

SALMON WATCH IRELAND

RAHEEN • LISNAGRY • COUNTY LIMERICK
VP94A7P9 IRELAND
PHONE: 353 61 330015 • FAX: 353 61 330019
EMAIL: NIALL.B.GREENE@GMAIL.COM
WWW.SALMON.IE

23 November 2015

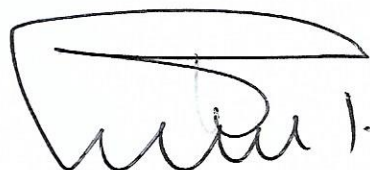
Ms Mary O'Hara
Secretary
Aquaculture Licences Appeals Board
PORTLAOISE

Dear Ms O'Hara

I refer to your letter and enclosures of 23 October (**your reference AP2/10/2015, site reference T5/555**).

Attached is a document setting out our views on one of the appeals made in respect of the licence for site T5/555.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Niall Greene', with a large, stylized flourish above the name.

Niall Greene
Chair of the Board

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Observations by Salmon Watch Ireland on the Marine Harvest appeal against certain features of the Aquaculture Licence issued by the Minister for Agriculture, Food and the Marine in respect of site T5/555A in Bantry Bay, Co Cork.

This submission to the Aquaculture Licences Appeals Board ('ALAB') is made without prejudice to Salmon Watch Ireland's ('SWIRL') contention that no licence for salmon farming should be issued for the Shot Head site because of the threat it poses to fragile and increasingly depleted salmonid stocks in its vicinity and for other reasons particularized in SWIRL's submission to ALAB dated 15 October 2015.

1. Marine Harvest appeal against provisions of Schedule 4 of the Licence

(a) Production volume

Salmon Watch Ireland ('SWIRL') has no comment on this issue other than to point out that if salmon farming is to be conducted it is more easily regulated on a Maximum Allowable Biomass basis.

(b) Production cycle

The original Marine Harvest ('MH') application in 2011 was for 'a 24 month growth cycle (November Year 1 to October Year 2); twelve cages for Months 1-15, temporarily rising to a maximum of fourteen cages during biennial grading/harvesting for four months between Months 16 to 20 (February to June of year 2 of cycle)'.

The licence provides for 'harvesting over 6 months between months 17 to 22 inclusive' (ie from March to August of year 2 of the cycle).

MH has appealed the licence provision on the grounds that it is 'too prescriptive'. They request that 'the harvest period be removed from this licence'.

SWIRL welcomes in principle the imposition of a mandatory harvesting period. However, both the original MH request and the period set down by the Minister overlap with the critical period for juvenile salmonid migration of March, April and May ('the Critical Period'). As sea lice treatment during the harvest period is substantially reduced or indeed eliminated, this will further increase the impact on juvenile wild salmonid migration to greatly increased potential impact levels.

The production cycle needs to be redesigned to ensure that there is no scheduled harvesting during the months February to June thus extending more protection to the critical period.

(c) Fallowing

The MH licence application was for fallowing in Months 23 and 24 (September and October) and the Licence provides for the same months

As already pointed out in SWIRL's appeal to ALAB of 15 October 2015, the Department of Agriculture, Food and the Marine's *Protocol No 5: Fallowing at Offshore Finfish Farms* designates best practice to be to fallow during the winter months of January and February.

Conformance with the following best practice of Protocol No 5 should be made a condition of the Licence.

(d) Floating Facilities

SWIRL has no technical competence in this area and has no detailed comments on the MH grounds of appeal. It does, however, seem reasonable that MH should not be trapped into the use of older technologies that might contribute to a safer operation of the site by the inadequacies of the DAFM process.

2. Marine Harvest appeal against Schedule 5 provisions of the Licence

SWIRL has no comments on the archaeological issues.

3. Marine Harvest request for change of licensee name

- (a) MH request that ALAB have the licence issued in the name of Comhlucht Iascaireachta Fanad Teoranta ('CIFT') rather than that of the original applicant, Bradan Fanad Teoranta ('BFT') on the grounds that the latter had been 'consolidated into' CIFT.
- (b) SWIRL submits to ALAB that this request should be rejected because:
- It is not at all clear that ALAB has any statutory power to change the identity of the licensee;
 - As of a recent date BFT continued to exist as a registered company albeit with CIFT as its sole shareholder. It has not been 'consolidated' into CIFT;
 - BFT continues to hold aquaculture licences for other sites – why not T5/555?
 - There is adequate provision in the licence itself for the assignment of an interest in a licence which can be applied to this case.
 - It is not open to the applicants or grating authorities to authorize a change to the named applicant during the licence consent process and any such change would be *ultra vires*.