



Regulation 6(1) Determination

Fisheries Natura Plan, Irish Sea Mussel Seed Fishery, 2023-2027

1. Determination

Charlie McConalogue, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him under Regulation 6(1) of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (S.I. No. 290 of 2013) and Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) (as amended), has determined the following:

The Fisheries Natura Plan ("Plan") for mussel seed fishing in the Irish Sea 2023-2027, modified by his Department in accordance with Regulation 6(2) of S.I. No. 290 of 2013, when considered with the conditions specified in –

- Fisheries Natura Declaration No. 3 of 2018 (Mussel Fishing),
- Fisheries Natura Declaration No. 2 of 2019 (Mussel Fishing), and
- Fisheries Natura Declaration No. 3 of 2023 (Wexford & North Irish Sea),

will not affect the integrity of the sites concerned and has determined to adopt the modified Plan.

2. Reasons for this Determination

In accordance with Regulation 6(1) of S.I. No. 290 of 2013, the Minister has taken account of the following:

- The appropriate assessment report submitted by the Marine Institute,
- The various submissions received as part of the public consultation,
- The response from the Marine Institute to the themes which emerged from the consultation phase, and
- The rational management of the mussel seed fishery resource.

The appropriate assessment report from the Marine Institute assessed the potential ecological effects of the Plan on designated habitats and species in Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the Irish Sea.

The report includes recommendations in regard to the activities examined, as follows:

- Existing restrictions on mussel fishing in a number of SACs in the Irish Sea exclude the possibility of effects of fishing on these sites and should remain in place.
- An area of highly suitable habitat for common scoter north of the Raven SPA, within which there is also generally sufficient mussel biomass, should be closed to all towed bottom fishing gears to protect prey resources for overwintering common scoter.
- The closed area may need to be reviewed periodically based on mussel survey data, common scoter distribution data and new data regarding how dependent common scoter are on mussel seed.



- Additional data on the extent to which common scoter use any closed area, and their overwintering distribution generally off the east Wexford coast, should be collected and reviewed on a regular basis.
- Any new data relevant to the mitigation proposed should be reviewed and mitigation measures should be adapted where required.
- As the Plan does not explicitly exclude the possible development of a mussel fishery in Dundalk Bay SPA or in waters south of this, there is a risk of significant effects on foraging habitat for common scoter. There is insufficient information in the Plan to conduct an assessment for these areas, so fishing for mussel seed should be prohibited in Dundalk Bay SPA and in waters south to Skerries.
- The razor clam fleet currently fish within the boundary of The Raven SPA. There is no evidence that mussel seed occurs within The Raven SPA, but this area should be surveyed for mussel seed annually to assess the possible impact of razor clam fishing on common scoter.
- As more data becomes available on Offshore Renewable Energy (ORE) distribution, activity, and the effects of disturbance from ORE on seabirds, in-combination effects with fishing practices should be considered.

The Plan has been modified to:

- Take account of the prohibition on intertidal fishing of mussel seed, which was introduced by Fisheries Natura Declaration No. 3 of 2018.
- Reflect other existing mitigation measures, such as protections for reef habitats in certain Natura 2000 sites.
- Update legislation referenced to include the various Fisheries Natura Declarations in place for the fishery.
- Note the Plan was submitted to the Minister, screened by the Marine Institute for appropriate assessment, etc.
- Make changes to layout and minor text amendments.

Seventeen submissions were received on foot of the public consultation on the appropriate assessment of the draft Plan. The Marine Institute's appropriate assessment report includes a summary of the views received during the consultation phase and provides responses to the main themes raised. This report will be made publicly available on the Department's website.

The Minister is satisfied that the conclusions of the appropriate assessment on the Plan are based on objective scientific information and that the procedures applied during this process are in accordance with the relevant Regulations.

Signature:

Minister for Agriculture, Food and the Marine

Date:

12/12/23.
December 2023