

Ann Kehoe

Subject: FW: Dumping at Sea Permit Application, Ref: S0012-02

From: David Lyons - (DAHG) [\[mailto:David.Lyons@ahg.gov.ie\]](mailto:David.Lyons@ahg.gov.ie)
Sent: 12 March 2014 15:07
To: Tara Higgins
Subject: RE: Dumping at Sea Permit Application, Ref: S0012-02

Dear Dr Higgins,

As noted in the previous submission from this Department, 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.

Where it is evident that a significant risk may exist from operations it is beholden on the proponents of the plan or project to demonstrate that the risk can be managed or removed from consideration to ensure compliance with operating legislation. This is frequently completed by means of a risk assessment and the Department of Arts, Heritage and the Gaeltacht would recommend that such an evaluation is completed by a qualified marine mammal ecologist to ensure that appropriate advice and support is received by the proponents. Scoping this Department is also seen as a beneficial exercise prior to the development of licensing documentation to ensure that all necessary environmental interactions are adequately examined. The original documentation received from agents on behalf of Port of Waterford Company was deficient in examining the range of potential interactions with the environment and on that basis mitigation was requested to eliminate the potential for negative interaction.

It is acknowledged that further information has now been received on behalf of Port of Waterford Company. This risk assessment report has collected and collated additional data and now indicates low incidence of marine mammals within the vicinity of the proposed disposal area. It further shows that the operations are temporally separated from the greatest incidence of cetaceans in the vicinity of Hook Head. Complementary information is included that indicates the low vessel speed and short duration of disposal operations would reduce the potential interaction.

On the basis of the additional information supplied by Port of Waterford Company, the Department of Arts, Heritage and the Gaeltacht is satisfied that at this location there is a low risk of potential negative interaction, as evident currently, to marine mammal species from disposal of dredge spoil operations.

Best regards
David

Dr. David Lyons

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

From: Tara Higgins [<mailto:T.Higgins@epa.ie>]

Sent: 06 March 2014 10:32

To: Manager Dau

Cc: David Lyons - (DAHG)

Subject: Dumping at Sea Permit Application, Ref: S0012-02

Dear Mr Deegan,

[Re: Dumping at Sea Permit application by Port of Waterford Company \(Reg. No. S0012-02\)](#)

I refer to the above application for a Dumping at Sea Permit, which is currently under assessment by the Agency.

Further to the nature conservation observations and recommendations made by your Department on 16th January 2014, a revised Marine Mammal Risk Assessment was submitted by the applicant on 4th March 2014 in response to a Section 5(2) request for further information issued by the Agency. A copy of this response can be viewed on the EPA website at:

http://www.epa.ie/licences/lic_eDMS/090151b2804d4ce9.pdf

If the Department of Arts, Heritage and the Gaeltacht wishes to make further observations in relation to this application, you can forward them to me by email.

Kind regards,

Tara Higgins

Dr Tara Higgins

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