



26<sup>th</sup> June 2012

## Environmental Pillar engagement in the shellfish 'wildfisheries' TAC

### Proposed solutions to current non-compliance with Natura obligations

During three years of engagement by the Environmental Pillar with the TAC over three fishery 'seasons' only three sites were dealt with. Because of the manner in which the TACs operated the Pillar withdrew from the Committee in September 2011. This followed a three year period of intense commitment and engagement. It soon became apparent that despite the open and honest engagement of the Environmental Pillar and the hard work and expertise of its two representatives, Siobhán Egan and Karin Dubsky, little or no notice was taken of the advice being given by them. This was further exacerbated by the total lack of transparency in the development of the advisory document that was given to the Minister.

Throughout the course of the TAC the Environmental Pillar has offered solutions to addressing the significant failures of the TAC process as well as of the more scientific requirements of the Appropriate Assessment. Changes to the wider picture for aquaculture are also required and have previously been highlighted to the department. Some of the headlines as seen by the Environmental Pillar are:

- Positive developments achieved to date include:
  - More data now exists to inform decision-making – low tide counts, some research etc
  - Representatives are no longer laughed at during these meetings, they are more civilised; perhaps it is acknowledged that we do have some expertise to offer.
- Areas of remaining concern:
  - Data collected still does not fully inform the AA conclusions
  - There are significant problems with project design and the conclusions drawn are still not addressed
  - Late engagement in improving experimental design
  - There are no reasoned reactions to Environmental Pillar inputs
  - It should be the role of the NPWS to ensure compliance with Appropriate Assessment requirements. And yet there is no recognition of this or any proposal to increase the capacity or competence of NPWS to fulfil this role.
  - Transparency and access to information
  - There is a long list of fisheries that need to be assessed.

The Environmental Pillar presents here a 10 part solution to improve decision-making, to ensure a more sustainable approach to aquaculture in Ireland and to make the work of the TAC more appropriate and compliant with EU legislative requirements. **We look forward to your response to each of the questions identified and to engaging with you more regularly** as active stakeholders in the management of natural resources.

Yours sincerely

## ANNEX 1

### Proposed solutions to current non-compliance with Natura obligations

#### IMPROVING THE SCIENTIFIC BASIS FOR DECISION-MAKING

1. **Improve the 'baseline information'**. Guarantee of identified areas of 'restricted activities' or 'no take zones' designed so as to improve research and monitoring over time. Criteria should be used to define these so that they are scientifically meaningful i.e. they are targeting X to achieve Y, may be temporal as well as/or spatial, are developed in consultation with the Environmental Pillar and to include workability with fishery within reason, include consideration of cumulative effects e.g. recreation, and are linked into a plan for R&M as well as monitored implementation.
  - a. Will the Minister ensure provision of tailored 'no take' or 'restricted access' areas so as to ensure better scientific advice can be developed?
2. A **tailored R&M programme for each site** so as to address gaps in information i.e. targeted to answer questions we need to know to make better/complete decisions. This should use expert knowledge and research and pull together existing research. The Environmental Pillar should be involved in tailoring the site-specific programme and targeting the distribution of a committed funding source.
  - a. Will the Minister commit to such a programme of work and the associated ring-fenced funding?

#### ACHIEVING SUSTAINABLE AQUACULTURE (SHELLFISH 'WILDFISHERIES') ON NATURA SITES

3. Establish a **charter for 'above and beyond compliance'** for Natura sites and Irish produce. This can only be achieved once basic compliance is achieved so has two components; a. Roadmap to compliance, b. Roadmap to certified production for shellfish.

Both roadmaps and their components (data and licensing information) should be publically accessible with timescales identified and expert knowledge at both site and strategic level. The latter should include a 'biodiversity certification', be explicit about providing 'added value' to individual sites and is a significant opportunity for enhancing product branding and appeal.

  - a. Will the Minister be producing a new Compliance Roadmap?
  - b. Will the Minister publish this Roadmap on line so that the public can easily see progress towards compliance?
4. Publish a **Spatial Strategic Plan for Aquaculture** (including 'shellfish 'wildfisheries') in Ireland, and an associated Strategic Environmental Assessment which identifies historical, existing and proposed new areas of aquaculture activities and display this information publically.
  - a. Will the Minister commit to developing such a plan so as give assurance to the fisheries sector as well as the wider public and civil society groups?
  - b. Will the minister make available all existing licences and their status and stage of assessment if any?
5. Identify **Site Specific Management Measures** that include the range of activities at a site level and their interaction. This is key to assessing and addressing or mitigating for 'cumulative' impacts of sectoral activities and informing decision-making processes. Funding for restorative works such as habitat restoration or the removal of historical tressles needs to be provided and ring-fenced.

- a. Will the Minister identify how he is working and plans to work with other departments and agencies to achieve knowledge regarding cumulative effects?
  - b. Will the Minister identify a timetable for addressing retrospective assessments of historical and ongoing aquaculture activities to ensure their compliance?
  - c. How will the Minister ensure the removal of inappropriate infrastructure and the integration of the element in the management of sites and their assessment?
6. Ensure significant **stakeholder input and public participation** through increased transparency and supported engagement. The participation of the public and civil society groups including environmental NGOs needs to be financed and facilitated, and processes such as the TAC adequately resourced. This would ensure better compliance with Directives including the Habitats Directive, Birds Directive, Marine Strategy Framework Directive, and Water Framework Directive as well as the Aarhus Convention just ratified by government.
- a. Will the Minister make provisions and funding available for this?
  - b. Will the Minister improve communications with us as genuine stakeholders by responding to letters and meeting with us in advance of Council meeting where relevant as well as after the event, and especially on specific areas interest?
7. The **availability of roadmaps, datasets and the range and types of activities** taking place on sites needs to be made publically available through website that also provides information regarding monitoring and points of contact for local communities and other stakeholders.
- a. Will the Minister commit to making all data available relating to aquaculture licensing on a single web-based location relating to all aquaculture licensing, the decision-making process and output from this as well as the data used to support the decision-making process so as to allow full engagement in the process?
8. We consider ourselves to be amongst a number of **stakeholders engaged in the management of natural resources**. In this case we also have expertise to offer in relation to sustainability criteria, application of EU legislation and management of natural resources and in particular the ecological needs of species and habitats. We continue to request more active engagement both with you and with your department. Our correspondence of July 2011 was not responded to. We consider that a single meeting a year on such a significant issue is not adequate by way of stakeholder engagement.
- a. Will the Minister agree to meet with us on par with other stakeholders?
  - b. As discussed, we request a separate meeting regarding funding provision for NGOs relating to the work of the department; can the Minister provide potential dates?
  - c. As discussed, we request a separate meeting to discuss the Marine Strategy Framework Directive and its application in Ireland as well as the recent consultation on Our Marine Wealth to which environmental NGOs made submissions. Will the Minister provide some possible dates for such a meeting?

#### IMPROVING THE TAC PROCESS (should it continue)

9. The only **stakeholders engaged in the TAC** to date have been the department, Bord Iascaigh Mhara, the Marine Institute, some Fishery interests and the Environmental Pillar. A number of key stakeholders were not present including National Parks and Wildlife Service, recreation activities, local communities, small scale fishery operators and businesses. Engaging in the TAC requires significant resources which the NGO sector have struggled to cope with; additional capacity needs to be provided to facilitate engagement
- a. Will the Minister improve representation on the TAC?
  - b. Can the Minister identify what other stakeholders he has engaged with relating to shellfish aquaculture activities?

- c. Will the Minister provide funding to facilitate participation?
10. There is a significant **lack of a complete and accessible 'paper trail' in the decision-making process** with the Environmental Pillar required to request under the AIE Regulations to see the TAC advice provided to the Minister after the decision has been made. Minutes of meetings are not provided to participants, and in the past proposed solutions provided by NGOs have not been reflected in the advice provided.
- a. Will the Minister ensure minutes are provided and that the advice produced through the TAC is provided to TAC members – even after the Minister has made his decision?
  - b. Will the Minister ensure all data are made accessible through a web-based system as identified above?