

## **Mitigation Response Plan to Regulation 8 Assessment of Irish Sea – Cahore and Rosslare Razor Clam Fishery**

### *Legal Basis*

1. The Minister for Agriculture, Food and the Marine, as a public authority under regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011, must exercise his functions so as to ensure compliance with the requirements of the Habitats Directive, the Birds Directive and the 2011 Regulations. The European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (SI 290 of 2013) provide for a process of assessment of sea-fisheries to identify where sea-fisheries may pose risks to protected species and habitats (Regulation 8 assessment) to enable the fulfilment of the Minister's obligations.
2. This response plan represents the proposed response of the Minister for Agriculture, Food and the Marine to the conclusions and recommendations of the Regulation 8 assessment report produced by the Marine Institute on 11 July 2013 concerning unplanned<sup>1</sup> fishing activities in the Irish Sea from Carnsore Point to Carlingford Lough with regard to the razor clam fishery off the Wexford coast. That risk assessment report assesses the significance of risks to the conservation objectives for species and habitats arising from unplanned fishing activities. This plan takes into account the views expressed during the statutory consultation on the Regulation 8 assessment report.
3. This draft Risk Mitigation and Management Plan proposes a series of management measures to address specific risks identified in the report and proposes certain additional work be undertaken to inform future management of unplanned fisheries within the area.
4. Where regulatory measures are required, a Fisheries Natura Declaration may be issued by the Minister in accordance with Regulation 9 of the European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (SI 290 of 2013).

### *Explanation of the need for Mitigation Responses*

5. Risk assessment of the fishery in relation to its interaction with qualifying interests for SACs and SPAs in the area indicate a potential effect on the sea duck Common Scoter with some possible effects on sandbank habitat in the Blackwater Bank SAC (see Appendix 3). The potential effect on Common Scoter is though disturbance caused by fishing vessels and prey depletion pressure

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<sup>1</sup> Fishing activities which are not 'plans' or 'projects' within the meaning of the EU Habitats Directive and therefore do not fall to be subjected to appropriate assessment under article 6.3 of that Directive as transposed into Irish law by Regulation 42 of SI 471 of 2011.

resulting from bivalve fisheries. Common Scoter feed on bivalves in waters less than 30m in depth and where currents do not exceed 0.5m.sec<sup>2</sup>.

6. Risk assessment recommended that improved data on the distribution of the razor clam fleet and on Common Scoter be obtained so that the spatial overlap between Scoter and fisheries could be better identified and assessed. In addition data on the Razor clam fishery itself is poor and there is a significant risk that the clam beds will be depleted as effort increases. The only data available are landings.

### *Proposed Fisheries Management Measures*

7. The co-ordinates of the existing management areas (2010<sup>3</sup> and 2011<sup>4</sup> regulations) will be modified to reflect the potential distribution of the fishery, where razor clams are likely to occur and to depths of 12m (Figure 2) as shown in Appendix 2.
8. This would have the following effects:
  - a. The area of the Cahore fishery would be reduced so that the fishery would not overlap with the Blackwater Bank SAC.
  - b. The southern extent of the Cahore bed would be extended south approximately 1.7km further into the Raven SPA but would be reduced on its eastern edge thereby maintaining the status quo with regard to the extent to which the fishery overlapped with the SPA.
  - c. The Rosslare bed would be extended mainly to the north east but would not encroach on any SAC or SPA.
9. Vessels less than 12m overall length will be required to carry GPS tracking units from 2015 in order to:
  - a. Demonstrate the precise location of the fishery. When combined with Common Scoter distribution data this will allow estimation of the overlap between the fishery and Common Scoter
  - b. Show the seasonal pattern and intensity of fishing effort
  - c. Provide data for catch and effort monitoring when coupled with daily landings by vessel information
  - d. Provide data on traceability of product where needed
  - e. Provide a means of monitoring and controlling the 07:00-19:00hrs fishing restriction
  - f. Provide a means of monitoring and controlling the spatial restrictions on the fishery

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<sup>2</sup> (<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/irishsea-includingmusselseedfishery/#d.en.72197>)

<sup>3</sup> <http://www.irishstatutebook.ie/2010/en/si/0310.html> and <http://www.irishstatutebook.ie/2010/en/si/0437.html>

<sup>4</sup> <http://www.irishstatutebook.ie/2011/en/si/0425.html>

10. The maximum width of a dredge used to fish for Razor clams in the Rosslare or Cahore beds will be 122cm (48 inches). Suction dredging will be prohibited.
  - a. Currently dredges vary in width from 71-122cm (28-48inches). This measure would therefore prevent any further increases in dredge width and prevent further escalation of effective daily fishing effort by participating vessels.
  - b. Some fishermen would like to see the fishery limited to mechanical dredges, while others wish to see suction dredges allowed as well. The Marine Institute has undertaken to conduct a comparative study of the mechanical and suction dredges in order to support evidence-based decision making on this issue. Accordingly, it is recommended not to set gear-specific rules for this fishery until the results of this study are available.
11. The regulatory requirement to report fishing activity data to BIM be removed because:
  - a. It duplicates the EU logbook in the case of vessels over 10m in length, and
  - b. Additional information on daily landings is in sales notes and gatherers dockets (a review of these data will be completed by MI and SFPA).
12. It will be required that gatherers documents are submitted to SFPA within 48 hours of landing. A specific gatherer's book will be issued to vessels fishing for razor clams.

### *Mitigation Responses*

#### **Dredging for Razor Clams within Rosslare (Area A) and Cahore (Area B).**

13. All fishing boats fishing for razor clams will be required to report their position through a GPS (Global Positioning System) monitoring system that can transmit the boat's positional information to shore at least once per minute in a format accessible by the SFPA and the Marine Institute.
14. The fishery will be bounded by the following co-ordinates. These co-ordinates exclude the fishery from the Blackwater Bank SAC, allow extension of the fishery in Rosslare Bay but without encroaching on SACs or SPAs and re-configure the area of the Raven SPA where fishing is allowed
15. The distribution and abundance of Common Scoter will be surveyed in autumn 2014 to identify potential interactions between this species and the fishery
16. Marine bivalve fauna in the Raven SPA will be surveyed in autumn 2014 or in 2015 as a baseline against which to monitor future changes in these fauna that could result from fishing activity.

Area	Coordinates
Rosslare (Area A)	Within the geographical area enclosed by an imaginary line drawn from: Latitude 52°18.4000'N, Longitude 006°23.2000'W through Latitude 52°21.2000'N, Longitude 006°17.3000'W through Latitude 52°16.1000'N, Longitude 006°19.2000'W through Latitude 52°14.9000'N, Longitude 006°17.3000'W through

	Latitude 52°14.9000'N, Longitude 006°19.6000'W through Latitude 52°15.4000'N, Longitude 006°19.9000'W through Latitude 52°16.1000'N, Longitude 006°21.4000'W through Latitude 52°17.2000'N, Longitude 006°22.4000'W to Latitude 52°18.4000'N, Longitude 006°23.2000'W.
Cahore (Area B)	Within the geographical area enclosed by an imaginary line drawn from: Latitude 52°32.3920'N, Longitude 006°12.3830'W through Latitude 52°31.9200'N, Longitude 006°10.2500'W through Latitude 52°25.9850'N, Longitude 006°17.8630'W through Latitude 52°22.3280'N, Longitude 006°17.8600'W through Latitude 52°22.3280'N, Longitude 006°18.8400'W through Latitude 52°23.0840'N, Longitude 006°19.5740'W through Latitude 52°23.0840'N, Longitude 006°21.6350'W to Latitude 52°32.3920'N, Longitude 006°12.3830'W.

### *Other Management Measures*

#### 17. A person:

- a. can only fish within the hours 07.00 to 19.00 on 7 days in a “fishing week”. A “fishing week” means seven consecutive days commencing on a Monday. A person fishing in Rosslare or Cahore shall not tranship, have onboard or commence landing razor clams after 21:00 hours on any day the person has fished in Rosslare or Cahore.
- b. shall not fish, land or tranship more than 2.5 tonnes in any fishing week.
- c. shall not have more than one dredge on board a sea-fishing boat and that dredge must have a bar spacing of not less than 10 millimetres.
- d. shall not retain on board a sea-fishing vessel, land or tranship razor clams with a shell length of less than 130 millimetres measured along the longest part of the shell.
- e. intending to fish for razor clams in Rosslare or Cahore shall notify the Sea-Fisheries Protection Authority (SFPA) at Dunmore East by SMS/text message immediately prior to leaving port.
- f. fishing for razor clams in Rosslare or Cahore shall contact the Sea-Fisheries Protection Authority (SFPA) at Dunmore East by SMS/text message not less than one hour in advance of his or her intention to land or tranship razor clams.
- g. shall ensure all landings of razor clams taken in Rosslare or Cahore must be weighed in a location and by means of weighing systems approved in writing by an officer of the Sea-Fisheries Protection Authority (SFPA) before being sorted, processed, held in storage or transported from the port of landing.

## Appendix 1

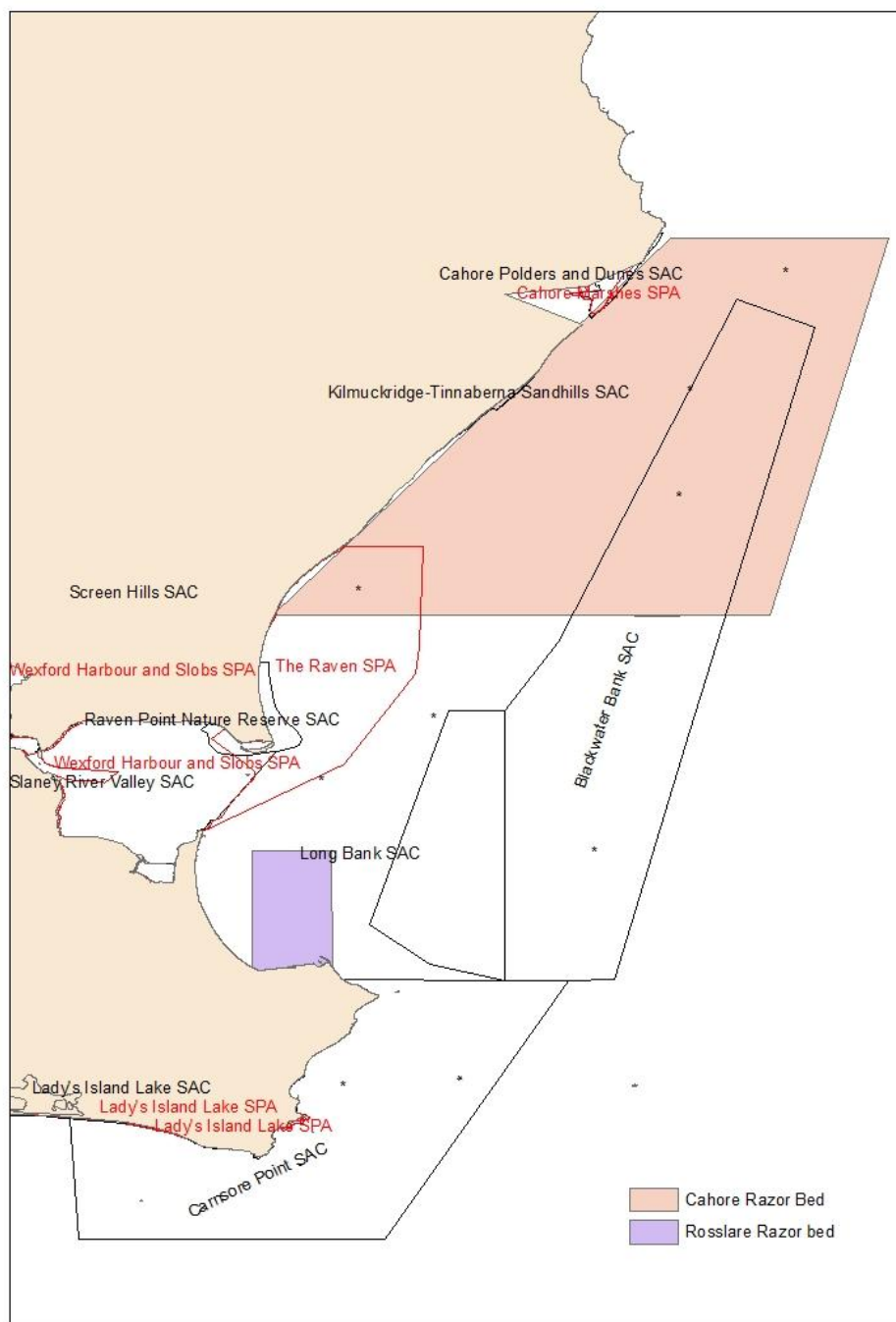


Figure 1. Current distribution of razor clam fishable areas at Cahore and Rosslare, as specified in legislation, relative to distribution of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

## Appendix 2

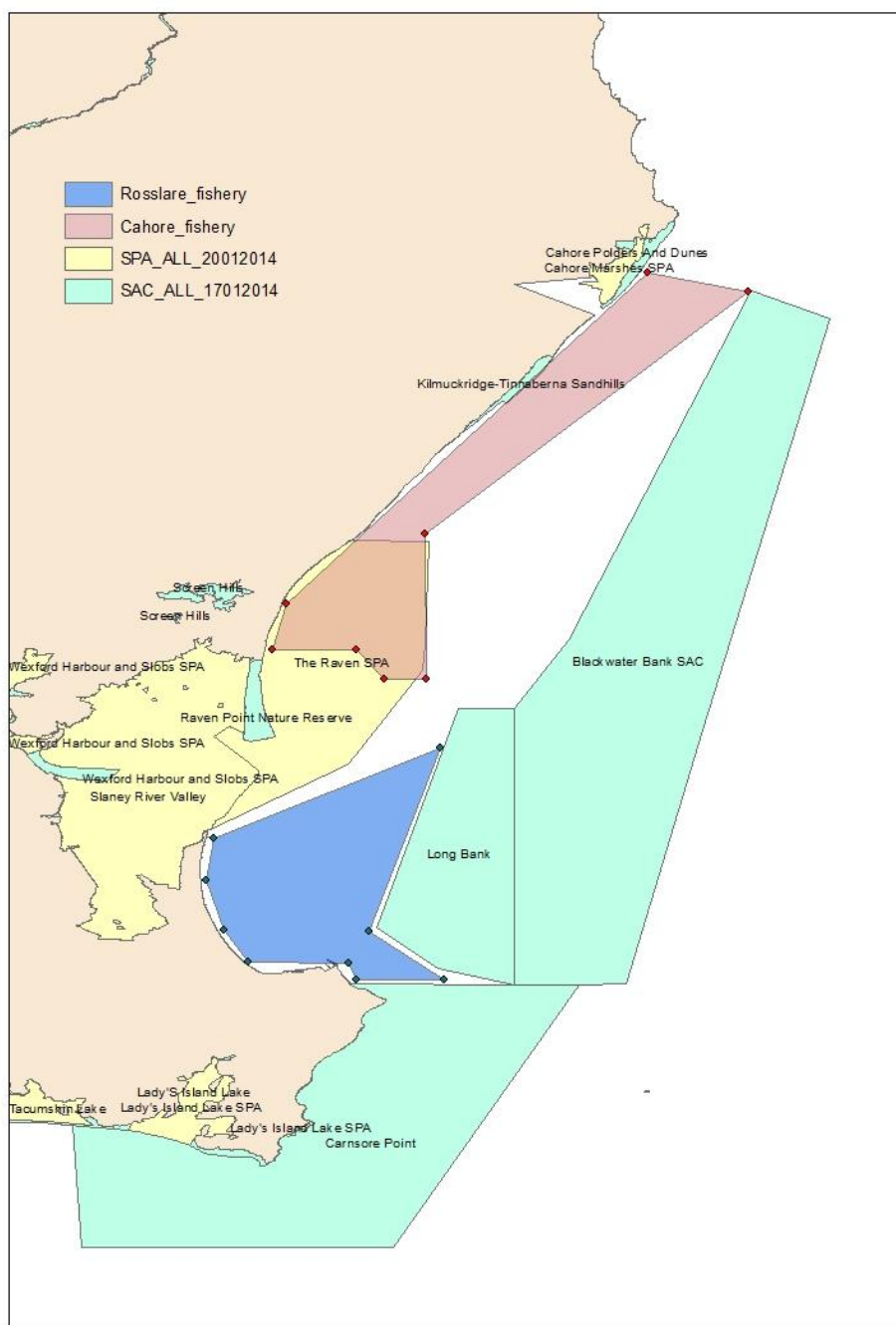


Figure 2. Proposed new fishable areas (Cahore\_fishery, Rosslare\_fishery). Points shown are those co-ordinates listed above for the proposed fishery. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are shown.

## Appendix 3

### Extraction from Risk Assessment report on fisheries in the Irish Sea in relation to SAC and SPA qualifying interests (Marine Institute July 2013)

#### 1.1.1 Dredging for razor clams in relation to habitats in SACs

- The razor clam fishery in the south Irish Sea overlaps with *Nephtys* and *Bathyporeia* sandbank community in Blackwater Bank by 65%.
- The spatial overlap is based on the assumption that all of the area bounded by the co-ordinates set out in legislation (SI 425/2011, SI 437/2010, SI 310/2010) is exposed to fishing. This is unlikely to be the case. In fact it is unlikely that the Razor fishery is within the *Nephtys* and *Bathyporeia* community as Razor clam (*Ensis*) inhabits mud and mud sand habitats sometimes in high densities. *Ensis* is not listed as a characterizing species of the community in the COs.
- *Nephtys* and *Bathyporeia* are not sensitive to surface and shallow disturbance caused by fishing gear. However, it is likely that they are sensitive to the deep disturbance and physical effects of Razor clam fishing gear.
- **As the % overlap between the *Nephtys*/*Bathyporeia* community and the area of the dredge fishery allowed in the legislation is over 15%, as the characterizing species are likely to be moderately sensitive to this type of fishing gear which also mobilizes sediments while extracting clams and as the fishing activity can occur through the year, although it is unlikely to be a persistent disturbance the consequence is scored as 2. However, it is unlikely that the fishery occurs throughout the legally allowed area so the likelihood of the consequence is scored as possible (2) and risk is 4 (Table 23). Additional information showing a smaller spatial footprint of the fishery would be needed to reduce the risk score below this.**

#### 1.1.2 Dredging for razor clams in relation to seabird qualifying interests

- The Razor clam fishery occurs from Dunany Point (on the southern side of Dundalk Bay) south to Howth Head; the area available to fish overlaps with Lambay Island SPA, Ireland's Eye SPA, Skerries Islands SPA and Rockabill SPA. There is also a fishery in the south Irish Sea, which partially overlaps with The Raven SPA. Fishing can occur in all seasons.

- Relevant QI species include Red-throated Diver, Cormorant, Common Scoter, Fulmar, Shag, Lesser Black-backed Gull, Herring Gull, Kittiwake, Guillemot, Razorbill, Puffin, Roseate Tern, Common Tern and Arctic Tern.
- Apart from Common Scoter, razor clams are not a prey item for any of the QIs for the above sites (Common Scoter at Dundalk Bay SPA were considered as part of a previous assessment). As noted The Raven SPA support over 3,000 wintering Common Scoter.
- There is no risk of by-catch due to dredging for scallop (0.2 knots fishing speed, steaming at 6-8 knots).
- The fishery occurs in shallow water <14m, and usually <10m depth and so is in the foraging range and water depths for a range of seabirds. While a large fishery zone is indicated for vessels <15m in length; those >15m which have VMS data suggest a much more focused fishery, including fishing effort off the west coast of Lambay Island; relevant QI species from Lambay include Cormorant, Shag, Kittiwake, Guillemot, Razorbill and Puffin.
- As noted for scallop dredging the impact of razor clam dredging on the seabed and potential for resultant impacts on prey species selected by QIs is unclear. However, as largely pelagic foragers the risk of negative impacts would appear unlikely.
- The consequence score is 0 (non-disturbing to individuals) with a high likelihood (4) and a risk score of 0 is appropriate for most sites. **However, at The Raven SPA the consequence score for Common Scoter is 1 (direct / indirect sublethal effects) with a moderate likelihood (3) and a risk score of 3. Mitigation may be needed.**