

## AQUACULTURE LICENCES APPEALS BOARD

FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED AND SUBSTITUTED)

Appeal Reference Number: AP1/2018

### DETERMINATION

**WHEREAS** an appeal dated **8 January 2018** having been made to the Aquaculture Licences Appeals Board ("the Board") pursuant to Section 40 of the Fisheries (Amendment) Act, 1997 (as amended) ("the Act") by Marine Harvest Ireland ("the Appellant") against the decision of the Minister for Agriculture, Food and the Marine ("the Minister") to amend a condition of the Aquaculture Licence for the cultivation of Atlantic Salmon at a site at Inishfarnard, County Cork (Site T5/233) dated 30 January 1995 as amended by protocols dated 8 March 2001, 4 August 2004 and 11 December 2017 (the Licence") as communicated by the Minister to the Appellant on the 11 of December 2017

**AND WHEREAS** the Board in considering the appeal took account of the appeal file, the submission received from the Marine Institute on 7 March 2018 in response to a request for further information pursuant to section 47 of the Act and the matters set out at Section 61 of the Act (as amended and substituted)

**AND WHEREAS** the Board considered the appeal at its meetings on 19 February 2018 and 1 May 2018 and determined at its meeting on 1 May 2018, under Section 40 (4) (c) of the Fisheries (Amendment) Act, 1997 (as amended) to **UPHOLD** the appeal and **AMEND** the conditions of the Licence by:

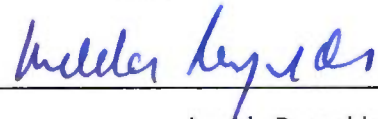
1. Deleting Conditions 2 (d) and 2 (e) of the Licence ; and
2. Substituting as a new Condition 2 (d) the following:-

"The cages or pens shall be subject to a Maximum Allowable Biomass of 2,200 tonnes, being the Maximum Standing Stock permitted at the licensed area. The stocking of the licensed area shall be subject to inspection at any time by the Department of Agriculture, Food and the Marine"

This Determination is being made for the following reasons and considerations:

1. The Board noted and accepted the opinion of the Marine Institute in response to the notice issued by the Board pursuant to Section 47 of the Act to the effect that that Maximum Allowable Biomass (MAB) as assessed in terms of standing stock biomass is an appropriate parameter to measure production capacity at a seawater finfish aquaculture site.
2. The Board further noted and accepted the opinion of the Marine Institute as follows:
  - 2.1 An MAB of 2,200 tonnes is conservative in terms of the licence conditions contained in the licence protocol dated 11 December 2017;
  - 2.2 The aquaculture at the licensed area has operated effectively with a licensed annual input of 400,000 salmon smolts for many years;
  - 2.3 There is no evidence of unacceptable adverse environmental impacts associated with the standing stock biomass at the licensed area over this period; and
  - 2.4 Taken together all of the above points 2.1 to 2.4 suggest to the Marine Institute that an MAB of 2,200 tonnes would be a safe limit and within the carrying capacity of the licensed area and the Board concurred with this assessment.

Dated this 4<sup>th</sup> day of May, 2018



Imelda Reynolds

Chairperson

AQUACULTURE LICENCES APPEALS BOARD