

Department of Agriculture, Food and the Marine
An Roinn Talmhaíochta, Bia agus Mara

Fisheries Natura Declaration No. 1 of 2017 (Castlemaine Harbour)

I, Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by Regulation 9(1)(a) and (b) of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (S.I. No. 290 of 2013), hereby issue the following declaration:

Citation

1. This Declaration may be cited as Fisheries Natura Declaration No. 1 of 2017.

Duration

2. This Declaration comes into force on 1 March 2017, and expires on 31 December 2023.

Mussel seed

3. In this Declaration:

“Castlemaine Harbour” means the geographical area east of an imaginary line drawn from:

Latitude 52°06.5487’N, Longitude 009°56.9101’W through
Latitude 52°06.5000’N, Longitude 010°00.0167’W through
Latitude 52°04.8833’N, Longitude 009°59.9500’W to
Latitude 52°04.8833’N, Longitude 009°58.5230’W;

“mussel seed” means mussels (*mytilus edulis*) whether alive or dead and includes any part of a mussel and the shell, or any part of the shell, of a mussel and which are not intended for direct human consumption.

Mussel seed fishing by permit only

4. (1) A person shall not fish or attempt to fish for mussel seed within Castlemaine Harbour without a Castlemaine Harbour Fisheries Natura Permit (“Castlemaine permit”) issued under Regulation 10 of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (S.I. No. 290 of 2013).
- (2) A person shall not have on board a sea-fishing boat, retain in their possession, land, tranship, attempt to land or attempt to tranship, buy, handle, weigh, transport, process, store or sell mussel seed that has been taken in contravention of paragraph (1).

5. A person holding a Castlemaine permit shall:
- (a) only fish for mussel seed in Castlemaine Harbour from the sea-fishing boat named in the permit (“permitted boat”);
 - (b) only fish for mussel seed in Castlemaine Harbour within an area (“permitted area”) specified in the permit;
 - (c) keep the permit onboard the permitted boat when fishing for mussel seed in Castlemaine Harbour;
 - (d) ensure the permitted boat is operated in accordance with the conditions contained in:
 - (i) the permit,
 - (ii) a mussel seed authorisation (“authorisation”) issued to the permitted boat under section 13 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, and
 - (iii) this declaration;
 - (e) re-lay mussel seed taken in a permitted area in accordance with the conditions contained in an authorisation issued to the permitted boat.

Hold markings

6. A person holding a Castlemaine permit shall ensure that the sea-fishing boat named in the permit has each side of the stowage hold marked in 0.5 metre segments from the bottom to the top, 0 being the bottom or floor of the hold, to facilitate estimation of catches onboard.

Notification

7. A person holding a Castlemaine permit, or another person who is for the time being in charge of the sea-fishing boat named in the permit, shall:
- (a) inform a Sea Fisheries Protection Officer at the Sea Fisheries Protection Authority (SFPA) office in Dingle, by telephone to 00 353 66 9152122 or by email to sfpaandaingean@sfpa.ie, not less than two hours in advance of his or her intention to re-lay mussel seed taken in a permitted area;
 - (b) facilitate a Sea Fisheries Protection Officer in carrying out an onboard inspection of the boat and calculation of the quantity of mussel seed onboard, including making available to the Officer a boat or boats at Cromane.

Revocations

8. Fisheries Natura Declaration No. 3 of 2016 (Castlemaine Harbour) is revoked from 1 March 2017.

GIVEN under my Official Seal,

13 March 2017

Michael Creed

Minister for Agriculture, Food and the Marine

EXPLANATORY NOTE

(This note is not part of the Declaration and does not purport to be a legal interpretation)

This Declaration sets restrictions on the fishing of mussel seed in Castlemaine Harbour.

(FND 2017/001)