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September 25<sup>th</sup> 2024

### **Re: Public Consultation on Part 1 Draft Marine Strategy**

The IWT welcomes the opportunity to submit to the public consultation on Part 1 of Ireland's draft Marine Strategy: Assessment (Article 8), Determination of Good Environmental Status (GES) (Article 9) and Environmental Targets (Article 10) for the Marine Strategy Framework Directive. Our submission focuses on areas of expertise within our organisation and we refer you to the SWAN submission for a broader look across all indicators. We welcome the inclusion of climate change as a pressure to the marine environment as this was something the IWT sought in a previous consultation in 2020. We appreciate the acknowledgement made that, *'while causal relations between the activities and pressures are often known, precise qualitative relations between many activities and descriptors are less well understood and the interaction between many cumulative pressures and their implications for environmental state are often also poorly understood.'* It is important that these limitations are consistently remembered in future evaluations. It is impossible to accurately consider all pressures and cumulative impacts and so a precautionary approach across sectors must be taken to help reach Good Environmental Status (GES).

### **Incidental bycatch**

While the results for GES in incidental bycatch are disheartening, the number of species assessed is a welcome improvement since the last cycle as well as regional data analysis being undertaken alongside national analysis.

On page 38, when looking at measures to improve bycatch, reference to the European Commission Marine Action Plan: Protecting and Restoring Marine Ecosystems for Sustainable and Resilient Fisheries (2023) is made. This was a point brought up by IWT during previous meetings and we are glad to see that this plan has been acknowledged. The report states that work to take forward and implement this plan is underway and it would be encouraging to see how Ireland plans to play its part in this. Some of the aims within the Marine Action Plan include: phasing out mobile bottom fishing in marine protected areas

(MPAs) by 2030, increase gear selectivity, protect sensitive species, strengthen the knowledge base, research and innovation, and improve implementation, monitoring, enforcement, governance and stakeholder engagement. For the environmental targets listed, we believe that there should be more concrete measures in place in regards to destructive fishing practices like bottom trawling. Mitigation measures related with bottom trawling have not been mentioned even though many reports have shown that demersal trawling has the highest levels of discards of any fishing practice (1,2). Reducing levels of bycatch will be impossible without tackling the fishing method which results in the highest levels. Globally, bottom trawling is the most destructive, non selective fishing method and so the phasing out of this practice is vital to reduce bycatch as well as for other environmental reasons (further details below). Out of 50 species assessed, only 26 achieved GES. This is unacceptably low and it is clear that more ambition is needed to rectify this and that a 'business as usual' mindset for commercial trawlers cannot continue. The review of the EU Fisheries Control Regulations was completed last year. One of the new changes include remote electronic monitoring on vessels over 18m or vessels at risk of breaching fishing regulations. Ensuring timely implementation of the new rules will help to accurately record levels of bycatch.

1. Pérez Roda, M. (2019). *A third assessment of global marine fisheries discards*. FAO.
2. Gilman, E., Perez Roda, A., Huntington, T. et al. Benchmarking global fisheries discards. *Sci Rep* 10, 14017 (2020). <https://doi.org/10.1038/s41598-020-71021-x>

## **Non Indigenous Species**

There is one primary criteria used to assess Non Indigenous Species (NIS) which is the number of newly introduced species and this doesn't take into account the effects from already established invasive species. It is not clear why no analysis has been undertaken for Descriptor 2 criterion 2 & 3 which look at the abundance and spatial distribution of established NIS and the proportion of species or extent of habitat type adversely altered by NIS. It states that there currently aren't accurate data on these issues and that the adverse alterations are not well understood. We believe that there should be measures put in place to collect data and improve understanding on these issues. The Pacific oyster is a significant stressor on estuarine ecosystems and one of the main reasons why the conservation status of estuaries and tidal mudflats and sandflats is classed as inadequate. Invasive alien species are also the cause for the bad condition of large shallow inlets and bays. The EU Nature Restoration Law (NRL) has legal obligations for Member States to find out the status of 7 different habitat groups in the marine space (for 6 of these, 50% should be known by 2030 with 100% known by 2040. 1 widespread group is subject to lower thresholds with 50% required to be known by 2040 and 100% by 2050). In order to fulfill these obligations, knowledge gaps on invasive species will need to be addressed to fully understand the effects they are having on different habitats.

We welcome the measure that a non-indigenous species and invasive species management strategy with a dedicated project officer for coastal and marine areas is being developed in partnership with the National Biodiversity Data Centre. This strategy must ensure coherence with S.I. 473/2024 European Union Invasive Alien Species Regulations 2024 specifically Article 14 Management measures.

## **Seafloor integrity**

### **Managing destructive fishing**

The report states that physical disturbance to the seafloor is predominantly due to bottom contact fishing gear and that five of Ireland's Broad Habitat Types (BHT) are not in GES over the entire MSFD assessment area and two of the BHTs are in GES. There is reference to actively or passively restoring habitats on the seabed and greater clarification on this is welcome. Passive restoration involves removing the pressures from an area and so this would require bottom trawling to be removed in order to reach the restoration targets. It also states that one of the main ways to protect seafloor integrity is through spatial protection measures such as Marine Protected Areas (MPAs), Special Areas of Conservation (SACs) under the EU Habitats Directive, Special Protection Areas (SPAs) under the EU Birds Directive, and Other Effective area-based Conservation Measures (OECMs). In order for these to be effective in protecting the seafloor there has to be site specific management plans in place as well as effective monitoring of the area. This is not the case in Ireland and there are very few Fisheries Natura Declarations in place that restrict damaging fishing activities such as bottom trawling. Bottom trawling is the main fishing activity in the Irish EEZ in terms of hours fished (more than half a million hours per year) (3). Irish vessels account for 50% of this effort, followed by France (24%), Spain (14%) and UK (12%). In order to fully protect offshore areas in Ireland's EEZ, the timely initiation of Joint Recommendations (JR) through the Common Fisheries Policy (CFP) is needed. Article 18 of the Nature Restoration Law also states that Member States must include the timelines for JR's if needed within their National Restoration Plans which they have two years to compile. The law also states that any JR's should not be initiated any later than 18 months before the respective target date. The Irish Government and respective bodies will need to ensure effective preparation, including collection of data, is begun well in advance of this date.

### **Physical loss**

It states in the report that the physical loss of seabed across Ireland's MSFD area is approx. 0.6%. Ireland's maritime area is enormous and so 0.6% loss is a vast area and for comparison is much larger than the county of Wexford. If this level of habitat loss occurred on land it would be described as an ecological disaster. While we acknowledge that thresholds have been decided at an EU level and that GES is achieved if habitat loss of each benthic broad habitat type is kept below 2%, we believe that different more ambitious thresholds for sensitive habitats are needed.

### **Data collection and knowledge gaps**

The environmental targets for seafloor integrity do not completely align with the data collection targets within the NRL. One of these states, 'By 2040, determine the condition of 50% of benthic broad habitat types based on the best available knowledge and techniques.' Within the NRL, Group 7 (soft sediments over 1000m) are subject to the data collection threshold of 50% of the status of the habitats being known by 2040. However, not all of the benthic broad habitat types would fall under this category of habitat. Biogenic reefs are within

benthic broad habitat types and the status of 50% of these habitat types must be known by 2030 with 100% known by 2040.

It states in the report that there is a lack of and restricted access to commercially sensitive fishing pressure data. Information from small inshore fishing vessels is also lacking. Ensuring Ireland's fishing fleets coherence with the revised fisheries Control Regulations such as the switch from paper based to electronic monitoring of fishing activities will assist with the collection of data.

When assessing the amount of habitat lost, it's important to again consider the Nature Restoration Law and the thresholds for re-establishing habitats where they have been lost in order to reach the favourable reference area (FRA) of the habitat. *"Favourable reference area' means the total area of a habitat type in a given biogeographical or marine region at national level that is considered the minimum necessary to ensure the long-term viability of the habitat type and its **typical species or typical species composition**, and all the significant ecological variations of that habitat type in its natural range, and which is composed of the current area of the habitat type and, if that area is not sufficient for the long-term viability of the habitat type and its typical species or typical species composition, the additional area necessary for the re-establishment of the habitat type.'* This further ties in with obligations under the Water Framework Directive to ensure healthy composition and abundance of benthic invertebrate fauna which are crucial for nutrient cycling and therefore ties in with other indicators contained within the MSFD.

### **Strict Protection**

While we are glad to see the new Irish MPA Bill referenced, we are disappointed not to see the 10% threshold for strictly protected MPAs included in this report. The EU Biodiversity Strategy sets out several targets, one of them being that 10% of EU land and 10% of EU sea should be under strict protection. This will be the EU's contribution to the targets agreed under the global biodiversity framework. Ireland has committed to deliver on its protected area pledge (the extended deadline for which passed in February 2023) and these pledges should document how they plan to hit the protection targets within the EU Biodiversity Strategy.

### **Biological Diversity**

The number of species assessed has increased since 2020 which is a great improvement. However, the GES results for fish species are quite alarming. 136 (up from 56 in 2020) were assessed with 43% not achieving GES, 40% being unknown and 17% (22 species) achieving GES. 10 mammal species instead of 4 were assessed, however in 2020, 4 marine mammals reached GES while this time only 1 has achieved GES. Incidental bycatch has prevented GES being achieved by the common dolphin and harbour porpoise. The report also states that a full assessment across a range of species was not possible due to persistent gaps in the data for species mortality from incidental bycatch. We refer back to previous points made in our submission and reiterate the need to initiate in a timely manner, the new rules of the EU Fisheries Control Regulations as well as plans to phase out bottom trawling. We again welcome the reference to the forthcoming MPA Bill. This Bill *'will take a participatory, ecosystem-based approach to expand the focus of marine environmental protection to include species and habitats not covered by other conservation legislation, ecosystem services, and important cultural assets or heritage features for example.'* We are glad to see

that a participatory and ecosystem based approach will be taken when it comes to designating and managing protected areas. Ireland has consistently failed to meet its conservation targets for EU legislation and so a drastic change in how protected areas are designed, managed and monitored is needed. Ensuring our coverage and management of MPA's is crucial in order to achieve GES for biological diversity in Irish waters and we would like to reiterate the point that it is vital we have at least 10% strictly protected. National and EU measures (such as JR's) will need to be taken swiftly. Having flexibility with protected areas and time area closures to fisheries will also be critical. As new data come in, we learn more about fish (and other marine species) behaviour and movements. We must ensure that future plans are adaptable to these behaviours and also to any changes in behaviour due to the effects of climate change.

### **Commercial Fish and Shellfish**

It is disappointing but not surprising to see that the number of species achieving GES in this category has decreased since 2020. For many coastal species the status remains unknown. Many species in Irish waters have no quota or potting limits and so fishing is unregulated which will lead to devastating effects and the closure of these fisheries. Some of these species may not have been assessed in this descriptor (although they may have been included in biological diversity) as it states that *'The assessment of GES is based on whether stocks are fished at or below a rate that is consistent with MSY and whether their spawning stock biomass is above the level that can produce MSY.'* Including any species that are fished without proper regulations in place is key to creating a full picture of the GES of fish and shellfish which are being caught commercially. Better regulations need to be put in place for inshore species and ways to assist with a just transition away from damaging fishing practices for small scale fishing vessels also need to be ensured. It states in the report that it may never be possible to fully and reliably assess some commercial fish and shellfish environmental status in relation to GES. With this in mind, it is imperative that the precautionary principle is adhered to. One action which can be taken quickly is a ban on trawling in the 6nm area for vessels over 18m. We believe there should be no trawling in this area in order to protect food web integrity and juvenile fish species. Having strictly protected areas will also help with the generation of greater spawning biomass resulting in a 'spillover effect' to nearby fishing areas. Numerous studies from around the world have shown that fully protected marine protected areas do not have a negative effect on fisheries and result in positive environmental and economic effects (4).

### **Article 9: Definitions of GES**

Descriptor 1.4 Fish - For species abundance and habitat it states GES will be achieved when *'≥80% of the species listed for protection under the EU Habitats Directive (i.e. 4 relevant species) are at a Favourable Conservation Status with respect to population abundance.'* This should be amended to now include the species listed within the NRL. Member States are expected to apply restoration measures to the habitats of these species and we believe analysing relevant species on the list for GES will help to monitor progress.

Descriptors for habitats are included for several species in the MSFD but are missing thresholds. Thresholds for favourable Reference Area are within the NRL *'Member States shall put in place the restoration measures that are necessary to re-establish the habitat types in groups 1 to 6 listed in Annex II in areas where those habitat types do not occur, with the aim of reaching the favourable reference area for those habitat types. Such measures shall be in place on areas representing at least 30 % of the additional surface needed to reach the favourable reference area for each group of habitat types, as quantified in the national restoration plan referred to in Article 15, by 2030, on areas representing at least 60 % of that surface by 2040, and on 100 % of that surface by 2050.'*

3. <https://oar.marine.ie/handle/10793/1898>
4. <https://www.pnas.org/doi/10.1073/pnas.2412543121>