



## **Consultation Document**

### **Consultation on the draft Fisheries Natura Plan (FNP) for Mussel Seed (*Mytilus edulis*) in Castlemaine Harbour 2024-2029 and associated assessment documents**

#### **Purpose of the Consultation**

The purpose of this consultation is to seek your views on a draft Fisheries Natura Plan for mussel seed (*Mytilus edulis*) in Castlemaine Harbour 2024-2029 and associated documents, in particular, a draft Appropriate Assessment report prepared by the Marine Institute.

#### **Background Information**

##### *Mussel Seed Fishing*

- Mussel seed spat falls occur in the wild and their location can be unpredictable. Despite this, some regular fisheries occur, particularly in the Irish Sea.
- Mussel seed is an essential raw material for the mussel aquaculture industry. Bottom grown mussel farmers fish for wild mussel seed for transplantation onto their licensed aquaculture sites for on-growing and subsequent harvesting over a two-year growth cycle. The fished seed is grown to maturity on the sea floor, as distinct from rope grown mussels.

##### *Assessment of Proposed Sea Fisheries*

- [Council Directive 92/43/EEC of May 1992](#) on the conservation of natural habitats and of wild fauna and flora, directed that "the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community".
- The Habitats Directive led to the establishment of Natura 2000 sites which are selected by Member States and the European Commission based on strict scientific criteria. They fall under two headings:
  - Special Protection Areas (SPAs) for birds, as specified by the Birds Directive, and
  - Special Areas of Conservation (SACs) for species other than birds as well as habitat types, as specified by the Habitats Directive.
- Castlemaine Harbour is designated as a SAC and a SPA. [Castlemaine Harbour SAC \(Site Code 000343\)](#) has qualifying interests including estuaries (Habitat 1130), mudflats and sand flats not covered with water at low tide (Habitat 1140) and a number of coastal and lagoon habitats. [Castlemaine Harbour SPA \(Site Code 004029\)](#) is designated for 16 species of intertidal wading bird, or other bird species, and for the wetland habitats that support these species.
- The Minister for Agriculture, Food and the Marine is responsible for ensuring sea-fishing activities are conducted in a manner that avoids the deterioration of



designated features of Natura 2000 sites or the significant disturbance of protected species within those sites.

- Sea-fisheries in Natura 2000 sites are regulated in accordance with two sets of Regulations that transpose into Irish law the obligations on the Minister with regard to sea-fisheries arising from the EU Habitats and Birds Directives:
  - S.I. No. 477 of 2011 ([European Communities \(Birds and Natural Habitats\) Regulations 2011](#)) (as amended) and
  - S.I. No. 290 of 2013 ([European Union \(Birds and Natural Habitats\) \(Sea-fisheries\) Regulations 2013](#)).
- S.I. No. 290 of 2013 provides for the submission of a Fisheries Natura Plan where the Minister is satisfied that a sea-fishing activity has the potential to impact on the conservation objectives of Natura 2000 sites. The Fisheries Natura Plan must undergo screening and, if necessary, Appropriate Assessment in keeping with the obligations of the Habitats Directive.

#### **Draft Fisheries Natura Plan for Mussel Seed in Castlemaine Harbour 2024-2029**

- The draft Fisheries Natura Plan for mussel seed in Castlemaine Harbour 2024-2029 was developed on behalf of industry by the Secretariat of the [Bottom Grown Mussel Consultative Forum](#) (BGMCF) in consultation with Bord Iascaigh Mhara (BIM) and industry members of the BGMCF. The draft Fisheries Natura Plan:
  - Follows on from the previous [eight-year Fisheries Natura Plan](#) that came into effect in 2016;
  - Sets out proposed arrangements for the fishery, including survey arrangements, harvesting rules, activity monitoring, etc.;
  - Aims to ensure the proposed fishery operates in compliance with the Habitats and Birds Directives.
- In accordance with Reg. 4(1) of S.I. No. 290 of 2013, the Marine Institute (MI) screened the draft Fisheries Natura Plan for Appropriate Assessment and provided the Minister with a screening assessment report that recommended the draft Fisheries Natura Plan undergo Appropriate Assessment, as the possibility of the fishery having significant effects on protected habitats and species in or near Natura 2000 conservation sites could not be discounted.
- The Minister subsequently determined under Reg. 4(2) of S.I. No. 290 of 2013 that arrangements set out in the draft Fisheries Natura Plan may potentially have significant impacts on Natura 2000 sites and therefore Appropriate Assessment of the draft Fisheries Natura Plan is required in advance of determining whether or not the activities it describes may take place.

#### **Draft Appropriate Assessment Report**

- Under Reg. 5(2) of S.I. No. 290 of 2013, the Marine Institute has provided the Minister with a draft report in support of the Appropriate Assessment process. This draft Appropriate Assessment report assesses the potential ecological effects of the draft Fisheries Natura Plan on designated habitats and species in the Natura 2000 sites where the Castlemaine Harbour mussel seed fishery can occur.



- A synopsis of the conclusions from the Marine Institute’s draft Appropriate Assessment report can be found below:
  - **Special Area of Conservation (SAC) Features**
    - The proposed seed mussel fishery and subsequent mussel relay and production activities in nursery areas in the fishery order area and in licensed mussel sites in Castlemaine Harbour SAC overlap with some conservation features in the SAC.
    - Overlaps with individual sedimentary marine communities are generally less than 15% of these communities in any given year and are therefore considered, relative to the conservation objectives, to be non-significant.
    - Where the % overlap is greater than 15% (sub-tidal relay) the actual effective footprint is low given the likely level of activity as proposed in the draft Fisheries Natura Plan and the affected habitats having high resilience.
    - The likelihood of significant effects from the seed mussel fishery and associated activities, as described in the draft Fisheries Natura Plan, and the in-combination effects with aquaculture at the scale of activity currently licensed can be discounted.
  - **Special Protection Area (SPA) Features**
    - The proposed seed fishery will not significantly affect the Common Scoter.
    - Relaying of seed mussel on intertidal nursery areas and intertidal portions of mussel aquaculture licences will overlap with <15% of intertidal habitat. Within this area mussel cover is expected to be generally <12%. At this level of relay, significant effects on waterbirds can be discounted.
    - In-combination effects of mussel, oyster and clam production are not anticipated given the current scale of production.
    - The most recent five-year trends for waterbird populations in Castlemaine Harbour are positive although still lower than in the early to mid-1990s.
    - The draft Fisheries Natura Plan is similar in scale to previous plans. There is a high degree of confidence therefore that this plan will not negatively affect waterbirds in Castlemaine Harbour.

### **Consultation and Next Steps**

- This consultation is being carried out under Reg. 5(3) of S.I. No. 290 of 2013 and Reg. 42(13) of S.I. No. 477 of 2011, as amended by S.I. No. 293 of 2021 ([European Union \(Birds and Natural Habitats\) \(Amendment\) Regulations 2021](#)).
- At the end of the consultation period, submissions received will be reviewed by the Department and will be considered by the Marine Institute in finalising its draft Appropriate Assessment report to the Minister. Upon receipt of the finalised report, the Minister may make a determination on whether or not to adopt the draft Fisheries Natura Plan.



## **Consultation Document**

- This Consultation Document requires a response from you. The Consultation Document has two parts. These are:
  - **Part 1 - Tell us about you;**
  - **Part 2 - Give us your views.**
- Submissions will be accepted:
  - **Online:** The consultation can preferably be completed [online](#).  
*Please note: The survey will not operate correctly using Internet Explorer. To participate in the survey, you should use a different browser.*
  - **By email to:** [inshore@agriculture.gov.ie](mailto:inshore@agriculture.gov.ie)  
(With the subject line “Draft Fisheries Natura Plan (FNP) for Mussel Seed in Castlemaine Harbour 2024-2029”)
  - **By post to:** Draft FNP for Mussel Seed in Castlemaine Harbour 2024-2029  
Marine Programmes Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty, Co. Cork, P85 TX47

**The closing date for submissions is close of business on 29 July 2024.**

## **Freedom of Information**

All submissions and comments submitted to the Department for this purpose are subject to release under the Freedom of Information (FOI) Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007-2014. Submissions are also subject to Data Protection legislation. Personal, confidential, or commercially sensitive information should not be included in your submission, and it will be presumed that all information contained in your submission is releasable under the Freedom of Information Act 2014.

## **Data Protection**

The Department of Agriculture, Food and the Marine is collecting this data for the Consultation on the draft Fisheries Natura Plan (FNP) for Mussel Seed in Castlemaine Harbour 2024-2029 and associated assessment documents. This data will be processed in accordance with the EU General Data Protection Regulation (GDPR EU 2016/679), the Data Protection Acts 1988-2018, the Freedom of Information Act 2014 and the DPER Consultation Principles and Guidance. Any additional personal data received as part of your submission will not be processed, shared, or retained and will be destroyed upon receipt. Publication to the Department’s website of personal data associated with submissions will only take place where permission is received to do this. Further information on Data Protection can be found on our website at - [gov - Data Protection \(www.gov.ie\)](#)



## **Privacy Statement**

The Department of Agriculture, Food and the Marine is committed to protecting and respecting your privacy and employs appropriate technical and organisational measures to protect your information from unauthorised access. The Department will not process your personal data for any purpose other than that for which it was collected. Personal data may be exchanged with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law.

The Department will only retain your personal data for as long as it is necessary for the purposes for which they were collected and subsequently processed. When the business need to retain this information has expired, it will be examined with a view to destroying the personal data as soon as possible, and in line with Department policy.

## **Part 1 – Tell us about you**

### **1. I am making this submission:**

- On my own behalf  On behalf of an organisation/group

### **2. I am a:**

- |  |   |
|--|---|
| <input type="checkbox"/> Fisher                                | <input type="checkbox"/> Political representative               |
| <input type="checkbox"/> Representative of fishing association | <input type="checkbox"/> Representative of an environmental NGO |
| <input type="checkbox"/> Representative of state body          | <input type="checkbox"/> Representative of trade association    |
| <input type="checkbox"/> Scientist / technical expert          | <input type="checkbox"/> Other (please specify)                 |
| <input type="checkbox"/> Member of general public              | <input type="checkbox"/>  |

### **3. My contact information is:**

Name	
Address	
Email address	
Phone number (optional)	



## **Part 2 – Give us your views**

<b>Q1</b>	<b>In the space below, please give us your views on the draft Fisheries Natural Plan (FNP) for mussel seed in Castlemaine Harbour 2024-2029.</b>



<b>Q2</b>	<b>In the space below, please give us your views on the draft Appropriate Assessment report prepared by the Marine Institute and/or the other assessment documents.</b>



**Q3**

**In the space below, please give us your views on the conclusions in the Marine Institute's draft Appropriate Assessment report.**

ENDS