

1st August 2019Ref: CM136/MA/LT/07
Your Ref: AP6/1-2/2018
Site Ref: T05-590AMs. Mary O'Hara
Aquaculture Licences Appeal Board
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois
R32 DTW5

Re: Dunmanus Bay Mussels Ltd

Dear Ms. O'Hara,

I refer to your letter dated 26th July 2019. We are currently reviewing the contents of your letter, and we are scoping the additional assessments required. It will not be possible to provide the results of the assessment within 30 days of receipt of the letter. We therefore request an extension of time from ALAB. We can advise on the required extension when we receive a programme of works from our specialists.

On behalf of Dunmanus Bay Mussels Ltd, I hereby request that all further correspondence relating to the issue is posted to:

Dunmanus Bay Mussels,
Gearhies,
Bantry,
Co. Cork.

Please do not hesitate to contact me on 021 4815441 if you wish to discuss further.

Yours sincerely
For ByrneLooby,

Shane McCarthy BE CEng. MIEI.
Associate
c.c. Dunmanus Bay Mussels Ltd.

An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Dunmanus Bay Mussels Ltd.,
Dromduff,
West Bantry,
Co. Cork.

26 July 2019

Our Ref: AP6/1-2/2018
Site Ref: T05-590A

Re: Appeals against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Dunmanus Bay Mussels Ltd., for the cultivation of Mussels using longlines and ropes at outer Dunmanus Bay, Co. Cork on Site T05/590A

To whom it concerns

I refer to the above appeals.

Having considered the information provided to it, the Board is of the opinion that further information is necessary for the purposes of enabling the Board determine the Appeals.

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997, where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal it may serve a notice on a party.

The application package presents an assessment of the likely volume and settling distance of bio-deposit wastes from the farm, the associated deposition footprint and the rate of bio-deposit accumulation on the seabed. The assessment presents bio-deposit settling distances calculated based on published bio-deposit settling velocities and estimates of local current velocities based on current measurements recorded on 19/10/2012. Settling distances calculated are used in the assessment to estimate the spatial extent of the deposition footprint and the likely rate of bio-deposit accumulation on the seabed. The assessment concludes that the likely accumulation of bio-deposits on the seabed will not exceed thresholds at which benthic status is impacted; as a result benthic impacts are discounted.

The Technical Advisor to ALAB is of the opinion that the assessment does not adequately account for local bathymetric and hydrodynamic conditions to support the conclusion that benthic impacts can be discounted, that flushing rates at the site are sufficient and that the site is suitable for mussel cultivation. In particular, the assessment as presented is considered inadequate as the assessment:

- assumes uniform distribution of deposits across the deposition footprint and does not adequately account for local bathymetric and hydrodynamic conditions which will result in relatively higher rates of deposition in shallow areas and in areas of restricted current flow;
- relies on estimates of mean current velocities that are calculated based on current measurements recorded on a single day. Mean current velocities should be calculated based on currents measured across the full range of tide types in the locality (spring and neap etc.); and,
- the assessment does not provide reasoned justifications for the bio-deposit settling velocities and/ or bio-deposits accumulation thresholds for benthic impacts used in the assessment. A range of bio-deposit settling velocities and accumulation thresholds have been reported in the published literature; using different published settling velocities and accumulation thresholds may indicate impacts at the site.

In line with Section 47(1)(a) of the Fisheries Amendment Act 1997, you are requested to address the above issues raised and provide additional site-specific evidence and/ or commentary regarding:

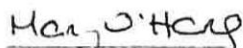
- the currents and flushing rates at the site reflective of the natural ranges expected;
- the rates of bio-deposit deposition across the site and surrounds;
- the calculations of the spatial extent of the deposition footprint;
- the potential benthic impacts associated with bio-deposit wastes; and
- clear descriptions of the rationale and assumptions made to predict the impacts.

In accordance with section 47 (1) (a) of the Act, the Board requires this information within **30 days** of receipt of this letter. Please note that if the documents, particulars or other information specified above are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

This notice is being copied to all parties to the Appeal.

Yours sincerely,



Mary O'Hara
Secretary to the Board

