



Irish Wildlife Trust

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D07T1W2

Registered Charity (CRA) Number: 20010966

July 22nd 2024

Re: Public Consultation for The Draft Fisheries Natura Plan for Mussel Seed in Castlemaine Harbour 2024-2029

Part 1. I am making this submission: On behalf of an organisation/group

I am a: Representative of an environmental NGO

My contact information is: Grace Carr, 8 Cabra Road, Dublin, marine@iwt.ie

Part 2. Q1. In the space below, please give us your views on the draft Fisheries Natura Plan (FNP) for mussel seed in Castlemaine Harbour 2024-2029.

The Irish Wildlife Trust (IWT) makes the following observations on the Public Consultation for The Draft Fisheries Natura Plan for Mussel Seed in Castlemaine Harbour 2024-2029. Castlemaine Harbour is a large site of major ecological importance situated on the south-east corner of the Dingle Peninsula, Co. Kerry. It is listed as a Special Area of Conservation (SAC) and a Special Protection Area (SPA). It has a range of coastal habitats, including many that are listed on Annex I of the Habitats Directive, several of which are in unfavourable or bad status. It supports internationally important waterfowl populations, several species listed under Annex II of the Habitats Directive and many rare plant species. Part of Castlemaine SAC is also listed as a Statutory nature Reserve and should have the necessary management plans in place to protect and conserve the features within it.

The reason there are habitats in this site in unfavourable conservation status is due to human activities which are 'under management'. An analysis of Global Fishing Watch data which uses the Vessel Monitoring System (VMS) attached to vessels shows that in 2021 there were 118 hours of bottom towed fishing occurring in this site. In 2022 there were 215 hours and in 2023 there were 90 hours (1). VMS is only a legal requirement on vessels over 18m and so this analysis doesn't take into account damaging fishing activity from smaller boats. Many worldwide organisations have stated bottom trawling is incompatible with the definition of protected areas including MPAtlas and the International Union for the

Conservation of Nature (IUCN). The IUCN states that bottom trawling can change habitats on the seabed and within the categories of protected areas defined by the IUCN, it is stated that industrial fishing should not occur within any of them.

Table 6: Compatibility of fishing/collecting activities in different management categories

IUCN category	Local fishing/ collecting	Recreational fishing/ collecting	Traditional fishing/ collecting	Industrial-scale fishing	Collection for research
Ia	No	No	No	No	No*
Ib	No	No	Yes**	No	Yes
II	No	No	Yes**	No	Yes
III	No	No	Yes**	No	Yes
IV	Variable#	Variable#	Yes	No	Yes
V	Yes#	Yes	Yes	No	Yes
VI	Yes#	Yes	Yes	No	Yes

Key:

*	any extractive use of category Ia MPAs should be prohibited with possible exceptions for scientific research which cannot be done anywhere else.
**	in category Ib MPAs traditional fishing/collecting should be limited to an agreed sustainable quota for traditional, ceremonial or subsistence purposes, but not for purposes of commercial sale or trade.
#	whether fishing or collecting is or is not permitted will depend on the specific objectives of the MPA.

SACs would fall under category IV habitat - species management area. Industrial fishing should not occur and local fishing/collecting as well as recreational fishing/collecting need to be considered alongside the specific objectives of the MPA. The specific objectives of Castlemaine harbour are to achieve and maintain favourable status of the habitats and species within it. Allowing industrial scale bottom trawling to occur goes against IUCN guidelines and it has been shown that this is happening within this protected area. It can be said that SAC's could fall under category V - protected landscape or seascape. Areas which fall into this category should have an integral balance between nature and people and can allow sustainable traditional activities as long as they ensure the continued protection or ecological restoration of the site. Again, if Castlemaine was within this category, allowing the continued destruction of the conservation features within it through unsustainable fishing practices goes against the IUCN's definitions.

A list of the conservation features and their status can be found below. Their status can be found in the most recent report by NPWS in 2019 'The Status of EU Protected Habitats and Species in Ireland.' (2)

1. https://seas-at-risk.org/wp-content/uploads/2024/04/report_bottom_towed_fishing_activity_in_marine_natura_2000_sites.pdf
2. https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

Estuaries [1130] inadequate

Mudflats and sandflats not covered by seawater at low tide [1140] inadequate

Annual vegetation of drift lines [1210] inadequate

Perennial vegetation of stony banks [1220] inadequate

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] inadequate

Salicornia and other annuals colonising mud and sand [1310] favourable

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330] inadequate

Mediterranean salt meadows (*Juncetalia maritimi*) [1410] inadequate

Embryonic shifting dunes [2110] inadequate

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] inadequate

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] bad

Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170] inadequate

Humid dune slacks [2190] inadequate

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0] bad

Petromyzon marinus (Sea Lamprey) [1095] bad

Lampetra fluviatilis (River Lamprey) [1099] unknown

Salmo salar (Salmon) [1106] inadequate

Q.2 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 &

Q3. In the space below, please give us your views on the conclusions in the Marine Institute's draft Appropriate Assessment report.

The Appropriate Assessment (AA) was recommended for estuaries, mudflats and sandflats not covered by seawater at low tide as well as salmon, river lamprey, sea lamprey and all bird species which are listed under this designated SPA. "Mudflats and sandflats not covered by seawater at low tide" as well as "Estuaries" are both habitats which are in inadequate condition. Sea Lamprey and river lamprey are both in bad conservation status with salmon being in inadequate status. The objectives of the Habitats Directives states that member states must ensure that the species and habitat types are maintained, or restored, to a favourable conservation status within the EU. In addition to halting the further decline

or disappearance of these species and habitats, the Directive aims to allow them to recover and thrive over the long-term. By allowing the continuation of destructive fishing methods in the mussel seed fishery, the state is going against the clear instructions within the Habitats Directive. It must be a priority for the Government to phase out destructive fishing practices such as bottom trawling and dredging within protected areas.

The AA uses the 15% disturbance threshold as a justification for the activities taking place. The Irish Wildlife Trust along with other NGO's have consistently raised issues with this interpretation of the Habitats Directives and have stated that it goes against the main objective of the file which clearly states favourable status of listed habitats must be achieved and maintained. Justification form NPWS states *'Drawing from the principle outlined in the European Commission's Article 17 reporting framework that disturbance of greater than 25% of the area of an Annex I habitat represents unfavourable conservation status, this Department takes the view that licensing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%. Thereafter, an increasingly cautious approach is advocated. Prior to any further licensing of this category of activities, an inter- Departmental management review (considering inter alia robustness of available scientific knowledge, future site requirements, etc) of the site is recommended.'* We believe that this interpretation is inconsistent with achieving favourable conservation status. As the habitats listed are shown to be in inadequate status, human pressures should be removed from the area to allow for restoration of the area. This threshold has been used to justify activities which have been shown to be unmonitored and the protected area fails to have effective management.

In regards to sub-tidal fishing for mussel seed, the AA states that 'likely effects on the resident biological communities that might arise through abrasion by fishing gears or changes in suspended sediment loading or oxygen levels will not be significant against the natural dynamics of the site.' We feel it is important to note that this statement has been made without any scientific literature or ground truthing research to support it. While mussel seed has continued to settle in the area, the ecological status of the habitats within the site remain unfavourable. We appreciate that the dredges used are lighter than other bivalve dredges and they lack teeth, however, we feel that greater mitigation measures are needed in order to restore the conservation features of the site to a favourable condition. A more sustainable alternative are mussel seed capture installations which consist of nets or ropes suspended in the water and avoid bottom contacting gear. Another option would be the hand gathering of the mussel seed to protect the ecological status of the site. For bottom trawling to be permitted within these areas, there must be scientific certainty that it will cause no harm to the marine ecosystem. Due to the damaging nature of this practice this cannot be shown.

In regards to the dredging of half grown mussels in the intertidal area, the AA states, 'The distribution of seagrass and in particular its eastern edge closest to mussel production activities has been shown to be stable from 2011-2015 and since 2006 when EPA surveys were initiated. Potential effects of dispersal of fine sediments onto the seagrass bed resulting from dredging activity do not therefore appear to occur in this location. Dredging activity, therefore, is not expected to have any direct or indirect significant effect on

seagrass.’ The data that this statement is based on are nearly a decade old. We feel that the AA does not provide complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt that the mussel seed fishery does not adversely impact the conservation objectives of the site.

Seagrass beds are one of the marine habitats included within the new EU Nature Restoration Law which states that EU Member States must restore 30% of degraded habitats to good environmental status by 2030. Data collection for the marine habitats types included within the law must be made a priority. Another aspect of the law states that there must be re-establishment of these marine habitats into areas where it has previously been found. The text states, ‘it is necessary that the restoration measures for habitat types are adequate and suitable for those habitat types to reach good condition and favourable reference areas are established as swiftly as possible, with a view to reaching favourable conservation status of those habitat types.’ This will also require extensive data analysis and so the department should be planning to include this within Ireland's National Restoration Plans. The Nature restoration Law also states that Natura 2000 sites should be prioritised up until 2030 and so the management of Castlemaine Harbour needs to be adjusted if we are to meet the targets within the Habitats Directive and the Nature Restoration Law.