

**KFO objection to
Notice of Intention to Designate
Porcupine Shelf and Southern Canyons SACs**

**Edward Farrell
Killybegs Fishermen's Organisation
Designated Areas Appeals Advisory Board (DAAAB)
Friday 14 March 2025**

KFO Appeal Report Outline

1. Summary
2. Objection and reason for appeal
3. Issues with the Notice of Intention to Designate process
4. Scientific evidence cited for the proposed designations
5. Additional scientific evidence cited by NPWS after Notification to Designate
6. Review of the evidence cited for the proposed designations
 - a. Description of the SeaRover surveys
 - b. Proposed Porcupine Shelf SAC
 - c. Proposed Southern Canyons SAC
7. Suggested approach with the available evidence

2. Objection and reason for appeal

1. The current delineation of the proposed SACs does not reflect the scientific evidence provided and does not align with the designation basis, *Reefs (1170)*.
2. The evidence indicates that this habitat type is only present in a small fraction of the defined areas, therefore the spatial scale of the proposed SACs is not supported by the scientific evidence.

- Sea fishing is not listed as an Activity Requiring Consent (ARC)
- Offshore SACs were closed to '*bottom trawls or similar towed nets, bottom set gillnets, entangling nets or trammel nets and bottom set longlines*'.
- Restrictions to Pelagic vessels
- EU Action Plan included stated targets for prohibiting mobile bottom fishing in '*Marine Protected Areas [within existing Natura 2000 sites] which have either seabed protection as their conservation objective or non-bird species protection and thus should also protect the seabed as the habitat of those species*'.

3. Issues with the Notice of Intention to Designate process

Timeline

- 18 November 2022: DHLGH compiled Notice of intention to Designate Porcupine Shelf and Southern Canyons as Special Areas of Conservation (SACs)
- 29 November 2022: Notice published on gov.ie with associated maps
- 13 December 2022: Minister Noonan press release, whilst at COP15 in Montréal
- No notice issued to fishing licence holders and no prior public consultation
- Unclear if there was any inter-departmental consultation or notice
- 17 February 2023: Final date for receipt of objections
- Objection period less than required 3 months in Regulation 13 S.I. No. 477/2011
- Only opportunity for engagement was by lodging an objection

3. Issues with the Notice of Intention to Designate process Timeline

- 15 February 2023: KFO objection submitted
- Seven requests for an update sent to NPWS
- Letter and two emails to Minister Noonan

- 12 February 2024: Letter from NPWS
 - objection was “*determined to be unsuccessful*”
 - “*objections can only be considered on scientifically based **ornithological** grounds*”
 - NPWS “*15,000 records of reef habitat, both geogenic and biogenic, from the two sites*”

3. Issues with the Notice of Intention to Designate process

Timeline



- Only opportunity for engagement was by submitting an appeal to DAAAB
- Objection has sound scientific basis
- Objection was not given due consideration by NPWS during stage 1 review
- 13 February 2024: KFO appeal request submitted
- 21 May 2024: KFO Appeal report submitted to DAAAB (6 weeks + 2 week extension)
- 10 October 2024: KFO received NPWS report
- Objection, appeal and this drawn-out process entirely avoidable if proper stakeholder engagement and robust review of the proposed designations had been performed.

3. Issues with the Notice of Intention to Designate process Stakeholder Engagement

- EU Staff Working Document 2022 on Criteria and Guidance for Protected Areas Designations *“it is (therefore) essential that Member States involve all relevant stakeholders, including landowners, managers and users, indigenous peoples, local communities and NGOs in the identification, designation and management of new protected areas, in a fair and participatory way, in line with the Aarhus Convention and in accordance with national procedures”*.
- MPA Advisory Group 2020 Report on Expanding Ireland’s MPA Network [15], which concluded that *“Early and sustained stakeholder engagement should be integral to the selection and management processes for MPAs. Engagement should be inclusive and equitable, and the process should be designed to ensure that it is transparent, meaningful, and facilitating.”*

4. Scientific evidence cited for the proposed designations

What are *Reefs* (1170)?

- Habitats Directive Annex I - Reefs (1170)
 - *“Reefs can be either **biogenic** concretions or of **geogenic** origin. They are **hard compact substrata on solid and soft bottoms**, which arise from the sea floor in the sublittoral and littoral zone. Reefs may support a zonation of benthic communities of algae and animal species as well as concretions and corallogenic concretions”*
 - *“a variety of subtidal topographic features are included in this habitat complex such as: Hydrothermal vent habitats, sea mounts, vertical rock walls, horizontal ledges, overhangs, pinnacles, gullies, ridges, sloping or flat bed rock, broken rock and boulder and cobble fields”.*



4. Scientific evidence cited for the proposed designations

Criteria to be designated as an SAC



Habitats Directive Annex III Stage 1: Assessment at national level of the relative importance of sites for each natural habitat type in Annex I and each species in Annex II (including priority natural habitat types and priority species)

A. Site assessment criteria for a given natural habitat type in Annex I

(a) Degree of representativity of the natural habitat type on the site.

(b) Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.

(c) Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.

(d) Global assessment of the value of the site for conservation of the natural habitat type concerned.

S.I. No. 477/2011 Regulation 11. (1) states

The Minister shall compile information on each candidate site of Community importance including—

(a) an ordnance map of appropriate scale, upon which the boundaries of the site are marked, to identify the land comprising the site and the boundaries thereof,

(b) its name, location, and extent,

(c) the data resulting from application of the criteria specified in Annex III, Stage I, to the Habitats Directive, and

(d) the scientific and legal criteria and rationale for the identification of the site as a candidate site of Community importance.

S.I. No. 477/2011 Regulation 11. (3) states

The information compiled under paragraph (1) shall be made available in a readily accessible format, for inspection by members of the public by appointment during office hours of the Department and in electronic form on the Department's website, as soon as is practicable.

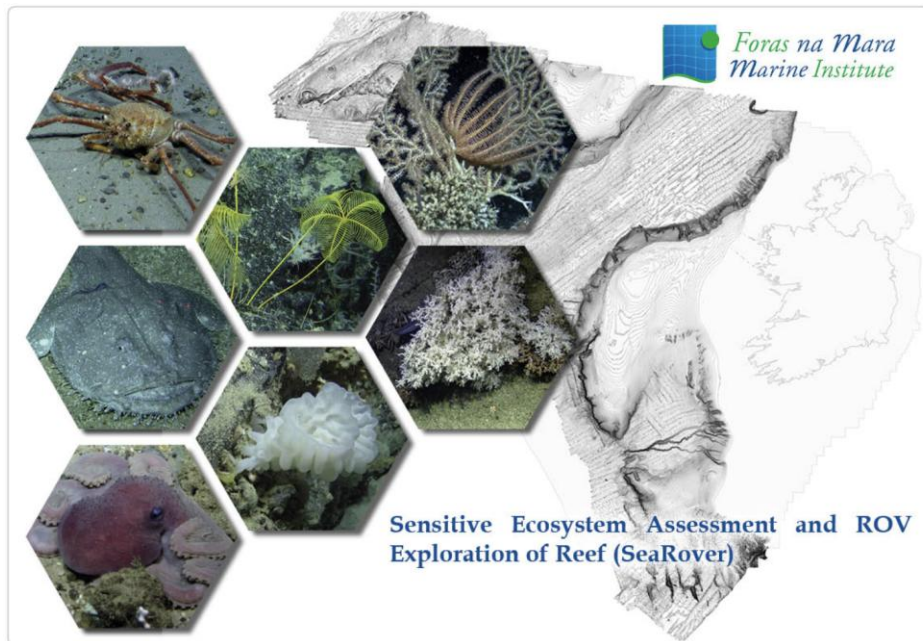
4. Scientific evidence cited for the proposed designations



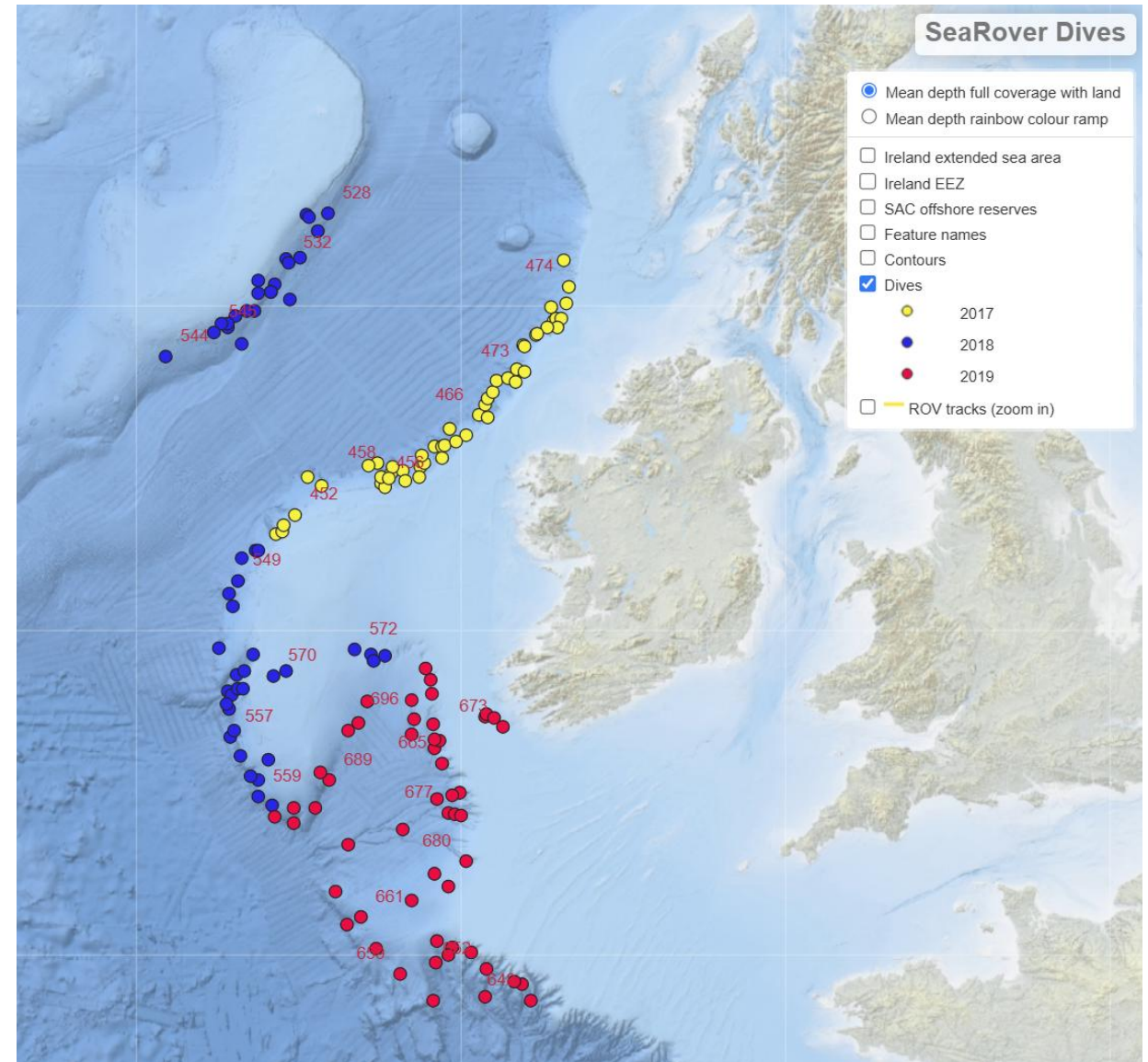
- 29 November 2022: ***Notices of Intention to Designate***
 - Porcupine Shelf SAC - *“an extensive offshore survey of this site was completed in 2017 using the ILV Granualie and the Holland I ROV”*
 - Southern Canyons SAC - *“an extensive offshore survey of this site was completed in 2019 using the RV Celtic Explorer and the Holland I ROV”*.
 - Brief description of some species present and general geology and topography
- 7 March 2023: **Site Synopsis** documents published on npws.ie
 - Same text as *Notices of Intention to Designate*
- 9 March 2023: **First Order Site-specific Conservation Objectives**
 - Generic text on aims and objectives of the Habitats Directive
 - No specific information on the two proposed SACs
- COM 2022 Staff Working Document
 - *“The need for clear site-specific conservation objectives and conservation measures for all Natura 2000 sites is a legal requirement that continues to apply”*

4. Scientific evidence cited for the proposed designations

- SeaRover surveys - 2017 and 2019
- Only evidence publicly referenced
- Transects targeted at likely *Reef* areas
- 89/154 (58%) had evidence of *Reef*

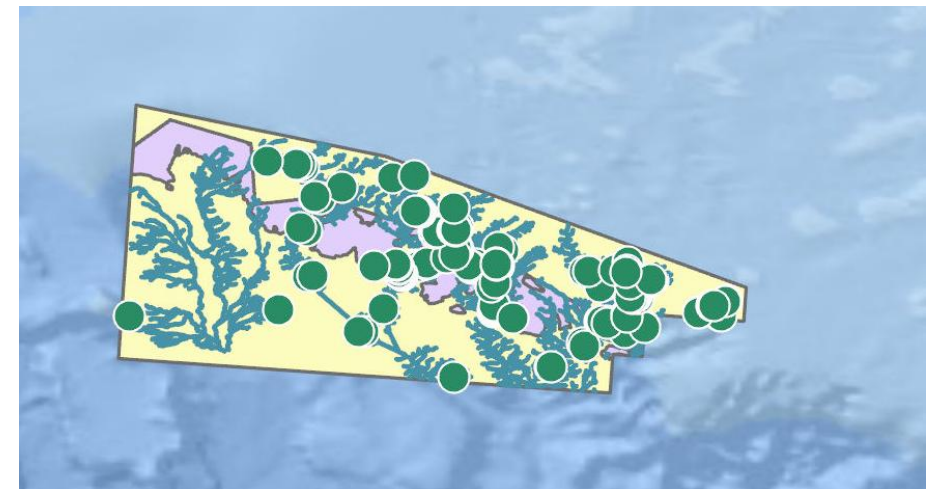
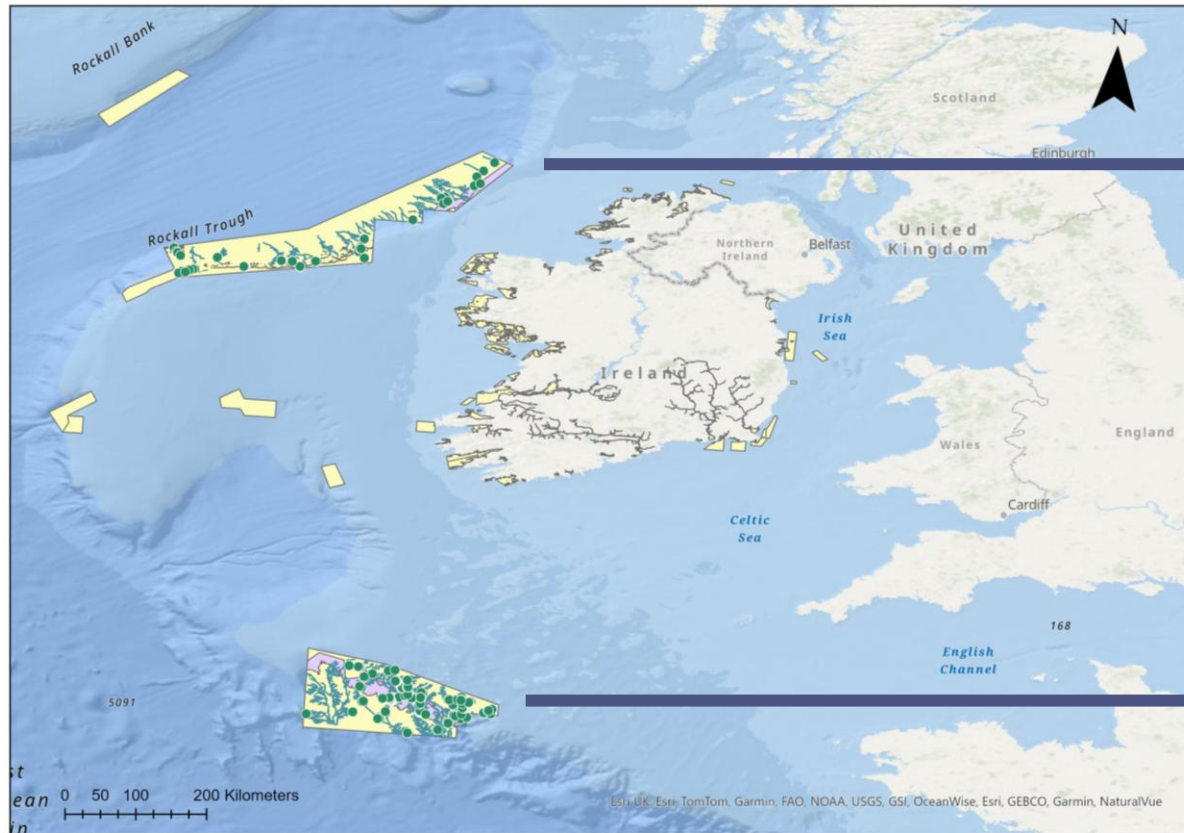


<https://www.searover.ie/>



5. Additional scientific evidence cited by NPWS

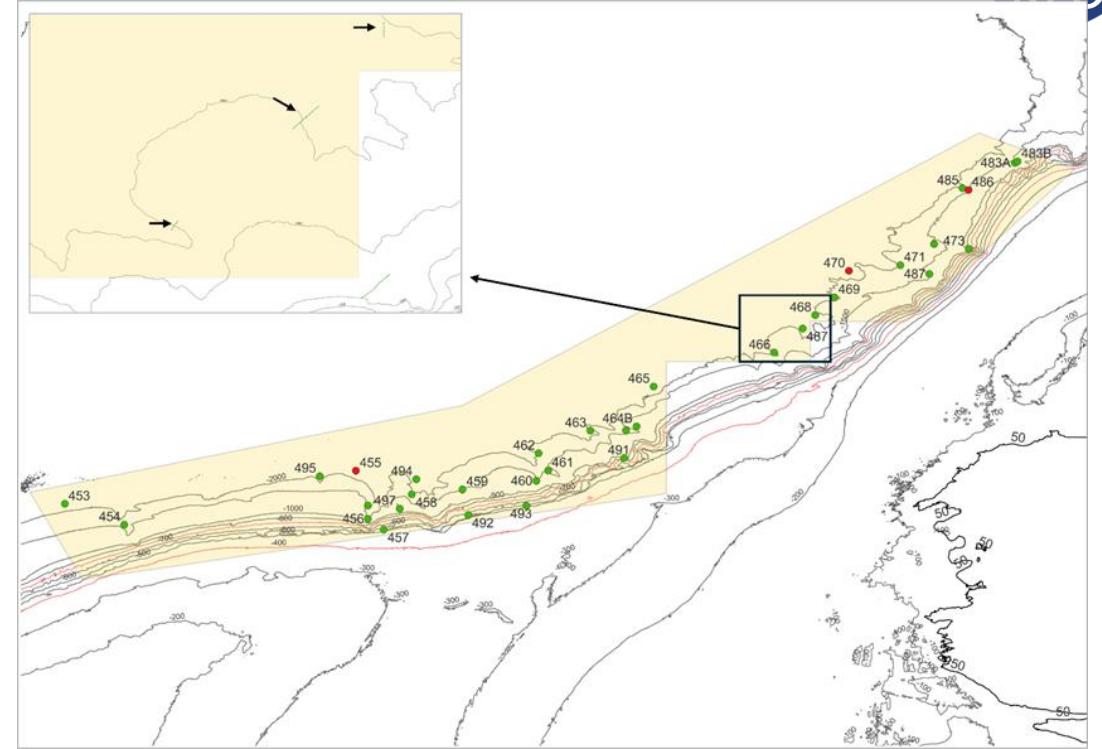
- 12 February 2024: NPWS “15,000 records of reef habitat, both geogenic and biogenic, from the two sites”
- Data not publicly available
- 13 March 2024 – Map and Reef polyline, Reef points and Reef polygon shapefiles
- Limited metadata in shapefiles



6b. Proposed Porcupine Shelf SAC – presented evidence



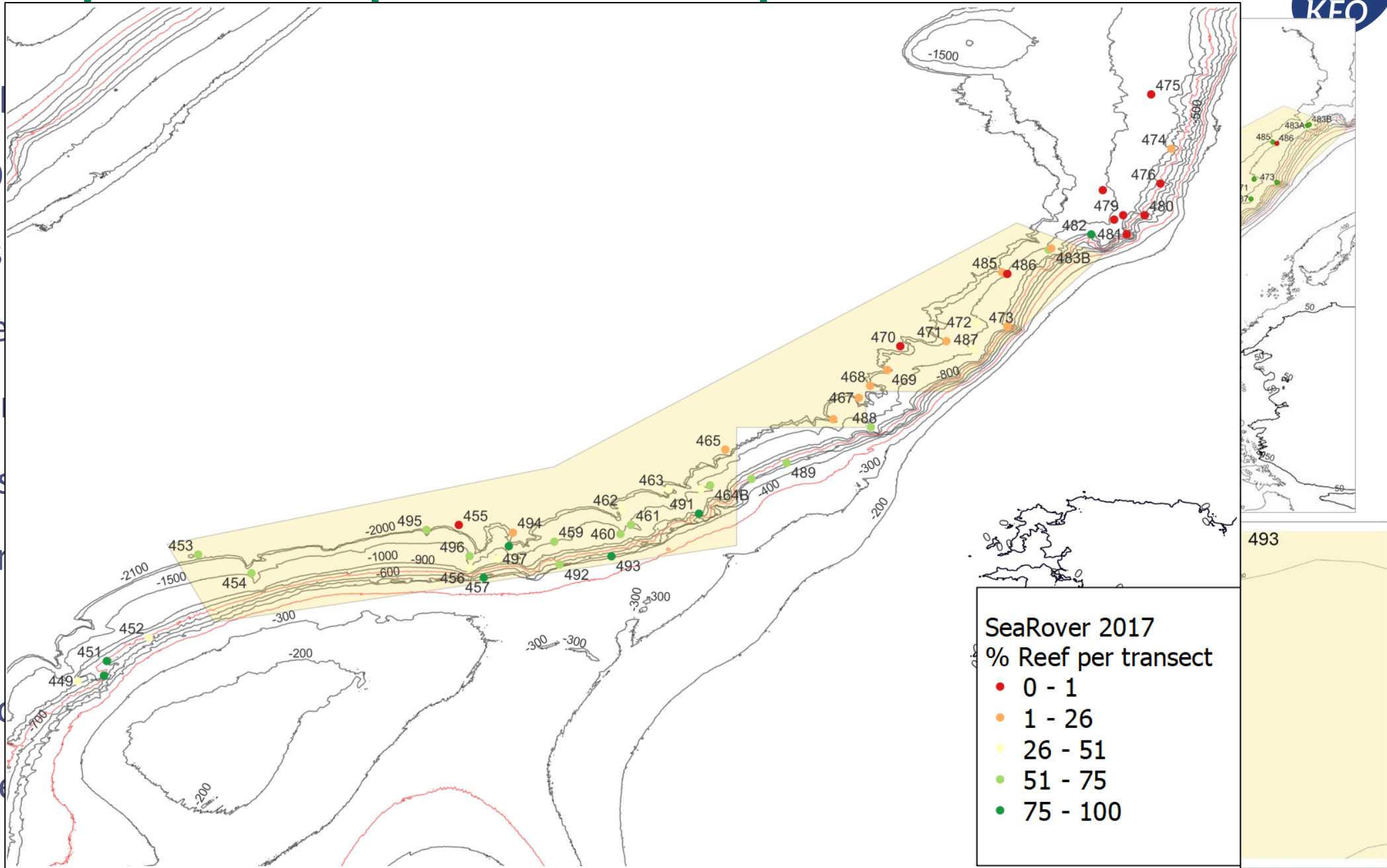
- 2017 SeaRover survey (www.searover.ie)
- 34/50 ROV stations in SAC area
- Transects pre-selected to maximise *Reef*
- No transects started <500m depth
- Three transects 500-700m zone
- Shallowest evidence for *Reef* 463m
- Total estimated observed reef 18.89km²
- Majority geogenic reef
 - outcrops, rocks, boulders and cobbles
- % observed *Reef* in proposed SAC **0.0013%**



6b. Proposed Porcupine Shelf SAC – presented evidence

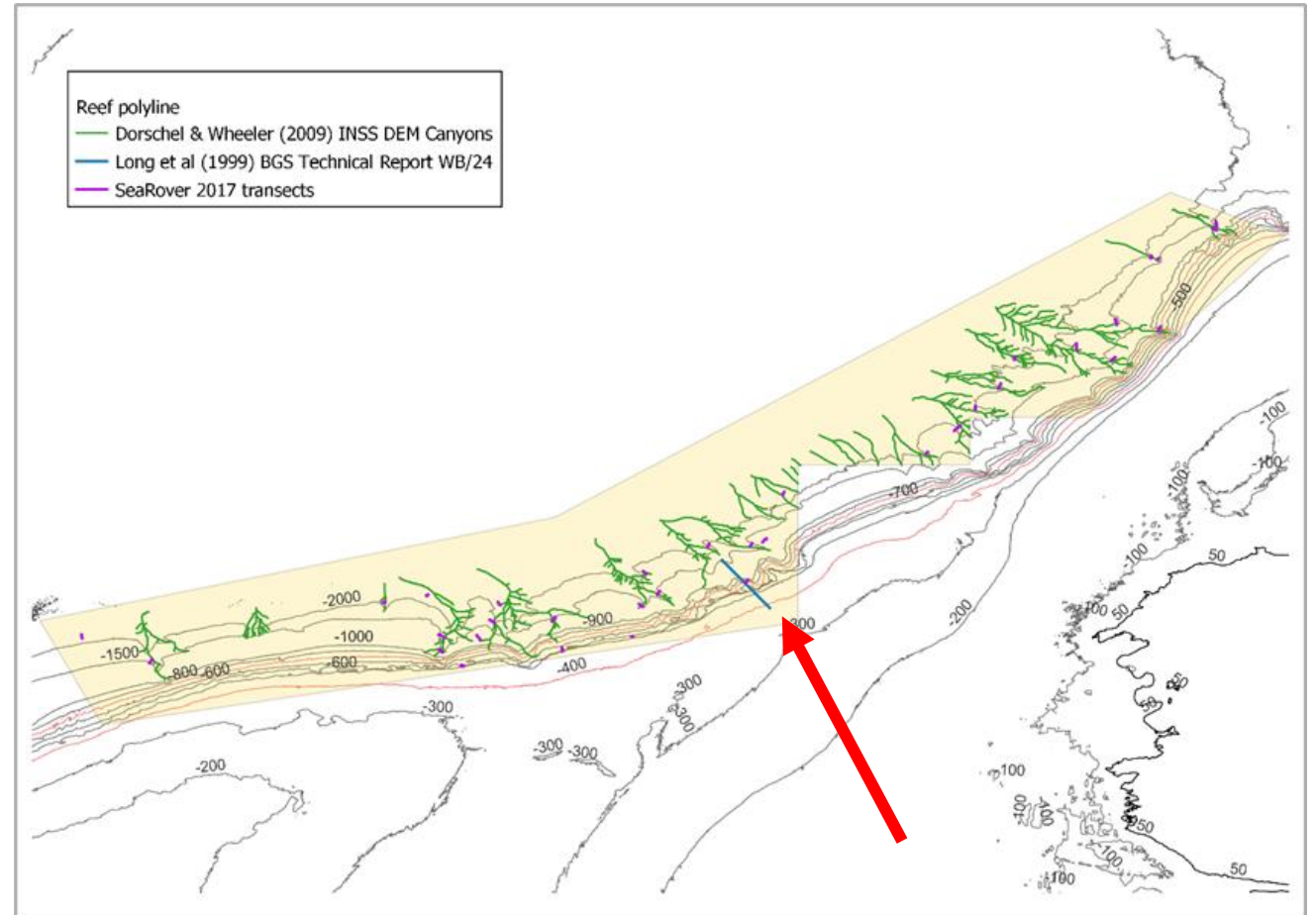


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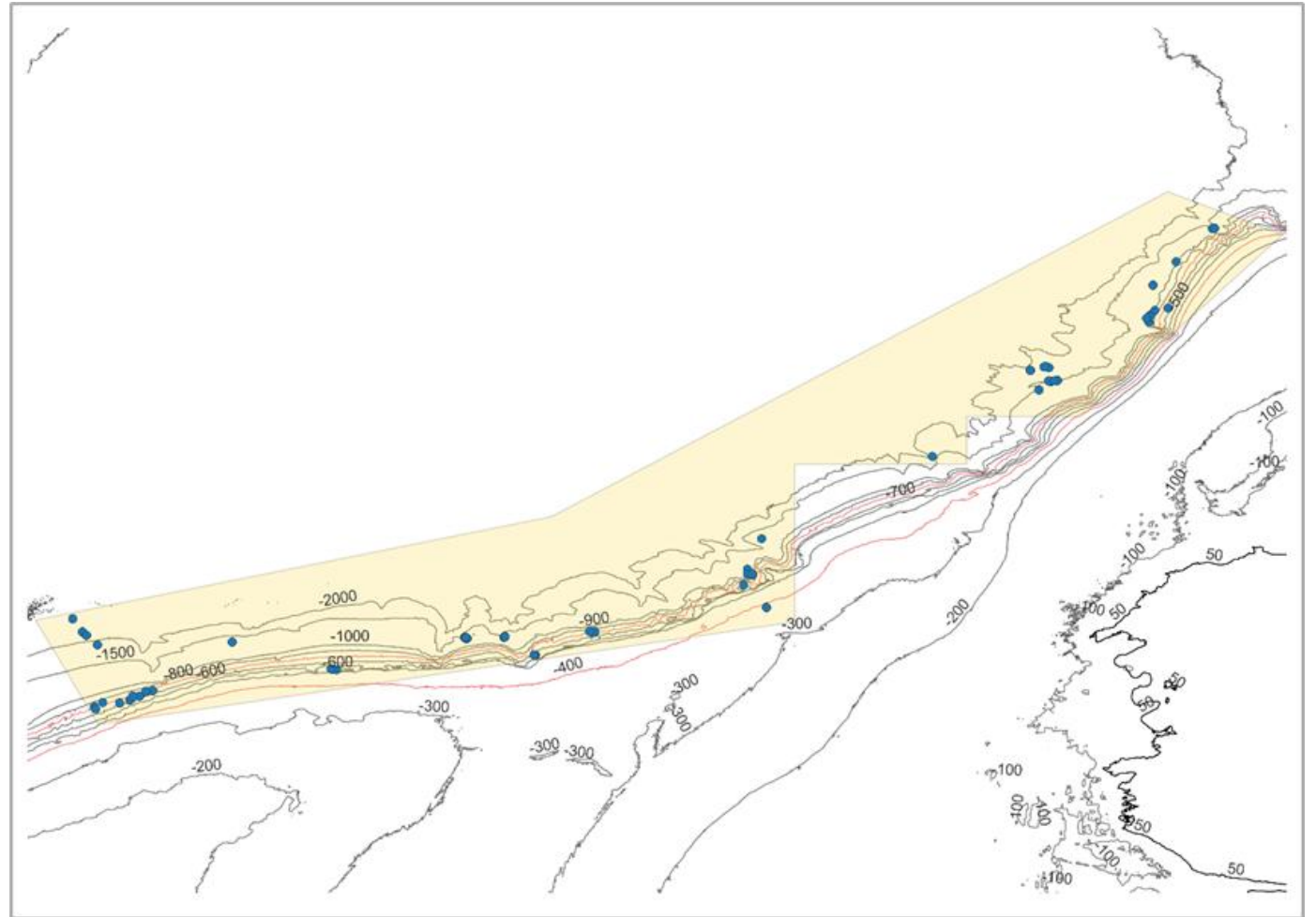
- “15,000 records of reef habitat”
- Reef Polyline, Points, Polygons
- **Reef Polyline** – 3 sources
 - 1) SeaRover transects
 - 2) Dorschel & Wheeler (2009)
 - Modelled canyon topography
 - 3) Long et al (1999)
 - Single 21.5 km track.
- Track is basis for shallow extension
- Le Danois, 1948
 - Sampling transect
 - Not a point occurrence



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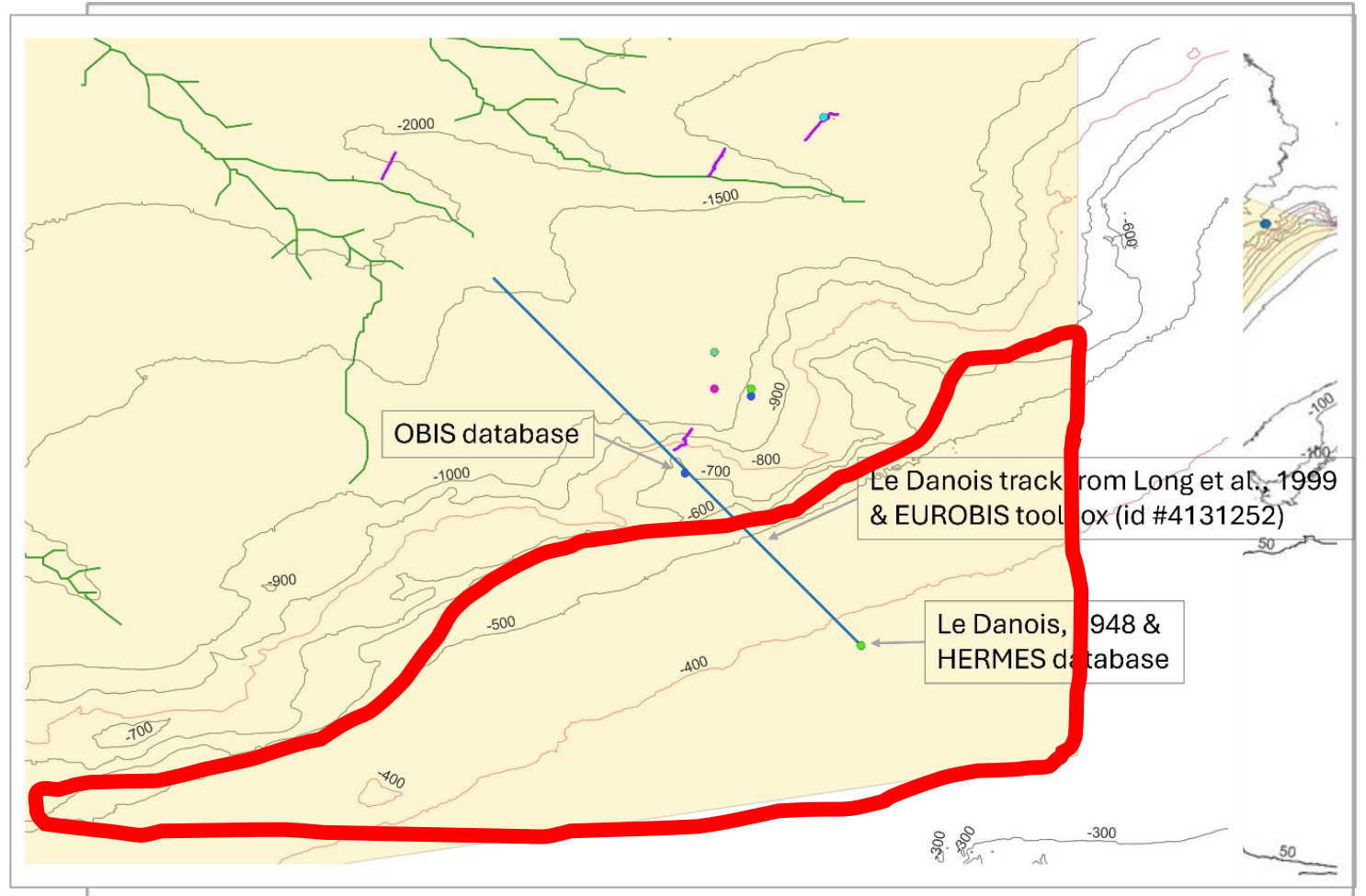


- Reef Points – 29 sources
- Majority deeper than 800m
- 1 record in 500-600m zone
- 2 records <400m
 - c. 3m apart
 - Same as Reef Polyline
 - Duplicated records
 - records <400m incorrect
 - 700m midpoint of transect
- Multiple other erroneous and duplicated records



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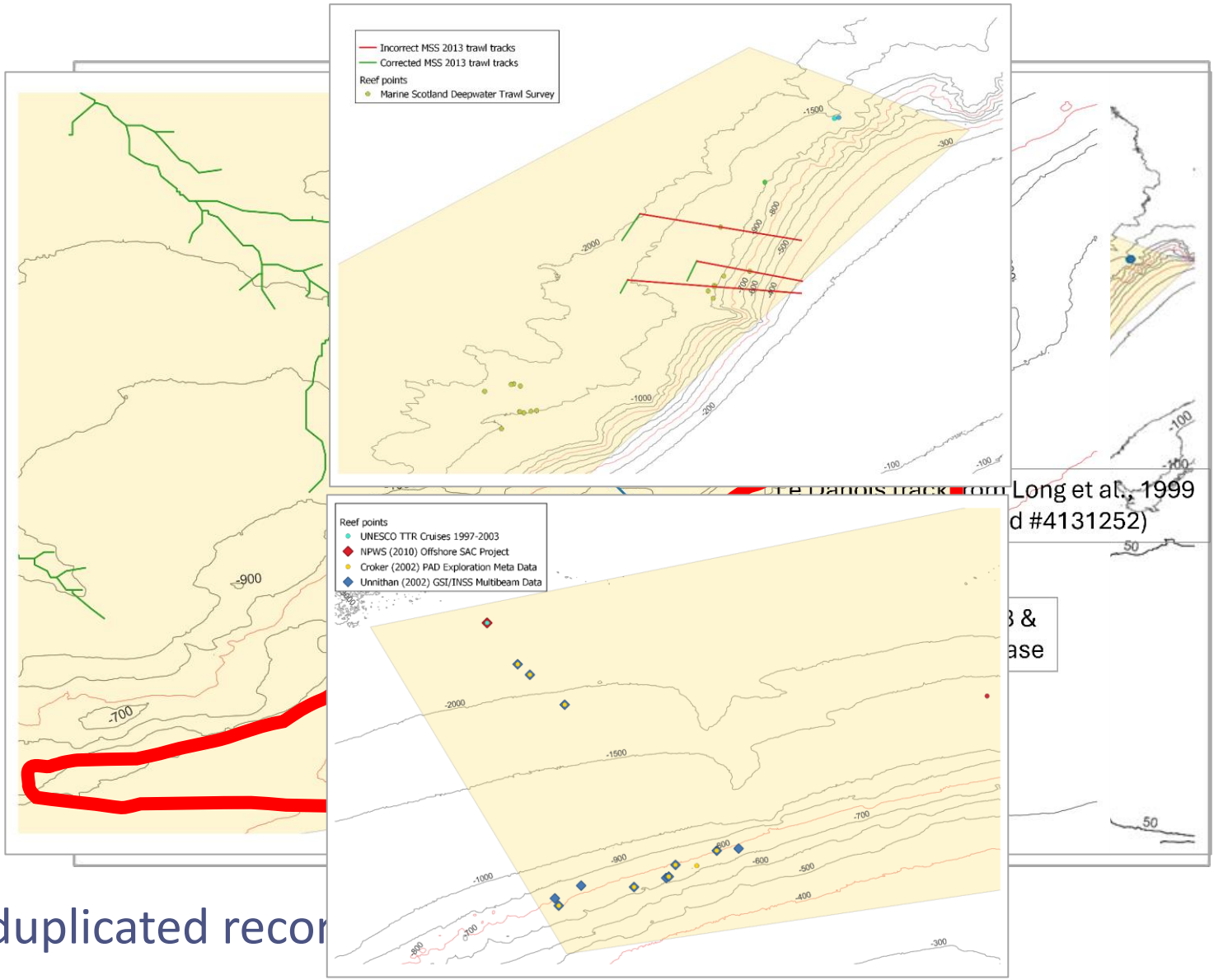
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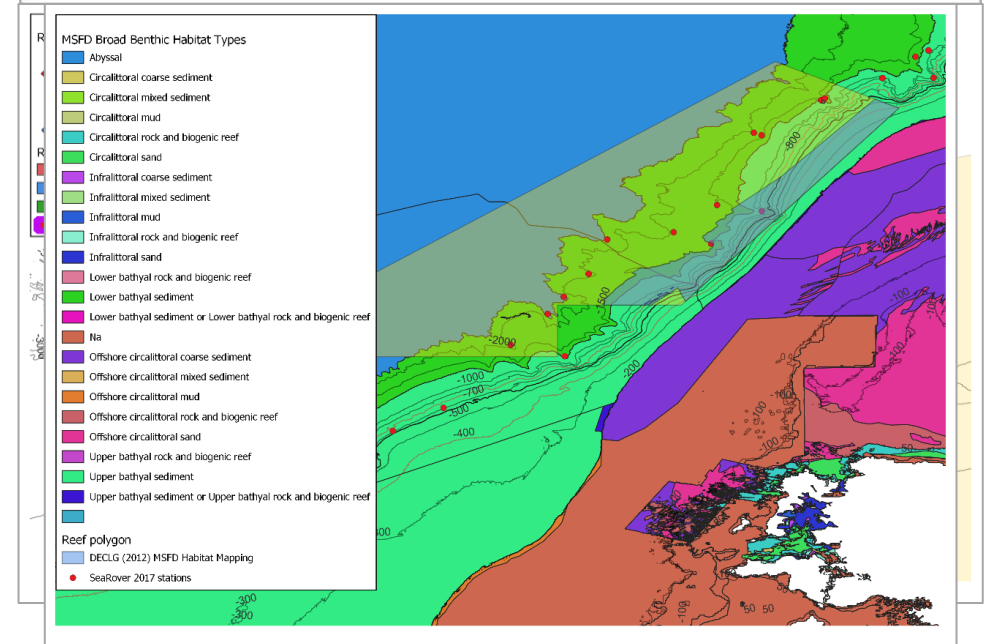
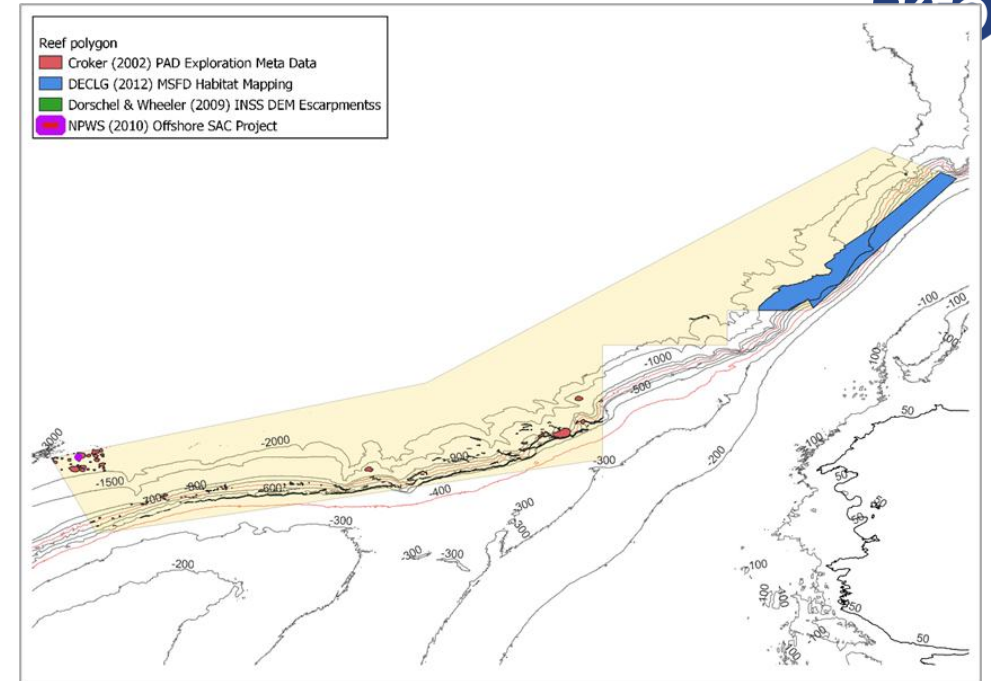
Long et al., 1999
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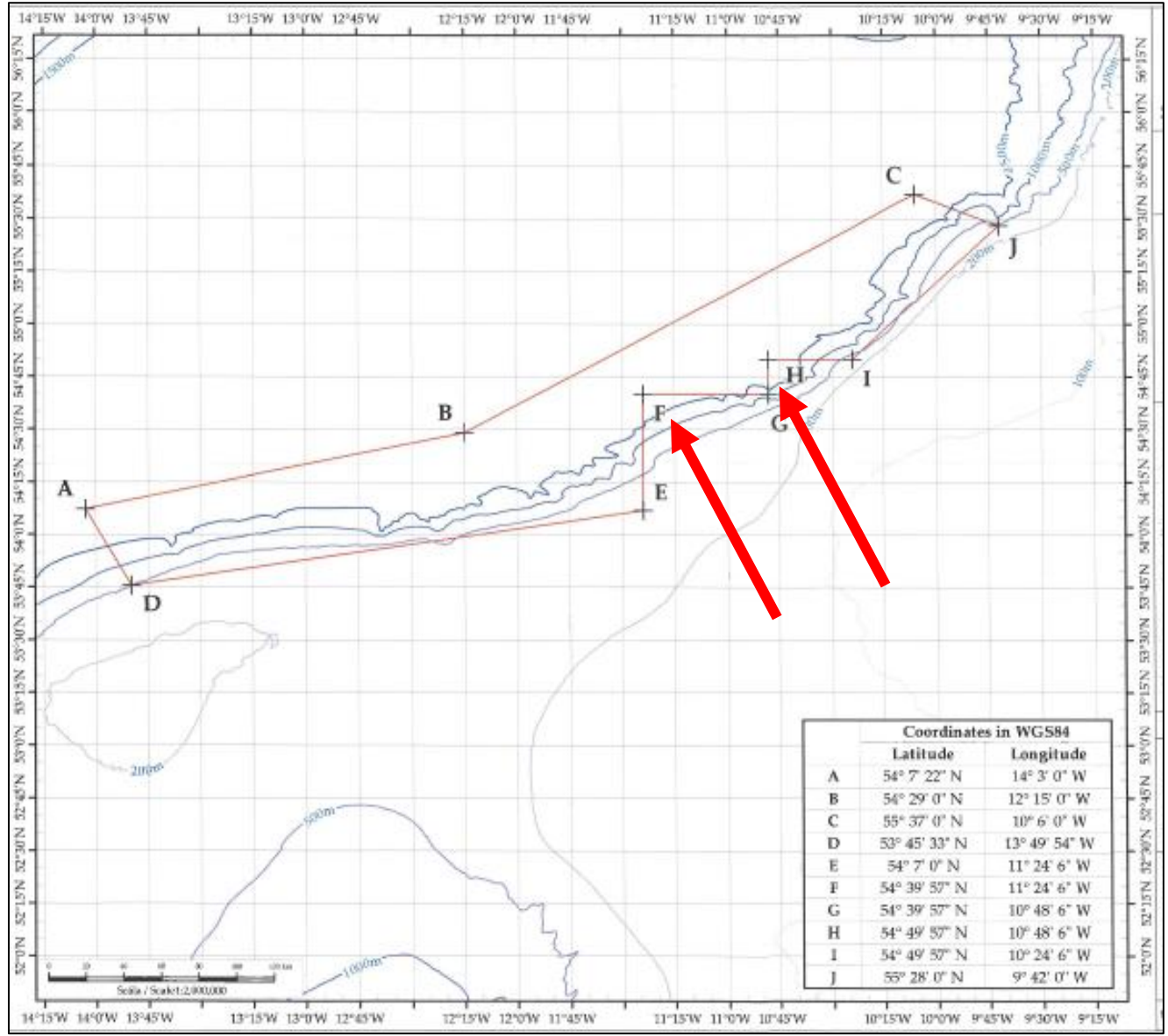
- Reef polygon – 4 sources
- *Croker (2002)* and *NPWS (2010)*
 - Duplication of records
- *INSS DEM Escarpments* – modelled topography
 - Long cliff/steep slope
 - Not evidence of Reef habitat
- *DECLG (2012) - MSFD Habitat Mapping*
 - Metadata = geogenic rock
 - MSFD Benthic Habitat = muddy sand/sandy mud
 - Deeper polygon = small % Reef Habitat
 - Shallower polygon = no basis for inclusion



6b. Proposed Porcupine Shelf SAC – Biased analysis



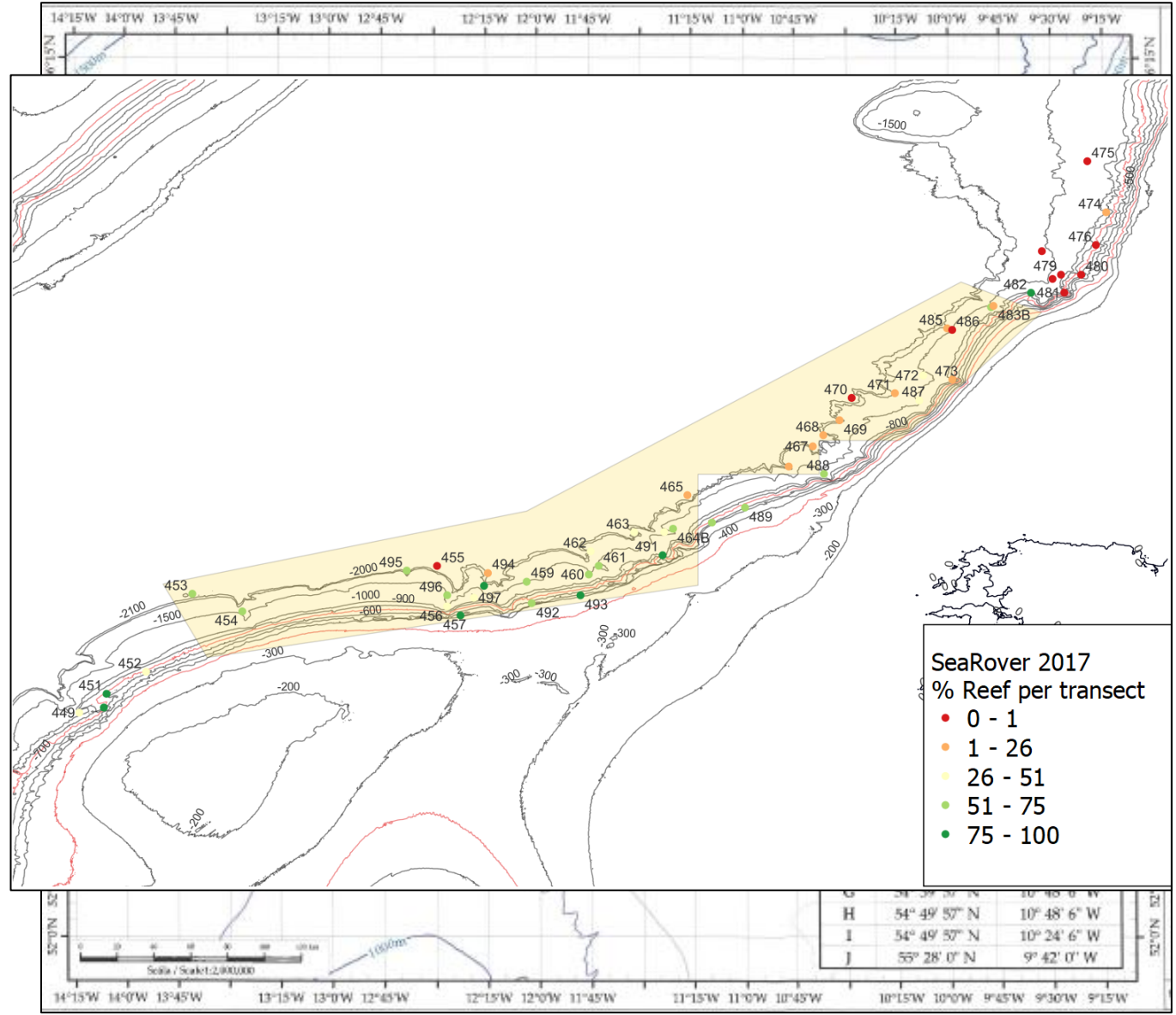
- Large cut out areas in SAC outline
- No explanation provided
- Error in KFO appeal report
 - 3 SeaRover transects within cutouts
 - Reef observed in all 3 transects
- No other data included in these areas
- Non-renewable energy production and exploration licences issued by DECC
- Delineation of the SAC tailored to avoid the EL3/19 and EL4/19 areas



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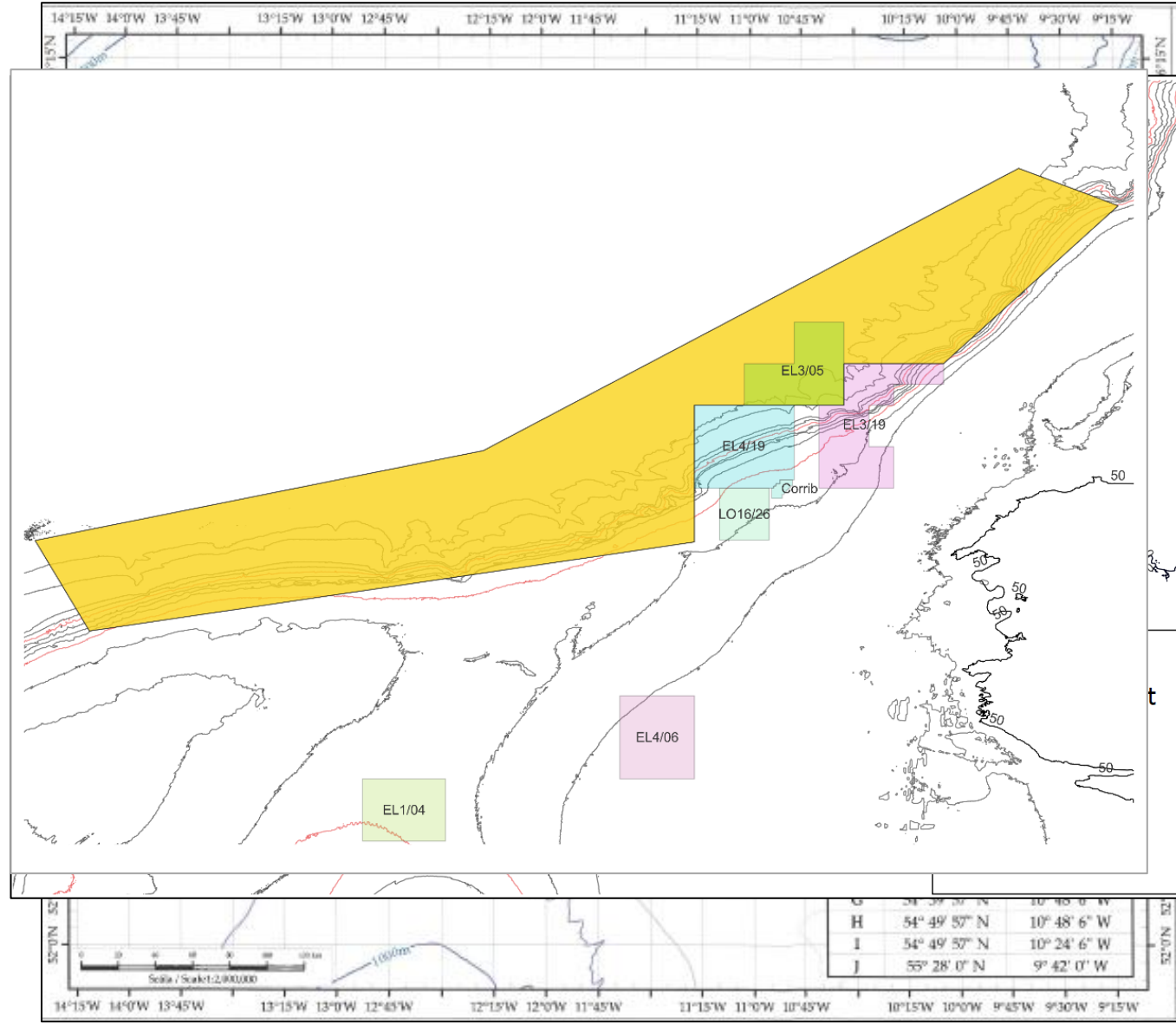
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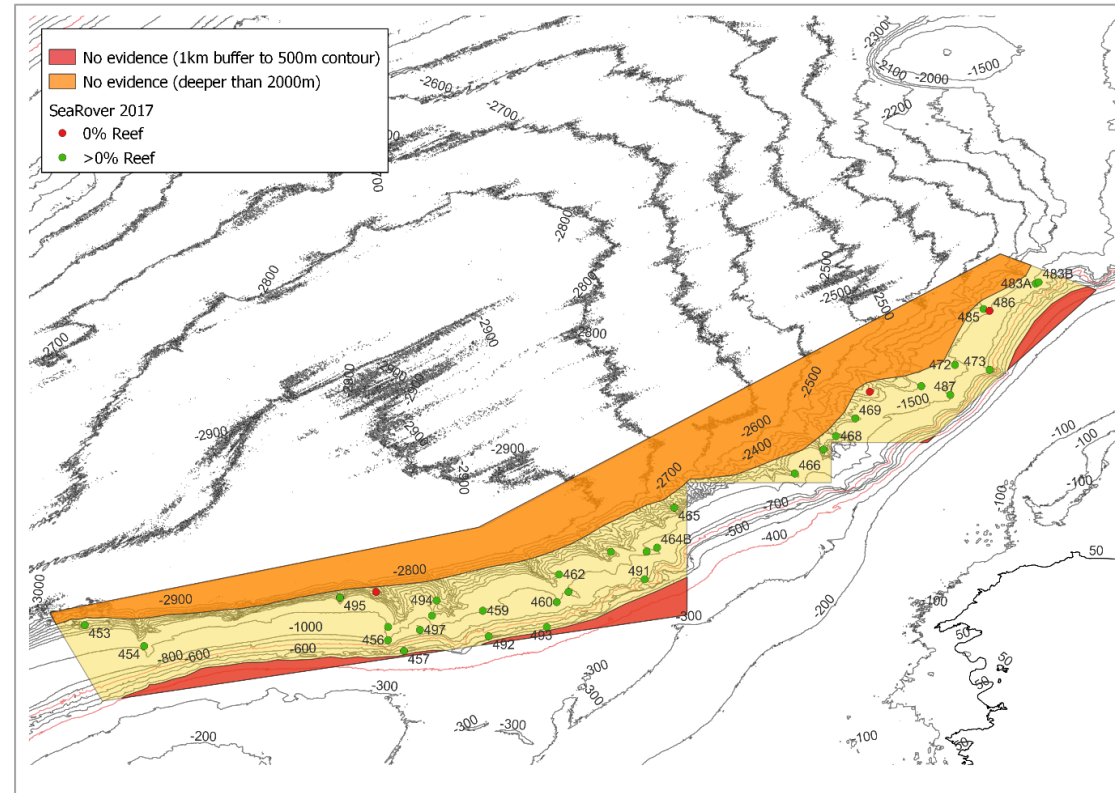
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6b. Proposed Porcupine Shelf SAC – Summary

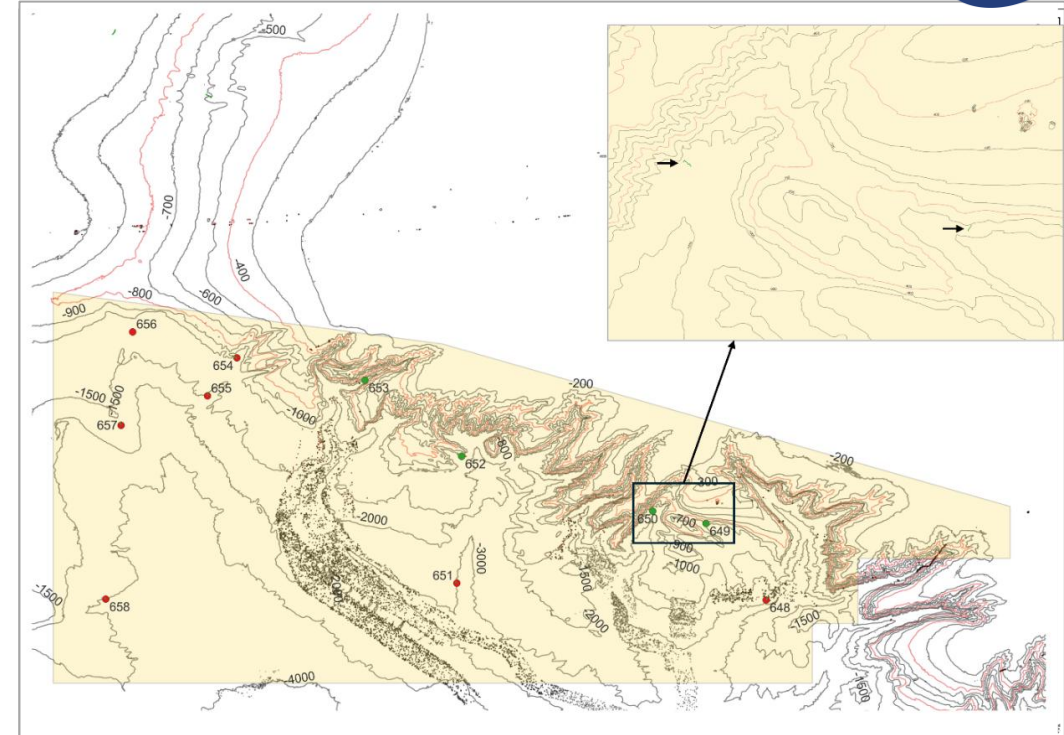


- NPWS have failed to prove that the *Annex III Stage I Habitats Directive* criteria have been applied or fulfilled in the development of the proposed Porcupine Shelf SAC.
- At least 49% of the proposed delineation is not supported by the cited data.
- There is no evidence of *Reef* habitat shallower than 463 m within the current proposed area.
- There is also no evidence of *Reef* habitat over significant parts of the proposed area deeper than 2000 m.
- The evidence cited has significant errors and inconsistencies and only represents a tiny proportion of the proposed area.

6c. Proposed Southern Canyons SAC – Presented Evidence



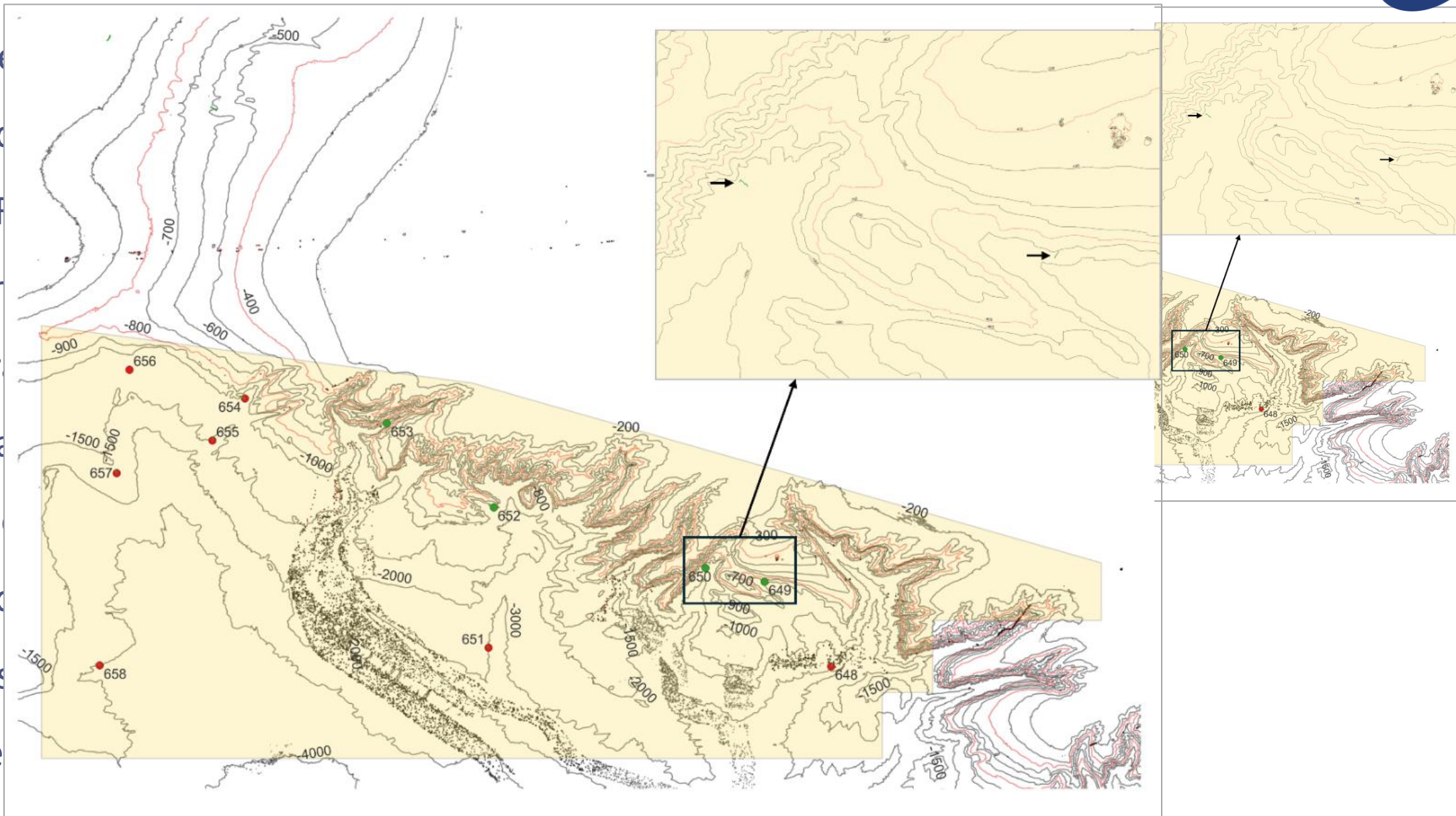
- 2019 SeaRover survey (www.searover.ie)
- Transects pre-selected to maximise *Reef*
- 11/52 ROV stations in SAC area
- No transects started <900m depth
- 7/11 transects had no *Reef* (geo or biogenic)
- 9/11 had no biogenic *Reef*
- 2 transects with biogenic *Reef* had <10% occurrence
- Area dominated by soft sediment habitats
- Total estimated observed reef 0.24km²
- % observed *Reef* in proposed SAC **0.000017%**



6c. Proposed Southern Canyons SAC – Presented Evidence



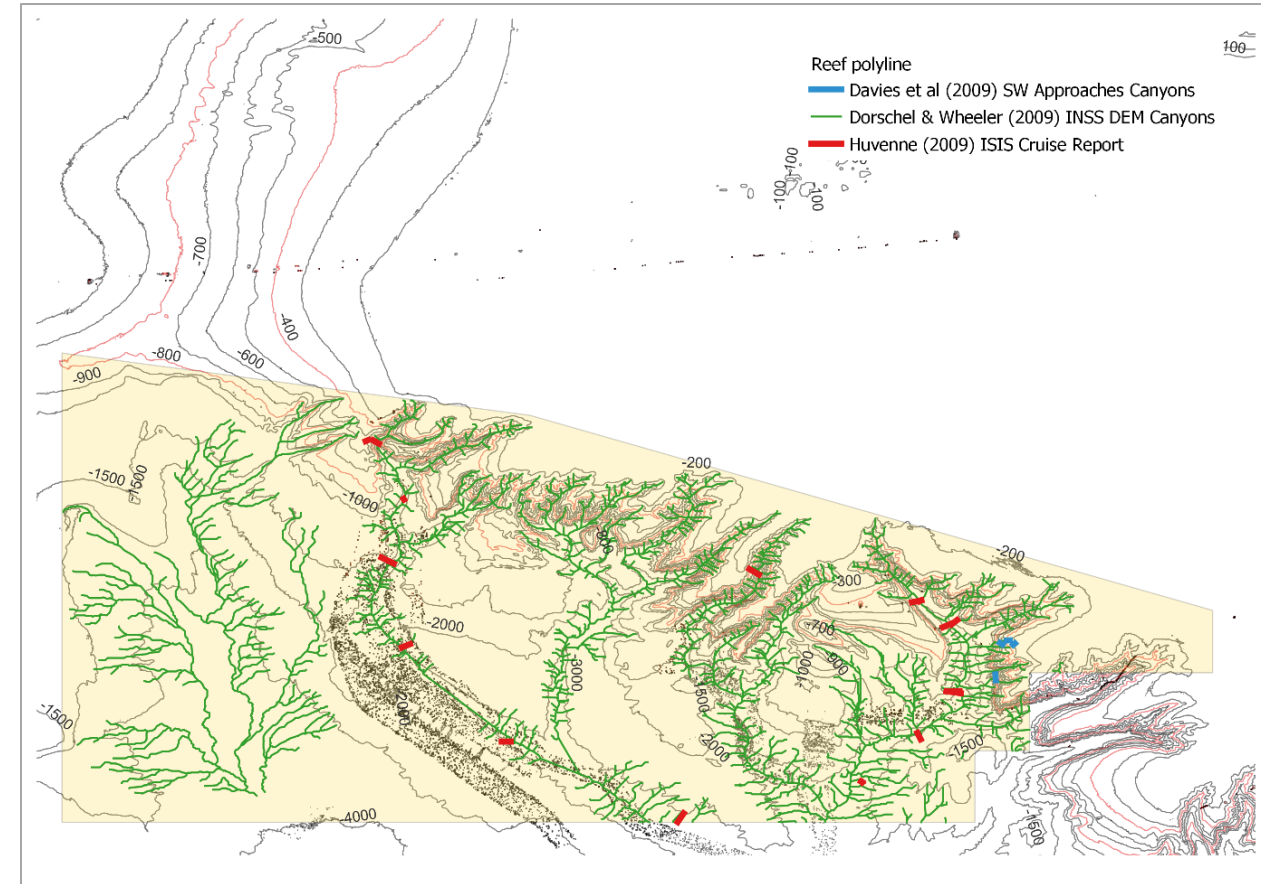
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6c. Proposed Southern Canyons SAC – Additional Evidence

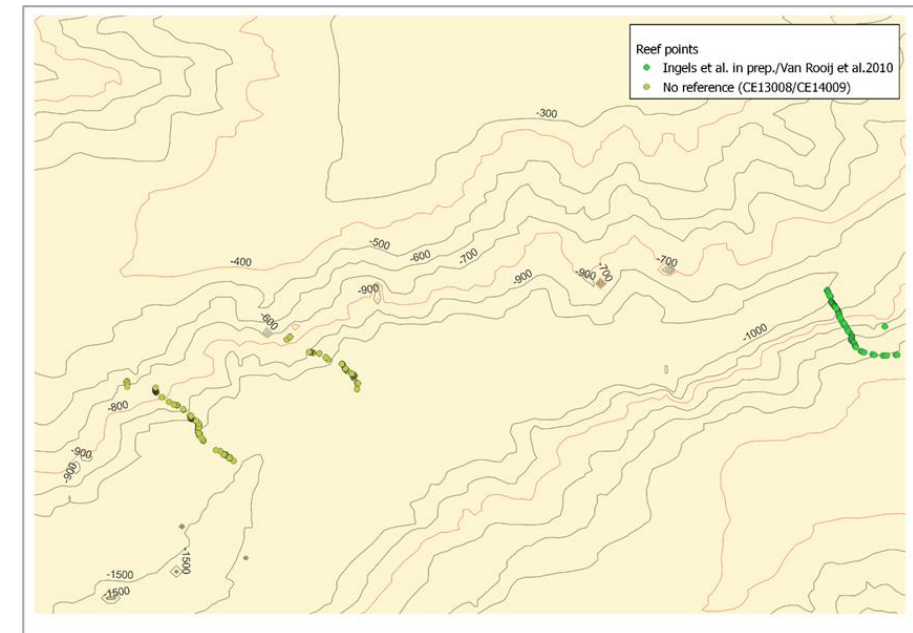
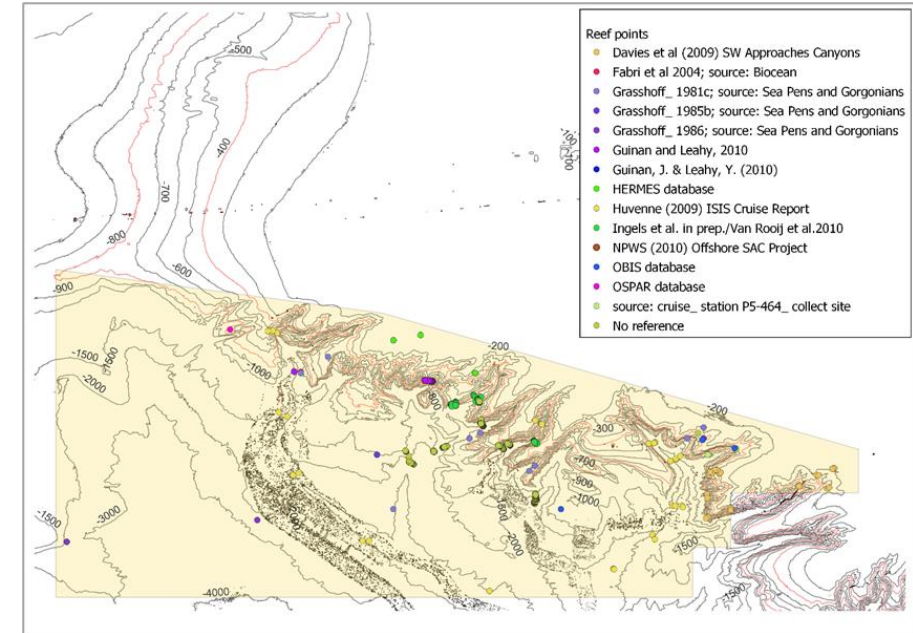


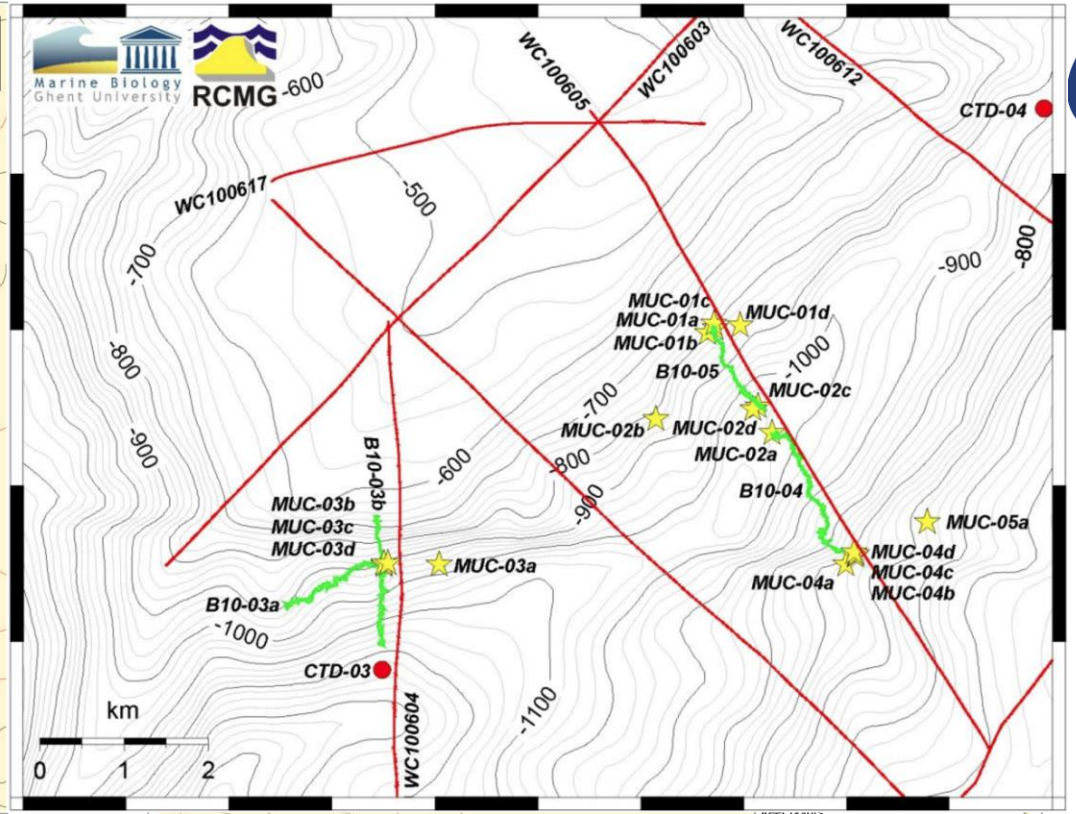
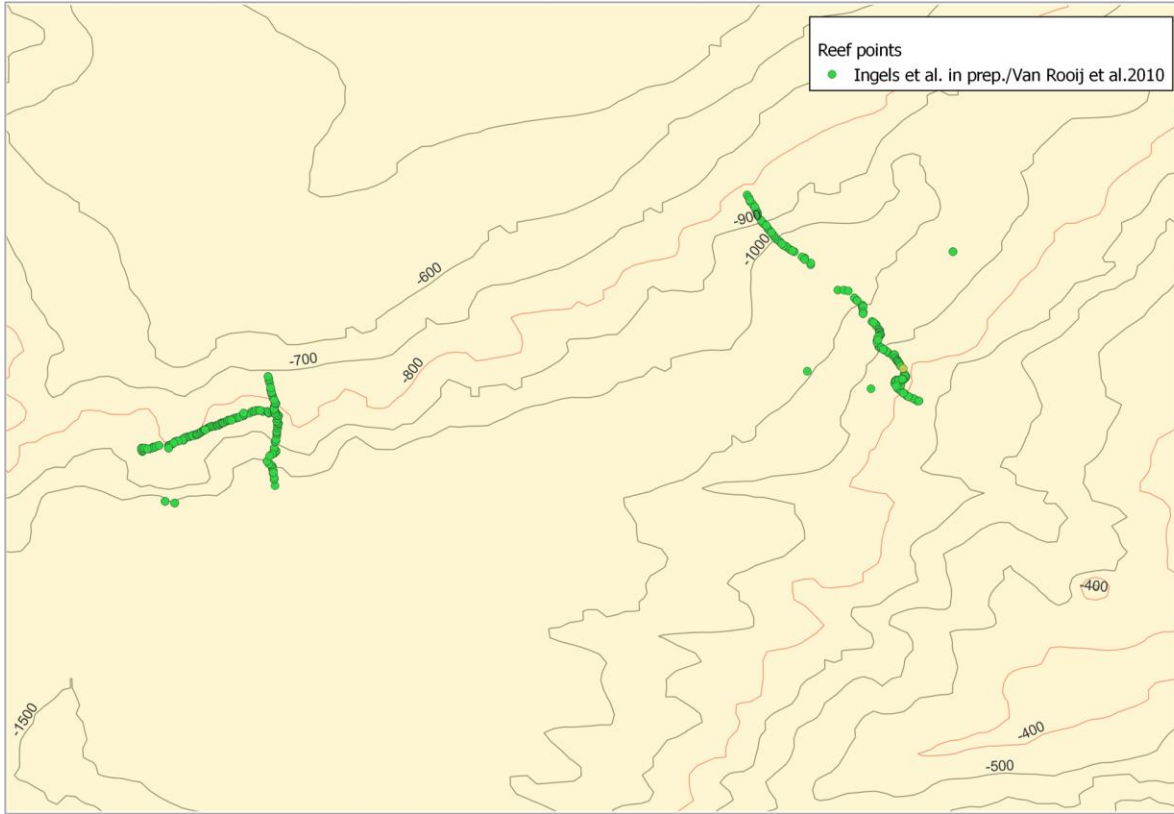
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- Reef Polyline, Points, Polygons
- **Reef Polyline** – 3 sources
 - Dorschel & Wheeler (2009)
 - Modelled canyon topography
 - Davies *et al.* 2009
 - MESH Canyon Survey 2007 – camera
 - No Reef in shallowest tow (280-300m)
 - Rock ledge in 350-440m tow
 - Some bedrock and coral in deep tows
 - Huvenne (2009)
 - 2009 ROV survey
 - Shallowest transect at 547m
 - Evidence for Reef not clear as not mentioned in cruise report



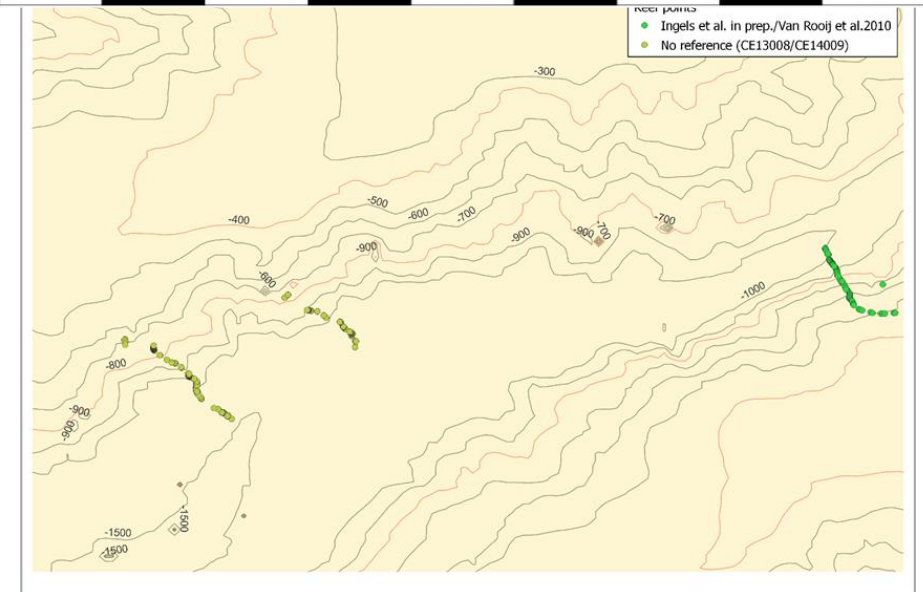
6c. Proposed Southern Canyons SAC – Additional Evidence

- **Reef Points – 15 sources**
 - 12 records <400m
 - No access to original sources
 - Duplicated records
 - Huvenne and Davies *et al.* both in *Reef polyline*
 - NPWS (2010) and Guinan & Leahy
 - Partial inclusion of records in some layers - Davies
 - Multiple points on single transect – 15,000 records?
 - Misrepresentation of data
 - Soft sediment classified as geogenic reef
 - ICES VME database errors (Grasshoff)
 - Unverified historical records – some from 1800s
 - Need for thorough review of all *Reef points* data





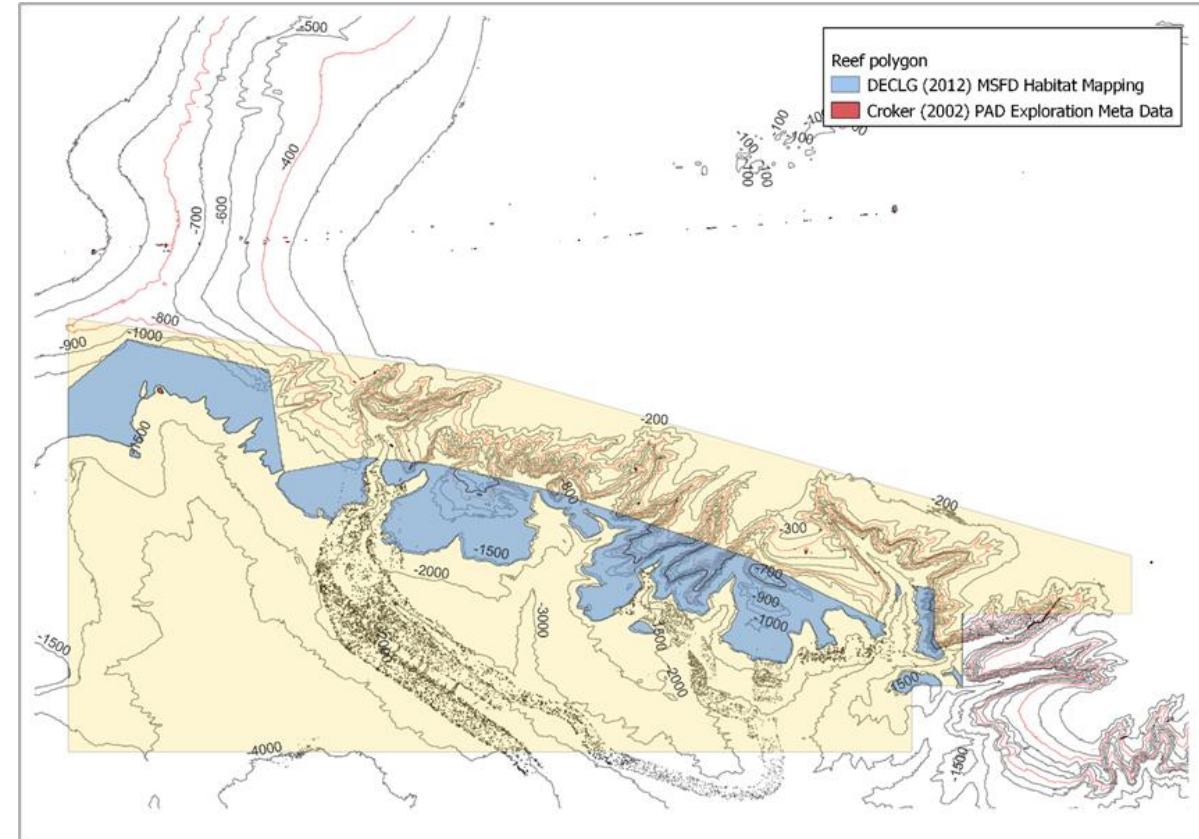
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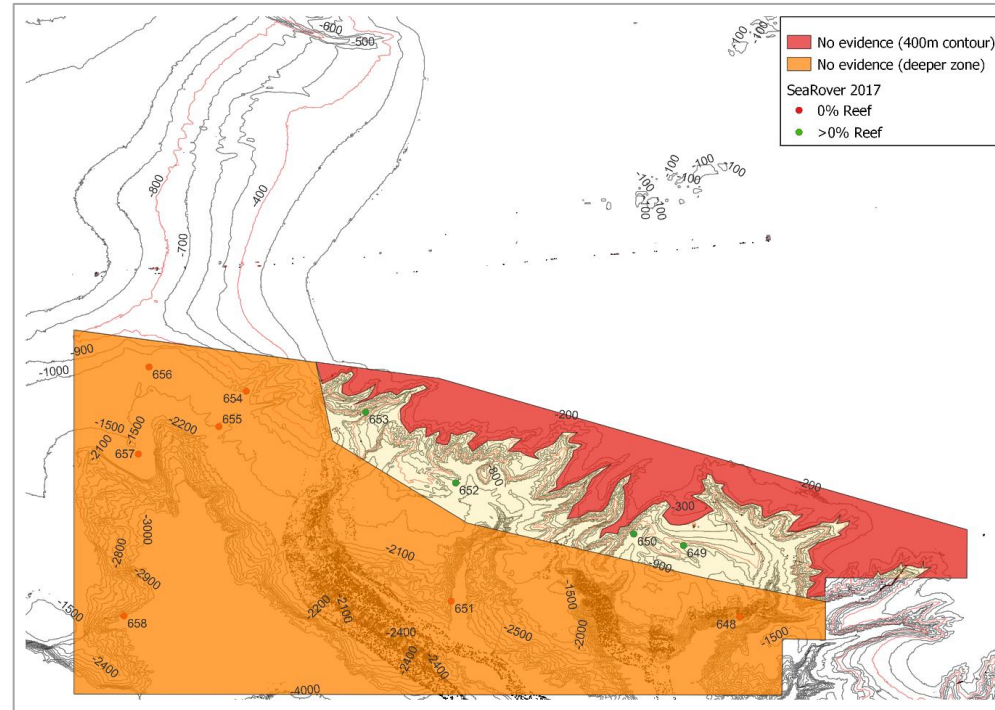
6c. Proposed Southern Canyons SAC – Additional Evidence



- *Reef Polygon* – 2 sources
 - Croker (2002) – single small polygon
- DECLG (2012) - MSFD Habitat mapping
 - Aligned with 1500m contour on deep side
 - Straight line on shallower side
 - No agreement with *Reef Points* layer
 - No explanation of the basis of this layer
 - No underlying data made available



6c. Proposed Southern Canyons SAC – Summary



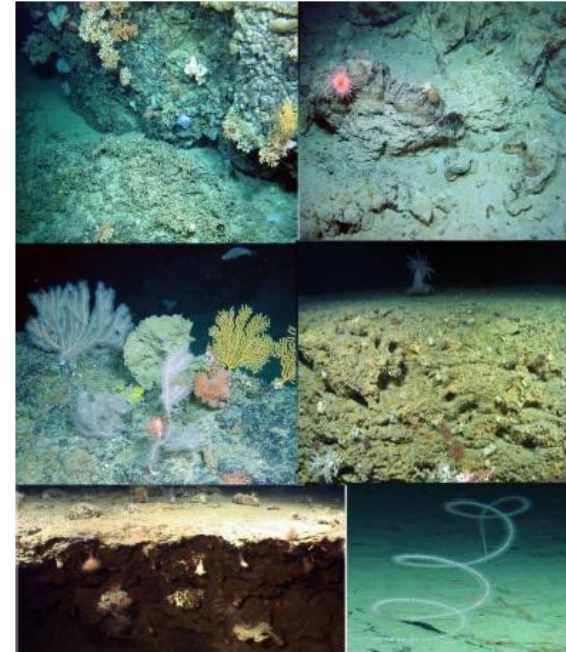
- NPWS have failed to prove that the Annex III Stage I Habitats Directive criteria have been applied or fulfilled in the development of the proposed Porcupine Shelf SAC.
- 84% of the proposed delineation is not supported by the cited data.
- There is no evidence of *Reef* habitat in many parts of the proposed area.
- Where evidence has been cited it is in many cases poorly documented, unverifiable and likely to be unreliable.

7. Summary and Suggested Approach

- The Notice of Intention to Designate process was not performed correctly
- The additional data cited by NPWS was not available for public scrutiny as required
- Objection dismissed on incorrect “*ornithological grounds*” at Stage 1 NPWS review
- Current delineation of the proposed SACs does not reflect the scientific evidence
- Current delineation does not align with the designation basis, *Reefs* (1170)
- Evidence that *Reef* habitat is only present in a small fraction of the delineated areas
- Spatial scale of the proposed SACs is not supported by the scientific evidence
- NPWS failed to prove that the SAC sites fulfil the criteria listed in Annex III Stage 1
- The boundaries of the proposed SACs should be adjusted (align with bathymetry)
- Adjustments should be made following scientific review of all evidence
- Stakeholders should be fully involved in the review process

NPWS Justification Report

- 10 October 2024: KFO received NPWS report
- 5 November 2024: KFO comments on NPWS Report
- General literature review of Reefs
- Text taken from *NPWS IWM 152 – Q3 2024*
 - *Reef Habitat in Irish Offshore Waters – A Synthesis of Current Knowledge.*
- No information on the basis of the delineations
- Errors in estimates of area of the SACs
- Conclusions are focussed largely on meeting targets set by the EU and not on the actual evidence to support the designations



PORCUPINE SHELF SAC AND SOUTHERN CANYONS SAC

JUSTIFICATION DOCUMENT

SEPTEMBER 2024

NPWS Commentary

- 13 March 2025: KFO received NPWS commentary on KFO appeal report
- Incorrect comments
 - *“..vessels whilst licenced by DAFM are not assigned a right to fish in any specific location. So clearly they do not fall within the bounds of the notice parties.”* – **Pelagic vessels receive individual allocations (licence) to fish stocks in specific areas. Demersal quotas managed on a monthly basis with stock/areas specific catch limits.**
 - *“Bathymetric delineations are clearly unworkable”* – **current way VME closures are implemented in EU. No issues adding complex areas to modern plotters**
 - *“..they do not refute or contribute any scientific information that would dispute the presence of reef habitat within these SACs”* – **33 page report which does exactly this**
 - *“KFO wish to alter a boundary largely to conform to a bathymetric contour which would include substantial areas of the SACs that have been already closed to them by EU Regulation since 2022. This is simply not best practice for a designated site.”* – **VME closures are implemented 400-800m. Areas shallower than 400m are not closed.**
 - *“They also have indicated a desire to excise areas far in excess of 800m in depth which have been outside of areas allowable for demersal fishing since 2016 in all EU waters.”* – **As clearly stated these are only shown for an example of the lack of data supporting the designations.**
 - *“It is not clear that KFO have offered any scientific evidence that would warrant a change to the notified boundaries but such a change would significantly undermine the conservation value of Porcupine Shelf and Southern Canyons SACs for reefs and cetacean species”* – **Lack of evidence of reef is the evidence, particularly on the shallow side of the proposed areas.**
- Cetaceans not relevant here but a likely indication of future qualifying interests?

Unwelcome precedent

- NPWS approach appears to have been
 - Contrary to the regulations
 - Non-scientific
 - Driven by a need to hit EU targets regardless of evidence
 - Without consideration of the wider impact
 - Performed in the complete absence of stakeholder input
- Undermining implementation of
 - Nature Restoration Law
 - Marine Protected Areas Bill
- Opportunity to correct this now and establish a benchmark for future processes



Thank you

edward@kfo.ie