

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Mr Michael Creed TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

10 February 2020

Our Ref: AP1/2019
Site Ref: T5/233
Appellant: Marine Harvest Ireland

Re: Appeal against the notice of Ministerial decision of the Minister for Agriculture, Food and the Marine under the Provisions of Section 68(1) and Section 19(a)4 of the Fisheries (Amendment) Act 1997, in respect of entitlement to continue Aquaculture Operations under the provisions of S19(a)4 of the Act for the Culture of Salmon in cages at a site east of Deenish Island, Ballinskelligs Bay, Co Kerry, T06/202 held by Silver King Seafoods Ltd, a wholly owned company of Comhlucht Iascaireachta Fanad Teoranta (MOWI Ireland), Fanad Fisheries, Kindrum, Fanad, Letterkenny Co Donegal


Dear Minister

I refer to the notice of appeal, received on the 9th May 2019, of the Minister's determination notified by letter dated 12th April 2019 (ALAB Reference AP1/2019).

It appears that the Minister's determination is not a decision of the Minister on an application for an aquaculture licence or the revocation or amendment of an aquaculture licence, within the meaning of section 40 of the Fisheries (Amendment) Act 1997 (the "1997 Act"), and that the Board does not, therefore, have jurisdiction to consider or determine the appeal. However, before making its decision in this regard, pursuant to section 46 of the 1997 Act and as may otherwise be required by law, the Board requests your submissions or observations on this matter within 30 days beginning on the date of service of this notice.

If your submissions or observations are not received before the expiration of the specified period, the Board will, after the expiration of that period and without further notice to you, make its decision on this matter.

Yours sincerely


Mary O'Hara
Secretary to the Board

cc Mr John Quinlan, Aquaculture and Foreshore Management Division