

Department of Agriculture, Fisheries and Food

An Roinn Talmhaíochta, Iascaigh agus Bia

Fisheries Natura Declaration No. 1 of 2011

Fisheries Natura Declaration 2011-2016 (Castlemaine Harbour)

I, Simon Coveney, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by Regulation 4 of the European Communities (Natural Habitats and Birds) (Sea-Fisheries) Regulations 2009 (S.I. No. 346 of 2009) (as amended by the European Communities (Natural Habitats and Birds) (Sea-fisheries) (Amendment) Regulations 2010 (S.I. No. 397 of 2010)), hereby issue the following Declaration:


1. This Declaration may be cited as Fisheries Natura Declaration No 1 of 2011
2. This Declaration expires on 25 July 2016.
3. A person shall not fish for mussel seed within the Castlemaine Harbour Special Protection Area and Special Area of Conservation without a Fisheries Natura Permit (permit) issued under Regulation 5 of the European Communities (Natural Habitats and Birds) (Sea-Fisheries) Regulations 2009 (S.I. No. 346 of 2009).
4. The holder of a permit may fish for mussel seed (*Mytilus edulis*) in an area specified in that permit ('permitted area') subject to the conditions of this Declaration and any further conditions that may be specified in the permit.
5. A permit holder fishing for mussel seed in the permitted area shall have on board a permit, particular to the vessel and to the permitted area and a Mussel Seed Authorisation ('authorisation') issued under section 13 of the Sea-Fisheries and Maritime Jurisdiction Act 2006.
6. A permit holder shall only catch mussel seed in the permitted area and shall transplant it within the inter-tidal nursery area identified in the Fisheries Natura Plan (*Mytilus edulis*) Castlemaine Harbour 2011-2016.
7. Subsequent transplantation from the inter-tidal nursery area shall only take place within the area of Castlemaine Harbour, as defined in the Schedule to Mussel Fishery (Castlemaine Harbour) Order 1979 or within the boundaries or limits of an aquaculture licence in Castlemaine Harbour issued under the Fisheries (Amendment) Act 1997 and specified in Condition 2 of the holder's mussel seed

authorisation.

8. The permitted area shall be determined annually, based on surveys of mussel spat fall and shall only include areas of outer Castlemaine Harbour that were assessed for sub-tidal mussel seed fishing in the Appropriate Assessment report of April 2011.
9. The total estimated biomass of mussel seed in the permitted area shall be determined annually, based on the surveys of mussel spat fall. A total allowable catch shall be determined, calculated as a maximum of 66% of the total estimated biomass of mussel seed in the permitted area, as determined by the survey.
10. The total allowable catch in the permitted area for a particular year shall be specified in permits. Notwithstanding the annual allocations to individual permit holders, once that total allowable catch has been caught, fishing shall cease immediately.
11. A permitted vessel shall have each side of the stowage hold marked in 0.5m segments from the bottom to the top; 0 being the bottom or floor of the hold to facilitate estimation of catches onboard.
12. The person in charge of permitted vessel shall inform a Sea Fisheries Protection Officer, by telephone +353 21 4378752, or in written form to Fax Number + 353 21 4378096 or email to fmcireland@defenceforces.ie, not less than 2 hours in advance of his or her intention to transplant mussel seed caught in the permitted area and shall facilitate an onboard inspection and calculation of the quantity of seed carried, including making available a boat or boats at Cromane for a Sea Fisheries Protection Officer.

GIVEN under my Official Seal,

27 July 2011 at 12:30 hours



Simon Coveney, T.D.

Minister for Agriculture, Fisheries and Food

EXPLANATORY NOTE

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

This Declaration sets restrictions on the dredging, retaining on board, transplanting and re-laying of mussel seed in Castlemaine Harbour.

(FND 2011/001)