

**MED Review of Fish Farm Inspection Report**  
**Inishfarnard (Site T05-233 - Aquaculture Licence AQ 198).**

**MED Finfish Inspection of 08 June 2015**

**1.0**

This report refers to mid-2015 stock levels of farm fish held at licensed Marine Harvest Ireland (MHI) site at Inishfarnard Co Cork. The site was inspected by Marine Engineering Division (MED) on 08 June 2015.

This report is a review of the MED Inspection Report following issues raised by MHI at a meeting held on 28 October 2015 and following receipt of MHI letter of 29 January 2016, wherein MHI detail their issues with regard to the inspection report.

For reference, attachments are included as follows:

- MED Inspection Report following site inspection of 08 June 2015
- Aquaculture Licence No AQ 198
- MHI letter dated 29 January 2016
- e-mails from MHI dated 08 June 2015 in regard to stock on site
- Marine Institute records of Movement Approval Notices relating to Inishfarnard

**2.0. Relevant Licence Conditions:**

The following relevant extracts from the licence (Aquaculture Licence AQ 198) are of note:

Condition 2(d) states:

*the stock of fish in the cages shall not exceed such quantity as may be specified by the Minister from time to time, the number of smolts to be stocked at the site should not in any event exceed 400,000. Licensed stocking densities are not to be exceeded and will be subject to inspection at any time by the Department of the Marine;*

Condition 2(e) states:

*The licensee shall not harvest more than 500 tonnes (dead weight) of fish in any one calendar year.*

### **3.0. Stock Numbers**

3.1 The MED inspection report notes that in March 2014, 820,604 smolts with an average weight of 0.09Kg were input to the site (P5 of under the heading "Other Comments – Stocking Figures").

See also e-mail from MHI dated 08 June 2015 (copy attached), wherein a table of stock figures shows an increase in stock at Inishfarnard from 0 to 820,604 between opening count on 1 March 2014 and closing count on 31 March 2014 (this included a transfer into the site of 824,263 and morts/cull of 3,659 during March 2014).

3.2 Review Finding in regard to stock numbers:

Based on the above, MED confirm that they are satisfied that the number of stock input to the site in March 2014 (820,604 smolts) exceeded the permitted number (400,000); and that this clearly represents a breach of Condition 2(d) of the licence.

### **4.0. Harvest Tonnage**

4.1 Table P3 of Inspection Report shows that the stock number on site on 08 June 2015 was 503,344. Under the heading "Other Comments – Stocking Figures" the MED inspection report, commenting on harvest calculations, noted that the production calculations for 2014 were given as [REDACTED] tonnes, the production calculation for 2015 was [REDACTED] tonnes, that no fish were harvested out of the site in 2014 and the harvest estimate for 2015 (based on harvest estimate provided by MHI) is calculated to be [REDACTED] tonnes.

4.2 Review Finding in regard to Harvest Tonnage:

It is noted that MED does not report any breach of licence conditions in regard to harvest tonnage in 2014 (as no fish were harvested out of the site in 2014); and while harvest tonnage for 2015 is estimated to exceed [REDACTED] tonnes based on stock figures to hand and projected stock figures to end of 2015, actual harvest figures cannot be determined until end of year figures are available, and therefore, while highlighted as a concern for 2015, there is no breach of licensing conditions reported in the Inspection Report in this regard.

### **5.0 Overall Assessment (Unsatisfactory)**

5.1 Under the heading "Overall Assessment" the DAFM inspection report noted that because the number of smolts input to the site in 2014 exceeded the licence figure the finding is "unsatisfactory". Condition 2(d) of the licence as referred to above refers.

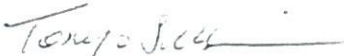
5.2 Review Finding:

MED maintains its position that the finding of "unsatisfactory" is correct for reasons noted above (Review finding at Paragraph B refers). Accordingly the MED Marine Finfish Farm Report on Inspection of the 8 June 2015 is factually correct in its finding and specifically breached license condition 2(d) attaching to the Inishfarnard AQ License 198.

## 6.0 Comments on MHI letter dated 29 January 2016

6.1 MHI argue in their letter dated 29 January 2016 that the fish were not in fact smolts (as referred to in the licence) and that therefore they are not in breach of condition 2(d). They suggest that advice be sought from the Marine Institute in regard to the difference between smolt and post-smolt/salmon stage. MED comment that this advice should be sought, as a technical / legal interpretation may be needed should any legal case be pursued in relation to the matter. MED have taken the view that all fish referred to can reasonably be regarded as smolts in the context of the licence in this instance.

6.2 MED suggests that that a follow up report relating to the harvesting aspects be completed following harvesting, which may possibly be towards the latter stage of 2016. The stock information in the inspection report for Inishfarnard strongly suggests that high stock levels on site in mid-summer are likely to result in a breach of the licenced harvest limit for 2016.



Tony O'Sullivan

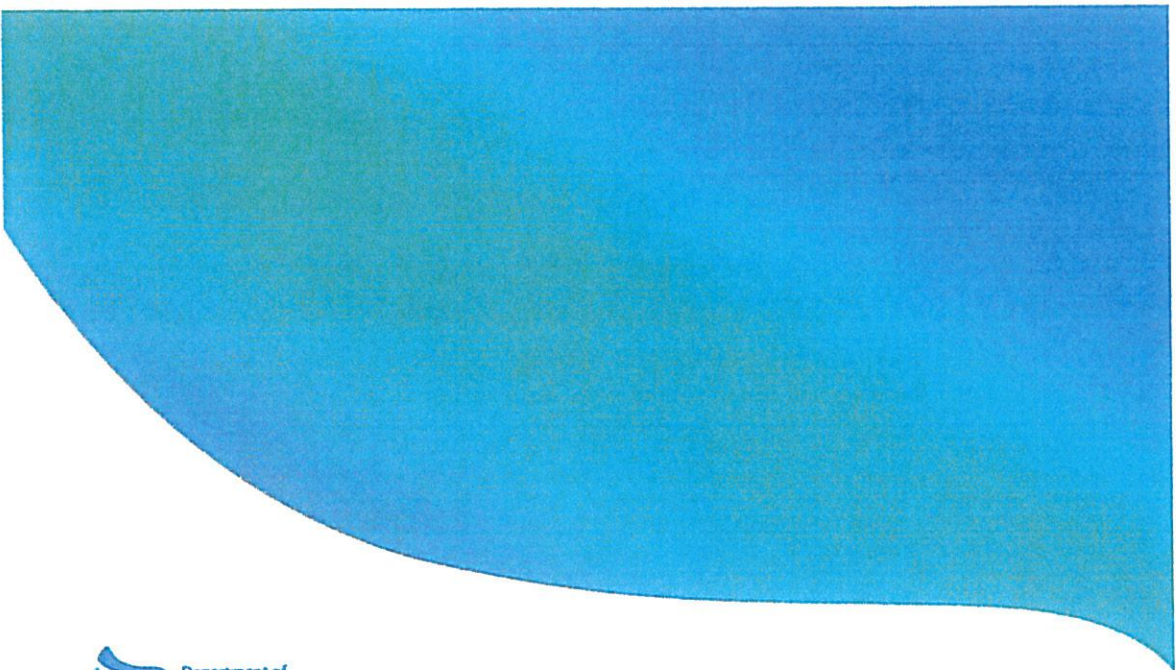
MED Southern Region

18 February 2016





## MED Marine Finfish Inspection Report

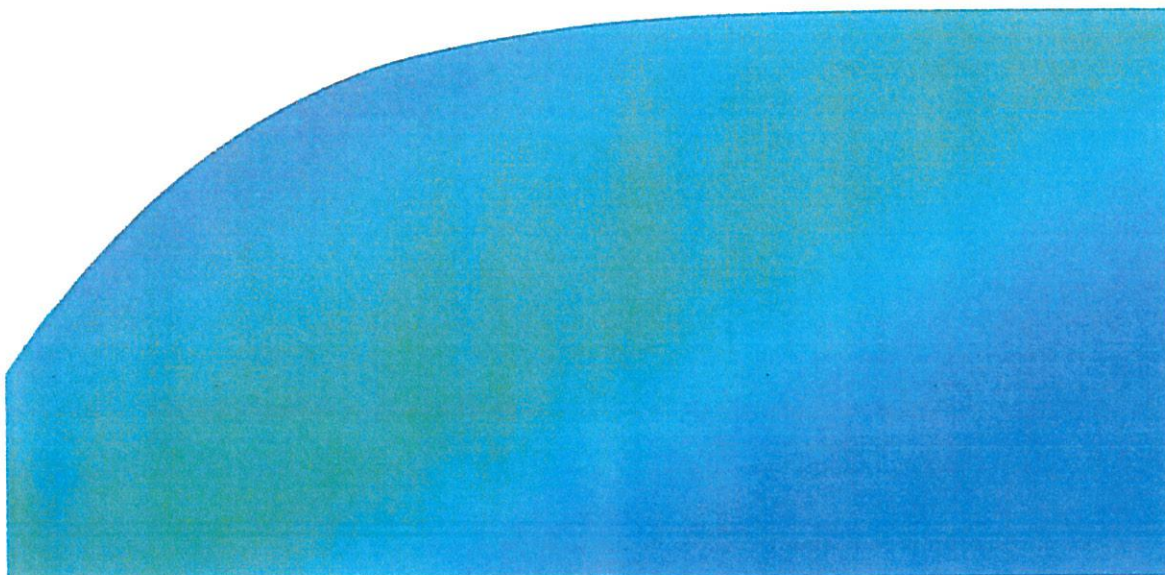


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# MARINE FIN-FISH FARM INSPECTION REPORT

## MARINE ENGINEERING DIVISION

File No.	Date of Inspection	Prepared By
T05/233	8/06/2015	MD & NOM



**DEPARTMENT OF AGRICULTURE FOOD AND THE MARINE**

**INSPECTION CHECKLIST FOR MARINE FIN-FISH FARMS**

**NAME OF FARM:** Marine Harvest Ltd.

**INSPECTED BY:** Michael Doyle and Noel O'Murchu

**DATE:** 08/06/2015

**FILE NO:** Licence T5/233

**SITE:** Kealincha, Inishfarnard

**LAND BASE:** Dinish Island, Castletownbere

Tel: 027 70216 Office Castletownbere.  (Manager)

**TIME:** 2pm

**WIND FORCE** 3

**WIND DIRECTION:**

**SEA CONDITION:** Good

**TIME OF HIGH TIDE:**

**FARM PERSONNEL MET:**

**NAME:**  
Mr. John Power

**STATUS:**  
Manager.

**RECORDS:**

**Are Records of:**

Smolts bought on to the farm.  
 Amount of fish harvested.  
 Mortalities.

Good	Ave	Poor
√		
√		
√		

**MANAGEMENT**

Are chemicals stored properly .....None Used.....Yes/No  
 Is food stored properly .....Yes/No

Is the Pier used

Public	Private
√	

Name of Pier .....

If Pier is public is its use causing an obstruction .....Yes/No

If Yes is obstruction

Major	Intermediate	Minor

Is there equipment/supplies on the shore .....Yes/No  
 If yes, is it stacked neatly .....Yes/No

Is there any litter or debris on the shore or public pier, that may have come from the farm .....Yes/No

Is there provision for litter collection and removal .....Yes/No

Are land based facilities kept tidy .....Yes/No

Are disinfection facilities readily accessible:-

Footbath .....Yes/No

Handwash .....N/A.....Yes/No

Wheelbath .....N/A.....Yes/No



**CAGES AND STOCK:**

TYPE	Quantity	Size	Depth (Net)	Licensed harvest in any one calendar year (tonnes)	Maximum smolt input permitted.	Actual standing stock (numbers)	Fish size (average)	Biomass (Tonne)
Polar Circle	14	96m	10m	500	400,000	503344	4.2 kg	2114
Feed Ship	1							

Checked by	
Visual Insp	Survey Instrument
Yes/No	Yes/No
	G.P.S.

Are all cages in Licensed area.....Yes

Are cages configured as specified .....N/A.....Yes/No

Are the cages moored as specified .....N/A.....Yes/No

Are cages tidily arranged .....Yes/No

Main colour of structure .....Grey/Black.

Visual impact of farm

Major	Intermediate	Minor
		√

Are navigation lights installed on cages.....Yes/No

Are navigation lights installed as specified .....Yes/No

Are navigation lights working .....Yes/No

Are navigation buoys installed as specified .....N/A.....Yes/No

Are Radar reflectors fitted .....Yes/No

Wear or fatigue on:

Mooring ropes

Shackles/Eyes

Joint/Hinges

Nets

Fouling on the nets

Major	Intermediate	Minor
		√
		N/A
		√
		√
		√

Are there top predator nets .....Yes/No

Are there underwater predator nets .....Yes/No

Is there a seal scarer .....Yes/No

**SAFETY MEASURES**

Do cages carry:

Life-belts (with lines) .....Yes/No

Flares .....Yes/No

**HARVESTING:**

How are fish killed?

Fish are taken by Wellboat to Fishermens Co-op Castletownbere.

**MORTALITIES:**

How are dead fish disposed of?

College Proteins, Nobber Co. Meath

Did you observe this?

**WATER QUALITY:**

Is there any increase in the turbidity of the water?

~~Yes~~/No

Is there any visible trace of oil, fat or grease on the water or on the shoreline?

~~Yes~~/No

Is there any evidence of scum, froth or foam on the water ?

~~Yes~~/No

Is there any litter or debris in the water?

~~Yes~~/No

**BOATS:**

List boats used on the farm:

TYPE	LENGTH	REG NO.
Steel Hull	11m	
Steel Hull	8m	
Polar Circle	8m	

Do boats used appear to be sea worthy and appropriate to the site condition?

Yes/No

If no please specify .....

Did all persons seen at sea wear life-jackets?.....Yes/~~No~~

**OTHER COMMENTS:****Stocking Figures:**

Stocking records were received on the day of inspection and harvest estimates for 2015 were provided following the inspection. In March 2014, 820,604 smolts with an average weight of 0.09kg was inputted to the site. No fish were harvested out of the site in 2014. The production in 2014 is calculated to be 973 Tonne.

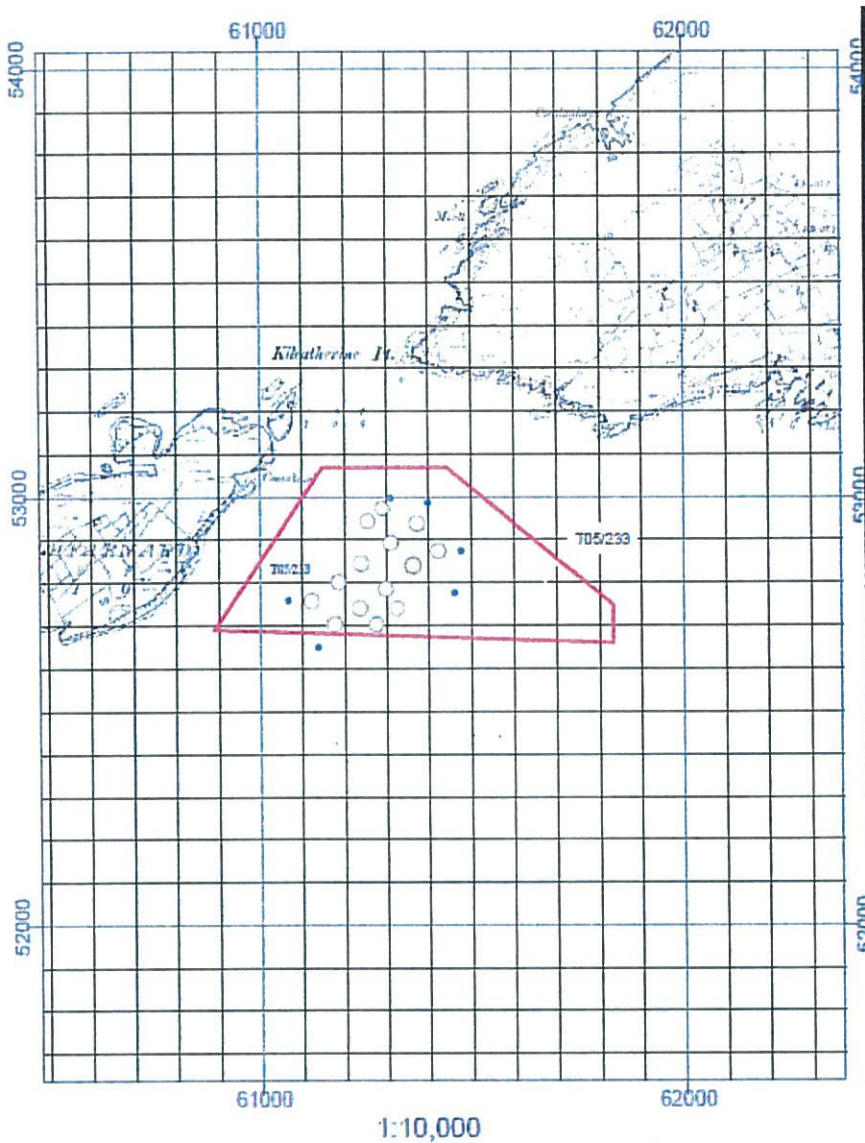
No smolts were added to the site since March 2014. Based on harvest projections provided by MHI, the harvest estimate for 2015 is calculated to be 1000 Tonne (dead weight). Similarly the production estimate for 2015 is calculated to be 1000 Tonne. These calculations will need to be re-evaluated in early 2016 when definite stock figures will be known.

**REMEDIAL MEASURES REQUIRED:**

The number of smolts to be stocked at the site should not in any event exceed 400,000 and the licensed harvest tonnage of 500 tonnes (dead weight) should not be exceeded in any one calendar year in accordance with Licence condition 2 (d) and 2 (e) respectively.

**Overall Assessment:**

**Following the inspection, the site appears to be in a good state of maintenance. The cage superstructures looked in good repair and within the licensed area. Stocking records were received on the day of inspection. Overall assessment however is unsatisfactory due to the number of smolts inputted to the site in 2014 exceeded the license figure.**



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Inishfarnard site T05/233



## Aquaculture and Foreshore Licence

CERTIFICATION OF RENEWAL  
OF  
AQUACULTURE LICENCE No.198  
AND  
FORESHORE LICENCE No.198

Dated 30 January 1995

This is to certify that the above-mentioned licences have been renewed, subject to the modification of the Aquaculture Licence specified below, with the approval of the Minister of State at the Department of Communications, Marine and Natural Resources, for the period up to and including 15 February 2007 subject to the terms and conditions thereof and subject to the provisions of the Fisheries (Amendment) Act, 1997 (No. 23), as amended.

Aquaculture Licence

- substitution for condition 2(l) of the following condition

- 2(l)(i) *The Licensee shall fallow the licensed area for at least 30 continuous days before restocking with fish of a different generation, in accordance with the requirements of the Department of Communications, Marine and Natural Resources (Protocol No. 5 Fallowing at Offshore Finfish Farms, as may be revised from time to time).*
- 2(l)(ii) *The Licensee shall undertake Benthic Monitoring of the licensed area in accordance with the detailed specifications of the Department of Communications, Marine and Natural Resources (Monitoring Protocol No. 1 for Offshore Finfish Farms - Benthic Monitoring, as may be revised from time to time) and promptly prepare and implement a Benthic Amelioration Plan if permitted parameters are breached.*
- 2(l)(iii) *The Licensee shall undertake Water Column Monitoring of the licensed area in accordance with the detailed specifications of the Department of Communications, Marine and Natural Resources (Monitoring Protocol No. 2 for Offshore Finfish Farms - Water Column Monitoring, as may be revised from time to time) and promptly take any required follow-up action in the light of the results of that monitoring.*
- 2(l)(iv) *The Licensee shall arrange for the treatment of fish against sea-lice and shall comply with the detailed specifications of the Department of Communications, Marine and Natural Resources (Monitoring Protocol No. 3 for Offshore Finfish Farms - Sea lice Monitoring and Control, as may be revised from time to time).*
- 2(l)(v) *The Licensee shall co-operate in the audit from time to time of its aquaculture operations and licensed area and facilities and premises in accordance with the detailed specifications of the Department of Communications, Marine and Natural Resources (Monitoring Protocol No. 4 for Offshore Finfish Farms - Audit of Operations, as may be revised from time to time)*

Signed: \_\_\_\_\_

A person authorised under Section 15 of the Minister and Secretaries Act, 1924, to authenticate the seal of the Minister for Communications, Marine and Natural Resources

Dated this 4 AUG 2004



CERTIFICATE OF ASSIGNMENT

OF  
AQUACULTURE LICENCES No's. AQ 198, AQ 199 AND AQ 299.

AND  
FORESHORE LICENCES No's AQ 198, AQ 199 AND AQ 299

This is to certify that the Licences referred to above have been assigned, with the approval of the Minister of State at the Department of Communications, Marine and Natural Resources, from:

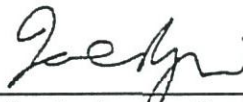
Murpet Fish Ltd.

to

Silver King Seafoods Limited  
c/o John Power  
Curryglass  
Waterfall  
Co. Cork

subject to the terms and conditions thereof.

Signed:



A person authorised under Section 15  
of the Ministers and Secretaries Act 1924,  
to authenticate the seal of the Minister for  
Communications, Marine and Natural  
Resources.

31 July 2004



*Certification of Renewal of Aquaculture Licence No. AQ 198*

*Dated 30 January, 1995*

*and Companion Foreshore Licence*

*Granted to*

Murpet Fish Company, Unit 2, Garvan Court, Main Street, Ballyboffey, Co Donegal

This is to certify that the above mentioned licences have been renewed with the approval of the Minister of State at the Department of the Marine and Natural Resources for the period up to and including 15 February, 2004 subject to the terms, and conditions thereof and subject to the provisions of the Fisheries (Amendment) Act, 1997 (No. 23) and

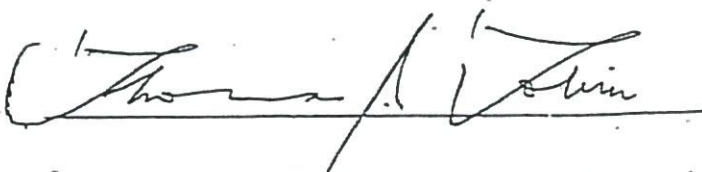
(a) The Licensee shall undertake Benthic Monitoring of the licensed areas in accordance with the detailed specifications of the Department of the Marine and Natural Resources (Monitoring Protocol No. 1 for Offshore Finfish Farms - Benthic Monitoring, as may be revised from time to time) and promptly prepare and implement a Benthic Amelioration Plan if permitted parameters are breached.

(b) The Licensee shall undertake Water Column Monitoring of the licensed areas in accordance with the detailed specifications of the Department of the Marine and Natural Resources (Monitoring Protocol No. 2 for Offshore Finfish Farms - Water Column Monitoring, as may be revised from time to time) and promptly take any required follow-up action in the light of the results of that monitoring.

(c) The Licensee shall comply with the detailed specifications of the Department of the Marine and Natural Resources (Monitoring Protocol No. 3 for Offshore Finfish Farms - Sea Lice Monitoring and Control, as may be revised from time to time) for Sea Lice Monitoring and Control in all licensed areas of the Licensee.

(d) The Licensee shall co-operate in the Audit from time to time of its aquaculture operations and licensed areas and facilities and premises in accordance with the detailed specifications of the Department of the Marine and Natural Resources (Monitoring Protocol No. 4 for Offshore Finfish Farms - Audit of Operations, as may be revised from time to time).

Signed:



A person authorised under Section 15 of the Minister and Secretaries Act, 1924, to authenticate the seal of the Minister for the Marine and Natural Resources.

8 March, 2001

1115/11/11/11/11

AGREEMENT made the 30th day of January, 1995.

1. The Minister for the Marine, (hereinafter referred to as "the Minister"), in exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation), Act, 1959, and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987)), hereby grants to Gaelic Seafoods (Ireland) Ltd., whose registered address is at Rusheenamanagh, Carna, Co. Galway (hereinafter referred to as "the Licensee"), at the place and in the waters defined in the attached Schedule hereto and delineated on the map annexed hereto and thereon coloured red (hereinafter referred to as "the fishery"), the exclusive right to

(a) perform all operations necessary for the culture of salmon and rainbow trout in cages, details of which have been submitted to and approved by the Minister placed in that area east of Inishfarnard in Coulagh Bay, Co. Cork, designated in the agreement dated the 30th day of January, 1995 and the map annexed thereto between the Licensee and the Minister;

(b) at any time of year to purchase, have in possession or sell salmon, salmon smolts and rainbow trout the acquisition of which has been approved by the Minister;

(c) at any time of year to take and have in possession salmon, salmon smolts and rainbow trout within the confines of the area referred to at (a) above;

(d) for the management of the fishery, to have in possession and use nets, traps or other such devices as may be approved by the Minister for the taking of salmon and rainbow trout as aforesaid.



2. This licence shall be subject to the following conditions:
- (a) no fish other than salmon and rainbow trout shall be cultured or taken under the terms of this licence without the prior written permission of the Minister;
  - (b) the Licensee shall make adequate arrangements to ensure that the cages shall not obstruct the passage of migratory fish and shall take all measures necessary to prevent the escape of salmon and rainbow trout from the cages and shall carry out any instructions issued in this connection by the Minister;
  - (c) the licensee shall ensure that all towing of cages for any reason to and from the fish farm site is carried out only with the prior notification to and approval of the Minister;
  - (d) the stock of fish in the cages shall not exceed such quantity as may be specified by the Minister from time to time, the number of smolts to be stocked at the site should not in any event exceed 400,000. Licensed stocking densities are not to be exceeded and will be subject to inspection at any time by the Department of the Marine;
  - (e) the Licensee shall not harvest more than 500 tonnes (dead weight) of fish in any one calendar year.
  - (f) all chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time;
  - (g) the Licensee shall keep records of all chemicals and antibiotics with which the fish have been treated, including quantities and times of use;

- ) The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section), Leeson Lane, Dublin 2, and the Fisheries Research Centre (Fish Pathology Unit), Abbotstown, Castleknock, Dublin 15, within forty-eight hours of the suspected appearance of any disease in the fishery or of any abnormal losses or mortalities in the fishery and shall carry out any instructions issued by the Minister as a result of the notification including instructions relating to the treatment, disposal and destruction of diseased stocks;
- (i) disposal of all dead fish shall be in a manner acceptable to the local authority;
- (j) the Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section), Leeson Lane, Dublin 2, within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including numbers, types, origin and year classes and shall make these records available to the Secretary on request;
- (k) the Licensee shall furnish to the said Secretary at the said address such returns relating to the fishery as may be required by the Minister;
- (l) the Licensee shall carry out such monitoring as the Minister shall specify from time to time and the results of such monitoring shall be furnished to said Secretary;
- (m) the licensee shall ensure that water quality monitoring is continued for the duration of this licence in accordance with specifications laid down by the Minister, which may be modified from time to time, and results should be forwarded to the Fisheries Research Centre at agreed regular intervals;



- (n) the licensee shall, before the end of each year for the duration of this licence, forward to the Fisheries Research Centre, annual review/update of water chemistry and other environmental parameters to assess the impact of operations at the fish farm;
- (o) the licensee shall ensure that sea-lice densities are monitored regularly and that all warranted measures are taken to ensure that lice densities are minimised and the licensee shall comply with any instructions issued by the Minister in this regard;
- (p) live salmon, salmon smolts and rainbow trout shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the prior written permission of the Minister;
- (q) the licensee shall keep the Secretary, Department of the Marine advised of ongoing precautionary measures to deal with naturally occurring algal blooms in the area of the fish farm;
- (r) the fishery and any equipment, structure, thing or premises wherever situated, used in connection with operations carried on in the fishery shall be open for inspection at any time by an authorised person (within the meaning of section 292 of the Fisheries (Consolidation) Act, 1959 (No.14 of 1959) (as amended by the Fisheries Act, 1980) other than a private water keeper), a sea fisheries protection officer (within the meaning of section 220 of the Fisheries (Consolidation) Act, 1959) or any other person appointed in that regard by the Minister;

- (s) the Licensee shall give all reasonable assistance to an authorised person, a sea fisheries protection officer or any person duly appointed by the Minister, to enable the person or officer enter and inspect the fishery, equipment, structures, things or premises pursuant to sub-paragraph (r) of this paragraph;
- (t) the Licensee shall not use any substance or thing or do anything which has a deleterious effect on the fishery environment including the use of organotin based anti-foulants and shall make adequate arrangements for the hygienic and disease-free operation of the fishery and shall comply with any directions issued by the Minister from time to time in that regard;
- (u) the Licensee shall not carry out any operations authorised by this licence in the fishery in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the fishery and shall comply with any direction given to it in that regard by the Minister;
- (v) the Licensee shall make adequate provision for the removal and disposal of all waste from the fishery;
- (w) the Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in connection with the fishery or in the exercise of the rights granted under this licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition;

(x) the Licensee shall obtain the consent of the Minister to any proposed major change in the shareholding or control of the Licensee where such change substantially alters the identity of the Licensee;

(y) this licence shall remain in operation until the 15th day of February, 2001 subject to the payment of the fee prescribed by the Department of the Marine;

3. The Minister shall be at liberty at any time to revoke or amend this licence if he considers that it is in the public interest to do so or if he is satisfied that there has been a breach of any condition specified in the licence or that the fishery to which the licence relates is not being properly maintained. Any such revocation or amendment shall be subject to the provisions of section 15 of the Fisheries (Consolidation) Act, 1959.

4. This licence will remain subject to ongoing review in light of continued monitoring of, and research into, the two marine sites and neighbouring sea trout fisheries which may be undertaken by the Salmon Research Agency and/or the Fisheries Research Centre.

5. In the event of proven contra-indications for sea trout stocks causatively linked to the fish farming operations permitted under this licence, the Minister may exercise his discretion to take any necessary protective measures ranging from reduction in permitted production levels to revocation of the licence and harvesting of all stock.

6. The number given to the Licensee under this licence shall be FCL 198.

7. This licence is not transferable.



8. This Licence replaces the licence dated 15th day of February, 1991 between the Minister and Salmara Fisheries Ltd.

PRESENT when the Seal of Office )  
of the MINISTER FOR THE MARINE )  
was affixed and was authenticated )  
by the Signature of: )  
David Glynn )  
in the presence of: )  
WITNESS: Bernadette Kiely )  
ADDRESS: Department of the )  
Marine, Leeson Lane, D.2 )  
OCCUPATION: Civil Servant )

David Glynn  
a person authorised  
under section 15(1)  
of the Ministers and  
Secretaries Act,  
1924 to authenticate  
the Seal of the  
Minister.

I agree, on behalf of Gaelic Seafoods (Ireland) Ltd. to accept the terms and conditions of this licence.

Signed: [Signature]

Date: January 14 1995

Witness: [Signature]

Address: [Signature]

(C. Glynn)

Occupation: Assistant



## SCHEDULE

This licence covers all that area of the foreshore which lies within Coulagh Bay, Co. Cork and is enclosed by a line drawn from Irish National Grid Reference point

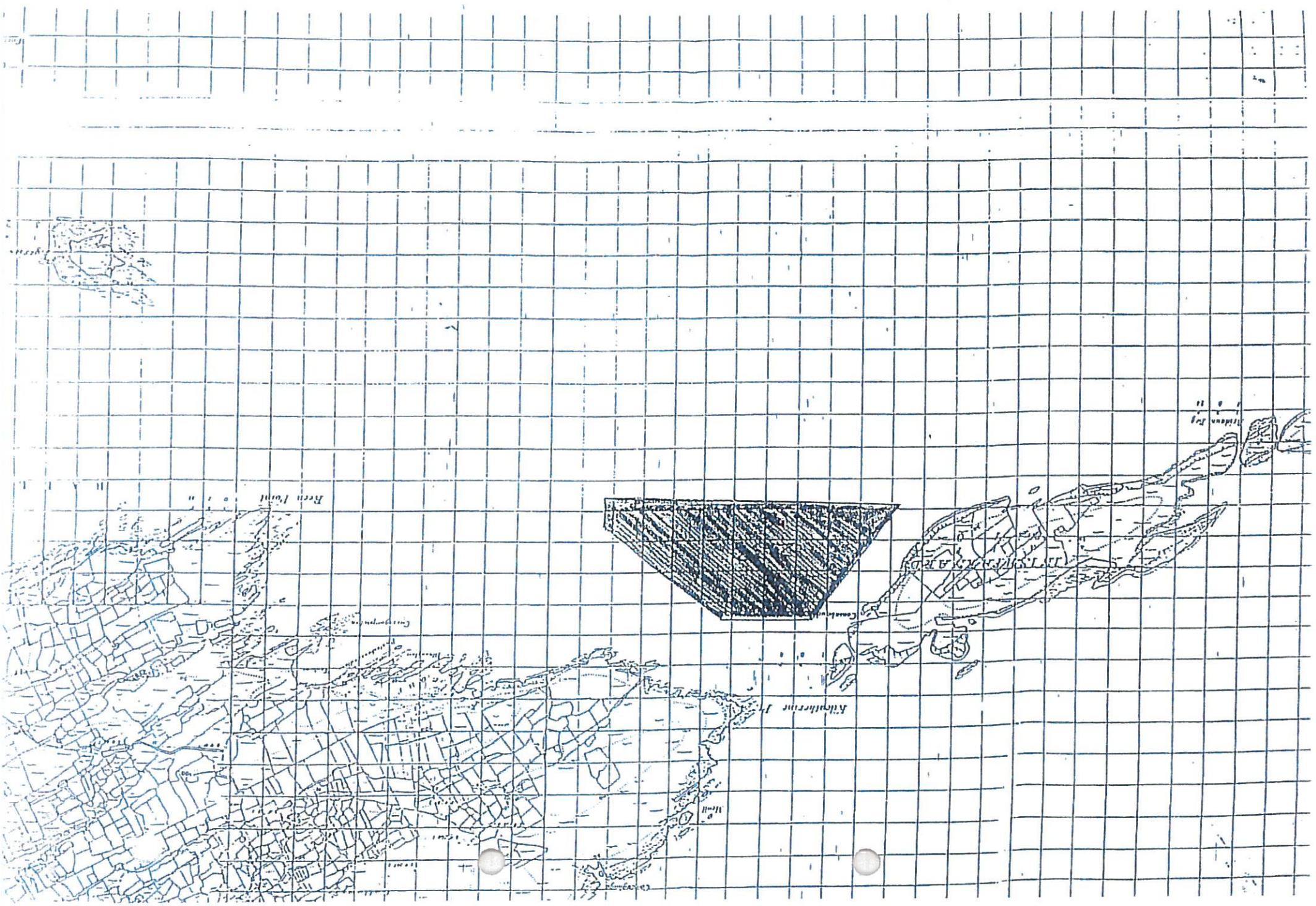
061150, 053070 to Irish National Grid Reference point

061440, 053070 to Irish National Grid Reference point

061830, 052750 to Irish National Grid Reference point

061830, 052660 to Irish National Grid Reference point

060890, 052690 to the point first mentioned.





T 5/232

AGREEMENT made the 30th day of January, 1995 between the Minister for the Marine (hereinafter referred to as "the Minister"), of the one part and Gaelic Seafoods (Ireland) Ltd. whose registered address is at Rusheenamanagh, Carna, Co. Galway (hereinafter referred to as the "the Licensee") of the other part whereby the Minister in exercise of the powers vested in him by Section 3 (1) of the Foreshore Act, 1933 hereby grants onto the Licensee licence to use and occupy that part of the Foreshore east of Inishfarnard in Coulagh Bay, Co. Cork, referred to in the Schedule hereto and delineated on the map annexed hereto and thereon coloured red for the purpose of mooring six Bridgestone cages and eleven service cages for the cultivation of salmon and rainbow trout on the terms and conditions following:

1. This licence shall remain in force until the 15th day of February, 2001 except as hereinafter provided.
2. The Licensee shall pay to the Minister through the Department of the Marine (Aquaculture Section), Leeson Lane, Dublin 2, the annual sum of £100 such payment to be made on the 15th day of February in every year during the continuance of this licence.
3. The Licensee shall use that part of the foreshore, the subject matter of this licence, for the mooring of fish cages as detailed above in connection with the cultivation of salmon and for no other purpose whatsoever. The number of cages specified herein shall not be exceeded.
4. The Licensee shall at all times during the continuance of this licence keep the said cages in a good and proper state of repair and condition to the satisfaction of the Minister and ensure that they will not be injurious to navigation, the adjacent lands or the public interest.
5. The Licensee shall ensure that the licensed area and the area around the development shall be kept clear of all redundant structures, waste products or materials associated with the development.



6. The Licensee shall cause each cage to be fitted to the satisfaction of the Minister with a low intensity, battery powered, yellow coloured flashing light and a radar reflector for the safety of navigation during the hours of darkness and reduced visibility.
7. The Licensee shall comply with any directions which may be issued by the Minister from time to time in that regard.
8. The Licensee shall ensure that each cage shall bear the licence number FCL 198.
9. The Licensee shall fit adequate anti-predator netting on all cages and shall comply with any directions which may be issued by the Minister from time to time in that regard.
10. The licensee shall ensure that cage locations and configurations, and marking and lighting arrangements shall conform to licence specifications as agreed with the Department of the Marine and the Marine Survey Office. Any changes for operational reasons at any time shall be approved in advance by the Minister.
11. The Licensee shall indemnify and keep indemnified the State, the Minister, their officers, agents and employees against all actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of the said cages or in the exercise of the permission hereby granted.
12. The Minister shall be at liberty at any time to terminate this licence by giving to the Licensee three weeks previous notice in writing ending on any day and upon determination of such notice the licence and permission hereby granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
13. The Licensee shall if so required by the Minister and, within

three weeks after receipt of such notice or on determination of this licence from any other cause at its expense remove the said cages to the satisfaction of the Minister and if the Licensee refuses or fails to do so the Minister may cause the said cages to be removed and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration, and the Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

14. On site operations and related landbased activities including the use of piers are to be carried out with all possible circumspection and regard for other users and the environs.
15. The licensee shall keep the Secretary, Department of the Marine advised of ongoing and future arrangements reached with the Office of Public Works, local authorities or private owners concerning the use of piers and other local infrastructure;
16. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained the Minister may forthwith terminate this licence without prior notice to the Licensee.
17. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at its last known address.
18. This licence replaces Foreshore Licence dated 15th day of February, 1991 granted to Salmara Fisheries Ltd.

PRESENT when the Seal of Office )  
of the MINISTER FOR THE MARINE )  
was affixed and was authenticated )  
by the Signature of )

David Glynn )

in the presence of: )

WITNESS: Bernadette Kiely )

ADDRESS: Department of the )  
Marine, Leeson Lane, D2 )

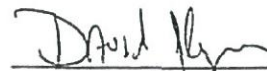
OCCUPATION: Civil Servant )

SIGNED on behalf of Licensee )  
in the presence of: )

WITNESS: Colm D. O'Connell )

ADDRESS: Cadogan Road, Dublin 7 )

OCCUPATION: General Assistant )



a person authorised  
under section 15(4)  
of the Ministers and  
Secretaries Act,  
1924 to authenticate  
the Seal of the  
Minister.



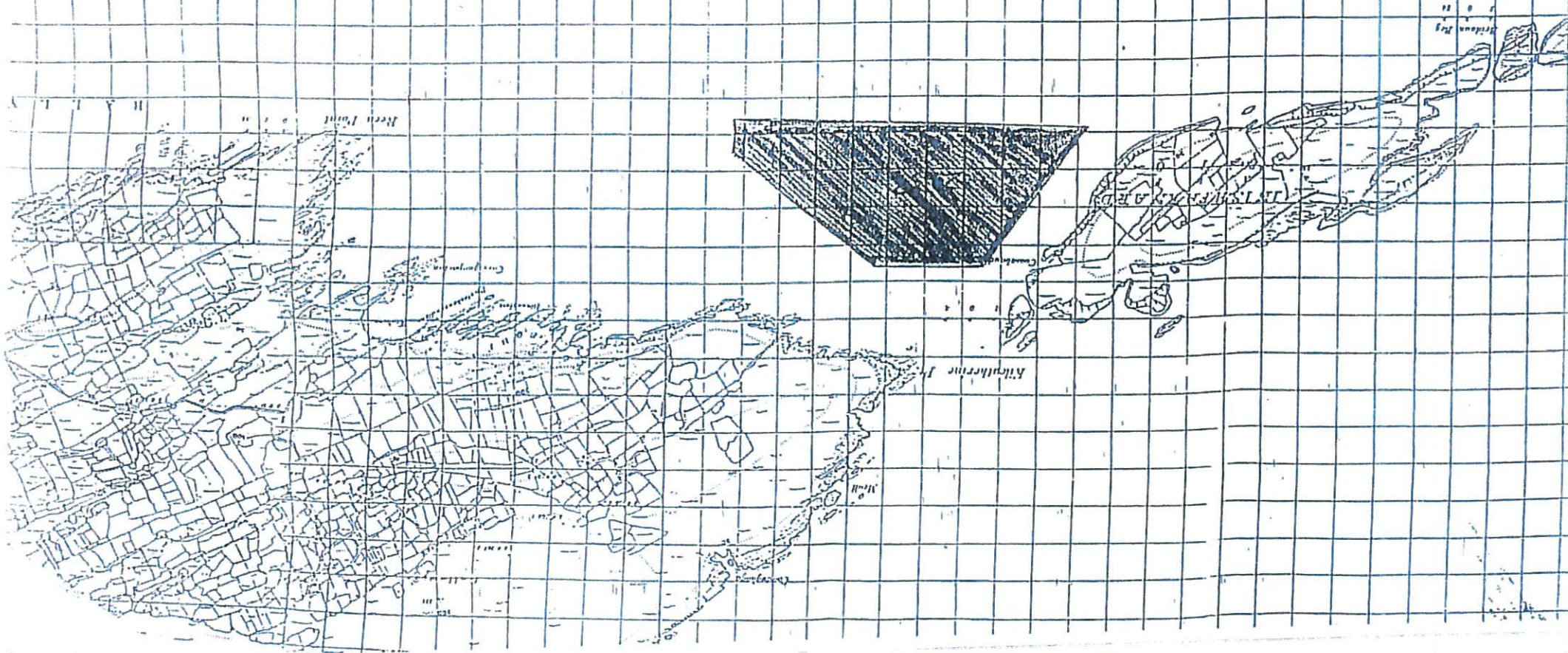
Director



## SCHEDULE

This licence covers all that area of the foreshore which lies within Coulagh Bay, Co. Cork and is enclosed by a line drawn from Irish National Grid Reference point

061150, 053070 to Irish National Grid Reference point  
061440, 053070 to Irish National Grid Reference point  
061830, 052750 to Irish National Grid Reference point  
061830, 052660 to Irish National Grid Reference point  
060890, 052690 to the point first mentioned.



**MHI letter dated 29 January 2016**







Nicole O'Shea  
 Aquaculture & Foreshore Licencing Division  
 Department of Agriculture & the Marine  
 National Seafood Centre  
 Clonakilty  
 Co. Cork.

29.01.2016

RINMORE

**Re. Site T5/233: Marine Engineering inspection on 08/06/15.**

Dear Nicole,

I refer to your letter dated January 6<sup>th</sup> 2016 regarding the remedial measures allegedly required arising from the engineering inspection of the Inishfarnard sea site on August 6<sup>th</sup> 2015.

Under the circumstances I feel that we must point out that some of the terms attaching to the aquaculture licence for this site are to say the least ambiguous, and we would argue that it is actually impossible to interpret them with any degree of precision or reliability.

The licence refers to smolt stocking events not exceeding 400,000. The licence does not contain any condition concerning how many salmon, that are not smolts, may be kept on the site at any point in time. I would suggest that the Marine Institute, who are the minister's advisers on scientific and biological matters be consulted in terms of explaining the different stages of a salmon's lifecycle and in particular the very short-lived and distinct 'smolt' phase.

Marine Harvest Ireland had two separate silver salmon stocking inputs into this site during the period of interest, neither of which concerned fish at the 'smolt' stage in their life cycle. Further, neither of the stocking events involved fish transfers exceeding 400,000 fish. On that basis we strongly contend that we have not breached the licence term concerning smolt stocking and therefore no remedial action is required.

With regard to harvest volumes, It should be noted that no harvesting took place at this site thus the maximum harvest rate of 500 tonnes per annum was not exceeded. On that basis no remedial action is needed with regard to this issue.

It is also very important to point out that the benthic impact monitoring results for this site show clearly that there has been no overstocking and that no adverse biological impacts have occurred. The results show that MHI have operated the site responsibly and well within its 'biological carrying capacity'.

The confusing and biologically incorrect phraseology employed in this licence highlights the recurring drafting problem we have all encountered, whereby inconsistent, contradictory and technically meaningless terms and conditions have found their way into many of the salmon farming licences issued over the years.

• Marine Harvest Ireland

Registered in Ireland as Comhlucht  
 Iascaireachta Fanad Teoranta, VAT No:  
 IE45307340: Registration No. 66929  
 Directors: Jan Feenstra, David Brennan

OFFICE

Kindrum, Cashel P.O., Fanad.  
 Letterkenny Co. Donegal, IRELAND F92  
 XD93

RESIDIAL

Rinmore, Ballylar P.O.  
 Letterkenny Co. Donegal, IRELAND F92  
 T677

PHONE

00353 74  
 9192105

FAX

[Address]

MAIL

catherine.mcmanus@marineharvest.  
 com

WEBSITE

<http://marineharvest.com>  
<http://marineharvestireland.com>

Both as an individual company and through our representative organisation we have repeatedly requested that Irish marine salmon licenses be brought into line with best international practices with regard to the control of stocking levels. The Minister for Agriculture, Food and the Marine, Simon Coveney TD issued a press release on December 5th 2011 to announce the new format for Aquaculture Licence templates. In this press release the Minister confirmed that one of the core changes to Aquaculture licences would be a *"Change from licensing by Annual Harvested Tonnage (i.e. the dead weight of fish harvested from a site in a calendar year measured in tonnes) to Standing Stock Biomass for Finfish (the weight of live fish on a site at any given time, measured in tonnes). Standing Stock Biomass is recognised internationally as the appropriate metric for assessing loading at an aquaculture production site and can be measured on a real time basis thus facilitating effective regulation and management of sites."*

We welcomed this announcement at the time and we fully agree with the minister that maximum allowable biomass (MAB) is the only rational and enforceable way of regulating stocking on marine finfish sites. We look forward to continue working with the Department of Agriculture, Food and Marine (DAFM) with a view to establishing a more logical and consistent regulatory framework for Irish aquaculture. In this particular instance we do not believe that we breached any of the licenced terms as they are written and thus we are of the view that no remedial actions are called for at this point in time.

With Regards

[Redacted signature]

C [Redacted] IS

TECHNICAL MANAGER

**e-mail from MHI including Stock Records**



**Dillon, Noel**

---

**From:** [REDACTED] >  
**Sent:** 08 June 2015 15:42  
**To:** OMurchu, Noel  
**Cc:** Gibbons, Joseph  
**Subject:** FW: Emailing: INF 14S1 Summary per month.xlsx  
**Attachments:** INF 14S1 Summary per month.xlsx.xls

Hi Noel  
See attached the info you requested on the Inishfarnard stock month by month

Best regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WEB: [www.marineharvestireland.com](http://www.marineharvestireland.com)

OFFICE: Marine Harvest Ireland SW  
Castletownbere  
Beara  
Co Cork  
Ireland

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Filtered By	Filter
Operation	All

Year	2014	Open		
Class	Project	Site	Count	Cc
Q1	SWIF	Inishfarnard	0	
<b>Total</b>			<b>0</b>	
<b>Grand Total</b>			<b>0</b>	

[Redacted content]

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'C)
9.20



Filtered By	Filter	Grouped by	From date	End date
Operation	All	Project	2014-04-01	2014-04-30

Year	2014	Open	Mortality / Culls	Harvest	Transfer	Total	Closing	Feed	LCTD	Temp
Class	Project	Site	Count							
Q1	SW/F	Inishfarnard	820 604							
Total			820 604							
Grand Total			820 604							





Filtered By	Filter	Grouped by	From date	End date
Operation	All	Project	2014-05-01	2014-05-31

Year	2014	Open	Mortality / Culls			Harvest	Transfer	Total	Closing		Feed			LCTD		Temp
Class	Project	Site	Count	Count	%	LCTD	Count	Ponding	Count	Count	Avg.	Weight	SFR	Bio FCR	Eco (D)	(°C)
Q1	SWIF	Inishfarnard	782 959													
<b>Total</b>			782 959													
<b>Grand Total</b>			782 959													



























Filtered By	Filter	Grouped by	From date	End date
Operation	All	Project	2015-02-01	2015-02-23

Year	2014	Open	Mortality / Culls			Harvest	Transfer	Total	Closing		Feed		LCTD		Temp	
Class	Project	Site	Count	Count	%	LCTD	Count	Ponding	Count	Count	Avg.	Weight	SFR	Bio FCR	Eco (D)	(°C)
Q1	SWIF	Inisharnard	550 540	[REDACTED]												
Total			550 540	[REDACTED]												
Grand Total			550 540	[REDACTED]												









**Marine Institute Fish Movement Approvals**

**From:** FHU  
**To:** [hugh.mcginley@marineharvest.com](mailto:hugh.mcginley@marineharvest.com)  
**Cc:** FHU  
**Subject:** Approval for Finfish Movement within Ireland  
**Date:** 27 February 2014 16:04:40

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**European Communities (Health of Aquaculture Animals and Products) Regulations 2008, S.I. No. 261 of 2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011**

**Movement Approval Notice**

**MOV-750**

**Marine Harvest Ireland FHA-000025 (the 'Applicant')**

The Marine Institute in exercise of its powers under the European Communities (Health of Aquaculture Animals and Products) Regulations 2008 - 2011, and subject to the conditions set out below, confirms its approval of the following (the 'Movement'):

<b>Origin of Finfish</b>		<b>Destination of Finfish</b>	
Company Name: Marine Harvest Ireland		Company Name: Marine Harvest Ire (formally Silverking Seafoods Ltd)	
Site of Origin: Lough Altan		Site of Destination: Inishfarnard Cork	
• Date(s) of Movement: 26/02/2014 - 26/03/2014			
• Details of Transportation: Gripfisk Service AS Grip Transporter (WellBoat), O 			
Species	Quantity	Age	Average Weight
Atlantic salmon	400000 Number	11 Months	95 g

**Conditions**

1. The Movement shall be carried out in accordance with the details submitted to the Marine Institute, and with these conditions and the EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011 as may be amended from time to time.
2. This Movement Approval Notice is non-transferable. Any proposed change to the details of the Movement shall be notified to the Marine Institute for its prior approval.
3. The Applicant shall not be entitled solely by reason of the grant of this Movement Approval Notice to carry out the Movement. For the avoidance of doubt, this Movement Approval Notice does not authorise any Movement or the carrying on of any activity in a manner that does not comply with any legislation which may be applicable including, but not limited to:
  - a. EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011
  - b. Fisheries (Amendment) Act 1997, as amended, and relevant Regulations
  - c. EC (Quality of Shellfish Waters) Regulations 2006



- d. EC (Food and Feed Hygiene) Regulations 2009, S.I. 432 of 2009, as amended
- e. EC (Birds and Natural Habitats) Regulations 2011, S.I. 477 of 2011, as amended

4. The Marine Institute reserves the right to refuse or revoke approval on breach of any of these conditions or otherwise in accordance with S.I. 261/2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011.

**Issued By: Fish Health Unit    Dated:27/02/2014**

On behalf of the Marine Institute

Rinville, Oranmore,  
Co. Galway  
IRELAND

Tel: +353 (0)91 387 200  
Fax: +353 (0)91 387 201  
Email: [notification@marine.ie](mailto:notification@marine.ie)  
Website: [www.fishhealth.ie](http://www.fishhealth.ie)

**Notes:**

Please let us know if there are any changes to the details supplied.  
A copy of this email should be kept for your Fish Health Records

**From:** [FHU](#)  
**To:** [hugh.mcginley@marineharvest.com](mailto:hugh.mcginley@marineharvest.com)  
**Cc:** [FHU](#)  
**Subject:** Approval for Finfish Movement within Ireland  
**Date:** 13 March 2014 17:58:19

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**European Communities (Health of Aquaculture Animals and Products) Regulations 2008, S.I. No. 261 of 2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011**

**Movement Approval Notice**

**MOV-784**

**Marine Harvest Ireland FHA-000024 (the 'Applicant')**

The Marine Institute in exercise of its powers under the European Communities (Health of Aquaculture Animals and Products) Regulations 2008 - 2011, and subject to the conditions set out below, confirms its approval of the following (the 'Movement'):

<b>Origin of Finfish</b>		<b>Destination of Finfish</b>	
Company Name: Marine Harvest Ireland		Company Name: Marine Harvest Ire (formally Silverking Seafoods Ltd)	
Site of Origin: Pettigo		Site of Destination: Inishfarnard Cork	
• Date(s) of Movement: 16/03/2014 - 26/03/2014			
• Details of Transportation: Gripfisk Service AS Grip Transporter (WellBoat),			
Species	Quantity	Age	Average Weight
Atlantic salmon	280000 Number	12 Months	85 g

**Conditions**

1. The Movement shall be carried out in accordance with the details submitted to the Marine Institute, and with these conditions and the EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011 as may be amended from time to time.
2. This Movement Approval Notice is non-transferable. Any proposed change to the details of the Movement shall be notified to the Marine Institute for its prior approval.
3. The Applicant shall not be entitled solely by reason of the grant of this Movement Approval Notice to carry out the Movement. For the avoidance of doubt, this Movement Approval Notice does not authorise any Movement or the carrying on of any activity in a manner that does not comply with any legislation which may be applicable including, but not limited to:
  - a. EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011
  - b. Fisheries (Amendment) Act 1997, as amended, and relevant Regulations
  - c. EC (Quality of Shellfish Waters) Regulations 2006

d. EC (Food and Feed Hygiene) Regulations 2009, S.I. 432 of 2009, as amended

e. EC (Birds and Natural Habitats) Regulations 2011, S.I. 477 of 2011, as amended

4. The Marine Institute reserves the right to refuse or revoke approval on breach of any of these conditions or otherwise in accordance with S.I. 261/2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011.

**Issued By: Fish Health Unit    Dated:13/03/2014**

On behalf of the Marine Institute

Rinville, Oranmore,  
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Fax: +353 (0)91 387 201

Email: [notification@marine.ie](mailto:notification@marine.ie)

Website: [www.fishhealth.ie](http://www.fishhealth.ie)

Notes:

Please let us know if there are any changes to the details supplied.

A copy of this email should be kept for your Fish Health Records

**From:** [FHU](mailto:FHU)  
**To:** [hugh.mcginley@marineharvest.com](mailto:hugh.mcginley@marineharvest.com)  
**Cc:** [FHU](mailto:FHU)  
**Subject:** Approval for Finfish Movement within Ireland  
**Date:** 13 March 2014 18:03:22

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**European Communities (Health of Aquaculture Animals and Products) Regulations 2008, S.I. No. 261 of 2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011**

**Movement Approval Notice**

**MOV-785**

**Marine Harvest Ireland FHA-000025 (the 'Applicant')**

The Marine Institute in exercise of its powers under the European Communities (Health of Aquaculture Animals and Products) Regulations 2008 - 2011, and subject to the conditions set out below, confirms its approval of the following (the 'Movement'):

Origin of Finfish		Destination of Finfish	
Company Name: Marine Harvest Ireland		Company Name: Marine Harvest Ire (formally Silverking Seafoods Ltd)	
Site of Origin: Lough Altan		Site of Destination: Inishfarnard Cork	
• Date(s) of Movement: 16/03/2014 - 26/03/2014			
• Details of Transportation: Gripfisk Service AS Grip Transporter (WellBoat),			
Species	Quantity	Age	Average Weight
Atlantic salmon	120000 Number	12 Months	65 g

**Conditions**

1. The Movement shall be carried out in accordance with the details submitted to the Marine Institute, and with these conditions and the EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011 as may be amended from time to time.
2. This Movement Approval Notice is non-transferable. Any proposed change to the details of the Movement shall be notified to the Marine Institute for its prior approval.
3. The Applicant shall not be entitled solely by reason of the grant of this Movement Approval Notice to carry out the Movement. For the avoidance of doubt, this Movement Approval Notice does not authorise any Movement or the carrying on of any activity in a manner that does not comply with any legislation which may be applicable including, but not limited to:
  - a. EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011
  - b. Fisheries (Amendment) Act 1997, as amended, and relevant Regulations
  - c. EC (Quality of Shellfish Waters) Regulations 2006



d. EC (Food and Feed Hygiene) Regulations 2009, S.I. 432 of 2009, as amended

e. EC (Birds and Natural Habitats) Regulations 2011, S.I. 477 of 2011, as amended

4. The Marine Institute reserves the right to refuse or revoke approval on breach of any of these conditions or otherwise in accordance with S.I. 261/2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011.

**Issued By: Fish Health Unit    Dated:13/03/2014**

On behalf of the Marine Institute

Rinville, Oranmore,  
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Website: [www.fishhealth.ie](http://www.fishhealth.ie)

Notes:

Please let us know if there are any changes to the details supplied.

A copy of this email should be kept for your Fish Health Records

**From:** [FHU](mailto:hugh.mcginley@marineharvest.com)  
**To:** [hugh.mcginley@marineharvest.com](mailto:hugh.mcginley@marineharvest.com)  
**Cc:** [FHU](mailto:FHU)  
**Subject:** Approval for Finfish Movement within Ireland  
**Date:** 15 April 2014 16:29:15

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**European Communities (Health of Aquaculture Animals and Products) Regulations 2008, S.I. No. 261 of 2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011**

**Movement Approval Notice**

**MOV-839**

**Marine Harvest Ireland FHA-000025 (the 'Applicant')**

The Marine Institute in exercise of its powers under the European Communities (Health of Aquaculture Animals and Products) Regulations 2008 - 2011, and subject to the conditions set out below, confirms its approval of the following (the 'Movement'):

Origin of Finfish		Destination of Finfish	
Company Name: Marine Harvest Ireland		Company Name: Marine Harvest Ire (formally Silverking Seafoods Ltd)	
Site of Origin: Lough Altan		Site of Destination: Inishfarnard Cork	
• Date(s) of Movement: 21/04/2014 - 30/04/2014			
• Details of Transportation: Gripfisk Service AS Grip Transporter (WellBoat),			
Species	Quantity	Age	Average Weight
Atlantic salmon	6000 Number	12 Months	65 g

**Conditions**

1. The Movement shall be carried out in accordance with the details submitted to the Marine Institute, and with these conditions and the EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011 as may be amended from time to time.
2. This Movement Approval Notice is non-transferable. Any proposed change to the details of the Movement shall be notified to the Marine Institute for its prior approval.
3. The Applicant shall not be entitled solely by reason of the grant of this Movement Approval Notice to carry out the Movement. For the avoidance of doubt, this Movement Approval Notice does not authorise any Movement or the carrying on of any activity in a manner that does not comply with any legislation which may be applicable including, but not limited to:
  - a. EC (Health of Aquaculture Animals and Products) Regulations 2008 - 2011
  - b. Fisheries (Amendment) Act 1997, as amended, and relevant Regulations
  - c. EC (Quality of Shellfish Waters) Regulations 2006

d. EC (Food and Feed Hygiene) Regulations 2009, S.I. 432 of 2009, as amended

e. EC (Birds and Natural Habitats) Regulations 2011, S.I. 477 of 2011, as amended

4. The Marine Institute reserves the right to refuse or revoke approval on breach of any of these conditions or otherwise in accordance with S.I. 261/2008, as amended by S.I. No. 398 of 2010 and S.I. No. 430 of 2011.

**Issued By: Fish Health Unit    Dated:15/04/2014**

On behalf of the Marine Institute

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Email: [notification@marine.ie](mailto:notification@marine.ie)

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