

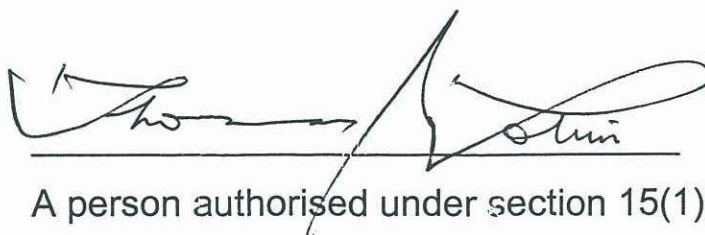
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T12/121

CERTIFICATE OF AMENDMENT OF
AQUACULTURE LICENCE NO. 67

This is to certify that the Minister of State at the Department of the Marine and Natural Resources, on behalf of the Minister for the Marine and Natural Resources, hereby amends Aquaculture Licence No.67, granted to;

ESB FISHERIES CONSERVATION
HYDRO GROUP
ARDNACRUSHA
CO. CLARE

on 11 April, 1997, to authorise the cultivation of rainbow trout in addition to salmon, brown trout, Arctic charr (*Salvelinus Alpinus*) and Yukon gold charr (*Salvelinus Alpinus*) as specified in the said Licence, subject to the condition in the attached schedule.



A person authorised under section 15(1)
of the Ministers and Secretaries Act, 1924
to authenticate the Seal of the Minister
for the Marine and Natural Resources
11 May, 2000

Schedule.

Condition to apply to Aquaculture Licence No. 67
(as amended 11 May, 2000.)

If it is considered, after tests to be carried out in conjunction with the Marine Institute during the 2000 salmon season, that there is an increased risk to the wild salmon population as a result of higher fungal loading within the hatchery, the licence referred to will be reviewed at end of year 2000.

AGREEMENT made the 11th day of April, 1997.

The Minister for the Marine (hereinafter referred to as "the Minister"), in the exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987), hereby authorises, subject to the conditions set out in the Schedule to this licence, ESB Fisheries Conservation, whose registered address is at Ardnacrusha, Co Clare, (hereinafter referred to as "the Licensee"):

1. To carry on at or in connection with the fish farm situated in the townland of Ballyhanna in the Barony of Tirhugh, Co. Donegal, the plans of which have been submitted to and approved by the Minister, all necessary operations in relation to the culture of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) .
2. To purchase, have in possession and sell live salmon smolts and the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*), the acquisition of which has been approved by the Minister for the Marine.
3. To capture and have in possession within the confines of the said fish farm live salmon smolts and the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) at any time of the year.
4. For the management of the said fish farm to have in possession and use nets, traps, or such engines as may be approved from time to time by the Minister.

SCHEDULE

Conditions subject to which this licence is granted

1. No fish other than salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) shall be bred and handled at the said fish farm.
2. The Licensee shall comply with such instructions as the Minister may issue from time to time for the control of all fish culture activities concerned in the operation of the fish farm.
3. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister.
4. Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the fish farm to ensure the free passage of migratory fish past the fish farm. The Licensee shall comply with any directions issued in that connection by the Minister from time to time.
5. The annual production of fish at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed or 25 metric tonnes.

6. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.
8. The Licensee shall furnish to the Secretary, Department of the Marine (Aquaculture Section) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.
9. Live salmon smolts and the ova, fry, fingerlings and parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister.
10. The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
11. The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Secretary, Department of the Marine at the above address.

12. The Licensee shall notify the Secretary, Department of the Marine at the above address within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish Health Unit, Abbotstown, Castleknock, Co. Dublin, in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
13. The Licensee shall make arrangements for the provision of a lime pit for the disposal of dead fish. All dead fish shall be disposed of in a manner approved by the Minister and acceptable to the Local Authority.
14. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister.
15. All chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time.
16. The Licensee shall keep records of all drugs (including antibiotics), chemicals and disinfectants with which the fish have been treated, including quantities and times of use.
17. The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section) at the above address within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including types and year classes and shall make these records available to the Secretary on request.

18. Such precautions shall be taken as the Minister may specify from time to time, in relation to (a) introduction of the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).
19. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible spreading of disease by predators and shall comply with any directions which may be issued by the Minister from time to time in that regard.
20. The Licensee shall indemnify and keep indemnified the State, the Minister, their officers, servants or agents against actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of any aquaculture structures, apparatus or equipment in the exercise of rights granted under this licence.
21. In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of licence.
22. The Minister shall be at liberty at any time to revoke or amend this 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. Any such revocation or amendment shall be subject to the provisions of Section 15 of the Fisheries (Consolidation) Act, 1959.

23. This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved in Paragraph 1 of this licence and so long as the planning permission granted by Donegal County Council on 28th May, 1982 and licence granted by Donegal County Council on 28th July, 1994 to discharge effluent from the fish farm remains valid.
24. 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.
25. This licence replaces licence issued to Salmara Fisheries Ltd on 27th August , 1982.
26. This licence shall be subject to review and or amendment on 11th April, 2007.

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

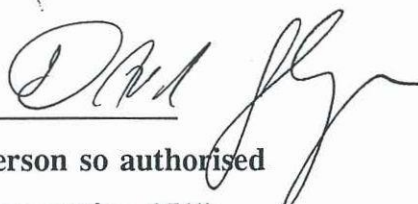
DAVID GLYNW

in the presence of:

WITNESS: Thomas M. Scott

ADDRESS: 11 Marine,
Leeson Lane, Dublin 2

OCCUPATION: CIVIL SERVANT


a person so authorised
under section 15(1)
of the Ministers and
Secretaries Act, 1924.

SIGNED on behalf of the Licensee


in the presence of:

WITNESS: J. D. Elgar

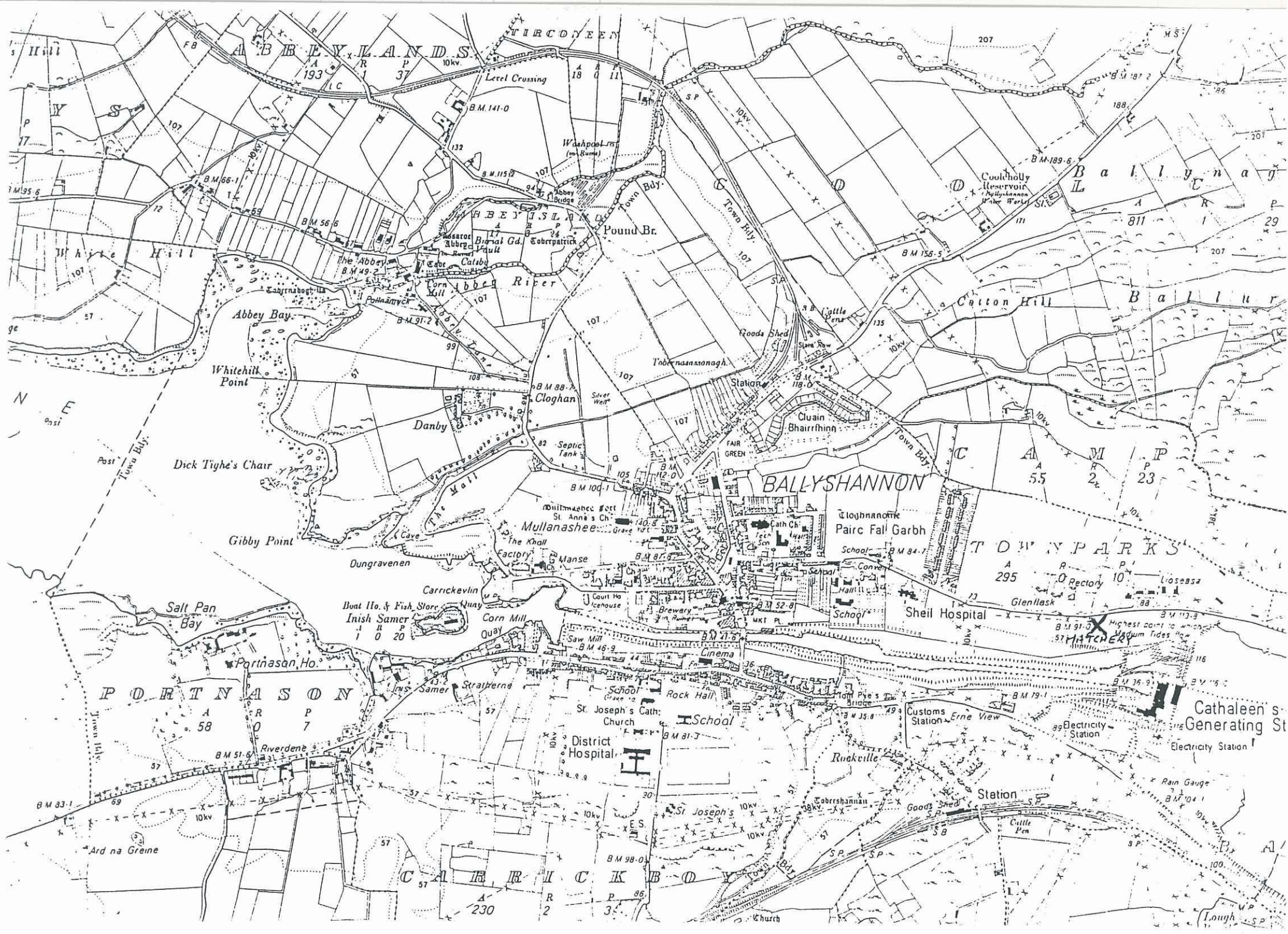
ADDRESS: 2, S.T.

Cardinal Masha.

OCCUPATION: Chief Civil Engineer



W. R. F. M. Co.



AGREEMENT made the 11th day of April, 1997.

The Minister for the Marine (hereinafter referred to as "the Minister"), in the exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987), hereby authorises, subject to the conditions set out in the Schedule to this licence, ESB Fisheries Conservation, whose registered address is at Ardnacrusha, Co Clare, (hereinafter referred to as "the Licensee"):

1. To carry on at or in connection with the fish farm situated in the townland of Ballyhanna in the Barony of Tirhugh, Co. Donegal, the plans of which have been submitted to and approved by the Minister, all necessary operations in relation to the culture of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) .
2. To purchase, have in possession and sell live salmon smolts and the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*), the acquisition of which has been approved by the Minister for the Marine.
3. To capture and have in possession within the confines of the said fish farm live salmon smolts and the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) at any time of the year.
4. For the management of the said fish farm to have in possession and use nets, traps, or such engines as may be approved from time to time by the Minister.

SCHEDULE

Conditions subject to which this licence is granted

1. No fish other than salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) shall be bred and handled at the said fish farm.
2. The Licensee shall comply with such instructions as the Minister may issue from time to time for the control of all fish culture activities concerned in the operation of the fish farm.
3. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister.
4. Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the fish farm to ensure the free passage of migratory fish past the fish farm. The Licensee shall comply with any directions issued in that connection by the Minister from time to time.
5. The annual production of fish at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed or 25 metric tonnes.

6. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.
8. The Licensee shall furnish to the Secretary, Department of the Marine (Aquaculture Section) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.
9. Live salmon smolts and the ova, fry, fingerlings and parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister.
10. The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
11. The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Secretary, Department of the Marine at the above address.

12. The Licensee shall notify the Secretary, Department of the Marine at the above address within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish Health Unit, Abbotstown, Castleknock, Co. Dublin, in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
13. The Licensee shall make arrangements for the provision of a lime pit for the disposal of dead fish. All dead fish shall be disposed of in a manner approved by the Minister and acceptable to the Local Authority.
14. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister.
15. All chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time.
16. The Licensee shall keep records of all drugs (including antibiotics), chemicals and disinfectants with which the fish have been treated, including quantities and times of use.
17. The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section) at the above address within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including types and year classes and shall make these records available to the Secretary on request.

18. Such precautions shall be taken as the Minister may specify from time to time, in relation to (a) introduction of the ova, fry, fingerlings or parr of salmon, brown trout, arctic charr (*Salvelinus Alpinus*) and Yukon cold charr (*Salvelinus Fontenalis*) for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).
19. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible spreading of disease by predators and shall comply with any directions which may be issued by the Minister from time to time in that regard.
20. The Licensee shall indemnify and keep indemnified the State, the Minister, their officers, servants or agents against actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of any aquaculture structures, apparatus or equipment in the exercise of rights granted under this licence.
21. In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of licence.
22. The Minister shall be at liberty at any time to revoke or amend this 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. Any such revocation or amendment shall be subject to the provisions of Section 15 of the Fisheries (Consolidation) Act, 1959.

23. This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved in Paragraph 1 of this licence and so long as the planning permission granted by Donegal County Council on 28th May, 1982 and licence granted by Donegal County Council on 28th July, 1994 to discharge effluent from the fish farm remains valid.
24. 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.
25. This licence replaces licence issued to Salmara Fisheries Ltd on 27th August , 1982.
26. This licence shall be subject to review and or amendment on 11th April, 2007.

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

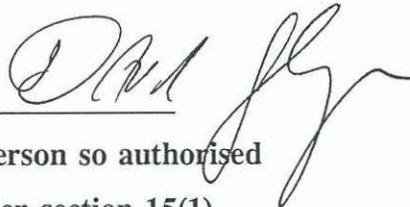
DAVID FLYNN

in the presence of:

WITNESS: Thomas M. Scott

ADDRESS: 11 Marine,
Leeson Lane, Dublin 2

OCCUPATION: CIVIL SERVANT

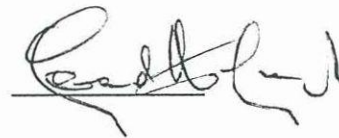

a person so authorised
under section 15(1)
of the Ministers and
Secretaries Act, 1924.

SIGNED on behalf of the Licensee
in the presence of:

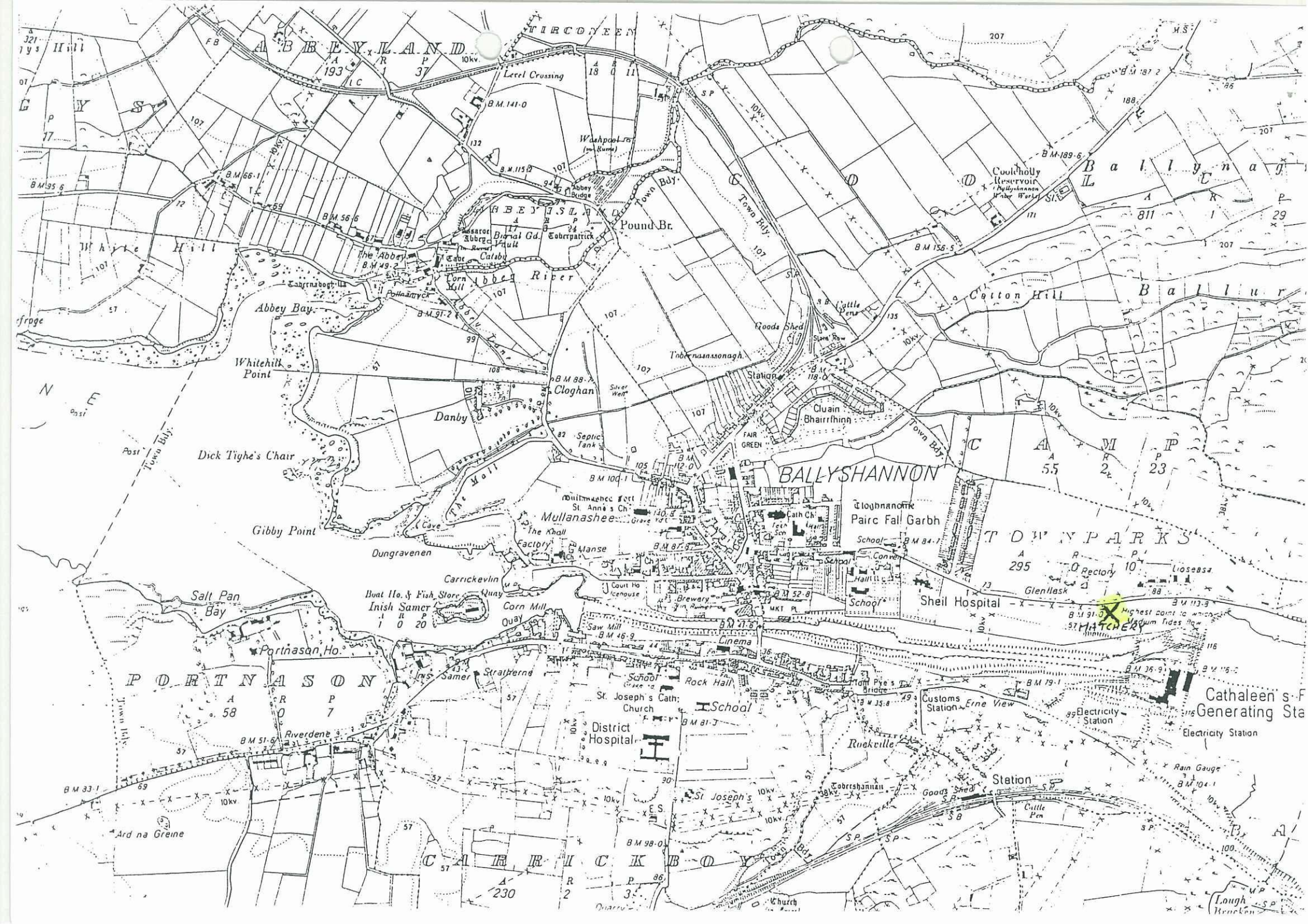
WITNESS: J. D. Eliffe

ADDRESS: 2, S.T.
Cardinal Masha.

OCCUPATION: Chief Civil Engineer



Wright & Co.



AN ROLIN IASCAIGH AGUS FORAOISEACHTA

(Department of Fisheries and Forestry)

Fisheries (Consolidation) Act, 1959

Fish Culture Licence

The Minister for Fisheries and Forestry by this licence authorises, subject to the conditions set out in the Schedule to this licence, Electricity Supply Board, Lower Fitzwilliam Street, Dublin (hereinafter referred to as "the licensee"):

- (a) at any time of the year to perform all operations necessary for the culture of salmon in the hatchery on the River Erne, Co. Donegal of which details have been submitted to and approved by the Minister for Fisheries and Forestry:
- (b) at any time of the year to purchase or have in possession salmon, salmon smolts together with the ova, and fry and fingerlings of salmon the acquisition of which has been approved by the Minister for Fisheries and Forestry:
- (c) at any time of the year to take and have in possession salmon, salmon smolts and the ova, fry and fingerlings of salmon within the confines of the said hatchery:
- (d) at any time of the year to have in possession and sell salmon:
- (e) at any time of the year to have in possession and use nets, traps or such other device as may be approved from time to time by the Minister for Fisheries and Forestry for the taking of salmon, salmon smolts and the ova fry and fingerlings of salmon as aforesaid.

343 43

342 42
SCHEDULE

Conditions of Licence

1. No fish other than salmon shall be cultured or taken under the terms of this licence.
2. The licensee shall take all measures necessary to prevent the escape of salmon from the hatchery and shall carry out any instruction issued in this connection by the Minister for Fisheries and Forestry.
3. The licensee shall provide and maintain such gratings or other devices in the intake and discharge channels as will effectually prevent the admission of migratory fish into those channels or into other watercourses or ponds of the hatchery.
4. The stock of salmon held at the hatchery shall not exceed such quantity as may be specified by the Minister for Fisheries and Forestry.
5. The licensee shall keep records of all salmon held at the hatchery and of all sales and transfers of salmon from the installations and such records shall be made available by the licensee for inspection at all reasonable times by any inspector within the meaning of Part X of the Fisheries (Consolidation) Act, 1959.
6. The licensee shall furnish to the Secretary, Department of Fisheries and Forestry, (Fisheries Division) such returns from the records referred to at Condition No. 5 above as may be required from time to time by the Minister for Fisheries and Forestry.
7. For purposes of salmon culture elsewhere, live salmon, salmon smolts or the ova, fry or fingerlings thereof, shall not be sold or disposed of by the licensee to any person or in any way removed or transferred by the licensee outside the hatchery save in accordance with the written permission of the Minister for Fisheries and Forestry.

8. The hatchery and all premises used in connection with the culture of salmon under this licence shall be open to inspection at any time by an authorised officer within the meaning of the Fisheries Acts.
9. For the culture of salmon under this licence the licensee shall operate the hatchery and any premises or other structure concerned in a hygienic manner (including selection and preparation of food and where necessary treatment of effluent) and shall carry out any instructions issued in this connection by the Minister for Fisheries and Forestry.
10. For the culture of salmon under this licence the licensee shall use only ova, fry or fingerlings of salmon and salmon smolts which have been certified to be disease free by a person whose certificate is acceptable to the Minister for Fisheries and Forestry.
11. The licensee shall notify the Secretary, Department of Fisheries and Forestry (Fisheries Division) and the Fisheries Research Centre, (Fish Pathology Unit), Abbotstown, Castleknock, Co. Dublin, within forty-eight hours of the appearance or suspected appearance of any disease at the hatchery or abnormal losses or mortalities and shall carry out any instructions issued as to the treatment, disposal or destruction of fish concerned.
12. The licensee shall provide a lime pit for the safe disposal of dead fish.
13. The licensee shall comply with such instructions as the Minister for Fisheries and Forestry may issue from time to time for the control of all fish culture activities concerned in the operation of the hatchery and associated premises and structures.

This licence is not transferable.

Dated this 27th day of Aug., 1962.

For the Minister for Fisheries and Forestry.

M. Z.

An Officer of the Department of Fisheries
and Forestry authorised in that behalf.

To note specially:

1. This Licence may be amended or revoked as provided under Section 15 of the Fisheries (Consolidation) Act, 1959.
2. 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.