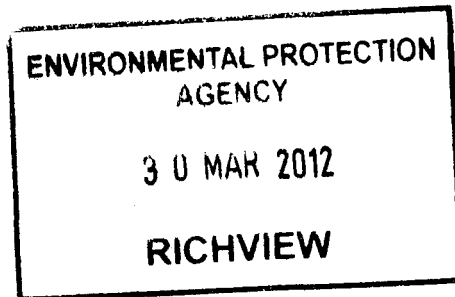


**An Roinn  
Ealaíon, Oidhreachta agus Gaeltachta  
Department of  
Arts, Heritage and the Gaeltacht**

30<sup>th</sup> March 2012

Environmental Licensing Programme,  
Environmental Protection Agency,  
P.O. Box 3000,  
Johnstown Castle Estate,  
Co. Wexford

Your Ref: S0017-01  
Our Ref: E00044/2012



**Re: Dumping at sea licence Wicklow Port**

A Chara,

I refer to your letter of 17<sup>th</sup> February seeking consultation in relation to the above proposal. Please find hereunder the recommendations of the Department of Arts, Heritage and the Gaeltacht (National Parks and Wildlife Service (NPWS) – ecology/nature conservation.)

All cetaceans are listed under Annex IV (including those in Annex II) of Council Directive 92/43/EEC. Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean or take actions that result in deterioration or destruction of their breeding sites or resting places within Ireland's Exclusive Economic Zone. Furthermore, dolphin species, porpoise species, seal species, and whale species are protected wild animals under the Wildlife Amendment Act and it is an offence to wilfully interfere with or destroy the breeding place or resting place of any protected wild animal. With reference to the above provisions, NPWS would recommend to the Competent Authority that the following mitigating measures be attached to the consent:

1. A qualified and experienced marine mammal observer (MMO) should be appointed, with appropriate optical equipment to monitor for marine mammals, to inform the relevant sound-producing operations and to log all relevant events using standardised data forms.
2. The MMO should conduct pre-start up constant effort watches at least 30 minutes before the sound-producing activity is due to commence.
3. The use of supplementary acoustic monitoring (e.g., hydrophone, PAMGUARD) may assist in marine mammal detection and this is also encouraged. However it will not be acceptable as the primary or sole monitoring tool.
4. Unless specific information is otherwise available to inform the mitigation process (e.g., sound attenuation data), operations should not commence if marine mammals are detected within a 500 m radial distance of the intended sound source, i.e. within the Monitored Zone.
5. Marine mammals should not be harassed or chased from the area but allowed to leave of their own accord. Acoustic deterrent devices should not be used as a method to prevent animals from entering or remaining within the 500m Monitored Zone or any other nearby area.

6. In waters up to 200m deep, sound-producing activity should not commence until at least 30 minutes have elapsed with no marine mammal detections by the on-site MMO.
7. Once begun, the activity may continue if weather conditions deteriorate or if marine mammals enter the 500m Monitored Zone following start-up.
8. Full reporting on MMO operations and mitigation undertaken should be made to offshore@ahg.gov.ie within 1 month of completion of works.

Kindly forward any further information to the following address (*NB change of address for your records & for future written communications*):

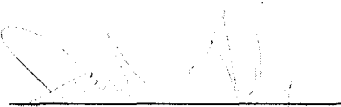
The Manager,  
Development Applications Unit,  
Department of Arts, Heritage and the Gaeltacht,  
Newtown Road,  
Wexford.

Alternatively, documentation associated with the above can be referred electronically to the DAU at the following address:

manager.dau@ahg.gov.ie

In addition, please acknowledge receipt of these observations by return to the above email address, entering **E00044/2012** in the 'Subject' cell.

Mise le meas,



David Tuohy,  
Development Applications Unit  
Department of Arts, Heritage and the Gaeltacht  
Newtown Road  
Wexford  
Tel: (053) 911 7380

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