

Public Consultation of Offshore Aquaculture (Ref: T9/489A&B)
Department of Agriculture, Food and the Marine
(Aquaculture and Foreshore Management Division),
National Seafood Centre,
Clonakilty,
Co. Cork

7th December 2012

Re: Public Consultation - Offshore Aquaculture (Ref: T9/489A & B)

Dear Sir / Madam,

I am writing on behalf of the National Inland Fisheries Forum, a statutory body established under Section 7(4) of the Inland Fisheries Act of 2010. The principle functions of the National Inland Fisheries Forum are, *inter alia*, to facilitate stakeholder input on policy issues relevant to the inland fisheries and sea angling sectors.

In this regard at its recent meeting the Forum debated the current proposal for an offshore salmon farm (Application Ref: T9/489A&B) and requested that following issues be raised as part of the public consultation process. The Forum considers the consent process to be flawed, due, *inter alia*, to the decision making function being exercised by the Minister for Agriculture Fisheries and Food in circumstances where;

- The Applicant, Board Iascaigh Mhara, BIM, has several appointees of the said Minister at board level,
- BIM receives funding and policy direction from the Minister's department,
- A number of public announcements have been made which indicate pre-judging of the issues,
- The preliminary licensing appraisal pursuant to the Fisheries (Amendment) Act 1997 will be carried out by officials of the Department of Agriculture on foot of SI 707/2007,
- Any appeal in respect of a decision of the Minister would fall to be dealt with by appointees of the Minister on the Aquaculture Licensing Appeals Board,
- The specific statutory basis on which BIM relies to authorise Fish Farming operations has not been adequately set out.

In respect of the Environmental Impact Statement (EIS) the Forum believe that this document is deficient in a number of areas. The EIS does not adequately address the migration routes of wild salmonids and particularly the route of salmon smolts from the Corrib SAC through Galway Bay. The presumptions made and conclusions drawn regarding the potential impact of sea lice from the proposed locations on wild smolts are not supported by any scientific investigation contained within this EIS. The EIS does not adequately address the potential impact of the proposed salmon farm on sea trout *and salmon*, particularly from the Costello and Fermoy/Cashla fishery, which is the fishery located closest to the proposed farm and which is located within the Connemara Bogs Complex SAC (SC 002034). Atlantic salmon is an Annex II listed species scheduled for protection in this SAC. The EIS also does not adequately address the potential impact of a large scale escape of farmed salmon on local wild salmonid populations.

In addition to concerns with the content of the EIS, the Forum also have concerns regarding the process surrounding this public consultation. Following a number of public meetings held in the west of Ireland, requests were made for the specific scientific information used to underpin statements contained in the EIS, such as the modelling data for sea lice dispersal, information on the sea trout foraging range and the specific trawl information used to assess smolt migration, so as it could be used to inform submissions made under the public consultation process. To date this information has not been provided.

In relation to the Natura Impact Statement (NIS) included in Appendix I of the EIS documentation, the Forum also believes that this document is deficient in a number of areas. The NIS provides insufficient data in relation to salmon smolt migration to support the contention that salmon smolts will only migrate along the north shore of Galway Bay.

In a fish farm of this magnitude the Forum believe that it is almost inevitable that farmed salmon will escape, and potentially in significant numbers. The NIS does not adequately address the potential impacts of escaped farmed salmon on the adjacent SAC.

Also neither the EIS nor the NIS documents have considered the full *corpus* of peer reviewed scientific data in relation to the potential impacts of salmon aquaculture on wild salmonid populations. The Forum believe the papers referred to below, which represent a sample of the peer reviewed scientific information available in this issue, as well as the report of the Cohen Commission in Canada, are directly relevant to the application being considered and failure to consider them in detail casts significant doubt on the adequacy and integrity of both documents.

- Gargan, P.G., Forde, G., Hazon, N., Russell, D.J.F. & Todd, C.D. 2012. Evidence for sea lice-induced marine mortality of Atlantic salmon (*Salmo salar* L.) in western

Ireland from experimental releases of ranched smolts treated with emamectin benzoate. *Can. J. Fish. Aquat. Sci.* 69: 343-353.

- Tully, O. Gargan, P.G., Poole, W.R., and Whelan, K.F. (1999). Spatial and temporal variation in the infestation of sea trout (*Salmo trutta* L.) by the caligid copepod *Lepeophtheirus salmonis* (Kroyer) in relation to sources of infestation in Ireland. *Parasitology*, 119, 41-51.
- Gargan, P.G., Tully, O., & Poole, R. 2003. The Relationship Between Sea Lice Infestation, Sea Lice Production And Sea Trout Survival In Ireland, 1992-2001. In: *Salmon on the Edge* (ed. D. Mills), pp. 119-135. Blackwell Science, Oxford, UK.
- Finstad, B., Bjorn, P.A., Todd, C. D., Whoriskey, F., Gargan, P.G., Forde, G, & Revie, C.W. 2010. The Effects of Sea Lice on Atlantic Salmon and other Salmonid Species. *Atlantic Salmon Ecology*, Eds: Aas, Einum, Klemetsen & Skurdal. Wiley-Blackwell, 253-276.
- Krkosek M, Revie CW, Gargan PG, Skilbrei OT, Finstad B, Todd CD. 2012. Impact of parasites on salmon recruitment in the Northeast Atlantic Ocean. *Proc. R. Soc. B.* 20122359 .[http://dx. doi.org/10.1098/rspb. 2012.2359](http://dx.doi.org/10.1098/rspb.2012.2359)
- Cohen Commission Report to the Canadian Government; 'Commission of enquiry into the decline of sockeye salmon in the Fraser River- final report' October 2012 (www.cohencommission.ca, p12 et seq.

The Forum understands that in assessing both documents and making a determination, the Minister must state whether or not the project would adversely affect the integrity of a European Site. This assessment must be carried out before a decision is taken to undertake the project.

The test to be applied in order to establish whether a project will have an adverse effect on the integrity of a site was very recently set out in the opinion of Advocate General Sharpston in *Peter Sweetman, Ireland, Attorney General and the Minister for the Environment, Heritage and Local Government v An Bord Pleanála*

“ ...it is necessary to determine whether that plan or project will have a negative effect on the constitutive elements of the site concerned, having regard to the reasons for which the site was designated and their associated conservation objectives. An effect which is permanent or long lasting must be regarded as an adverse one. In reaching such a determination, the precautionary principle will apply.”

Advocate General Sharpston continued by saying that the precautionary principle applies where there is uncertainty as to the existence or extent of risks. The CJEU held in Waddenvereniging and Vogelbeschermingsvereniging that the precautionary principle has been integrated into Article 6(3) of the Habitats Directive. Thus the Minister may only grant authorisation to a project if he is convinced that it will not adversely affect integrity of a European Site.

Furthermore the EU-Commission / UK established the principle that a probability or risk of significant effect exists if it cannot be excluded on the basis of objective information that the project will have significant effect on the site concerned. Accordingly if doubt remains as to the absence of adverse effects the Minister must refuse the authorisation. Thus the Forum believes that on the basis of the information supplied the Minister is not in position to make a positive decision on this application. To do so would represent a failure to adhere to the precautionary principle.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Derek Davis', is written over a horizontal line. To the left of the line, there is a small, stylized mark that looks like a 'D' or a similar character.

Derek Davis
Chairman, National Inland Fisheries Forum
(For and on behalf of the National Inland Fisheries Forum)