

## 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

24 June 2020

Our Ref: AP1/2019  
Site Ref: T5/233

**Re: Appeal against the 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 (as amended), in respect of entitlement by Silver King Seafoods Limited t/a MOWI Ireland to continue Aquaculture Operations under the provisions of section 19(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**

Dear Minister

I refer to Appeal received by Aquaculture Licences Appeals Board (ALAB) against your decision, being ALAB Appeal Reference AP1/2019, accessible via the following link:  
<http://www.alab.ie/boarddeterminations/2019/ap1-2019/>

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997, as amended, ("the Act"), where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal it may serve a notice on a party requiring that party to submit to the Board such documents, particulars or other information as are specified in the Notice.

Having considered the appeal and the information provided to it, the Board has determined that further documents are necessary for the purposes of enabling the Board determine the Appeal.

The Board hereby requires the following:

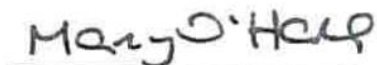
- Copies of the records held by the Department of Agriculture, Food and the Marine (DAFM) regarding the annual harvested tonnage produced at Site T06/202 Deenish Island for the last 30 years or, if DAFM records do not subsist for that period, for such shorter period for which DAFM holds such records;
- Information as to the monitoring regime followed by DAFM (or its agencies) for the purposes of monitoring of annual tonnage harvested at finfish sites licenced by the Minister;

- A copy of the DAFM policy or policies whereby DAFM (or its agencies) deal with incidents of annual harvesting of excess tonnage on such sites;
- If no policy exists concerning annual harvesting of excess tonnage on such sites, details of all sites for which DAFM (or its agencies) have noted harvesting in excess of licenced tonnage in the past 30 years or for such lesser period as DAFM (or its agencies) records subsist or, If DAFM (or its agencies) form the view that it (or they) are unable to provide such detail to ALAB, then, on an anonymised basis, details of the number of sites over the period where annual harvesting of excess tonnage has been recorded;
- Details of the action or actions taken by the Minister (or its agencies) in each such circumstance;
- Details as to the sanctions or penalties (if any) which DAFM has imposed on other such licenced operators; and
- Full details of whether DAFM has revoked any other finfish licence, whether for annual harvesting of excess tonnage or for any other reason.

In accordance with section 47 (1) (a) of the Act, the Board requires this information within **30 days** of receipt of this letter. Please note that if the documents, particulars or other information specified above are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

Yours sincerely



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Mary O'Hara  
Secretary to the Board

cc Mr John Quinlan, Aquaculture and Foreshore Management Division