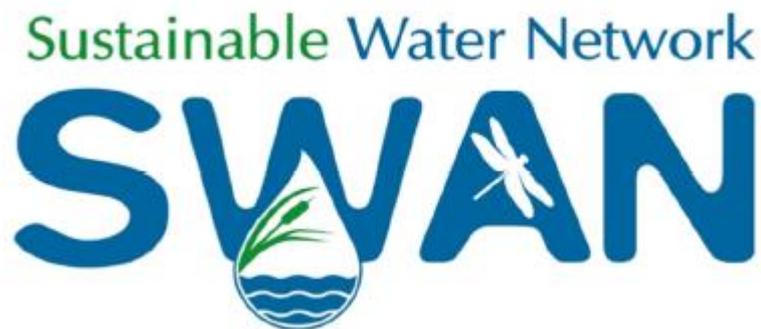


Sustainable Water Network (SWAN)

Seafood Development Programme 2014-2020

- Response to Public Consultation –



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Introduction to SWAN

The Sustainable Water Network (SWAN) is an umbrella network of 26 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD) and other water-related policy and legislation. SWAN has been actively engaged in Water Framework Directive (WFD), the Marine Strategy Framework Directive (MSFD) and other water policy implementation at both national and River Basin District (RBD) level since 2004, responding to water-related public consultations and representing the environmental sector on WFD River Basin District (RBD) Advisory Councils, the South Eastern RBD Management Group, the Irish Water Stakeholder Forum and other water policy-related fora. In 2013 SWAN published the report (Brady et al., 2013) 'The Marine Strategy Framework Directive in Ireland: Requirements, Implications & Opportunities for Environmentally Sustainable Management of Our Marine Waters' and we are actively participating in the implementation of the directive.

Introductory comment

SWAN welcome the opportunity to comment on the draft Seafood Development Programme (SDP) 2014-2020 and approve of the aspiration within the programme to support the EUROPE 2020 STRATEGY for Inclusive, Sustainable and Smart growth within the marine sector. It is hoped that through this public consultation the Irish Authorities can build on many of the good features of the draft SDP and respond proactively to justified criticisms. Only through sincere engagement at all levels will Ireland and the other member states have the opportunity to restore the marine environment and build towards the sustainable utilisation of this vast but fragile resource. Only through open collaboration with all stakeholders and the meaningful and transparent adherence to the Union priorities, Specific Objectives and Measures can we hope to achieve the goals of the CFP: to end overfishing and to make fishing sustainable – environmentally, economically and socially thus resulting in a competitive and viable seafood sector for all.

As an Island nation Ireland was blessed with a rich marine environment. Our marine, coastal and transitional waters are traditionally among the richest in the EU. According to the recent WWF report "Reviving the Ocean Economy: The case for action – 2015" the value of key ocean assets is conservatively estimated in the report to be at least US\$24 trillion. If compared to the world's top 10 economies, the ocean would rank seventh with an annual value of goods and services of US\$2.5 trillion (Hoegh-Guldberg et al., 2015). WWF arrived at this conservative estimate by considering the value of direct outputs (fishing, aquaculture), services enabled (tourism, education), trade and transportation (coastal and oceanic shipping) and adjacent benefits (carbon sequestration, biotechnology). This report reiterates something which we all already know. The marine environment is a vast resource which has and hopefully will continue to underpin many aspects of our economy and national identity. Ireland is one of the largest EU states; with sovereign or exclusive rights over one of the largest sea to land ratios (over 10:1) of any EU State. The sustainable utilisation of this vast resource therefore has huge potential to contribute to the economic wellbeing of our country. Unfortunately we have seriously mismanaged and abused this resource over the preceding decades. This has led to the degradation of many aspects of the marine environment and led to the collapse of many fish stocks. If the targets for job creation as laid out in the SDP are to be achieved then EMFF funding must be utilised to restore our degraded marine

environment through the implementation of the Marine Strategy Framework Directive (MSFD), the Common Fisheries Policy (CFP) and the Habitats and Birds Directives.

Sustainability is a common theme running throughout the SDP. However there is enough within the SDP to suggest that instead of embarking on a new era of sustainable and inclusive management of our marine environment we appear to be repeating the same practices of the past of over exploitation, unsustainable management and marginalisation. While some elements coming from an EU level are an improvement on the unsustainable practices of the past many elements of the SDP appear to have only been developed to meet the Union Priorities and draw down funding. Interestingly while the term 'sustainability' is mentioned over two hundred times throughout the text, overfishing is only mentioned twice. Indeed serious concern exists that like many aspects of Food Harvest 2020 the commitment to sustainability will be high jacked and used as a green marketing tool. We must move beyond tokenistic improvements and abandon many aspects of the SDP which may deliver short term economic gain for a few but will undermine already degraded ecosystems. This would inevitably have calamitous consequences for the long term viability of many coastal communities.

Public consultation process, public awareness & public participation

It is the opinion of SWAN that the Draft Operational Programme (OP)/ Seafood Development Programme has failed to meet its legal requirements due to the failure of the Irish Authorities to provide concurrently with the Draft OP, a National Strategic Plan on Aquaculture (NSPA). The NSPA is required as part of the ex-ante conditionality's for the Draft OP. Given this breach of the regulations SWAN are unable to comment on many of the elements that should have been included in the absent National Strategic Plan on Aquaculture. Consequently SWAN believe that the public consultation period on the OP must be extended to such a time as we have had ample opportunity to read and comment on the Draft OP and the NSPA. Any comments made in relation to aquaculture should to regarded as provisional due to the aforementioned shortcomings.

To reiterate the view taken by the Environmental Pillar in their recent letter to Simon Coveney, Minister for Agriculture, Food and the Marine, there are a number of legal obligations which are compromised and may have potential significant impacts on EMFF funding for Ireland.

These legal obligations include:

1. Requirements of the EMFF Regulation and Common Fisheries Policy, CFP and Common Provision Regulation for EU Structural Investment Funds;
2. Environmental Impact Assessment and Consultation Obligations arising from the SEA Directive and the Aarhus Convention in respect of the assessment of environmental effects, effectiveness of public consultation and trans boundary impact assessment, where this latter also arises from our obligations under the Espoo Convention ;

The approach Ireland has taken to the Draft OP through its failure to provide concurrently the draft NSPA – serve to compound Ireland's ongoing failures to adequately resolve a number of specific failures highlighted in the Judgement of the Court of Justice of the EU against Ireland in c-418/04 back in 2007, and which remain un-resolved. That judgement highlighted *inter alia* a legacy of failure by Ireland in respect of the legal compliance of our Aquaculture with EU Environmental Law. The approach currently being pursued by Ireland remains of serious concern to a number of our member

organisations involved with this area. The EMFF should provide for an opportunity to progress this if properly addressed, and we have no doubt this will be of concern to both DG Mare and DG Envi.

Recommendations

The deadline for Consultation responses to the Draft OP and Environmental Report produced as part of the Strategic Environmental Assessment, SEA pursuant to the SEA Directive should be extended beyond the 1st of May. This would be to allow for:

- a necessary re-launch of the Draft OP; and
- to facilitate the legally required “effective” public consultation

In conjunction with the required NSPA, and the associated SEA reports to support Ireland’s adherence to its legal obligations;

This is essential in order to support the environmental, social and economic sustainability of the programmes and to facilitate Ireland’s optimal uptake of the 147 million Euro available from the EU EMFF.

Marine Strategy Framework Directive (MSFD)

The MSFD is extremely relevant to the draft SDP and all opportunities for developing synergies between the MSFD and SDP should be taken. As a priority, actions within the SDP must not compromise Ireland meeting our obligations under the MSFD. The directive requires that we develop a marine strategy for our marine waters in order to achieve Good Environmental Status (GES) by 2020. It prescribes five specific tasks that must be undertaken: 1) An initial assessment of the current environmental status of marine waters; 2) The determination of a set of characteristics that describe what GES means for those waters; 3) The establishment of a comprehensive set of environmental targets and associated indicators ; 4) the establishment and implementation of a coordinated monitoring programme for the on-going assessment of marine waters; 5) the establishment of a programme of cost effective measures designed to achieve or maintain GES.

The Directive defines what constitutes good environmental status: ‘ecologically diverse and dynamic oceans and seas which are clean, healthy and productive’ where ‘...the structure, functions and processes of the constituent marine ecosystems,allow those ecosystems to function fully’; ‘human-induced decline of biodiversity is prevented’ and ‘Anthropogenic inputs into the marine environment do not cause pollution effects’. It also sets out a list of 11 qualitative descriptors upon which the determination of GES is to be based: Biological diversity; levels of non-indigenous species; commercially exploited fish and shellfish; food webs; eutrophication; sea floor integrity; hydrographical conditions; contaminants; contaminants in fish and seafood for human consumption; marine litter and the levels of energy including underwater noise.

It is clear from the two MSFD consultation documents issued so far, ‘Ireland’s Marine Strategy Framework Directive Article 19 Report Initial Assessment, GES and Targets and Indicators’ (DECLG, 2013) and ‘Marine Strategy Framework Directive Article 11 Monitoring Programmes Public Consultation Document’ (DECLG, 2014) that significant knowledge gaps exist regarding the current status of the marine environment, especially in relation to biodiversity-related descriptors and cumulative impacts. These gaps need to be addressed with comprehensive and specifically targeted monitoring programmes, which are currently not being implemented due to resource constraints.

The EMFF is an ideal funding mechanism for filling these significant data gaps, in addition, to those identified in the SDP itself. In addition, without a clear baseline understanding of the marine ecosystem, it is impossible to assess the sustainability or otherwise of the draft Programme, or indeed to meet our obligations under the MSFD.

Furthermore, implementation of the required programme of cost effective measures in order to achieve MSFD objectives should be supported by the EMFF.

Ecosystem – based approach

The MSFD also requires “an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations”. It is vital that this approach is also embedded in the SDP in order to ensure the sustainable management of our marine resource.

The Water Framework Directive (WFD)

The Water Framework Directive (WFD) (2000/60/EC) and the Marine Strategy Framework Directive (MSFD) share a close connection in terms of content, objectives and regulatory design and together they aim to manage the water environment in an integrated, ecosystem-based way. The WFD requires the improvement and protection of the chemical and biological status of surface waters throughout a river basin catchment from rivers, lakes and groundwaters through to estuaries (transitional waters) and coastal waters reaching to one nautical mile seaward from the Mean High Water mark.

The WFD adopts a holistic approach to surface water and groundwater management by introducing broad ecological objectives for the protection and restoration of aquatic ecological health. Member States must ensure that all EU ground and surface waters (rivers, lakes, transitional waters and coastal waters) achieve ‘good status’ by 2015 (or 2021, 2027, with certain exemptions). The main objectives of the Water Framework Directive are:

- To protect and where necessary to improve the quality of all our inland and coastal waters groundwater and associated wetlands and to prevent their further deterioration
- To achieve ‘good status’ for all these waters by 2015
- To promote the sustainable use of water
- To reduce the pollution of water by particularly hazardous ‘priority’ substances
- To lessen the effects of flooding and drought

Good status is defined with reference to a wide range of physico-chemical and ecological indicators set out in Annex V.

Aquaculture has been identified as a ‘significant water management issue’ in the 2009-2015 River Basin Management Plans, for which measures must be implemented, as part of the WFD Programme of Measures, in order that the status of Ireland’s coastal waterbodies is not compromised by this activity. DAFM must liaise closely with DECLG to ensure that any aquaculture or other activities

proposed in the SDP is in line with WFD environmental objectives for the coastal waterbodies in question.

Lack of tangible targets and accountability

While the tone of the report and the emphasis on sustainability and social inclusion are positive much of the report is aspirational and reveals little actual detail about how EMFF funding will be spent or how these aspirational goals and our legal obligations will be achieved. Much of the document merely echoes the sentiment of the EU Guidance documents. Legal obligations under various directives and Union priorities are referenced. Aspirational commitments are made to meet all of our obligations yet these commitments are so vague in many cases lacking any real detail, targets or timescales that it is hard to see how the Irish Authorities will achieve the SDPs objectives or how they will be held accountable for the spending of EMFF funding. It is deeply concerning that such vast sums of money are to be spent without any mechanism being put in place to carry out a cost benefit analysis and evaluate the outcomes. We are once again failing to learn the lessons history has to teach us and so, it appears, that we are doomed to repeat them. The lack of detail and tangible targets leaves the door open for a repeat of the situation where in the last Rural Development Programme hundreds of millions of euros that were earmarked for expenditure within Natura 2000 sites was ultimately spent in other areas of Ireland's agricultural sector. As many of the programmes and policies are a continuation of those funded through the European Fisheries Fund (EFF) there should, as an absolute priority, be a value for money analysis of past programmes. Such an honest appraisal of our past mistakes would surely benefit us in plotting a more sustainable, socially inclusive and equitable course in the future.

Through the SDP Ireland has commitment to achieve sustainability within the marine sector, meet our obligations under OSPAR and the Habitats and Birds Directives and to deliver on the obligations of the MSFD i.e. to take the necessary measures to achieve and maintain Good Environmental Status in the marine environment by 2020. Meaning that our oceans and seas should be clean, healthy and productive and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations. It is hard to envisage, given the declining status of many elements of the marine environment, how Ireland will achieve many of our commitments within this relatively short timescale without concrete and detailed targets.

Knowledge/information gaps

Our state of knowledge on the marine environment obviously needs to be urgently addressed and it is required that we do so under the MSFD, the CFP and the Habitats and Birds Directives. It is clear from the consultation document 'Ireland's Marine Strategy Framework Directive Article 19 Report Initial Assessment, GES and Targets and Indicators' (DECLG, 2013) that there are substantial data gaps and a low level of baseline information on many aspects of the marine environment, especially in relation to ecosystem functioning and cumulative impacts: "the presence of significant gaps in our knowledge, both in the occurrence and distribution of Ireland's natural [marine] features and the status of the pressures acting upon them. This has, in some instances, prevented an evaluation of current status of those pressures and ecological characteristics." There are substantial data gaps and a low level of baseline information on many aspects of the marine environment, especially in relation to ecosystem functioning and cumulative impacts. This is coupled with very limited resources and low capacity in both government agencies and non-government organisations, which makes the implementation of this directive challenging for all sectors. We lack the required data to

adjudge whether many species are being fished at Maximum Sustainable Yield (MSY). Can we argue that our fisheries are sustainable when species such as cod, haddock, plaice, and nephrops are not reaching their targets under Fishing Mortality Maximum and the Sustainable Yield Spawning Stock Biomass limits (P26)? In many cases our poor state of knowledge is being used as an escape clause. Having failed to sustainably manage our marine assets in the past, merely committing to set baselines and identify issues seems to justify vast sums of structural funding. It is clear that the root causes of many issues such as unsustainable quotas, destructive fishing methods and poor marine spatial planning are well understood. The Operational Programme is clearly the place to set tangible and temporal targets to rectify these and other issues.

Contradiction between sustainability and intensified utilisation

The principle of sustainable development requires that the needs of the present population be met without compromising the ability of future generations to meet their own needs. In practice, this implies ensuring that environmental protection requirements, resource efficiency, sustainable management of natural resources, climate change mitigation and adaptation, disaster resilience and risk prevention and management. If we are to achieve sustainability in the fisheries sector then it is pivotal that we meet our obligations under Union priority 1 to *“ensuring a balance between fishing capacity and available fishing opportunities”* (P110). The identification of needs on the basis of the SWOT Analysis for Union Priority 1 has also identified the need to *“maintain alignment of catching capacity in fleet segments with available resources”* (P 71). While the benefits of sustainably utilising our fish stocks are self-evident it is clearly something which we have a poor track record in achieving. Consistently over the preceding decades quotas have been set well beyond the limits of best scientific advice. There is a risk that this deleterious trend will continue as current fisheries practices are assumed to be sustainable purely by virtue of the fact that they are operating within the framework of the CFP and MSY. The lack of data on the health of certain fish stocks or on the ecology of many fish species means that many quotas may be damaging. Our lack of knowledge on food web/ecosystem level interactions between many marine species means that there may be unforeseen knock on consequences of the utilisation of some species. For example Ireland has been granted extremely large quotas for boar fish yet the ecology of this species is poorly understood.

There appears to be a certain level of denial about the current state of many fish stocks. Overfishing is hardly mentioned throughout the report. Yet the access to raw material is identified on many occasions throughout the report as a key limiting factor in the development of the seafood processing industry (P 92, 94). Detailed study of the draft SDP, the poor state of many fish stocks can be discerned. In 2012 for example *“of a total value of €822 million €203 million of seafood product was imported”* (P 94). Mussel seed is identified as being in short supply yet the reasons for this are not identified. Bizarrely for species such as cod, whose stocks have not been severely depleted, the lack of raw product has been identified as being the result of *“quota restrictions and seasonality”* (P 94). Amid this backdrop of knowledge gaps and poor stocks, we are told that employment in the seafood sector will rise from 11,000 to 14,000 jobs by 2020. How will this be achieved? New fishermen will be encouraged into the sector through the New Fishermen Scheme (€1m) (P 126). The SDP has identified the need to increase scale, increase domestic consumption, develop new markets and gain greater access to the Asian market (P 92). Demand for seafood will be increased through the Seafood Marketing Scheme (€10m) (P 160). Processing capacity will be increased through the Seafood Capital Investment Scheme (€13m) (P 160). Capacity within the SSCF sector will be increased (P 176) and fishing capacity will be maintained/increased through the purchase of new

main or ancillary engines (P 121). We are led to believe that we can increase demand for seafood products and intensify our utilisation of fish stocks while at the same time bringing an end to overfishing. SWAN believes that there is a clear contraction between sustainable management of our marine environment and the intensification of its utilisation. The various elements of an ecosystem are intimately connected and any damage done to one component will inevitably have knock on effects for others.

Discards and the landing obligation

Under Union Priority 1 we have committed to achieve the *“reduction of the impact of fisheries on the marine environment, including the avoidance and reduction, as far as possible, of unwanted catches”* (P 110). There is clear cross over here between our obligations under the CFP and the MSFD. The implementation of the ecosystem-based approach to fisheries management is a requirement of the CFP, which defines the ecosystem based approach as *“ecosystem-based approach to fisheries management means an approach ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are low and not detrimental to the future functioning, diversity and integrity of those ecosystems”*. In parallel, the MSFD requires that member states apply *“an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations”*. It further requires that *“the structure, functions and processes of the constituent marine ecosystemsallow those ecosystems to function fully’*. The SDP must be fully compatible and compliant with these and other requirements of the MSFD.

The SWOT needs analysis specifically commits to the landing obligation within the CFP whereby the discarding of quota species is prohibited *“successfully deliver on the obligation to land all catches”* (P 71). The challenge posed by the landing obligation is considerable and as much is admitted within the SDP *“This policy poses significant challenges to the Irish fishing fleet”* (P 72). Monitoring discards in the past has been an issue *“In addition, due to the low sampling levels relative to the overall total fleet effort, discard estimates can be imprecise and inter-annual differences in the observed discard rate can be heavily influenced by the low sampling levels. Both of these factors make analysis of trends in discard rates over time difficult due to the noisy nature of the data”* (P33). Given the identified past difficulties and resource constraints when it came to monitoring discards how are we to deliver on this ambitious objective? How will success and value for money be judged? More detail is needed. Ireland is working to develop regional discards with other states for certain whitefish stocks. As these plans are in the development stage we cannot comment on them at this time.

Failure to address seal bycatch

Under article 38 the Irish authorities must take steps in their operational programme to limit *“the Impact of fishing on the marine environment and adapting fishing to the protection of species”* (P113). The need to *“enhance monitoring and mitigation of fisheries bycatch”* has been identified as the fifth fisheries sector development need (P 71). Certain species that are regularly killed as the result of fishing activities are protected species under the Habitats and Birds Directive as well as the Wildlife Act, 1976/(Amendment) Act, 2000. The MSFD has identified bycatch of vulnerable species mammals and seabirds by marine fisheries as a pressure which must be monitored and mitigated if necessary. It is openly admitted in the SDP that *“sampling at sea programmes under the current data collection framework are optimised for commercial fish species and do not provide adequate*

*sampling effort to assess the impact of bycatch on other ecosystem components” (P 73). Self-regulation of bycatches has failed to deliver reliable information on the detrimental impact that many fisheries are having on the environment. SWAN encourage the Marine Institute to rectify this knowledge gap and take all the necessary measures to mitigate against any negative findings. It has been indicated that the Marine Institute will work in conjunction with other state agencies, in order to collect data on these bycatches and contribute to the development of mitigation measures. While this is positive this commitment is very vague and we would welcome targets and dates to achieve these objectives. Indeed the commitment to collect data is insufficient in situations where the issues with bycatch are already accepted, data exists and mitigation measures have already been proposed. One such situation is the established issues that exist between Irelands set net fisheries and seal depredation. The Common Seal (*Phoca vitulina*) and the Grey Seal (*Halichoerus grypus*) are both listed in Annex II of the Habitats Directive. Studies from both Ireland and the UK Seals have demonstrated seal depredation issues with both mobile and static gears. There are particular issues with gill nets.*

Bord Iascaigh Mhara have already identified issues with seal depredation and bycatch in set net fisheries in Irish waters and have suggested mitigation measures such as operational and fishing gear modifications, shorter soak time and faster hauling speeds (Cosgrove et al., 2013). Ireland has an obligation to address these issues under the EMFF, MSFD, CFP and the Habitats Directive. In situations like the one described ambitious targets should be set to implement the most appropriate mitigation measures. SWAN would encourage the Marine Institute to avail of citizen science and liaise with groups such as the Irish Seal Sanctuary which have a track record of identifying impacts on seals through their Dead Seal Database.

Collection of lost fishing gear and marine litter

Under measure/Article 40.1a Ireland is required to work towards the “*protection and restoration of marine biodiversity – collection of lost fishing gear and marine litter.*” We could find no information on a plan that will deliver on this measure yet according to the SDP 300 tonnes of litter will be collected by fishermen and recycled by 2023 (P 119). More detail on this project would be very welcome as it sounds like a fantastic initiative. The opportunity also exists to link up with local litter picking groups and ENGOs such as Coast Watch and Clean Coasts.

Clean Coasts engages communities in the protection of Ireland’s beaches, seas and marine life now and for future generations. The programme is operated by the Environmental Education Unit of An Taisce and is currently funded by the Department of the Environment, Community & Local Government, Coca-Cola and Fáilte Ireland.

- There are currently 437 registered Clean Coasts groups participating in the programme in Ireland
- In 2014 >800 beach cleans were carried out as part of the programme
- 2 national marine litter surveys were carried out
- Dune conservation projects were undertaken on a selection of beaches
- > 18,000 volunteers regularly participate in coastal clean ups
- Circa 500,000 pieces of litter removed from the marine environment

Resource constraints and ecological restoration

Under Art 40.1 b-g Ireland has an obligation to work towards the “*protection and restoration of marine biodiversity – contribution to a better management or conservation, construction, installation or modernisation of static or movable facilities, preparation of management plans related to NATURA 2000 sites and spatial protected areas, management, restoration and monitoring marine protected areas, including NATURA 2000 sites, environmental awareness, participation in other actions aimed at maintaining and enhancing biodiversity and ecosystem services.*” We can find no reference to this specific objective in full within the SDP. Given the lack of funding within the NPWS and the scale of the task at hand in restoring Irelands marine environment EMFF funding should be prioritised for this measure. The conservation status of many of our marine habitats are adjudged to be Inadequate. Reefs in particular are in bad status. Many of the coastal habitats are also assessed as being inadequate, with ongoing declines. Where issues are known they should have been identified in the EMFF and targets set for their resolution. However the focus on funding research, management plans and mitigation measures for marine NATURA 2000 sites is very positive.

Climate Change and Energy Efficiency

The focus on climate change mitigation is clear in a number of union priorities and objectives for example the member states are obliged to provide “*support to strengthening technological development, innovation, including increasing energy efficiency, and knowledge transfer*”. There is a clear emphasis on increasing energy efficiency within the specific measures with an eye to climate change:

Art 41.1 a *Energy efficiency and mitigation of climate change – on board investments*

Art 41.1 b *Energy efficiency and mitigation of climate change – energy efficiency audits and schemes*

Art 41.1 c *Energy Efficiency – studies to assess the contribution of alternative propulsion systems and hull designs.*

Art 41.2 *Energy Efficiency and Mitigation of Climate Change – Replacement of modernisation of main or ancillary engines.*

The focus on climate change within the EMFF is very welcome. Sweeping cross societal changes are needed to move Ireland towards a low carbon economy. The fishing sector should not be exempt. The SDP has targeted an Energy Efficiency Scheme as the main outcome to achieve these measures. In SWANs opinion we need to see change across the board in terms of engines, fuel, ship design and gear used to reduce the carbon footprint of the industry. Investing 3 million in new engines may just be an excuse to draw down funding to upgrade the existing fleet. Given the clear signal coming from an EU level the scope and ambition of a programme to decarbonise the Irish fleet should be greater in SWANs opinion.

Absence of a National Strategic Plan on Aquaculture

Fostering environmentally sustainable, resource efficient, innovative, competitive and knowledge based aquaculture is a required by all affected member states Under Union Priority 2. As was previously pointed out it is the opinion of SWAN that the SDP has failed to meet its legal requirements due to the failure of the Irish Authorities to provide concurrently with the Draft OP, a National Strategic Plan on Aquaculture (NSPA). Without this NSPA we are not in a position to fully comment on the aquaculture sector. However not wishing to miss this opportunity to address certain issues we would like to make the following preliminary observations.

The Unsustainability of Irish Aquaculture

A number of the specific objectives outlined in the OP intervention logic require the promotion and development of a more sustainable aquaculture model such as:

(ba) protection and restoration of aquatic biodiversity and enhancement of ecosystems related to aquaculture and promotion of resource efficient aquaculture;

(bc) promotion of aquaculture with high level of environmental protection and of animal health and welfare and of public health and safety.

Many of the related measures also emphasise the need to invest funding from the EMFF in the development of a more sustainable aquaculture sector:

Art 52 Encouraging new sustainable aquaculture farmers,

Art 48.1k Productive investment in aquaculture – resource efficiency, reducing usage of water and chemicals, recirculation systems minimising water use,

Art 53 Conversion to eco-management and audit schemes and organic aquaculture.

The SWOT analysis identified a number of needs for the aquaculture industry. SWAN would recognise the following three as being particularly relevant from an environmental and planning perspective:

- *Manage aquaculture in accordance with the Habitats and Birds Directives and implement the Prioritised Action Framework.*
- *Revised legislation designed to facilitate faster decision making on licence applications while addressing environmental concerns on a best practice basis.*
- *Improvement in Governance of the aquaculture sector through development of maritime spatial planning.*

There is a clear obligation for the aquaculture sector to move towards a more sustainable model in the SDP. Swan is concerned by the repeated assertion that Ireland's aquaculture sector is currently sustainable from an environmental point of view. This is clearly not the case. Widely accepted sustainability issues within the sector include:

Ireland's failure to properly address our environmental obligations during the aquaculture planning process (ECJ case C418/04).

The accidental and deliberate introduction of non-indigenous species.

Unsustainable and environmentally damaging fish farms.

The fact that mussel production has decreased due in part to insufficient seed supply (P 38) is a clear indication of the unsustainable utilisation of mussel beds.

Public opposition to the industry has been identified as one of the primary threats to the aquaculture sector in the SWOT analysis (P 75). The public's confidence in the environmental credentials of aquaculture has been severely eroded and far reaching action needs to be taken to resolve many of the sustainability issues associated with the sector if its reputation is going to be salvaged. The fact that "*spatial restrictions on aquaculture activities to protect Natura 2000 designated species and habitats*" (P 75) has been identified as a threat appears to indicate that the

interests of the industry are in some way in conflict marine conservation. There are some positive points however such as the seventh point in the fisheries sector development needs to *“Manage fisheries in accordance with Habitats and Birds Directives and implement Prioritised Action Framework”* (P 73). These include monitoring and surveying, sectoral management plans, management of fisheries, aquaculture and other activities surrounding sensitive habitats and species, and scientific studies to assess impact of fisheries, aquaculture and other activities and to support the design of mitigation measures against such impacts. Many of these actions are of course a legal requirement to address the findings against Ireland in ECJ case C418/04. Again much of the work in this area will revolve around establishing baseline data and in all likelihood little action will be taken to address the clear sustainability issues in the sector. No specific targets or timelines have been set making it difficult to critique this proposal in the detail we would like.

Marine Protected Areas and Aquaculture

The majority of the marine protected areas in Ireland are located in our coastal waters therefore any change to the inshore fisheries or aquaculture sector will impact upon these valuable ecosystem and our various legal obligations to protect them. SWAN believe that many destructive fishing methods such as scallop dredging are not compatible with the conservation of marine biodiversity. The impacts of these fishing methods on the aquatic environment must be addressed and mitigation measures must be developed and implemented. Ideally a scheme would be put in place move fishermen towards less destructive fishing practices and gear. If Ireland’s Prioritised Action Framework [PAF] for Natura 2000 identifies that the conservation objectives of a site are not compatible with current commercial fishing or aquaculture then EMFF funding should be used to move the industry towards practices which are compatible with marine conservation. In certain cases the *“permanent cessation of fishing activities”* (Art 34) may have to be considered. The reskilling of effected fishermen may be necessary.

Marine protected areas are an important tool in supporting sustainable fish stocks. They may also provide alternative employment in the form of recreational employment and tourism. These alternatives have traditionally been poorly developed and communicated to fishing communities in Ireland and as a result there is deep mistrust towards designation. Developing awareness of the opportunities provided by marine protected areas would be in line with the needs analysis for Union Priority 6 to build *“Capacity, Education, Training & Awareness”* (P 100). The fisheries and aquaculture areas development needs analysis for Union Priority four and seven have also identified the need to *“support development of marine tourism and leisure at local level”* (P 90) and the need to *“capitalise on opportunities afforded by the designation of inshore fishing and aquaculture areas as Natura 2000 sites, through eco-tourism and appropriate certification for seafood products”* (P 91). SWAN would like to see more emphasis being placed on the economic opportunities associated with marine protected areas. This would be a very positive step in the right direction. In this current draft of the SDP targets, timelines and expected outcomes need to be outlined. The LIFE Programme 2014-2020 would be ideally suited to help deliver a pilot project aimed at developing a more sustainable model for our inshore fisheries. It has been identified as a potential source of revenue within the SDP but no LIFE project has been suggested (P 170).

In order for the benefits associated with protection to accrue, MPA’s must be well managed and must properly protect ecosystems. There must be a good mix of top-down and bottom-up management practices involving local community groups and stakeholders. MPA’s can be matched to the requirements of local areas. Some of the more sensitive areas being *“no-take”* zones until stocks

recover. Others can be “marine conservation zones” that could be connected to existing SAC’s and SPA’s that might require less stringent management in agreement with local fishing communities.”

- Maintaining biodiversity and providing refuges for endangered and commercial species
- Protecting critical habitats from damage by destructive fishing practices and other human activities and allowing them to recover
- Providing areas where fish are able to reproduce, spawn and grow to their adult size
- Increasing fish catches (both size and quantity) in surrounding fishing grounds
- Building resilience to protect against damaging external impacts, such as climate change
- Helping to maintain local cultures, economies, and livelihoods which are intricately linked to the marine environment

Planning and Aquaculture

Another outcome of the SWOT analysis is the perceived need to streamline the licencing process for aquaculture i.e. *“revised legislation designed to facilitate faster decision making on licence applications while addressing environmental concerns on a best practice basis”* (P 76). SWAN would warn that any attempt to streamline aquaculture applications must not come at the expense of public participation in the planning process or environmental standards.

SWAN is also supportive of the identified need to improve governance of the aquaculture sector through the development of maritime spatial planning. This is part of the EU’s Integrated Maritime Policy (IMP) (2007) and is covered in Union Priority 6. The risk exists that rather than being used as a tool to promote the sustainable use of our coastal resources, it will be used to streamline unsustainable developments along our coasts. According to the SDP one of the key elements of Ireland’s IMP is to *“develop an integrated approach to marine and coastal planning and licensing in order to maximise the potential for Ireland’s ocean economy”* (P 101). The focus on economic return over sustainable utilisation is troubling. In the past the assessment of aquaculture licences under Environmental Impact Assessments (EIA) and Natura Impact Assessment (NIA) has been carried out on an individual basis. As a result the legal requirement to assess in combination effects have not been addressed. The current case by case approach to the expansion of aquaculture is unsustainable and is an example of our poor management of Ireland’s marine environment and its natural capital. An example of Ireland’s failure to properly address our environmental obligations during the planning process are the ECJ case C418/04 in which the court found against Ireland for failing to comply with Article 6 (3) and (4) in regard to aquaculture licensing. In SWAN’s opinion marine spatial planning should require, that management plans are developed at a bay level, taking into account cumulative impacts. The limitations of the supporting environment should not be exceeded and the necessity to protect both the health of the human population and ecosystems must be met. Sites for aquaculture should not solely be selected based on the *“potential for Ireland’s ocean economy”* (P 101). Sites should be selected so as to avoid environmental impacts. Management plans should set out the need for rigorous and independently informed cumulative impact assessment as part of the EIA consent process for aquaculture, together with an independent and regular monitoring system. EIAs should also take into account the potential impact of the aquaculture facility over its entire lifecycle, including the construction, operation and

decommissioning phases of the facility. When necessary Strategic Environmental Assessment must also be carried out. In order for the aquaculture sector in Ireland to develop sustainably it should:

- adopt the precautionary principle
- adhere to the ecosystem-based approach
- consider in combination and cumulative impacts

Another aquaculture issue which has been raised at various meetings attended by SWAN is the lack of engagement with the Northern Irish authorities on cross border impacts of aquaculture development in Lough Foyle and Carlingford Lough. This situation is not good for our international reputation or that of the industry.

Non-Indigenous Species and Aquaculture

The SDP has alarmingly identified the introduction of novel species as an opportunity (P 75) and a need (P 76-77) for the aquaculture sector. The introduction of non-indigenous species (NIS) is a serious issue as they pose a major threat to global biodiversity, and incur significant economic costs. The introduction of NIS is completely at odds with sustainable development on any level. It is also contrary to Union Priority 2 specific objective 3 "*Protection and restoration of aquatic biodiversity and enhancement of ecosystems related to aquaculture and promotion of resource efficient aquaculture*" (P 110). There is a requirement to reduce the impact of marine non-indigenous species under the MSFD (descriptor 2). Climate change related alterations to the aquatic environment will place serious stress on our aquatic ecosystems. Any additional negative anthropogenic impacts must be avoided to insure the long term viability of our native marine ecosystems. There is a clear need to deal with the marine and fresh water invasive species that are currently established in Irish waters. The proposal to introduce more potentially invasive species is completely extremely high risk and arguably imprudent. Any final draft of the SDP must address this clear contradiction to sustainability. The introduction of more novel species is also at odds with the precautionary principle, the ecosystem approach and the conservation of many native habitats and species under the Habitats and Birds Directives. The issues surrounding NIS are clearly known to the Marine Institute as they have had to report to the Commission on them as part of the MSFD Ireland's Initial Assessment Reporting Sheet for Non-Indigenous Species. Globally aquaculture is one of the main vectors for the introduction of harmful NIS (Minchin, 2007). The aquaculture sector therefore has a great responsibility not only to insure that more NIS are not introduced in the future but also that already present NIS are dealt with. The NIS Gigas/Pacific oyster (*Crassostrea gigas*) was introduced into Irish water specifically as stock for aquaculture. The thought at the time was that it could not breed in the relatively cooler coastal waters off Ireland. The Gigas Oyster is now recognised as being an invasive species and has established itself in Lough Swilly, Lough Foyle and Strangford Lough all Natura 2000 sites. It is a serious threat to our native oyster (*Ostrea edulis*). Rising sea temperatures off Ireland as the result of climate change are likely to facilitate the spread of NIS. SWAN would support the action points outlined by Coastwatch to address the issues of the invasive Gigas Oyster (<http://coastwatch.org/europe/wp-content/uploads/2014/02/The-Native-Oyster.pdf>).

In Ireland it is proposed that the open net-cage salmon farming industry will undergo large expansion over the coming years. There are a number of environmental issues associated with this form of aquaculture in its current form including: sea lice, chemical treatments, disease, algae blooms, marine mammal deaths, marine debris, waste on the ocean floor, escapees and fish feed. There have also been issues surrounding the unauthorised extraction of freshwater for the

treatment of amoebic gill disease. Many aspects of these intensive fish farms are not environmentally friendly and as a result there is considerable public opposition to the planned expansion of the industry. We expect that all of these issues will be addressed in the upcoming NSPA. We hope that the Irish Government will provide funding for alternatives, such as closed containment systems. Closed containment systems are the best way to ensure that parasites, diseases, nutrients and escapes are contained and are not released into the aquatic environment.

Public engagement

Union Priority 4 sets out the objective of *“Increasing employment and territorial cohesion”* (P 56). The establishment of the six FLAGs in 2012 is being held up within the SDP as a great success but no information of a weight is given to justify this claim. Greater effort should be made in demonstrating the benefits FLAG Boards have and will have for the broader coastal community. The only tangible example of a positive outcome of the establishment of the FLAGs is that they have *“have succeeded in leveraging larger sums from other funding sources and the participation of representatives of the local authorities, development agencies and LEADER groups has proven critical in this regard.”* The ability to leverage funding should not be considered an end in itself. If new FLAG entities are to be formed as the result of the EMFF then greater effort should be made to demonstrate the benefit FLAGs have had in achieving economic and environmental sustainability and social inclusion. Environmental NGOs (ENGOS) are generally marginalised within the sector. For example the inclusion of ENGO input into the Fisheries Local Action Groups and the Community-Led Local Development Programmes would be welcome from both a sustainability and social inclusion perspective.

The tenth fisheries sector development need was identified as the need to *“encourage technology transfer relating to sustainable fishing methods”* (P 74). The SDP reads *“BIM’s ambition achieved through the synergistic engagement of professional fishermen, scientists and all other groups interested has been shown to provide the innovation necessary to develop solutions to new problems. BIM’s continued development of relationships already in place will foster the development of sustainable and practical solutions to the reduction of discards and by-catches and will continue to define the economic context, impact and implications of such innovation.”* Improved engagement of the ENGO sector should be a key target towards achieving this goal.

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