

AQUACULTURE LICENCE NO. 323**GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)**

AGREEMENT made on 27 April, 2001, between the Minister for the Marine and Natural Resources (hereinafter referred to as the "Minister"), of the one part, and

ARAGLEN VALLEY TROUT FARM LTD

ARAGLEN

KILWORTH

COUNTY CORK

(hereinafter referred to as the "Licensee") of the other part, whereby the Minister in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23) grants an Aquaculture Licence for the culture of Rainbow Trout and Arctic Charr at Ballynamuddagh, Clangibbon, Co Cork in accordance with plans approved of by the Minister, subject to the provisions of the Act referred to and to the terms and conditions set out in the Schedule attached.

Subject as aforesaid, this Aquaculture Licence shall remain in force for a maximum of 10 years from 27 April 2001.

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO 10-YEAR AQUACULTURE LICENCE FOR THE ARAGLEN VALLEY TROUT FARM LIMITED TO OPERATE A RAINBOW TROUT AND ARCTIC CHARR FISH FARM AT BALLYNAMUDDAGH, CLANGIBBON, COUNTY CORK.

General

1. Subject to the provisions of the Fisheries (Amendment) Act, 1997, this Licence shall remain in force for a maximum of TEN years from the date of grant.
2. This Licence is valid only for so long as the layout of the fish farm conforms to the plans submitted to and approved of by the Minister and for so long as the planning permission granted by Cork County Council remains in force.
3. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation of the fish farm, including in particular instructions issued in relation to any of the matters referred to in the following paragraphs.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
5. In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit (including the disposal of any fish there) and the Licensee shall be liable to reimburse the Minister the expense involved in so doing.
6. This Licence is not to be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.
7. *5-69* The Minister shall be at liberty at any time to revoke or amend the Licence if he considers that it is in the public interest to do so, or if he is satisfied that there has been a breach of any condition specified in the Licence, or in the event of water quality results or general performance at the fish farm not meeting the standards set by the Department of the Marine and Natural Resources. Any such revocation or amendment shall be subject to the provisions of the Fisheries (Amendment) Act, 1997, or any amendment thereto.

Stocking etc., restrictions

8. No fish other than Rainbow Trout or Arctic Charr shall be bred and handled at the fish farm.
9. Broodstock introduced into the fish farm in any year shall not be kept in the fish farm later than the 31st day of January in the following year.

10. The maximum standing stock on site during June and July shall not exceed 36 tonnes and the maximum standing stock on site during August shall not exceed 30 tonnes. The maximum standing stock shall not exceed 40 tonnes at all other times.
11. Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of Rainbow trout and Arctic Charr (including ova and fry thereof) into the fish farm, including disease free certification and any adaptation of methods of operation or type of installation at the fish farm.
12. No Rainbow Trout or Arctic Charr (including ova and fry thereof) shall be sold or disposed of to any person or in any way transferred outside the fish farm (except in any case to which paragraph 18 refers) save in accordance with the prior written permission of the Department of the Marine and Natural Resources.

Hygiene, Fish Health & Water Quality

13. The Licensee shall make adequate arrangements for the hygienic operation of the fish farm (including proper selection and preparation of food, and proper treatment and disposal of wastes).
14. The Licensee shall make arrangements for the disposal of dead fish in a manner acceptable to Cork County Council.
15. The Licensee shall carry out regular water quality monitoring at the fish farm and provide such data relating to such monitoring as may be requested from time to time by the Department of the Marine and Natural Resources.
16. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the natural watercourses adjoining the fish farm and also at a point as near as possible to the confluence of the fish farm waste channel and the natural watercourses as will effectively prevent the admission of migratory fish into the hatchery feed channels, the fish farm water waste channels and other watercourses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the fish farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and watercourses of the fish farm.
17. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible introduction of disease by predators.
18. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division), Leeson Lane, Dublin 2 and the Fish Health Unit, Marine Institute, Marine Environment and Health Services Division, Snugborough Road, Abbotstown, Dublin 15, within twenty-four hours of the appearance or suspected appearance of any disease or abnormal losses or mortalities at the fish farm and shall send samples to the Fish Health Unit at the above address in a prescribed manner as, and when, requested to do so and shall comply with any directions issued by the Department of the Marine and Natural Resources including the treatment, disposal or destruction of stocks of fish at the fish farm in the interests of safeguarding the stocks of fish in the State.

19. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division) and the Fish Health Unit, at the above address, within twenty-four hours of any escapes of fish from the fish farm and shall keep records of fish escaped, including numbers, origin, types and year classes and shall make these records available to the Department of Marine and Natural Resources and the Fish Health Unit on request.
20. Intake flows must be so regulated that an adequate residual flow is maintained in the natural watercourses adjoining the fish farm at all times. Minimum residual flow in the Araglen River immediately down stream of the intake point to the fish farm shall always exceed 1.13 mgd. In times of non critical flow the minimum flow in the Araglen River immediately downstream of the intake point shall not be less than half of the flow in the river immediately upstream of the intake.
21. No obstruction of wild fish shall be caused in the natural watercourses as a result of water diversion/water intake structures for the fish farm. Passage over such structures by wild fish shall be allowed for.

Special requirements on chemical usage

22. All chemicals, antibiotics and disinfectants used at the fish farm shall be used in accordance with instructions issued by the Veterinary Surgeon to the fish farm.

Inspections, records and returns


23. The fish farm and all equipment or premises used in connection with operations carried on at the fish farm shall be open to inspection at any time by any authorised officer (within the meaning of the Fisheries Acts), or any other person appointed by the Minister for the purpose. Recirculation pumps shall be primed and tested on an annual basis in order to insure that they are maintained in a working order even when not in use.
24. Records shall be kept at the fish farm of
 - all fish stripped, bred, held and handled at the fish farm;
 - all chemicals, antibiotics and disinfectants with which the fish have been treated, including quantities and times of use;
 - the results of water quality monitoring at the fish farm; and
 - water flows and water quality in the natural watercourses from which water is abstracted for the fish farm,

and such records shall be available for inspection at the fish farm at all reasonable times by any inspector appointed for any purpose of the Fisheries Acts.

25. The Licensee shall furnish to the Department of the Marine and Natural Resources (Coastal Zone Administration Division) Leeson Lane, Dublin 2 such returns from the records kept at the fish farm as may be required from time to time by the Department.
26. This licence replaces licence issued to Araglen Trout Farm Ltd on 17 June 1994.

PRESENT when the Seal of Office
of the MINISTER FOR THE MARINE
AND NATURAL RESOURCES
was affixed and was authenticated
by the Signature of:

THOMAS J. TOBIN



A person so authorised under Section
15(1) of the Ministers and Secretaries
Act, 1924 to authenticate the seal of
the Minister.

WITNESS: horraine Hughes

ADDRESS: Department of Marine &

Natural Resources, Leeson Lane, Dublin 2

OCCUPATION: CIVIL SERVANT

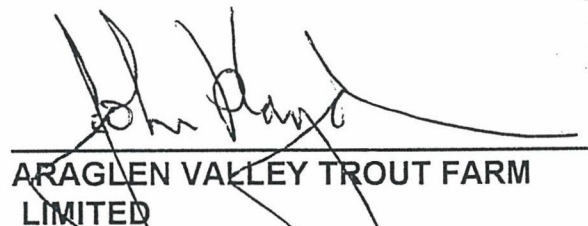
SIGNED on behalf of Licensee

in the presence of:

WITNESS: Pat Barryfield

ADDRESS: Beltana Farm

OCCUPATION: Fish Farmer



ARAGLEN VALLEY TROUT FARM
LIMITED