**Mitigation Response Plan to Regulation 8 Assessment**

**of Roaringwater Bay SAC**

Legal Basis

1. The Minister for Agriculture, Food and the Marine, as a public authority under regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011, must exercise his functions so as to ensure compliance with the requirements of the Habitats Directive, the Birds Directive and the 2011 Regulations. The European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (SI 290 of 2013) provide for a process of assessment of sea-fisheries to identify where sea-fisheries may pose risks to protected species and habitats (Regulation 8 assessment) to enable the fulfilment of the Minister’s obligations.
2. This response plan represents the proposed response of the Minister for Agriculture, Food and the Marine to the conclusions and recommendations of the Regulation 8 assessment report produced by the Marine Institute on 27 June 2013 concerning fishing activities in Roaringwater Bay SAC. That risk assessment report categorises the level of risks to the conservation objectives for the SAC arising from unplanned fishing activities. This plan takes into account the views expressed during the statutory consultation on the Regulation 8 assessment report.
3. This Risk Mitigation and Management Plan proposes a series of management measures to address specific risks identified in the report and proposes certain additional work be undertaken to inform future management of fisheries which fall outside the definition of a plan or project under article 6.3 of the Habitats directive within the SAC.
4. Where regulatory measures are required, a Fisheries Natura Declaration may be issued by the Minister in accordance with Regulation 9 of the European Union (Birds and Natural Habitats) (Sea-Fisheries) Regulations 2013 (SI 290 of 2013).

Explanation of the need for Mitigation Responses

1. Some habitats which occur within Roaring Water Bay are very sensitive to physical disturbance that may be caused by fishing gears. Sensitivity here means that the gears may damage the habitat and that the capacity of the habitat to recover is in some cases very limited and slow. In such cases continued fishing activity can only lead to cumulative impact and deterioration of habitat quality. This would be contrary to the conservation objectives identified for such habitats.
2. Maerl and seagrass can be particularly sensitive to physical damage from fishing gears, such as dredges and trawls, that are dragged along the seabed. These habitats occur in relatively small areas. It should be possible to continue fishing with mobile gears outside these habitats provided that it can be demonstrated that the gears are not encroaching on such habitats. Maerl and seagrass may also be sensitive to static gears if such gears are used persistently and intensively in such habitats. Other reefs such as Laminaria (kelp) reef communities are sensitive to effects of mobile fishing gears although such communities do have much shorter recovery times. It may also be feasible to reduce effects of scallop dredging in mixed sediment habitats by using different types of dredges although the scope for reducing impacts by changes in dredge design may be limited.
3. Reef habitat could be sensitive to potting if the intensity of potting is high and persistent. Data is inadequate to discount the possibility of significant effects on reef habitat from potting.
4. Sedimentary habitats (clean ground) are sensitive to effects of towed fishing gears if the level of fishing is sufficiently intense.
5. Set net fisheries operating in and outside the Bay may accidentally (by-catch) capture seals and porpoise. Seal and porpoise populations can tolerate some by-catch and still maintain healthy populations but their capacity to do this is limited. It is important therefore that by-catch is not at a level that leads to population decline or puts the future status of these populations at risk. This would be contrary to the objectives of the Habitats Directive and the conservation objectives for these species in the Bay.
6. There is a risk of disturbance to seal populations where haul-out sites are in proximity to potting for shrimp, lobster and crab and there is inadequate data on this risk.
7. Mitigation Responses

**Dredging**

1. All vessels proposing to fish with a dredge of any kind within the SAC will be required to carry a fully functioning GPS monitoring system when fishing within the SAC to monitor the risks posed to habitats and to acquire fisheries management information. This will be specified in a Fisheries Natura Declaration under SI 290 of 2013.
2. The use of dredges of any kind will be prohibited within the areas specified in Appendix 1. The prohibition will be specified in a Fisheries Natura Declaration under SI 290 of 2013.

**Potting for shrimp**

1. A study has been initiated on the impact of shrimp pots, anchors and ropes on maerl and zostera and the conclusions will inform on future management requirements concerning shrimp potting within the SAC.

**Fishing with set nets**

1. All vessels using tangle nets, gill nets and trammel nets will be required to notify the Sea Fisheries Protection Authority prior to the beginning of each month during which the nets are proposed to be used. The notification requirements will be specified in a Fisheries Natura Declaration under SI 290 of 2013.
2. A study of by-catch rates of seals, porpoise or otter will be undertaken during 2015 by having monitoring staff on board vessels and this study will inform on future management requirements. Information from the notifications to SFPA may be used to organise participant vessels in the study.

**Bottom otter trawl, Beam trawl gear**

1. All vessels using beam trawl gear in the SAC will be required to carry a fully functioning GPS monitoring system when fishing within the SAC. This will be specified in a Fisheries Natura Declaration under SI 290 of 2013.
2. All vessels over 12m in length using bottom otter trawl gear will continue to report their position through an EU vessel monitoring system (VMS) when in the SAC. This will provide data on fishing effort and location within the SAC and will inform future management of bottom otter and beam trawling within the SAC.
3. All vessels less than 12m in length using bottom otter trawl gear in the SAC will be required to carry a fully functioning GPS monitoring system when fishing within the SAC. A few vessels over 12m but less than 15m in length have a derogation that allows them to operate without a VMS system onboard. These vessels will also be required to carry a GPS system is fishing in the Bay. This will be specified in a Fisheries Natura Declaration under SI 290 of 2013.
4. Fishing by means of bottom otter trawl and beam trawl gear will be prohibited within the areas described in Appendix 1. The prohibition will be specified in a Fisheries Natura Declaration under SI 290 of 2013.

**Lobster and crab potting**

1. A study of the effects of potting at different intensities on various reef habitats will be undertaken. This study may occur in any coastal location with appropriate habitats.

**All fisheries**

1. A code of conduct for fishing activity close to seal haul out sites will be drawn up in consultation with the local fishing industry and communicated to vessel operators.

Effects of the measures on the fishing fleet

1. A number of scallop dredgers will be affected by the proposed measures particularly the proposed closure of seagrass and maerl to mobile gears. Bottom trawlers will not be affected as they do not fish on maerl and seagrass; their exclusion from this area will protect the habitat from any trawling that might develop, although this is unlikely, in the future. While the proposed closure of area D represents a loss of potential fishing ground, it is a very specific area of particularly high quality habitat.
2. Certain vessels, using bottom contacting gear, will also be required to carry GPS monitoring devices.
3. Other proposed trials and studies may or may not be undertaken in Roaringwater Bay but the findings may be applied to RW Bay and other SACs as appropriate. It is not possible at this stage to identify what the outcome of these trials will be and therefore the effects on fishing activity in the future.
4. However, it is expected that the GPS trial will show the footprint of the scallop fishery to be lower than that outlined in the fishing activity report for RW Bay and therefore that the risk to habitats is lower than assessed.
5. Any vessels using set nets are expected to notify the SFPA prior to fishing. This measure has two purposes; to allow the estimation of fishing effort with these gears and to enable planning of necessary observer work on board such vessels.

Department of Agriculture, Food and the Marine 2015

**Appendix 1**

**Maerl and Zostera beds Roaring Water Bay**

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| Area | Coordinates |
| (A) | Within the area enclosed by an imaginary line drawn from Latitude 51°30.9000’N, Longitude 009°29.6000’W through Latitude 51°31.1000’N, Longitude 009°29.2000’W through Latitude 51°31.1000’N, Longitude 009°28.7000’W through Latitude 51°30.9600’N, Longitude 009°28.6700’W throughLatitude 51°30.9053’N, Longitude 009°28.8507’W throughLatitude 51°30.7900’N, Longitude 009°28.8200’W throughLatitude 51°30.6000’N, Longitude 009°29.4000’W to Latitude 51°30.9000’N, Longitude 009°29.6000’W. |
| (B) | Within the area enclosed by an imaginary line drawn from Latitude 51°31.4000’N, Longitude 009°27.3000’W through Latitude 51°31.5000’N, Longitude 009°26.9000’W through Latitude 51°31.2000’N, Longitude 009°26.8000’W throughLatitude 51°30.8000’N, Longitude 009°27.5000’W through Latitude 51°30.9000’N, Longitude 009°27.6000’W through Latitude 51°31.0300’N, Longitude 009°27.5900’W through Latitude 51°31.1427’N, Longitude 009°27.3987’W throughLatitude 51°31.2498’N, Longitude 009°27.4456’W throughLatitude 51°31.2500’N, Longitude 009°27.5400’W toLatitude 51°31.4000’N, Longitude 009°27.3000’W. |
| (C) | Within the area enclosed by an imaginary line drawn from Latitude 51°31.6000’N, Longitude 009°25.5000’W through Latitude 51°31.2000’N, Longitude 009°24.8000’W through Latitude 51°31.4000’N, Longitude 009°24.4000’W through Latitude 51°31.3451’N, Longitude 009°24.3451’W and along the High Water Mark to Latitude 51°30.6152’N, Longitude 009°25.8555’W through Latitude 51°30.6000’N, Longitude 009°25.8900’W throughLatitude 51°31.1000’N, Longitude 009°26.4000’W to Latitude 51°31.6000’N, Longitude 009°25.5000’W. |
| (D) | Within the area enclosed by an imaginary line drawn from Latitude 51°32.0000’N, Longitude 009°25.0000’W through Latitude 51°32.1000’N, Longitude 009°24.6000’W through Latitude 51°32.1000’N, Longitude 009°24.4000’W through Latitude 51°31.8000’N, Longitude 009°24.3000’W through Latitude 51°31.6000’N, Longitude 009°24.7000’W throughLatitude 51°31.8000’N, Longitude 009°25.2000’W toLatitude 51°32.0000’N, Longitude 009°25.0000’W.  |

**Appendix 2**

**Risk Assessment**

**Table 11.** Risk categorization for fisheries and designated habitat interactions (Marine Institute 2013).

High risk (12-16) interactions require mitigation; moderate risk (6-10) interactions probably require mitigation; low risk (1-4) interactions should be reviewed individually to determine if mitigation is needed.

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