

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



Marine Institute  
Rinville  
Oranmore  
Co Galway  
Attention: Dr. Paul Connolly / Joe Silke / Frank Kane

October 2020

Our Ref: AP1/2019 Site Ref: T06/202

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 Ltd t/a MOWI Ireland to continue Aquaculture Operations under the provisions of section 19(A)4 of the Act for the culture of salmon at a site east of Deenish Island, Ballinskelligs Bay, Co Kerry, T06/202**

To whom it concerns,

We refer to Appeal received by Aquaculture Licences Appeals Board (**ALAB**) against the decision of the Minister for Agriculture, Food and the Marine (**the Minister**) 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 Marine Institute to provide the Board with:

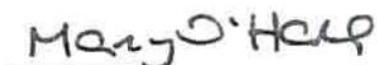
- i) Scientific advice on the use of "*Maximum Allowable Biomass as assessed in terms of Standing Stock Biomass*" as a parameter to measure production capacity at a finfish aquaculture site. ALAB has been previously advised that the use of MAB and related matters were the subject of detailed studies and investigations by the Working Group (WG) convened to develop the new Aquaculture License Templates - in this context, ALAB is requesting any relevant briefing papers on MAB and/or advice (including to the Department of Agriculture, Food and the Marine) on the use of Maximum Allowable Biomass as a basis for determining and regulating finfish licences at individual sites.

- ii) Annual benthic review documents, based on contractor prepared environmental survey reports, provided to DAFM relating to Site T06/202 Deenish for all years from 2005-2020, or if Marine Institute records do not exist for this period, for which shorter period the Marine Institute holds such records.

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