

Appropriate Assessment Conclusion Statement by Licensing Authority for aquaculture activities in Kenmare River Special Area of Conservation (SAC) (site code 2158)

This Conclusion Statement outlines how it is proposed to licence and manage aquaculture activities in the above Natura site in compliance with the EU Habitats Directive. Aquaculture in this Natura Site will be licensed in accordance with the standard terms and conditions as set out in the aquaculture licence templates. These are available for inspection on the Department's website

at:

<https://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquacultureandforeshorelicencetemplates/>

The licences will also incorporate specific conditions so as to accommodate Natura requirements, as appropriate, in accordance with the principles set out in this document.

An Appropriate Assessment report of aquaculture in Kenmare River Special Area of Conservation (SAC) (Site Code: 02158) has been prepared by the Marine Institute on behalf of the Department of Agriculture, Food and the Marine. This report assessed the potential ecological interactions of aquaculture and fisheries activities on the Conservation Objectives of the site. From an aquaculture perspective the information upon which the Appropriate Assessment is based is the definitive list of applications and extant licences for aquaculture available at the time of assessment.

Description of the aquaculture projects

The projects involve the renewal of existing aquaculture activity and the licensing of new aquaculture activity within the SAC. Aquaculture is practiced in a number of locations within the SAC with a focus on shellfish species (mussels, oysters, scallops and clams) and finfish (salmon). Mussels are the predominant shellfish species cultured within the SAC, for example, Killmakilloge and Ardgroom Harbours produce significant amounts of mussel utilising suspended long-lines. There are also a number of sites dedicated to the culture of Atlantic Salmon.

Conservation Features for Kenmare River SAC

Kenmare River is designated as a SAC under the Habitats Directive. This SAC is designated for the habitats Large Shallow Inlet and Bay (1160), Reefs (1170) and Submerged Caves (8330). A number of coastal community types can also be found in the SAC, including those that are sensitive to pressures, which might arise from aquaculture, such as Maerl, seagrass and kelp reefs. The SAC is also

considered an important site for two mammal species, Harbour Seal and the Otter.

Appropriate Assessment

The function of the Appropriate Assessment is to determine if the ongoing and proposed aquaculture activities are consistent with the Conservation Objectives for the site. The National Parks and Wildlife Service (NPWS) provide guidance on interpretation of the Conservation Objectives which are, in effect, management targets for habitats and species in 'Natura' sites. The assessment of activities was informed by this guidance, which is scaled relative to the anticipated sensitivity of the habitats and species to disturbance by the proposed activities. Some activities are deemed to be wholly inconsistent with the long-term maintenance of certain sensitive habitats while other habitats can tolerate a range of activities. For the practical purpose of management of sedimentary habitats a 15% threshold of overlap between a disturbing activity and a habitat is given in the NPWS guidance. Below this threshold disturbance is deemed to be non-significant. Disturbance is defined as that which leads to a change in the characterizing species of the habitat (which may also indicate change in structure and function). Such disturbance may be temporary or persistent in the sense that change in characterizing species may recover to pre-disturbed state or may persist and accumulate over time.

Findings and Recommendations of the Article 6(3) Appropriate Assessment

Aquaculture and Habitats:

The appropriate assessment finds that the majority of activities, at the current and proposed or likely future scale and frequency of activity are consistent with the Conservation Objectives for the Annex 1 Habitats, with the following exceptions:

1. Within the Kenmare River SAC there is an expired licence (no renewal received) for the culture of Scallops on the seabed. This overlapped three keystone communities, '*Zostera* dominated community', '*Maerl* dominated community' and '*Pachycerianthus multiplicatus* community'. Culture of Scallop on the seabed is deemed disturbing to such community types. As key contributors to biodiversity and being sensitive to disturbance these community types must be afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.
2. '*Maerl* dominated community' occurs in certain areas (Ardgroom and Killmakilloge Harbours) which are outside of the Qualifying Interests for which the Kenmare River SAC was designated but are still within the SAC

boundary. Maerl, the characterising species of this community, is listed as an Annex V species and as it is within the SAC boundary it must be afforded protection. Suspended mussel culture in Ardgroom Harbour spatially overlaps (1.84%) this community type and is considered disturbing. As a key contributor to biodiversity and being sensitive to disturbance this community type is afforded a high degree of protection and no overlap with a disturbing activity can be tolerated.

3. 'Zostera-dominated community', as a key contributor to biodiversity and which is sensitive to disturbance should be afforded a high degree of protection i.e. thresholds for impact on these habitats is low and any significant anthropogenic disturbance should be avoided.

Aquaculture and Species:

The appropriate assessment acknowledges that the favourable conservation status of the Harbour Seal has been achieved given the current levels of aquaculture production within the SAC. On this basis the current levels of licensed aquaculture are considered non-disturbing to harbour seal conservation features. The following are the exceptions:

- In Coongar Harbour an oyster farm (licensed) and an application site for mussel culture is in very close proximity to a seal moulting site. The seal site in question has multiple recordings of seals and, therefore, would be considered an important location. The aquaculture site in question has structures confined to the northern portion of the site and cannot expand beyond this immediate area based on the topography of the site. This ensures that the activity will not occur in close proximity to the seal haul-out location. An expansion of intertidal aquaculture activity to areas in the immediate vicinity of the haul out locations would likely increase the risk of disturbance of the seals during the moulting period. The mussel culture site application is an expansion of existing operations and it is likely that seals will be habituated or tolerant of disturbance from this activity;
- In Ardgroom Harbour a mussel farm overlaps a seal site (breeding). A single sighting was recorded at the mussel culture site during 2000 and 2001 – it is assumed, given the lack of natural structures at the site in question, that the seal was hauled out on mussel rafts. The site in question has been licensed (and active) since 1992.

The appropriate assessment found that the aquaculture activities proposed do not pose a threat to the Otter or migrating salmon in the Kenmare River SAC.

Mitigation

Taking account of the recommendations of the Appropriate Assessment, as well as additional technical/scientific observations, the following measures are being taken in relation to licensing in this SAC.

- The overlap of 'scallop culture' with sensitive communities identified in the assessment report is noted. While the scallop culture had been licensed, the licence has expired and no renewal application has been received. The principles that will apply to any further applications for aquaculture in this area are as follows:
 - i. No overlap with sensitive habitats will be permitted
 - ii. There will be an additional requirement for a sufficient buffer zone to allow for mapping resolution and/or visual enforcement of exclusion
- With one exception, the AA found that the current levels of licensed shellfish and finfish culture and proposed applications are considered non-disturbing to harbour seal conservation features. The exception is the intertidal oyster culture site in Coongar Harbour. If licensing is to be considered for this site, it will be necessary to redraw the site boundaries to exclude the area overlapping the seal haul-out locations to mitigate any disturbance risk to seals.
- A finfish culture site within Kilmakilloge Harbour is in close proximity to designated seal sites. Seal interactions with marine finfish cages have been identified. The risk to seals (as predators) result from their interaction with netting if incorrectly configured. In terms of mitigation and in order to minimise the risk the operator will be instructed to employ a range of management actions including stock management (density control, regular removal of mortalities from cages), use of seal blinds and appropriate net tensioning.
- Aquaculture activity (suspended mussel culture) within Ardgroom Harbour spatially overlaps (1.84%) with the Maerl dominated community and may have negative effects on the distribution and quality of this community type. If licensing is to be considered for this site, it will be

necessary to redraw the site boundaries to exclude the area overlapping the Maerl dominated community, allowing for a suitable buffer zone.

- The location of an intertidal oyster cultivation operation over a *Zostera* bed is considered disturbing. This activity overlaps 18.05% of this community type within the SAC. Given the highly sensitive nature of this community type any activity is likely to have impact either by shading by trestles on seagrass or compaction by transport routes to/through the trestles and increased organic enrichment. It is not proposed to licence this site.
- A licence condition requiring strict adherence to the identified access routes over intertidal habitat in order to minimise species/ habitat disturbance will be required for all relevant sites.
- A licence condition requiring that the licensed and adjoining areas shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained stock), waste products and operational litter or debris, with provisions for the prompt removal and proper disposal of such material will be required for all relevant sites.
- A licence condition requiring full implementation of the measures set out in the draft Marine Aquaculture Code of Practice prepared by Invasive Species Ireland (e.g. <http://invasivespeciesireland.com/cops/aquaculture>) will be required for all relevant sites .
- The movement of stock in and out of the Kenmare River SAC should adhere to relevant fish health legislation will be required for all relevant sites.
- The use of updated and enhanced Aquaculture and Foreshore Licences containing terms and conditions which reflect the environmental protection required under EU and National law will be required for all relevant sites;

Conclusion

The Licensing Authority is satisfied that, given the conclusions and recommendations of the Appropriate Assessment process, a decision can be taken in favour of licensing existing and proposed aquaculture operations in Kenmare River SAC, subject to the implementation of the mitigation measures outlined above and other licensing related considerations.

Accordingly, the Licensing Authority is satisfied that by not licensing overlaps with *Zostera* and *Maerl* and other sensitive communities the proposed licensing is not likely to have a significant effect on the integrity of Kenmare River SAC.

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