An Taisce
The National Trust for Ireland

20140110-DOE-MSFD

Marine Strategy Framework Directive
Department of the Environment, Community and Local Government
Custom House
Dublin 1

msfd@environ.ie

10.01.14

Re: **Public Consultation on Marine Strategy Framework Directive – Initial Assessment (Articles 19.2a & b Report)**

Sir/Madam,

An Taisce welcomes this consultation period on the implementation of Marine Strategy Framework Directive and the opportunity to make a submission with regard to same.

Please acknowledge receipt of this submission and advise us further of any forthcoming consultations in relation to same.

Yours sincerely,

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Public Consultation on Marine Strategy Framework Directive – Initial Assessment (Articles 19.2a & b Report)



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1.0 Introduction

Ireland needs to set an exemplary standard in the implementation of the Marine Strategy Framework Directive 2008/56/EC. This should be a key part of Ireland's wider role is promoting action on the overriding threats to the global marine environment through ocean warming acidification and overfishing, both through national initiative, and through membership of the EU and UN IPCC process and other international structures.

The Marine Strategy Framework Directive requires a comprehensive Initial Assessment Report under Article 8, Determination of Good Environmental Status under Article 9 and Establishment of Environmental Targets and Associated Indicators under Article 10, and the putting in place of monitoring structures under Article 11. The Initial Assessment should have been submitted to the European Commission by 15 July 2012. The document submitted now seeks to telescope the requirements set out in Articles 8 to 10 of the Directive.

2.0 Consideration of Issues and Data Raised In Report

2.1 Anthropogenic Greenhouse Gases and Ocean Warming and Acidification

The report is disappointing, characterised by a failure to address the converging impact of anthropogenic greenhouse gas on increasing ocean temperatures and the ability of the ocean to absorb additional C02 causing acidification. The report is significantly deficient in addressing the impacts of climate change on warmer ocean temperatures marine eco-system, the marine feeding chain and species migration.

The report is significantly deficient in addressing the impacts of climate change on warmer ocean temperatures and acidification.

While Section 8.4 of the main report sets out serious concerns on the impact of ocean acidification, the response in effective international action is not provided. Consideration on acidification in the summary report is cursory, merely concludes that more research is needed.

2.2 Seabed Habitats

The summary report states '*the Initial Assessment has concluded that seabed habitats in Ireland's Assessment Area are generally considered to be in a healthy condition*'. However, this is contradicted by the acceptance that in relation biogenic reefs '*it is thought that fishing pressure is likely to have adversely affected the condition of many reef complexes*'.

On deep water coral or carbonate reefs, the impact of dredging is stated to "moderate". However the scale of this impact cannot be determined as Section 3.2.4.3 of the main report confirms that there is major absence of data and monitoring on carbonate mounds. The report reveals major information deficiencies particularly on the quality and status of deep sea habitat. There is no information as to how this that data deficiency is to be addressed.

There is a significant lack of evaluation of sea bed habitats in areas affected by aquaculture through faecal and fish feed nutrient overload on the sea floor.

2.3 Fish Species

The summary report states that:

> *"In general, populations of shallow and shelf water bony fish are stable in terms of their numbers, distribution and size ranges (population condition). Some commercially important demersal (bottom feeding) species such as haddock, whiting and plaice have increased their distribution, while others, such as megrim, have seen a marked improvement in the population condition. Similarly, non-commercial demersal species, including dragonet, dab and grey gurnard, have shown significant increases in population size while the condition of populations of lemon sole and dab has improved "*

and

> *"Overall, there is tentative evidence to suggest an improving picture for marine commercial fish species."*

It is further stated:

> *"There has been an overall reduction in fishing pressure in the Irish Assessment Area in the last ten years with the majority of the fifty-two assessed stocks now being fished sustainably. Many of the once depleted stocks have now increased to acceptable levels (above defined biomass reference levels)"*

This must be reconciled with the EPA (2008) *State of the Environment Report* which stated that

> *"Many commercially important fish species in Irish waters are heavily exploited. In terms of individual stocks it is estimated that as much as 75 per cent is being harvested beyond safe biological limits"*

2.4 Nutrient Enrichment

There is inadequate substantiation of the claim made in relation to nutrient management, including from agriculture, in the summary report:

> *"Overall, the present situation with regard to nutrient enrichment within Ireland's Assessment Area is considered to be good, with nutrient enrichment events reduced to a level that could be considered to be indicative of Good Environmental Status".*

International comparison is required on the extent and impact of "dead zones" in Irish waters. Follow up is needed on the University of Virginia (2008) report identifying dead zones internationally and providing Irish context: http://www.sciencemag.org/content/321/5891/926.

The only location identified for concern in the main report Section 6.4 is Kilalla Bay, Co Mayo/Sligo. The continuing scale of sea lettuce growth in Clonakilty and Courtmasherry Bays in Co. Cork highlights the effectiveness of nutrient management measures in Ireland.

It is not clear if the nutrient management targets set out have been reconciled with the beef and dairy production increase targets under the government supported Food Harvest 2020.

Annex V (11) of the Directive states the 'Need to include, as part of the initial assessment provided for in Article 8, an assessment of major changes in the environmental conditions as well as, where necessary, new and emerging issues'. Major issues at plan or programmes stage have not been addressed.

2.5 Aquaculture

A major extension of caged salmon breeding is proposed the first between Galway Bay and the Aran Islands and two others to follow. This has major issue on scale of nutrient source required for caged fish breeding, lice infestation and risk.

The main report under Section 2.4 does not address the impact of lice contamination of wild salmon species.

2.6 Oil and Gas Drilling.

The scale and impact of deep sea drilling in areas covered by exploration licenses by DoENR is not addressed.

2.7 Renewable Energy in Marine Environment

The impact of large scale wind energy and future development of wave and tidal energy needs to be assessed.

2.8 Cultivation of Marine Biomass

The potential impact of future marine biomass cultivation of pharmaceutical, food nutrient or bio energy use needs to be addressed.

3.0 Marine Protected Areas

Paragraph 6 of preamble to the Directive places strong emphasis on the designation of areas under the Habitats Directive and protected areas generally "as an important contribution" to the achievement of Good Environmental Status as well as meeting the obligations of the UN Biodiversity Convention.

No evaluation is carried out on the adequacy of existing marine designations, monitoring and management of these areas to ensure favourable conservation status or designation of additional areas.

4.0 Meeting Requirements of Directive

The concluding paragraph, in Section 13 of the main report, is unclear in its argument:

> *Ireland has one of the largest marine waters of EU Member States and it is essential that we take a pragmatic approach to implementing the MSFD. This will require a risk-based, but precautionary approach to developing monitoring programmes and any subsequent measures necessary.*

This fails to address the overriding requirement which the Directive necessitates in adopting an ecosystems approach as set on in paragraph 8 of the preamble. The report reveals a serious lack of understanding of the marine environment as integrated ecosystem dependent on stabilising and reducing anthropogenic C02 and other emissions, stabilising ocean temperature and acidification levels and understanding and protecting the complex interrelated chain of marine life.

It is submitted that the summary report submitted makes unwarranted "tentative" conclusions on two key issues of commercially exploited fish and nutrient running off into marine waters which are not supported by the level of evidence required in the main report.

The immediate impact of major aquaculture expansion is not addressed which constitutes a major deficiency in view of scale and potential impact of the current aquaculture programme proposed by government.

In general the report reveals that major baseline data is required across a wide range of areas particularly on sea floor habitat status

The published reports seek to meet Ireland's compliance with the provisions of Articles 8, 9 and 10 of the Directive. We submit that the reports as published do not contain adequate data on current environmental status as required under Article 8, adequately assess risks under Article 9 and set out appropriate targets under Article 10.

There is clearly a range of major areas, particularly in relation to sea bed ecology and status that need further study in order to establish baseline data and that in view of Ireland's large marine area relative to its population and the importance of its marine waters relative to overall European North Atlantic environment that financial support as provided under Article 22 of the Directive should be sought.

The provisions of Article 19 of the Directive on public and NGO consultation and participation are not addressed and have not been met in the process carried out so far.

Appendix A reveals that major additional data and evaluation is required to meet the obligation of the Directive. In the key areas of biodiversity, food webs, sea floor integrity and underwater noise, the 'targets and indicators' required to be put in place under the Directive are left blank with the notation stating 'under development'. In other areas, particularly in relation to individual fish species and protection of both biogenic and coral or carbonate reefs, clear targets for identification and protection of biogenic and coral or carbonate reefs is required.