

## Recommendation paper

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**Title:** Loligo fishery: License infringement policy

**Date:** 6<sup>th</sup> May 2021

**Report of:** Director of Natural Resources

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### **Background:**

As a result of having Marine Mammal Observers deployed across the Loligo fleet since 2017, FIFD and industry have had the opportunity to receive significantly more real time information about fishery operations, both in terms of interactions with marine mammals and seabirds and demographic information on Loligo. As laid down in the FIFD-LPG MoU, the primary role of an MMO is to monitor seal interactions and mitigation methods, and to monitor and record the by-catch of seals. They also have responsibility for assessing and evaluating the discard management policy implemented in January 2021, the presence and origin of organic material in the water during manoeuvres and the state of net cleaning. Data is sent to FIFD and stakeholders twice a week, and all the data is checked by the Scientific Officer (Seabirds and Marine Mammals), who identifies any possible breaches to licence conditions. The role of the MMO is observation.

### **Presentation and Consultation:**

Following a series of possible licence condition breaches identified by the SO during the last couple of seasons, it was recognised that there is no clear policy to deal with these infringements. Whilst the Fisheries (Management & Conservation) Ordinance 2005, sets out the how these license infringements are offences in Section 161, there is currently no documented process for how a license infringement is dealt with. This document has been drafted to provide a clear framework for industry and the regulator.

A meeting was held on the 11<sup>th</sup> March between DoNR, SS, OC, SO and LO. Industry have been briefed on this proposal at 2 meetings (8<sup>th</sup> April and 5<sup>th</sup> May 2021), DNR has received further feedback in writing (18/05/21) from industry, and this final draft has considered the feedback received.

### **Recommendations**

1. In the event of a breach in license conditions by a vessel, the LO will advise the ITQ owner/operator by email. The operator will be advised that they will be closely monitored, and that they must rectify the non-compliance immediately and that if non-compliance continues they may be called immediately to port for a full inspection and possible prosecution without further warning. It is the responsibility of the ITQ owner to inform fishing Vessel Master. A confirmation email from the vessel operators will be required.

2. The LO will then issue a general notification email to all of the relevant industry parties advising them of what license condition breaches have taken place.
3. If license condition breaches continue on the same vessel and/or by the same fishing master, the MMO (or other Fisheries staff) will collect and convey appropriate evidence (photographically verifiable) of the breaches to the SO.

At this point DoNR will issue a written warning to the Fishing Company, this letter will contain:

- a. the date and time of the breach(es), including the date of the first warning above;
- b. a summary of the evidence of the breach held by DNR;
- c. details of the specific licence condition(s) breached.
- d. at this point the vessel is likely to be called immediately to port for a full inspection and possible prosecution.

**Additional points to note:**

1. If a matter is identified as being so serious, the vessel will be immediately called to port without instigating this escalating process.
2. If a vessel/master has a history of non-compliance (as recorded in the Fisheries Compliance database), this will be considered and may result in the vessel being immediately called to port for possible prosecution.
3. The time limit for the escalation of infringements will reflect the length of the fishing season (infringements will not be carried over from one season to the next in the escalation process, unless c. above supersedes this point).
4. The Director retains the power to call any vessel immediately to port for inspection and possible prosecution without following the enforcement stages contained within this document. This will be done where there are reasonable grounds to believe that there are serious issues of non-compliance that are not appropriate to be dealt with via the escalating enforcement stages, or where there is a history of non-compliance.

Approved:



Dr. Andrea Clausen  
**Director of Natural Resources**