



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



24 January 2011

Our Ref: E00106/2010
Your Ref: S0005-01

Ms Noeleen Roche
Office of Climate, Licencing and Resource Use
EPA
Johnstown Castle Estate
Co. Wexford



Re: Dumping-at-Sea Licence Application for Haulbowline Naval Base, Cobh, Co. Cork

A Chara,

I refer to your recent letter in relation to the above-mentioned application. Outlined below are the nature conservation recommendations of the Department of the Environment, Heritage and Local Government

The applicant should note that all cetaceans are listed under Annex IV (including those in Annex II) of Council Directive 92/43/EEC (the Habitats Directive). Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean (whales, dolphins & porpoises) or take actions that result in deterioration or destruction of their breeding sites or resting places within Ireland's Exclusive Economic Zone (not only within designated nature sites). Furthermore, dolphin species, porpoise species, seal species, and whale species are protected wild animals under the Wildlife Act (39 of 1976) and Amendment. Under section 23 (as amended in 2000), it is an offence to wilfully interfere with or destroy the breeding place or resting place of any protected wild animal.

Cork Harbour has regularly recorded a number of bottlenose dolphins and common dolphins. In order to ensure that the proposed activity does not have a negative interaction with those species a risk assessment should be prepared along the following lines in order that the Applicant can address the full legal requirements of the Habitats Directive.

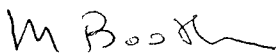


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- A detailed risk assessment for the proposed development's construction and operation phases, and measures designed to reduce any risk to Annex IV cetacean species should be provided by the Applicant.
- In addition, an evaluation of the potential risk, during the proposed development's construction phase, of disturbance to, injury to or mortality of seals should be provided by the Applicant.
- Such assessments should include consideration of potential impacts from the operation of associated vessels, incorporating as appropriate:
 - a) The risk of collision with protected cetaceans and seals;
 - b) Direct disturbance or injury of cetaceans and seals due to underwater noise, and intensified motorised vessel/aircraft activity;
 - c) Potential disruption of a critical period in the life cycle of those species;
 - d) Secondary impacts due to localised disruption of normal ecological activity.
- The risk evaluations provided should contain sufficient detail including *inter alia*
 - i. Underwater noise characteristics at source (i.e. sound pressure levels, sound exposure levels, frequency bandwidth, duration of exposures) and information concerning propagation in air/water.
 - ii. The identification, where appropriate, of measures required to mitigate such impacts as may be identified.
- It is recommended that suitably qualified marine mammal ecologists should be involved in undertaking relevant assessments.

Please be advised that the new postal address for all correspondence to the Development Applications Unit is The Manager, Development Applications Unit, the Department of the Environment, Heritage and Local Government, Newtown Road, Wexford. Please ensure all correspondence for the attention of DAU is forwarded to this address.

Mise le meas


Mary Boothman
Development Applications Unit