

Regulation 6(1) Determination

Fisheries Natura Plan for Mussel Seed Fishing in Castlemaine Harbour 2016-2023

1. Determination

Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him under regulation 6(1) of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (S.I. 290 of 2013) as amended and regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), has determined that the Fisheries Natura Plan For Mussel Seed Fishing in Castlemaine Harbour 2016-2023, modified by his Department in accordance with regulation 6(2) of S.I. 290 of 2013, when considered with the conditions specified in Fisheries Natura Declaration No. 2 of 2014 (Mussel Fishing) and Fisheries Natura Declaration No. 1 of 2017 (Castlemaine Harbour), will not affect the integrity of the sites concerned, and has determined to adopt the modified Fisheries Natura Plan.

2. Reasons for this Determination

In accordance with regulation 6(1) of S.I. 290 of 2013, the Minister has taken account of the following:

- The report submitted by the Marine Institute (MI);
- The submission from the Minister for Arts, Heritage and the Gaeltacht (National Parks and Wildlife Service (NPWS));
- A response from the MI addressing in detail the relevant issues raised in the NPWS submission, and
- The rational management of the mussel seed fishery resource.

The report from the MI assesses the potential ecological effects of the plan on designated habitats and species in the Castlemaine Harbour SAC and SPA. The report makes the following findings in the case of the activities examined:

- No additional mitigation is required beyond those proposed for the activities described in the mussel seed FNP.
- SAC: The proposed seed mussel fishery and subsequent mussel relay and production activities the SAC overlap with some conservation features but these are not considered to be significant.
- SPA: Relay of seed mussel on intertidal nursery areas and intertidal portions of mussel aquaculture licences will overlap with a small portion of intertidal habitat but at the extent of coverage proposed, no significant effects on water birds are expected.

The MI report did note that count data for Common Scoter in Castlemaine is weak and should be improved during the lifetime of the plan. Also, a substantial increase in mussel cover within the mussel nursery area or in mussel aquaculture sites could have significant impacts on some species, such as Sanderling and Bar-tailed Godwit. The MI recommended that mussel cover be monitored and if necessary managed to avoid significant displacement of these species.

The draft fisheries Natura plan has been modified to:

- Take account of the need to monitor changes in mussel cover in Castlemaine and to monitor water bird numbers to assess any impacts such changes may have on bird populations there.
- Take account of the need to establish procedures to screen seed sourced from outside Dingle Bay for alien species.

- Change the period of application to 2016-2023 (rather than 2026) as a large number of aquaculture licenses for mussels will expire and become eligible for renewal from mid-2023.
- Insert sections on the legal basis for the FNP and the rationale for mitigation, consistent with FNPs for other fisheries.
- Make changes to layout for clarity and minor text changes to amend small textual errors.

The NPWS submission sought clarification on a number of points in the MI report, including the consideration given to certain conservation objectives and further details on potential escalation of mussel growing and oyster aquaculture activity and how its potential impact on birds would be mitigated. The Marine Institute has provided a response addressing in detail the relevant issues raised in the NPWS submission. This has been provided to the persons who made the submission and have been made publicly available on the Department's website.

Having considered all of these matters, the Minister is satisfied that the conclusions of the appropriate assessment are valid.

1 March 2017