

REVIEW OF MANAGEMENT ARRANGEMENTS FOR THE IRISH SEA MUSSEL SEED FISHERY

Summary of Public Consultation Submission Responses

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REVIEW OF MANAGEMENT ARRANGEMENTS FOR THE IRISH SEA MUSSEL SEED FISHERY

SUMMARY OF PUBLIC CONSULTATION SUBMISSION RESPONSES

1. Public consultation

The public consultation on the management arrangements for the Irish Sea mussel seed fishery ran for a period of six weeks, from 18 November to 31 December 2019. The consultation was published online using the fishing portal website www.fishingnet.ie, with members of the public invited to submit their views using the submission document. Submissions were also facilitated by an online survey tool at www.surveymonkey.com. The consultation was advertised in a national newspaper and was circulated to other Departments, relevant State bodies, the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland, the Bottom Grown Mussel Consultative Forum, Industry organisations and environmental NGOs.

2. Headline response figures

There were **86** submissions received in response to the public consultation. Of these, **7** submissions have been excluded from this analysis as the acknowledgement letters issued to these respondents were returned unopened to the Department or the respondent did not provide legible names/addresses as part of their submission. Of the remaining **79** submissions reviewed:

- **68** submissions were made using the consultation submission document
- **10** submissions were completed online using the online survey
- **1** submission was received via email

Upon a review of the submissions received, groups were identified where the same answers and comments were provided in the submission documents. For the purposes of this analysis, these groups are identified as follows:

- **Group 1** (28 submissions) selected “Neutral” in reply to all statements in the submission document and provided identical comments in the final section of the document (Q.10, Any Other Comments). Given this, the “Neutral” responses in these submissions are not included in the analysis of submissions set out below in **Part 3 – Summary of Key Points Raised in Submissions** except for that portion dealing with the final section of the document.
- **Group 2** (28 submissions) and **Group 3** (8 submissions) provided the same reply to all statements but slightly different comments in the “Additional comments” sections. (Total of 36 submissions)
- **Group 4** (3 submissions) comprises submissions made by the same bottom grown mussel operator based in the southeast on behalf of three separate companies. These submissions provide the same answers and comments.

Bottom grown mussel operators provided the most submissions to the consultation. The table below provides a full breakdown of respondents:

Respondent is:	Overall number	Percentage	In Group 1	In Group 2	In Group 3
Bottom grown mussel operator	33	42%	7	12	4
Representative of a trade association	1	1%	-	-	-
Member of general public	19	24%	17	2	-
Political Representative	1	1%	1	-	-
Fisherman	11	14%	-	4	4
Representative of environmental NGO	1	1%	-	-	-
Representative of fishermen association	1	1%	-	1	-
Other	9	11%	2	7	-
No Response	3	4%	1	2	-
Total	79	100%	28	28	8

The geographic breakdown of those making submissions is set out in the following table:

Region of respondent:	Overall number	Percentage	In Group 1	In Group 2	In Group 3
South West (Cork, Kerry, Limerick)	11	14%	10	2	-
West (Galway, Clare)	3	4%	2	1	-
North West (Mayo, Sligo)	13	16%	5	8	-
North (Donegal)	26	33%	8	10	-
North East (Louth, Meath, Dublin)	3	4%	-	1	-
South East (Wicklow, Wexford, Waterford)	16	20%	-	4	7
Other (Inland)	2	3%	1	-	-
Northern Ireland	5	6%	2	2	1
Total	79	100%	28	28	8

3. Summary of responses and points raised in submissions

KEY POINTS FROM SUBMISSIONS

Industry Participation (Q5):

- Responses were mixed on how well Industry views are represented by the Bottom Grown Mussel Consultative Forum. Most submissions (74%) strongly agree that Industry's views are well represented through the Forum.
- However, nearly all responses (98%) strongly disagree that there is effective communication between the Forum and Industry. Respondents cited issues regarding communication on the opening of the fishery and fisheries management/policy changes as well as how the views of Industry are received by the Department.

Harvest Strategy (Q6):

- Respondents were unclear about the meaning of mussels being a "single stock", with submissions advising that the term was not clearly defined. Some commented that the fishery should be managed on a "single jurisdiction" basis with Northern Ireland vessels excluded.
- Most responses (98%) agree or strongly agree that overwintering of some mussel seed beds can occur sometimes, but comments say issues (such as poor fishing practises and climate change) are reducing that possibility.
- There is strong support (82%) for more research on the topics raised in the discussion document.

Stock Assessment & Monitoring (Q7):

- Nearly all responses (92%) agree or strongly agree that current survey methods are adequate. There was praise expressed for BIM's work in carrying out seed surveys.
- The majority (74%) were neutral as to whether the current level of industry engagement in seed surveys is appropriate. Most responses (82%) agree or strongly agree that improved industry survey methodology should be introduced. Some responses also called for an industry survey working group to be established and led by BIM. Commercial constraints limiting industry participation in surveys was also mentioned.

Harvest Control Rules (Q8):

- Most responses (82%) disagree or strongly disagree with fishing for seed only taking place in the autumn. Many expressed a wish to maintain the possibility of spring and *force majeure* fisheries when appropriate.
- Many (80%) were neutral on the proposal to introduce total allowable catches (TACs) in the fishery, questioning the need for this as respondents felt the current system working. The same amount of responses (80%) strongly disagree with limiting fishing to a portion of the seed available to protect spawning potential, advising that this would be difficult to regulate. Nearly all (94%) strongly disagree with the idea of only allowing fishing to take place on seed beds that had been surveyed, commenting that it would be impossible for BIM to survey all the beds in the Irish Sea.
- A new method of allocating fishing opportunities was not deemed necessary, with most responses (82%) disagreeing or strongly disagreeing with the idea. There was strong support (74%) for restricting access to operators who do not take up their allocated fishing opportunities.

Fisheries Control & Research (Q9):

- Many responses (76%) were neutral on the idea of introducing remote electronic monitoring on vessels, commenting that they require further information before they can provide a considered response. They also were neutral (78%) on the idea of introducing electronic logbooks, with some respondents suggesting a meeting be arranged between the Department, the SFPA and Industry to discuss the issue.
- Regarding research, most responses agree (78%) that current research topics are correct and will be useful, while many (72%) were in strong agreement that the key areas of research had been identified. The majority of responses were neutral when asked if the discussion document had considered key aspects of the mussel seed fishery.

CONSULTATION RESPONSE FORMS SUMMARY

Q5. Industry Participation (Two Statements)

(i) Industry's views are well represented through the Bottom Grown Mussel Consultative Forum

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
38 †	0	1	1	11 ‡	51
74%	0%	2%	2%	22%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Those who strongly agree find that the Forum is a useful mechanism for allowing Industry to communicate their views to the Department, state agencies and other stakeholders. One respondent who strongly disagrees with the statement advised that opportunity is not provided to individual fishermen to have their opinion heard.

(ii) There is effective communication with the Industry regarding management of the mussel seed fishery

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0%	1	0	0	50 †	51
0%	2%	0%	0%	98%	100%

† Groups 2, 3 and 4 selected this option

Summary of Comments:

Most respondents strongly disagree that there is effective communication regarding the management of the mussel seed fishery citing issues such as:

- Information regarding the opening of mussel seed beds, including *force majeure*;
- Changes to the management of the fishery (e.g. restriction relating to Dalkey Island);
- One-way communication, with fishermen's concerns not being listened to;
- Views of fishermen not received by the Department through the Forum;
- Opportunity not provided to individual fishermen to have their opinion heard.

An Environmental NGO commented that there is no ENGO representative on the Forum, also noting that information on the fishery and Forum is not readily available.

Q6. Harvest Strategy (Three Statements)

(i) The Irish Sea mussel stock should continue to be managed as a single stock

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
1	1	10 ‡	0	38 †	50*
2%	2%	20%	0%	74%	100%

* One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Most respondents strongly disagree with this statement with supporting comments outlining that respondents did not understand what was meant by the term “single stock” and that the statement they were asked to comment on was unclear. Several respondents commented that Irish mussels should be managed on a “single jurisdiction” basis, with Northern Ireland boats excluded. Some commented that peer reviewed MSC assessments treat mussels in the Irish Sea as a single stock.

(ii) Some seed beds in the Irish Sea “overwinter” from one year to the next

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
10 ‡	40 †	0	1	0	51
20%	78%	0%	2%	0%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

All but one respondent strongly agree or agree that some seed beds do overwinter, with some respondents providing anecdotal experience of this. Other comments advised the likelihood of overwintering occurring has lessened due to poor fishing practises of some operators and the effects of climate change. Some commented that small seed beds have been left unfished in past years, but these have failed to overwinter. One respondent suggested managing different seed beds separately, based on their characteristics. One submission said there is always some more mature mussels mixed with juvenile seed. Group 2 (28 submissions) selected “Agree”, however, their supporting comments reflect disagreement with the statement by noting that many small areas of seed left unfished in the Irish Sea over the years failed to overwinter.

(iii) More research is needed on the topics raised in this part of the Discussion Document

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
42 †	1	6	0	2	51
82%	2%	12%	0%	4%	100%

† Groups 2, 3 and 4 selected this option

Summary of Comments:

Respondents agree that more research on the topics raised in the Discussion Document would be welcome with Industry willing to engage in further discussions on this research when it becomes available.

Q7. Stock Assessment & Monitoring (Three Statements)

(i) Current stock survey methods are adequate

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
40 †	7 ‡	1	1	2	51
78%	14%	2%	1%	4%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

More than 90% of respondents strongly agree or agree that current stock survey methods are adequate. Comments expressed satisfaction with the work carried out by the BIM survey officer producing the seed survey reports and said these reports provide a reliable estimation of seed volume on surveyed beds.

(ii) The current level of Industry engagement in mussel seed surveys is appropriate

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
4	7 ‡	38 †	1	1	51
8%	14%	74%	2%	2%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Most respondents selected “Neutral” for this statement but only one comment was provided in support of this. It advised that Industry is limited by commercial constraints that inhibits operators’ ability to engage more co-operatively with surveys and that further engagement through a survey working group would be welcome. A respondent who selected “Strongly disagree” commented that there are not enough boats surveying for seed.

(iii) An improved Industry survey methodology should be agreed to provide better data and assist stock assessment

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
38 †	3	1	3	5 ‡	50*
76%	6%	2%	6%	10%	100%

* One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Those who agree with this statement advised that commercial constraints inhibit Industry ability to work cooperatively but that they would be willing to engage in a survey working group led by BIM. One comment expressed concern over the reliance on individuals carrying out surveys and suggested there should be a provision of resources for such skills and expertise to be retained. One submission commented that improvements in survey methodology would be welcome.

Q8. Harvest Control Rules (Six Statements)

(i) The best time to fish for mussel seed is in the autumn, therefore the mussel seed fishery should only take place in the autumn

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
5 ‡	4	0	2	38 †	49*
10%	8%	0%	4%	78%	100%

*Two submissions did not provide a response and are not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Those who strongly disagree or disagree with this statement believe that the option for springtime fishing should be maintained along with a *force majeure* option and that the fishery can differ from season to season. One respondent, who selected “Strongly agree”, commented that there is no argument to be made for fishing seed in the spring.

(ii) Seed fishing in the Irish Sea should be limited by a Total Allowable Catch (TAC) each year based on surveys of seed beds

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	1	39 †	6 ‡	3	49*
0%	2%	80%	12%	6%	100%

*Two submissions did not provide a response and are not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Most respondents selected “Neutral” for this statement, with corresponding comments questioning the need for the introduction of a TAC as the current system is working and has been in place for years. If a TAC is to be introduced, respondents stated that it should be on the basis that surveys are more accurate, that a margin of error can cater for seed beds and patches found during the fishing season and that it is controlled properly. One comment stated that a TAC would be very unfair on smaller operators.

(iii) Fishing in a seed bed should be limited to a portion of the seed available to protect spawning potential

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
7	2	0	1	40 †	50*
14%	4%	0%	2%	80%	100%

*One submission provided no response and is not included in total, † Groups 2, 3 and 4 selected this option

Summary of Comments:

Respondents who strongly disagree or disagree with the statement commented that seed beds should be fished, as there is no reason to leave seed behind, but that the same area should not be fished until the substrate is damaged. Respondents asked if a limit would lead to the closure of some seed areas to all bottom gear fisheries as the absence of a closure to all fisheries would limit the viability of the mussel seed sector for no reason. Respondents also stated that fishing a portion of the seed would be difficult to regulate. One submission commented that a portion should be left to contribute to spawning. One respondent who selected “Agree” raised the issue of correctly policing such limits and that all operators should be in agreement on this.

(iv) Seed fishing should only be allowed on seed beds that have been surveyed

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	0	0	3	47 †	50*
0%	0%	0%	6%	94%	100%

*One submission provided no response and is not included in total, † Groups 2, 3 and 4 selected this option

Summary of Comments:

All respondents strongly disagree or disagree with this statement for the following reasons:

- It would limit fishing activity for fishermen;
- It would be impossible for BIM to survey all areas in the Irish Sea in advance of the opening of the fishery;
- The available time for fishing is tight and if an operator discovers new beds then they should be fished;
- Some beds can be found late in the season.

(v) A new method for allocating seed fishing opportunities to eligible operators should be explored

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
1	1	7	38 †	3 ‡	50*
2%	2%	14%	76%	6%	100%

*One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Most respondents disagree with this statement with industry opposed to any proposal that would be seen to complicate allocations. One respondent recommended that operators not be allowed to charter multiple vessels to fish allocations, especially when they have their own boat. It can lead to operators having an advantage, with several boats fishing the allocation at the same time.

(vi) Operators that repeatedly fail to take up allocated fishing opportunities should have their access to the fishery restricted over time

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
37 †	1	3	5	4 ‡	50*
74%	2%	6%	10%	8%	100%

*One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

While most respondents strongly agree or agree with this statement, the only supporting comment advised that operators who fail to take up allocations should be subject to a review. Comments disagreeing expressed the opinion that operators should not have their access restricted because, as businesses, other problems may prevent them fishing, such as seed not being financially viable to fish, seed not available or ready to be fished, etc. Other comments questioned how an operator could fish their allocation if there was not enough seed to fish.

Q9. Fisheries Control & Research (Five Statements)

(i) Remote Electronic Monitoring (REM), to estimate the volume of catch on board, should be made operational on all vessels fishing mussel seed

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	0	38 †	6	6 ‡	50*
0%	0%	76%	12%	12%	100%

*One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

The small number of comments made by respondents who selected “Neutral” questioned what examples of REM technology are being considered and how it would work. Those who strongly disagree or disagree do not believe that REM is necessary citing reasons such as:

- vessels already comply with other reporting methods;
- the length of time that the fishery is open;
- fishermen would not be able to afford the technology;
- previous experience with other technology.

(ii) Electronic logbooks should be introduced on all vessels involved in the fishery

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	0	39 †	1	10 ‡	50*
0%	0%	78%	2%	20%	100%

*One submission provided no response and is not included in total, † Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

Several comments made in support of “Neutral” welcomed an opportunity to discuss the proposal of electronic logbooks with the Department, the SPPA and other stakeholders. Those who strongly disagree or disagree with the statement questioned if electronic logbooks would be needed considering the length of the fishery each year and that a small number of log sheets (two or three) cover a year’s seed fishing.

(iii) The current research topics being pursued are correct and will be useful in informing possible new harvest control rules

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	40 †	7	0	4	51
0%	78%	14%	0%	8%	100%

† Groups 2, 3 and 4 selected this option

Summary of Comments:

Only one comment was provided which supported research to improve understanding of the Industry. Most respondents who agree with this statement did not provide a comment.

(iv) The key areas of research need have been identified

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
37 †	3 ‡	8	2	1	51
72%	6%	16%	4%	2%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

A small number of comments were made in relation to this statement, with respondents advising that they understood key areas of research had been identified and that research programmes in many of the identified areas are underway.

(v) The Discussion Document has considered the key aspects of the mussel seed fishery

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
0	0	39 †	3	9 ‡	51
0%	0%	76%	6%	18%	100%

† Groups 2 and 3 selected this option, ‡ Group 4 selected this option

Summary of Comments:

One comment made in relation to this statement stated that the discussion document had touched on some of the key aspects of the mussel seed fishery but that it cannot fix the damage which has been done over the years. An environmental NGO commented that the discussion document is limited with no mention of climate change, Brexit or alternatives to seed dredging. They further note that mussel stocks require restoration and that some of the research planned could help in this regard.

Q10. Any Other Comments

A selection of comments made under this section, relating to issues raised in the consultation, is provided below.

MSC Certification

- “The entire Irish mussel Industry, bottom grown mussels and rope mussels, holds MSC certification. Such certification confirms the mussel fishery is well-managed and sustaining resources and livelihoods for future generations. The MSC Fisheries Standard is based on the United Nations Food and Agriculture Organisations (FAO) code of conduct for responsible fisheries and has been developed in consultation with a range of stakeholders; including governments, academics, researchers, Industry, and NGO's. The Industry are happy to engage in periodic reviews on how best to improve practices, but it must also be recognised that MSC confirms that the Industry are already operating to extremely high standards in the areas of sustainability of exploited fish stocks, maintenance of the ecosystem, on which the fishery depends, through effective and responsible management.”
- “The issues raised in this document are extremely technical in nature and thus we have not commented on any of the previous questions. Our comments specifically relate to our experiences in dealing with seafood companies active in the sector. In our dealings we have come to understand that the bottom grown mussel sector has been subject to external review as part of its MSC certification and has been found to be sustainable. Any new management measures must support the sustainability of bottom grown mussel businesses and the contribution they make to the local economy.”
- “The mussel Industry in Ireland, bottom grown and rope are the only parts of the seafood sector in Ireland that hold active MSC certifications. This is not because other parts of the sector do not want this certification, it is because they fail to meet the high standards of proof required to pass the assessment. MSC certification confirms our fishery is well-managed and is sustaining resources and livelihoods for future generations.”

- “The Irish mussel Industry are one of the only seafood sectors that hold MSC certification. Reason for this is that other sectors fail to meet the high standards of proof to pass the test. MSC certification confirms our fishery is well-managed and is sustaining resources and livelihoods for future generations.”

Consultation Observations

- Representative of an Environmental NGO: “This consultation on its own is grossly inadequate. It diverts focus from the bigger challenges of protecting and restoring our marine inshore resources around the island of Ireland and developing a new approach to aquaculture. The new approach also has to address transparency and public participation in our marine commons.”
- Bottom grown mussel operator from Wexford (Group 4): “It is most unsatisfactory that we only became aware of this consultation through a third party and that The DAFM did not feel that it needed to inform all aquaculture licence holders involved in the Industry of this consultation.”

Supporting Documentation received from environmental NGO.

- An environmental NGO completed the survey online but submitted further documentation in support of their submission.
- The documentation provided several recommendations regarding the mussel seed fishery including the following:
 - A moratorium be put in place for all mechanised mussel seed dredging.
 - That the Department hold a public mussel workshop on the consultation and wider picture which is (i) the status of mussels as a native valuable species/habitat with its many ecosystem services and how to achieve stock recovery; (ii) the future of mussel dredging and aquaculture production on the island of Ireland after Brexit.
 - That the Bottom Grown Mussel Consultative Forum is dissolved.
 - That the Department of Housing, Planning and Local Government responsible for implementing the MSFD and the department jointly establish a mussel wild stock management and restoration group in 2020.
 - That the Minister commissions an independent 3 part economic, social and environmental assessment of the bottom grown mussel Industry.
 - That a new strategic multiannual aquaculture plan for Ireland is drawn up in a timely fashion with full public participation.