



Irish Wildlife Trust

8 Cabra Road

Dublin 7

D07T1W2

Registered Charity (CRA) Number: 20010966

May 20th 2022

Re: Public Consultation on Ireland's Marine Strategy Part 2: Programme of Measures

To whom it may concern,

The Irish Wildlife Trust (IWT) makes the following observations on the Public Consultation on Ireland's Marine Strategy Part 2: Programme of Measures (PoM).

1. Consultation/Engagement Process

We appreciate this early opportunity to present initial thoughts on the success of the previous Programme of Measures (PoM). However, it is the IWT's position that this exercise should have been conducted alongside a draft of new proposed measures. As it stands, this consultation does not constitute meaningful or effective public engagement because it is impossible for us to determine to what extent the requirements of Article 13(7) of the Directive have been fulfilled without seeing the new PoM. As this consultation is not being conducted on the basis of a draft of proposed measures, we consider that Article 19(2) of the Directive has not been fulfilled.

We strongly recommend that the department revises its plans for this consultation process to include an additional and effective public consultation on a draft of the new PoM later this year.

2. General concerns

The previous phase of the MSFD cycle, 'Determination of good environmental status' painted an overly positive picture of the status of the marine environment (see our previous submission [here](#)). The descriptors that failed to reach GES, i.e. D1 - Biodiversity, D3 - Commercial fish and shellfish, and D6 - Sea-floor integrity, are the most important in terms of marine ecosystem functioning and ecosystem service provisions. For another important descriptor, D04 Food webs, GES is unknown. Playing down the gravity of the failure to meet GES for these descriptors is unacceptable. Furthermore, some of the descriptors that reached GES according to the previous assessment only did so due to a very narrow set of criteria (e.g. eutrophication is based solely on the number of NEW invasive alien species

introduced, not the level of damage that existing invasive alien species are doing to habitats and species) or the application of arbitrary threshold values (e.g. the percentage of seafloor area that can be disturbed or destroyed without impacting GES). The Directive calls for the identification of measures which need to be taken in order to achieve or maintain good environmental status. It is therefore very problematic if GES is assumed to be achieved for a set of descriptors, because this now has knock-on implications for the PoM in that the addition of new measures may still fall short of what is truly required to achieve GES.

3. Measures relating to the continued application of the Habitats and Birds Directives

The Irish network of marine protected areas (MPAs) currently only consists of Natura 2000 sites. These designations lack the same ecological requirements as MSFD MPAs as they do not adequately cover the diversity of the constituent ecosystems as they only apply to certain habitats or species which are vulnerable, rare or endangered.

Furthermore, conservation measures are either not in place or not implemented for Natura 2000 sites. The European Commission has [referred Ireland to the EU Court of Justice](#) over failure to introduce legally required conservation measures in any of Ireland's 423 SACs. Any measures listed in the PoM (e.g. M002, M003, and M005, M059) that relate to the 'continued' application of the Habitats Directive are therefore prone to failure. For example, only a handful of Irish SACs have Fisheries Natura Plans in place – and even those SACs are mostly in a poor state. Areas 'under management' according to the website www.fishing.net are Castlemaine Harbour, Dundalk Bay, Roaringwater Bay, Rosslare and Cahore, Blacksod Bay and Hook Head and the Saltee Islands. Of these, Castlemaine Harbour, Dundalk Bay, Roaringwater Bay and Blacksod Bay currently contain Habitats Directive Annex I habitats that are in unfavourable or bad status caused by the activities 'under management'. Aquaculture is a significant pressure on maerl beds in Roaringwater Bay, invasive alien species impact on *Zostera nolteii* beds in Castlemaine with potential for more invasive species being introduced through relaying of mussel seed, while Dundalk has experienced changes to the bay's sediment composition (NPWS, 2019), which could be a direct result of dredging activity in the bay (Hauton, Hall-Spencer and Moore, 2003), and Blacksod Bay has lost the entire *Serpula vermicularis* reef due to benthic dredging. Current 'management' of these areas is not allowing recovery of the Annex I habitats present within the sites and in some cases is even directly contributing to deterioration of the sites.

Our asks: The programme of measures **must make absolutely clear** how it will introduce additional measures beyond what is currently in place, as existing actions under measure M059, for example, are simply not achieving the objectives of either the Habitats Directive nor the MSFD. For example, a specific measure to urgently establish **site specific management plans** for all existing designated sites should be included in the final PoM.

We ask that the relevant department urgently undertake a legal review of the 15% disturbance threshold policy applied in Appropriate Assessments, as this policy is one of the reasons why activities that lead to site deterioration continue to be allowed within SACs, in direct contravention of Habitats Directive Article 6(2). We also urge the relevant departments to introduce ambitious conservation measures for all marine sites asap instead of waiting for another ECJEU case to unfold.

Furthermore, **we would appreciate a briefing on the progress of measure M002 and M039** in order to make an informed statement on their success. We understand there is an ongoing process to increase the number of offshore reef SACs, however the timeline for designation and the development of conservation objectives and measures is not clear.

4. Measures relating to the Common Fisheries Policy

The most significant anthropogenic pressures on biological diversity in Ireland's maritime area is the extraction of fish and shellfish biomass (both commercial and non-commercial species) and associated disturbance introduced by human fishing activity. Successive fisheries ministers have failed to fully implement the goal of the CFP by not ending overfishing by the end of 2020. This is a serious obstacle to the achievement of Descriptor 03 under the MSFD.

Some of the measures listed are welcome, e.g. M064 to support conservation methods for elasmobranch species. The Marine Institute continues to work on a project in Tralee Bay to introduce management measures to protect critically endangered elasmobranchs. We fully support the proposal by the Marine Institute to halt the tangle net fishery for crayfish to allow recovery of the crayfish population and to replace tangle nets with pots. However, it is uncertain whether the proposal will be implemented and there is a need to underpin this project with an enforceable Statutory Instrument. We also support the Marine Institute's plans for further research of elasmobranchs in Tralee Bay.

Our ask: In order to implement the CFP, Ireland must (i) set sustainable fishing limits in line with scientific advice, (ii) improve data collection, (iii) rebuild depleted fish populations and (iv) fully implement the landing obligation. Most other measures are meaningless unless the continued overexploitation of our seas is not halted imminently.

5. Other fisheries-related measures

In order to address Descriptor 6, seafloor integrity, the impacts of bottom trawling and dredging must be addressed. In Scotland, a three-mile bottom trawling limit existed for over a century, from the 1880s until the 1980s. After this limit was repealed following pressure from the fishing industry, bottomfish landings went into terminal decline in the Firth of Clyde (Thurstan & Roberts, 2010). The only commercial fisheries that remain in the Firth of Clyde today are for Nephrops and scallops (Thurstan & Roberts, 2010). This conversion, or simplification, of marine ecosystems from natural populations of large predatory finfish to crustacean and invertebrate-dominated communities is both ecologically and economically undesirable (Howarth et al., 2013). This conversion has likely happened across Europe, and has happened already in Ireland, over the past century as evidenced by the collapse of many fisheries targeting large predatory fishes.

Our ask: Ireland must take all necessary measures to ensure a full transition to low impact fisheries, including by phasing out the use of non-selective and destructive fishing gears and techniques by 2030.¹ As part of this, a useful measure would be to **develop a scuba dive fishery for scallops** to replace dredge fishing, or indeed trial a pot fishery for scallops as recently [described in a UK study](#) (Enever et al., 2022).

¹ The IWT co-signed the Blue Manifesto, The Roadmap to a Healthy Ocean in 2030 which contains several important measures to be taken by 2030: <https://seas-at-risk.org/blue-manifesto/roadmap/>

We ask that Remote Electronic Monitoring (REM) be rolled out on all high risk vessels.

Fisheries bycatch represents a major threat to a number of species across the world. The use of Remote Electronic Monitoring (REM) on all high risk vessels in Irish Waters would improve our knowledge and understanding of bycatch in order to help develop new mitigation measures. This measure would be cutting across a number of descriptors such as Biodiversity and Commercially Exploited Fish and Shellfish. At a minimum, we propose that the final PoM includes a measure to initiate pilot studies for the roll out of REM.

Fish **spawning and nursery areas should be fully protected** year-round inside and outside of the future MPA network. Current measures, e.g. the Irish Sea cod box have not had an impact on the cod population.

6. Measures relating to Marine Protected Areas (MPAs)

Effective MPAs can address several of the MSFD descriptors at once. However, none of the previous measures relating to MPAs have been achieved and progress towards building Ireland's MPA network has been slow.

Our asks: MPA legislation must be prioritised by the government in 2022. If the 2030 deadline to cover at least 30% of Ireland's seas in a coherent and representative network of MPAs is to be achieved, the legislation must be finalised asap.

Stakeholders including eNGOs **must be consulted** when drafting the legislation as well as during all following steps.

Alongside the creation of the MPA network, we ask that the PoM should include a measure to **establish priority habitat restoration zones**, with an immediate focus on 'blue carbon' habitats.

Conclusion

Many of the previous measures in the previous PoM rely on proper implementation of EU legislation such as the Habitats and Birds Directives and the Common Fisheries Policy. Since none of these legal instruments have yet been fully implemented in Ireland, it is questionable how the PoM was ever assumed to make an impact. The few original measures listed, e.g. the development of a coherent network of marine protected areas, have barely progressed during the past decade.

If the new PoM is to achieve GES for such complex descriptors as Biodiversity, Fish and shellfish stocks or Food webs, the above named legal measures must be fully implemented by all the relevant government departments and a coherent and effective network of marine protected areas must be designated and effectively managed applying a whole-site approach and the precautionary principle asap.

References

Hauton, C., Hall-Spencer, J. and Moore, P., 2003. An experimental study of the ecological impacts of hydraulic bivalve dredging on maerl. *ICES Journal of Marine Science*, 60(2), pp.381-392.

Enever, R., Doherty, P., Ashworth, J., Duffy, M., Kibel, P., Parker, M., Stewart, B. and Godley, B., 2022. Scallop potting with lights: A novel, low impact method for catching European king scallop (*Pecten maximus*). *Fisheries Research*, 252, p.106334.

Thurstan, R. and Roberts, C., 2010. Ecological Meltdown in the Firth of Clyde, Scotland: Two Centuries of Change in a Coastal Marine Ecosystem. *PLoS ONE*, 5(7), p.e11767.

Howarth, L., Roberts, C., Thurstan, R. and Stewart, B., 2013. The unintended consequences of simplifying the sea: making the case for complexity. *Fish and Fisheries*, 15(4), pp.690-711.