



**Regulation 4(2) Determination on the need for Appropriate Assessment of an amendment to
the Fisheries Natura Plan for Mussel Seed (*Mytilus edulis*) in Castlemaine Harbour, 2016-2023**

1. Determination

The Minister for Agriculture, Food and the Marine received a request in September 2019 to amend the *Fisheries Natura Plan for Mussel Seed (Mytilus edulis) in Castlemaine Harbour, 2016-2023*. The request was submitted on behalf of industry members in Castlemaine Harbour by Bord Iascaigh Mhara (BIM), which provides the Secretariat for the Bottom Grown Mussel Consultative Forum.

The Minister, in exercise of the powers conferred on him under regulation 4(2) of S.I. No. 290 of 2013 (European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations) as amended and regulation 42(7) of S.I. No. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011), and on the basis of scientific advice from the Marine Institute following that body's screening of the proposed amendment for an Appropriate Assessment, has determined that an Appropriate Assessment of the proposed amendment to the Fisheries Natura Plan is not required as the proposed amendment, when considered in the context of the Fisheries Natura Plan along with the conditions specified in Fisheries Natura Declaration No. 1 of 2017 (Castlemaine Harbour) and Fisheries Natura Declaration No. 3 of 2018 (Mussel Fishing), will not have significant impacts on Natura 2000 sites.

2. Amendment request

The request seeks to amend the Fisheries Natura Plan in order to allow operators to fish for mussel seed in seed bed that partially overlaps an area designated in the Plan as being "unsuitable" for such fishing. The request notes that, since 2016, there has been "significant changes to the substrate of Castlemaine Harbour as a result of movements in the sand banks due to winter storms". This has led to "areas previously mapped as being unsuitable for seed fishing (characterised by a rocky substrate) silting over and becoming suitable for fishing". The spatial extent of the seed bed and the amount of seed available there are "within the normal parameters of recent seed settlements in the area", therefore the proposed amendment "does not represent any intensification of fishing activity and thus does not represent an increase in disturbance levels".

3. Reasons for this Determination

In accordance with regulation 4(2) of S.I. No. 290 of 2013 (European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations) as amended and regulation 42(7) of S.I. No. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011), the Minister has taken account of:

- The report submitted by the Marine Institute on screening the amendment request for an Appropriate Assessment,
- The recommendation made by the Marine Institute regarding the need for Appropriate Assessment of the proposed amendment, and
- The rational management of the mussel seed fishery resource.

In accordance with Regulation 4(1) of S.I. No. 290 of 2013 (European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations), the Marine Institute carried out screening of the proposed amendment to



the Fisheries Natura Plan for an Appropriate Assessment and made a recommendation to the Minister on the issue.

In the screening report, the Marine Institute advises:

- The Fisheries Natura Plan describes variability in the annual location of seed beds and how changes to the Plan may be needed depending on conditions in a particular year.
- The area described in the Fisheries Natura Plan as "unsuitable" for fishing was not defined this way due to the sensitivity of habitats in that area, but rather because of the presence at the time (2016) of substrate on which it was not possible to dredge for mussel seed.
- The area of the 2019 seed bed is at the lower end of the historic range and does not encroach on habitats other than those covered by the Fisheries Natura Plan.
- The characteristics of the bed fall within the parameters of the Appropriate Assessment that was carried out on the Fisheries Natura Plan in 2016.

The Marine Institute's recommendation to the Minister in the screening report is that:

- An Appropriate Assessment of the Fisheries Natura Plan was completed in 2016,
- The proposed amendment of the Fisheries Natura Plan in 2019 does not represent a significant material change to the Fisheries Natura Plan, and
- An Appropriate Assessment of the proposed amendment is not necessary.

Having considered the above, the Minister is satisfied that an Appropriate Assessment of the proposed amendment to the Fisheries Natura Plan is not required as the proposed amendment does not represent a significant material change to the Fisheries Natura Plan and will not have significant impacts on Natura 2000 sites.

1 October 2019