



**Iascach Intíre Éireann
Inland Fisheries Ireland**

Procedure for applying for and issuing of Oyster Dredge Licences.

4/11/2019

This Document outlines the procedure for Inland Fisheries Ireland for considering Oyster Dredge Applications– in Natura 2000 sites.

IFI Procedure for Issuing Oyster Dredge Licences

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| Authorised Officer: | Dr. Ciaran Byrne, Chief Executive Officer | | | | |
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Allocation of Oyster Dredge Licences for SAC's in 2020 to ensure that no intensification of fishing activity takes place and priority habitats are protected from inappropriate dredging activity.

There are many Special Areas of Conservation and Natura 2000 sites in Ireland that also contain oyster fisheries. As the exploitation of these fisheries will require dredging, and are subject to secondary licencing by IFI and in some cases come under the definition of aquaculture projects or plans, appropriate assessment of these fishing activities have to be undertaken. In the case of SAC's the NPWS has identified the Conservation Objectives for these sites and fishery or aquaculture plans must ensure that no inappropriate pressures are placed on the priority habitats. Native oyster itself is, in some cases, listed as an SAC qualifying interest (*Osrea edulis* dominated community) or it is listed as a characterising species of habitats. Protection of the status of native oyster and its role in habitat structure and function should also therefore be considered in the fishery and aquaculture plans.

Part of this overall management plan is to ensure that licensed dredging is also managed and the fishery sustainably exploited. The number of licenses issued will need to be equitable and the pressure such that the fishery remains sustainably managed and not over fished.

As a consequence as part of management plans prepared for specific fisheries spatial areas of priority habitats will be closed to Dredging by byelaw by IFI to ensure the habitat is protected. This has been further strengthened by the issuing of a direction from the Minister in accordance with Section 278 (5)(a) of the Fisheries (Consolidation) Act 1959 as amended and the Habitats Directive as transposed by European Commission (Birds and Natural Habitats) Regulations 2011 (SI 477/ 2011).

Inland Fisheries Ireland must ensure that the wild oyster fisheries are managed in a sustainable manner (sustainable not just for the wild oysters but also for the other qualifying interests which may be damaged by inappropriate over dredging) given the conservation objectives for habitats within SACs. IFI are continuing to limit the number of licences that can be issued for 2012 and subsequent years to no more than the average number of licences that had been issued for that District / area over the previous 5 years when dredging actually took place – prior to 2011. If the number of licences issued in 2011 was restricted (as per previous direction), then the number issued in 2012 and in subsequent years should not exceed that number until an appropriate management plan is actively in place and working. In the future any increase in the number of licences issued will be related to the sustainable exploitation of an increase in oyster biomass in the fishery. Until such a biomass increase is demonstrated the current restrictions on licence numbers will continue to apply.

The number of licences issued in the previous 5 years when the fishery was actively fished has been determined for all relevant Fishery Districts and are used to identify the number of licences that can be issued.

Over the last number of years it has been necessary to introduce this system as an interim measure to enable IFI manage the fishery sustainably provide for the issuing of oyster licence applications nationally.

Procedure for Oyster Dredge Licence Applications

There is a need to create an application timeframe for oyster licence applications. i.e applications are invited from oyster fishers seeking a licence to operate an Oyster Dredge for the **2020** season. Please refer to **Appendix 1** for the **Oyster Dredge Licence Application Form**. Please note that application forms are also available online at:

<http://www.fisheriesireland.ie/Fisheries-Management/oyster-dredge-licences.html>

or from any district office of Inland Fisheries Ireland (please refer to Appendix 2 for a list of IFI District Offices).

All applications must be submitted on the required IFI form and must be completed in full. The closing date for receipt of Oyster Dredge Licence Applications for the **2020** season is **Monday 9th December 2019 before 12.00 noon**. Applications should be addressed to the relevant IFI office and should state the Fishery District for which the application is being sought. No late applications can be considered except in the case where the initial applications and licences issued are less than the number available or issued.

An advertisement shall be published on the IFI website and in a National Newspaper stating the reasons for the conservation measures both in terms of effort and yield and why no intensification of the fishery can be permitted.

Applications for Oyster Dredge Licences shall be date stamped and numbered on arrival/opening and acknowledged in writing by the appropriate office.

The licence application shall be clearly marked on receipt by the relevant Inland Fisheries Ireland office in relation to which Fishery District it is in respect of.

If the Oyster Dredge Licence application is in respect of an area that includes a Natura 2000 site IFI must ensure that the fishery and the Natura site is properly managed and the priority habitats are appropriately protected – to this end certain priority habitat areas will be closed to dredging. In addition 'oyster' is also listed by the NPWS as a characterising species of sedimentary habitats or is listed as a specific habitat in its own right and to which specific conservation objectives apply thus IFI must ensure that this habitat is not overexploited. Consequently certain restrictions will continue to apply until management plans ensure that the stock is sustainably exploited.

Applications will only be accepted from legitimate oyster fishers with the necessary equipment – boat and dredge – to undertake the activity. Both the boat and dredge shall be inspected in advance of the licence being issued. Legitimate oyster fishers are required to provide written proof of having fished for oysters in the previous year / past. (e.g. evidence of the sale of oysters etc.).

It is also important to try and ensure that only established fishers are issued with licences and no new entrants are permitted to the detriment of established fishers.

Following initial assessment of the applications, licences should be initially allocated as follows:

Applications will not be accepted from fishers with a conviction for fisheries offences in the previous two years.

Category 1:

Licences to be allocated (subject to boat and dredge inspection) in the first instance, to established fishers with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held an oyster dredge licence in 2019 and each of the four previous years in which the fishery was open for fishing and actively fished.

Category 2:

Licences to be allocated (subject to boat and dredge inspection) to established fishers with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held a licence in 2019 and three of the previous 5 years in which the fishery was open for fishing and actively fished.

Category 3:

Licences to be allocated (subject to boat and dredge inspection) to established fishers with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held a licence in four of the last 5 years in which the fishery was open for fishing and actively fished.

Category 4:

Licences to be allocated (subject to boat and dredge inspection) to established fishers with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held a licence in three of the last 5 years in which the fishery was open for fishing and actively fished.

Category 5:

Licences to be allocated (subject to boat and dredge inspection) to established fishers with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held a licence in two of the last 5 years in which the fishery was open for fishing and actively fished.

Category 6:

Licences to be allocated (subject to boat and dredge inspection) to established fishermen with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who held a licence in one of the last 5 years in which the fishery was open for fishing and actively fished.

Category 7: - On a pilot trial basis for 2019 and 2020 -

New applicant first degree relative (spouse; brother; sister; son; daughter or parent only) Licences to be allocated (subject to boat and dredge inspection) to established fishers (but not previous oyster licence holders) with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine who did not hold a licence in person but is a first degree relative of a current fisher who is prepared to retire from the fishery but maintain the tradition in the family these cases may be considered under Category 7. First degree relatives will be considered on a priority basis similar to categories 1 – 6 above. A history of fishing with the retiring relative may also be taken into consideration if an appropriate declaration is made and signed.

The retiring relative provision may require certain documentary proof in the form of birth certificates, photographic ID of both parties and, if necessary, utility bills etc..

Category 8:

New applicants – with boats on the sea fishing boat register of the Department of Agriculture, Food and the Marine these will be placed on a waiting list as the issuing of licences to new entrants may be considered when the stock in the fishery recovers to such a degree that it can be sustainably exploited by a greater number of licensed dredges and still afford a reasonable return to the fishers.

| Category | Most recent year | Additional track record provision | Reference period |
|----------|------------------|---|--------------------|
| 1 | 2019 | And each of previous 4 years | 2019 and 2015-2018 |
| 2 | 2019 | And 3 of previous 5 years | 2019 and 2015-2018 |
| 3 | N/A | 4 of previous 5 years | 2015-2019 |
| 4 | N/A | 3 of previous 5 years | 2015-2019 |
| 5 | N/A | 2 of previous 5 years | 2015-2019 |
| 6 | N/A | 1 of previous 5 | 2015-2019 |
| 7 | N/A | Pilot Basis in 2020. First degree relative of retiring licence holder | 2015-2019 |
| 8 | N/A | New entrant | N/A |

Exceptional Hardship Cases:

Where it is considered by IFI that a particular hardship case exists whereby an established fisher was precluded from fishing and taking out a licence for a number of years due to certified illness – an exception may be considered by the District Director in whose area the application is made or by the Head of Operations on appeal.

The applicant in this case must provide the necessary documentary proof required for the case to be fully considered. If it is deemed that – had the applicant been able to take out licences and fish then they would have done so, the District Director may, following an assessment of the case, (subject to boat and dredge inspection), allocate the applicant to a category under the Hardship Case.

This Hardship Case allocation will be allocated under one of the Categories 1 – 8 – the category allocated should be the closest the Director believes to what would have been the case had the applicant been able to take out a licence. – These cases are for extreme hardship and should only be allocated where a genuine case clearly exists and the necessary proofs have been provided.

Appeals Process:

Where an applicant believes his / her application has not been properly allocated into the correct category or where the applicant wishes to appeal a decision an appeals process has been established.

The appeals process is as follows:

An applicant who wishes his / her application decision to be revisited must write to the Appeals Officer **within two weeks of receipt of the letter of the decision in respect of the licence application** stating that they wish to appeal the decision in respect of their application. An administration fee of **€80** applies in this case which is only refundable in the event that the appeal is successful. They must state the grounds under which the appeal is made. (Incorrect classification of their application; non-availability of the boat and dredge for inspection when required), hardship case in which inadequate documentation was provided etc. No-one can make an appeal until after the initial decision on their application has been made.

The Appellant must state in the appeal the full grounds for seeking an appeal of the decision. All information that would be necessary to substantiate the facts of the appeal must be provided in the appeal. If the appellant wishes to rely on evidence of a genuine illness as part of the grounds for the appeal, the appellant will be expected to sign consent for IFI to seek written confirmation on a confidential basis from the appropriate Medical Doctor.

The Appeals Officer will assess the appeal and make a determination as to the merit of the appeal within **1 calendar month** of receipt of a legitimate appeal. If the appeal is deemed to be reasonable and allowed then a licence may be allocated under the Category (1 – 8) as determined by the Appeals Officer. (It may also be possible that no further licences are available, however, the finding will stand in the event of a subsequent application the following year.) If the appeal is deemed to be unsuccessful the Appeals Officer advises the appellant of the reasons for the appeal being declined. If an extension of time is required the Appeals Officer shall advise the applicant in writing. The determination by the Appeals Officer of Inland Fisheries Ireland is final.

(Definition: “Established Fishers”: These are fishers who can prove that they derive a significant proportion of their income from fishing and who have the capability and necessary resources to undertake oyster dredge fishing and a proven record as an oyster fisher and have a sea fishing boat on the register of the Department of Agriculture, Food and the Marine).

No licence will be issued until such time as the applicant who has initially been deemed appropriate for receipt of a licence presents themselves with their appropriately licensed boat and dredge to a nominated Inspector of IFI. Once the boat and dredge have been inspected and the applicant is approved for receipt of the licence, the licence can be issued. The licence shall only be issued to the licence holder by a member of IFI staff for the specific boat in question which has been verified as having the appropriate dredge present – There is no provision in the legislation or on the licence for a nominee.

The application form is as per Appendix 1 – for an application to be valid, it must be accompanied by the appropriate fee. In the event that a licence is declined the licence fee shall be refunded in full.

The contacts for the Applications and Appeals Procedure are as per Appendix 2.

Appendix 1
Oyster Dredge Licence Application Form- 2020



Iascach Iníre Éireann
Inland Fisheries Ireland

Name of Applicant: _____
(Block Capitals)

Home Address: _____
(Block Capitals)

Name of Co-operative Society of which the applicant is a member (If applicable) (see end note) *

Membership number (if any): Phone No:

Declaration that applicant derives a significant portion of his/her livelihood mainly from fishing: Yes No

Details of Boat:

| Name | Length | Colour | Registration Number |
|-------|--------|--------|---------------------|
| _____ | _____ | _____ | _____ |

Details of Oyster Dredge equipment: _____

Signature of Applicant: _____ Date: _____

Licence price for 2020 Oyster Dredge Licence is €89

All applicants must contact the local IFI office to have their boat and dredge inspected.*

Note – Oyster fishing licences will only be issued to persons who are either:

1. Members of Co-operative Societies which are engaged in the development and protection of oysters, or
2. Persons who derive their livelihoods mainly from fishing.

Written proof of having fished for oysters in the previous year should be submitted with all applications. (e.g. evidence of the sale of oysters etc.).

Appendix 2

Names and Addresses of River Basin District Offices and Directors

Inland Fisheries Ireland – Dublin
(Eastern River Basin District)
Director – Brian Beckett
Inland Fisheries Ireland
3044 Lake Drive,
Citywest Business Campus,
Dublin 24
D24 Y265
Telephone: (01) 8842600

Inland Fisheries Ireland – Clonmel
(South Eastern River Basin District)
Director – David McInerney
Anglesea Street
Clonmel
Co. Tipperary
E91 RD25
Telephone: (052) 6180055

Inland Fisheries Ireland – Macroom
(South Western River Basin District)
Director – Sean Long
Sunnyside House
Macroom
Co. Cork
P12 X602
Telephone (026) 41222

Inland Fisheries Ireland – Limerick
(Shannon River Basin District)
Director – Amanda Mooney
Ashbourne Business Park
Dock Road
Limerick
V94 NPEO
Telephone: (061) 300238

Inland Fisheries Ireland – Galway / Ballina
(Western River Basin District - Galway)
Director
Teach Breac
Earl's Island
Galway
H91 K6D2
Telephone: (091) 563118

Inland Fisheries Ireland – Galway / Ballina

(Western River Basin District - Ballina)
Director
Ardnaree House
Abbey Street
Ballina
Co. Mayo
F26 K029
Telephone: (096) 22788

Inland Fisheries Ireland – Ballyshannon
(North Western River Basin District)
Director – Milton Matthews
Station Road
Ballyshannon
Co. Donegal
F94 WV76
Telephone: (071) 9851435

Other relevant contacts:

Appeals Officer:

Gregory Forde
Head of Operations
Inland Fisheries Ireland
Teach Breac
Earl's Island
Galway
H91 E2A2
Telephone: (091) 563118