply fish could be increased through the exclusion of larger vessels and lead to the creation of new markets are not credible. Such markets are highly unlikely to appear based on an intermittent supply and without the necessary infrastructure in place.

Specific comments on the 4 options

The KFO has the following comments on the 4 options presented in the consultation:

Option 1: No change to the status quo

The KFO does not support the “no change” option. There is an undoubted need for management measures in specific fisheries within the six nautical miles and baselines. A case in point being the sprat fishery, which is highlighted in the consultation as a fishery of major concern. The KFO acknowledges this fishery has remained largely unregulated over many years and there is an urgent need for a management plan to be put in place. However, such a plan should be based on the principles of good fisheries management with measures that manage on scientifically based annual catch limits, include specific measures to prevent

overfishing and leave enough fish to constantly replenish the natural population. Additionally, any such plan should be built on cooperation between fishermen rather than putting them in direct competition. The KFO would welcome constructive discussion on developing a management plan for this fishery.

Option 2: All sea-fishing boats excluded from pair trawling inside the six nautical mile zone and baselines
While this option is referred to in the Programme for Government, the KFO does not see the rational or the logic for it. There is little or no justification provided in the consultation document or in the BIM and MI supporting analyses on the impacts and potential benefits of a total prohibition on pair trawling.

The KFO contends that such a blanket ban on pair trawling will do little to protect stocks within six nautical miles and will impact smaller vessels disproportionally. For many reasons relating to fuel efficiency, fish quality and ease of operation, vessels of all sizes including vessels under 12m tend to pair trawl for pelagic species, rather than single boat trawl, in shallow waters. While technically feasible, to convert from pair to single boat trawling, it requires a certain amount of re-rigging on board and additional outlay in terms of replacement gear. For larger vessels (greater than 18m) with greater engine power it would be easier to convert to single boat trawling and maintain catch levels. However, smaller vessels have less scope as they tend to have less towing power in reserve. Therefore, such vessels would find it harder to adapt to single boat trawling with no guarantee that the fisheries would remain viable. The likely outcome is that larger vessels will switch to single boat pelagic trawling and for economic reasons, smaller vessels will be effectively forced out of these fisheries.

It is also not clear whether the prohibition on pair trawling included in the consultation document refers to pair trawling for demersal species, as well as pelagic species. While pair trawling for whitefish species is not a commonly used fishing method for Irish vessels, nonetheless it is recognised as a highly fuel-efficient way of fishing delivering a high-quality catch as referenced in a recent report by BIM (McHugh et al., 2022). By introducing a prohibition, the flexibility for vessels to convert to this method in the future is effectively removed which would seem counter intuitive given the focus on reducing the carbon footprint of fishing.

Options 3 and 4: All sea-fishing boats over 15m/18m in length overall excluded from trawling inside the six nautical mile zone and baselines.

The KFO does not support either of these options that exclude vessels based on an arbitrary length. Neither the consultation document or the MI and BIM analyses provide any credible justification for the exclusion of vessels over 15/18 metres on conservation and rational exploitation grounds. Instead, they use simplistic, arguments based on an assumption that excluding larger vessels from 6nm and baselines will lead to improvements in stocks fished inside 6nm and on the profitability of smaller vessels through increased fishing opportunities. This broad assumption is not supported by accurate data or any meaningful impact assessment and contradicts the consultation document in that the major benefits, as identified, are based on no increase in fishing activity in inshore waters. It appears the approach is to manage the over 15m/18m sector arbitrarily by restriction without any indication or plan on how the remaining vessels and fisheries inside 6nm and baselines would be managed to ensure there is no significant increase in fishing effort.

The consultation document does not address the fundamental issue that many of the inshore stocks fished with gears other than trawls are currently overfished (e.g., pollack, crab, crawfish, razor clams) and the focus should be on developing scientifically supported management measures for such fisheries (Marine Institute & Bord Iascaigh Mhara, 2024). That is not to say that trawl fisheries inside 6nm should not be managed but priority should be given to regulating fisheries where the greatest threat to the sustainability of the stocks exist.

Additionally, the KFO would point out there are existing economic opportunities for smaller vessels which are not being fully utilised. In the Public Consultation document, the Minister outlines the Quota

Management Policy and Arrangements and the various catch limits. The Irish whitefish quota management system is based on monthly allocations for under and over 55 feet and is dependant, on vessels not fishing the monthly allocation. The opportunities for the smaller vessels already exist under this system to exploit these monthly allocations if they so wished. The exclusion of vessels over 15/18 metres will not change this situation.

There is also a flaw in the BIM economic analysis which states "*it is assumed that unless at least 50% of the value of the landings of a species comes from the 6nm zone then the segment can simply catch the difference outside the 6nm zone. Therefore, only if the majority of the landings of each species come from within the 6nm zone will there be a negative economic impact*" (*Economic Analysis of trawl and seine fisheries within the Irish 6nm zone – Bord Iascaigh Mhara, Fisheries Development Section, 2023*). There is no basis for assuming that excluded vessels can simply resume normal fishing activities outside the 6nm limit, particularly for species such as herring, sprat and *Nephrops,* where the fisheries are concentrated on discrete fishing grounds, while pursuing such fisheries further offshore in the autumn and winter months is not a safe option.

The consultation document refers to gear conflicts within 6nm as a further justification for exclusion of larger vessels. However, it is the KFO's experience that, the problem of conflict between static and towed gear rarely occurs inside the 6nm limit. It is far more likely to occur outside the 12nm limit and historically has been resolved by cooperation and management between the parties themselves.

Under existing national regulations, vessels greater than 36.58 m (120 ft) are excluded from the 12 nautical mile zone and vessels >27.43 m and <36.58 m (90 – 120 ft) are excluded from the 3 nm zone. Additionally, the KFO would point out the loss of pelagic quotas under the Trade and Cooperation Agreement between the EU and the UK has heavily impacted the Refrigerated Seawater Pelagic (RSW) vessels and this has been well documented in the Seafood Taskforce Report (Anon, 2021). The basis or benefits of these exclusions are not clear and, on top of the economic losses associated with the quota transfers, these exclusions have removed flexibility to target pelagic species as they move inshore. Fish caught closer to shore would be landed into Killybegs giving a well needed boost to local processors who have suffered from lack of supply following Brexit.

Along with the RSW vessels, polyvalent vessels that have authorisations to fish for pelagic vessels (so-called "Tier 1" and "Tier 2" vessels) have also been impacted by Brexit. These Tier 1 and Tier 2 vessels, as well as mackerel, target pelagic quota stocks including albacore tuna, horse mackerel, blue whiting and herring (Irish Sea, Celtic Sea and Northwest). Some also target whitefish and *Nephrops* for part of the year. All but one of the current Tier 1 and Tier 2 vessels are over 18m in length. Putting in place further exclusions on the tier vessels from the 6 nm will increase the economic pressures on these vessels which have already suffered severe and permanent losses under the TCA. Since the TCA came into force, such vessels have relied heavily on the limited pelagic quotas to which they have access.

It is also true that these vessels are actively exploring alternative fishing opportunities to compensate for the loss of pelagic quota by targeting non-quota species such as sprat, pilchard, and anchovy in inshore waters. By excluding these vessels from inside 6nm and effectively from these fisheries, this will undoubtedly force them to switch to whitefish and *Nephrops* fisheries outside 6nm increasing fishing pressure on these stocks. This potential shift in effort is likely to negate any benefits to dedicated whitefish and *Nephrops* targeting vessels accrued from the removal of whitefish and *Nephrops* fleet capacity under the voluntary permanent cessation scheme funded under the Brexit Adjustment Reserve. The economic analysis by BIM has not taken any account of the impacts on these vessels from the loss in future fishing opportunities or the future impacts on the whitefish and *Nephrops* fleets from the potential displacement of fishing effort.

KFO Proposal

As stated, the KFO does not support any of the options presented in the consultation document. The KFO would be in favour of a tailored suite of measures targeted in the areas and fisheries where data supports the need for such measures and that there is a clear conservation objective for them. In this regard, the KFO would propose the following:

1. The existing restrictions (Fisheries and Natura 2000) set out in the consultation document, in combination these measures are quite extensive and already provide protection for the area within 6nm and baselines. A systematic review of the benefits of these restrictions should be the first step.
2. Consider additional restrictions inside the current baselines in bays and estuaries to protect sensitive species or habitats in line with the policy on marine spatial planning and Natura 2000 legislation. Such measures need to be aligned with the future MPA bill to ensure a coordinated approach to developing, implementing and monitoring protected areas. Meaningful consultation with the fishing industry is required as part of this process.
3. Consider targeted measures for trawl fisheries between the baselines and 6nm where data supports the need for such measures.
4. Review existing management measures for herring fisheries within 6nm and baselines using the established management committees for the Celtic Sea and North-West herring to develop and recommend appropriate management measures. The KFO believes fully functional industry-led management committees are the best way forward to manage these and other pelagic fisheries.
5. DAFM in consultation with industry should develop a management plan and establish management committee(s) for the sprat fisheries.
6. Working with the industry representative groups, DAFM should review existing management measures for key shellfish stocks within 6nm and put in place additional measures where scientific data indicates there are fishery issues. In particular, the KFO has concerns that the fishing effort on brown crab is too high and that the current profile of the under 15m fleet is heavily reliant on these crustacean fisheries which are already under pressure.

Conclusion

In conclusion, the Killybegs Fishermen's Organisation Ltd (KFO) reiterates it does not support any of the options put forward in the consultation document. The KFO acknowledges the need for improved management measures in inshore waters but would highlight the impacts Brexit has had on pelagic vessels of all sizes from loss of quota under the Trade and Cooperation Agreement (TCA) between the EU and the UK. Further restrictions will increase the economic pressures on these vessels for no real gain in terms of conservation of stocks. Therefore, rather than a ban based on an arbitrary vessel size and/or fishing method, the KFO would advocate tailored measures in inshore waters and fisheries where data supports the need for such measures. Such an approach would be more closely aligned to the objectives of the Common Fisheries Policy (CFP), the Marine Strategy Framework Directive (MSFD), and the National Marine Planning Framework (NMPF). Management measures should be developed in consultation with the industry and take account of the socio-economic impacts on all stakeholders.

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Yours sincerely

Dominic Rihan, CEO
Killybegs Fishermen's Organisation Ltd. Thursday, 11 April 2024