

## **Setting the Scene**

1. We agree a change is urgently required to enable effective management of the seas around Northern Ireland. This is needed to ensure that conservation of marine species, stock levels and mineral deposits are maintained to provide a sustainable marine environment which can be valued, appreciated and harvested at a sustainable level.

To provide this a long term strategic approach must be adopted which recognises the importance of a strong, fair and robust legislative structure capable of adapting to meet the changing and varying needs of the marine environment around our coast and capable of managing and enforcing the abuses of those who see it as only a source of financial gain.

2. We accept the role of the Northern Ireland Assembly as central to the legislative process and as the primary body of legislature. In doing so must identify and create a new legislative and management framework to provide protection and development of marine planning for the sustainability of our NI seas

- a. The management of the commercial fishing fleet and the dangers of over fishing which has already witnessed the decimation of a variety of semi-pelagic and demersal species once abundant, now in threat of near extinction in our waters.

- b. We agree that the stream lining of marine licensing has its benefits but not if it reduces the effectiveness of the licensing process to compound abuses and over harvesting. Deregulation should not become an optimistic opportunity for those with no environmental responsibility but instead demands their compliance with the role of harvesting and protecting the marine environment under licence.

For example the importance of managing through a responsive licensing process the extraction of aggregates, minerals and the storage of gas supplies under the sea floor and other products and technologies such as compressed air storage.

Without an effective licensing processes the retention of by-catch species relating to inshore i.e. wrasses, dog fish, conger eel, rock ling to name a few are routinely retained from crab and lobster pots to be processed as pot bait. These species which are in rapid decline as a result of this practice are an important recreational sea angling species their absence from the recreational angler from the shore have had a direct impact on the tourism angler and those who supply them from the local coastal villages as this form of retail support base falls into decline.

The uncontrolled and apparently unmanaged proliferation of pots, the frequency of pots laid along the coastline with little distance from each other and the depth and distance from shore make them a frequent hazard to recreational small boaters and shore anglers.

- c. It has been proven sadly, that without an adequate marine management framework the many competing interests have made the

conservation of the marine environment an open season. Conservation is not merely a conscience but a practical objective which if recognised early enough will enable marine resources to be exploited at a rate that can be sustained.

3. The difference which an effective management framework would make would be to enable the local economies to benefit through increased turnover, footfall and profitability. The angling season is for most recreational and tourist anglers a 12 month season. While the numbers of anglers who fish the coast have been moderating of the last few years as a result of reduced availability of sporting species caused largely by commercial over fishing.

The immediate result would be negligible but the medium to long term importance would be to rejuvenate the small coastal village economies and inject footfall from associated coastal users.

### **Marine Planning**

4. We agree that one overarching marine plan will enable effective and uniform management to be more cohesive and conjoined. However there are always local fluctuations and specific idiosyncrasies which dictate that *'the local view'* receives elevation on these occasions the local plan has a very strong role to play and requires precedent.
5. The role of stakeholder cannot be under-estimated and a properly representative cross section of interests must be included. The early stages of development require a variety of opinion to inform and influence the process and therefore it will be important to manage this aspect well.
6. The existence of other plans already in place should subscribe to the over arching objectives of the Marine Bill and be adopted as subordinate to it, given its strategic importance to the marine. The inclusion of the 2011 Bill NI within the UK Act 2009 is a prerequisite however, we would express some concern that its inclusion at this late stage would allow some inconsistencies to be established and therefore create issues which may not be conducive to the ethos and culture of the bill as it becomes enshrined in Assembly legislation as part of the process of legislative protocol.
7. We believe that the process must be inclusive, transparent and accessible. Stakeholder groups must not be introduced on a rigid hierarchy but consistent with NI Equality legislation be entitled *'as of right'* and the process should be section 75 proofed. Representation of non commercial interests should be equal at the table just as commercial and industrial interests are.

### **Marine Licencing & Enforcement**

8. There are a number of priorities which the licencing should be responsible for controlling – minerals, aggregates, gas, oils, Mari culture, salmon farming, lobster potting, long lining, netting in general. Under sea bed storage.

9. Recreational sea angling should be omitted from the licensing process as its impacts are proven to be negligible.
10. The responsibility for processing and administration should be where possible limited to one Government Department - the most appropriate. New relationships need to be established to ensure the transparency of the working process and an experienced and dedicated team should be established to ensure administrative responsibility. The relevant example of abuses and familiarity which are common among those licensor and licensee need to be reassessed to ensure that equality of approach is a respected practice.
11. This can be done through direct consultation with stakeholders and other interested organisations and interests. It is an important principle that the process is simplified from the outset to ensure that both user and licensor have a clear and practical understanding of the process which binds them. It is important that there is no confusion between simplifying a process and deregulating it. This cannot be overstated and is a central foundation stone for ensuring that management and framework are not cosmetic but real. To deregulate without justification will only enable those who are prone to abuse the system to do so under license.
12. A more effective and robust monitoring of the licensees, black box technology for the new emerging commercial fishing small boat (under 10m) activity.

### **Enforcement**

13. Yes the legislation governing lobster and crab potting needs to be consistent, the recreational potter and the commercial potter should operate on a parity basis – tough and challenging approaches to identify offenders and effective fining and restrictions to reduce the abuses which occur on a regular daily in season basis.

The capacity of commercial organisations to operate in our waters must be indemnified to ensure that prior to commencement of any operation or activity of extraction or storage the damage to the environment must be reinstated at their cost and within a timescale established by the scientific specialists and monitored by appointed regulatory or independently appointed panels representing a cross reference of interest.

14. Examples can be evidenced of a lack of legislation and licensing requirements by very senior Department staff. There needs to be a clear and transparent approach to ensuring that regulations are not written in jargon but are easily understood. Operating hours for enforcement staff should be consistent with the requirements to challenge and enforce offenders. A more flexible and proactive response needs to be central to the culture. One example would be through engaging the public and recruiting anglers, recreational boaters to report incursions of the license or legislation of regulations.

## **Marine nature Conservation**

15. MCNI strongly supports the principle of flexibility in the development, selection and designation of MCZs. Areas designated for selection need to be broadly recognised as areas of special interest, ecological and geomorphologic value. They should be identified scientifically for their importance to indigenous and mobile species and be sufficient in size to sustain and enable the migration pattern of species.

The principles of selection under 4.32 provide a comprehensive guideline to the determination of MCZs but should not be regarded as exclusive of further determinants being added if this is supportive of the development of the designated MCZs protection marine areas.

16. MCNI agrees in principle that the MCZs need to be considered with different conservation objectives. The role of stakeholders and specialists should be included in defining the terms of reference for the MCZs, although this should at no time be regarded as proscriptive.
17. Yes this should be given serious consideration in identifying and designating MCZs but this should include the “real” commercial fishing value of the exploitation of various targeted species just as it should identify and recognise the importance of the MCZ designation to a marine area where the potential for recreational tourism is enhanced through the exclusion of commercial/industrial interests. There are a number of such areas around the Northern Ireland coastline.
18. To date, legislation seems to have done little to conserve fish species and stocks. The new flexible mechanism with suitable deterrents would aid recovery of decimated stocks and once flourishing but now decimated feeding and nursery areas.
19. The proposal mechanism is broadly acceptable and offers a useful guide to the identification and initial selection of MCZs. Again stakeholder engagement and involvement at this stage will prove less divisive and enable an appropriate engagement process to be deemed inclusive. While the process of using organisations like JNCC, NE & CCW certainly have their role to play in guiding and pinpointing detailed information in the selection process there are other organisations whose role is specific to particular expertise and should have a place at the table.
20. The importance of adding species cannot over-stated and an appropriate qualification of increasing species to be protected in MCZs should be given a priority. The issues raised in section 4.36 are extremely valid.

The principle of bye-laws should be given credence. In principle the allocation of bye-law making and enforcement is an issue which needs to be looked at as a local responsibility matter although it can be overseen and managed by DOE. The interface between local and central government and other appropriate agencies appointed to carry out responsibility for enforcement of bye-laws needs defined. Making bye-laws would allow flexibility for local areas and help to monitor and control activities that fall under the radar of larger commercial activities. We

would agree with this, as long as it is a fair system and endorses and enhances sustainability and re-generation of stock levels.

21. The enforcement of marine legislation has never proved to be effective and abuses have often been on the basis of commercial interest and substantial financial gain. The need therefore is for an effective suite of enforcement tools to enable and capacitate the DOE officers or designated agencies acting on their behalf to effectively penalise those found to be in breach of bye-laws and legislation set out to protect the marine environment and its designated MCZs. Other legislative regimes such as marine licensing and fisheries powers contribute to the management and conservation of marine species and habitats. These will compliment the marine nature conservation functions however there is merit in debating their submission to the new Marine legislation as part of its overarching structure and therefore complimentary through its inclusion as part of the new 2011 Act and not merely complimentary to it.
22. To adequately enforce these areas would require sufficient network of policing, educating public as a useful watchdog, rapid response to misdemeanors, use of modern technology (black box etc) and penalties that act as an efficient deterrent.
23. It is our belief that almost all of the well-known areas of sea-angling activity in Northern Ireland that once had the ability to generate large amounts of angling-based tourism revenue are all but destroyed.

If these areas were given back to the angler, to fish in a catch and release (highly sustainable) manner, ie, designated MCZ's, the stock levels may once again rise to original proportions, and create massive scope for angling based revenue, and allow specific vulnerable species to recover. Angling data through tagging schemes would provide an extremely cheap means of monitoring these stocks. With the protection that an MCZ would offer these areas would be promoted without fear of destruction from commercial exploitation and become a sustainable recreational and highly profitable resource for Northern Ireland and its economy.