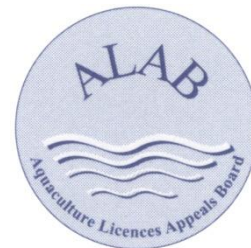


**An Bord Achomhairc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Mr. Charlie McConalogue TD
Minister for Agriculture, Food and the Marine
Agriculture House
Kildare Street
Dublin 2

21 December 2023

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

Re: Appeal by MOWI Ireland against the decision of the Minister for Agriculture, Food and the Marine, in respect of entitlement to continue Aquaculture Operations under the provisions of S19A(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

We refer to the above Appeal received by the Aquaculture Licences Appeals Board (“the Board”) on the 09 May 2019.

Since the submission of the appeal, a range of documents have been submitted to the Board.

These include the file maintained by the Department of Agriculture, Food and the Marine as part of the Minister’s original decision-making process, observations received from the Minister under section 44 of the Fisheries (Amendment) Act 1997, observations received from third parties under section 45 of the Act and submissions/observations and information submitted to the Board in response to requests issued under sections 46/47 of the Act (including further submissions from the Minister).

These documents are now available on ALAB’s website under Appeal AP1/2019 at the following link:

<https://www.alab.ie/activeappeals/appealsyearsreceived/appealsreceivedin2019/ap12019/#d.en.189147>

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the documents listed in the attached **Schedule of Documents** in respect of Appeal AP1/2019 which as noted above are available on the ALAB website.

Therefore, in accordance with the provisions of section 46(1) of the Fisheries (Amendment) Act 1997, the Board HEREBY REQUESTS you to make any submissions or observations you have in relation to any of the documents listed in the attached Schedule of Documents for AP1/2019.

Please note that you may only make submissions or observations in relation to the documents listed in the attached Schedule of Documents. Such submissions or observations must be received by ALAB not later than **9 February 2024**.

If the submissions or observations are not received before the expiration of the period specified above the Board will, without further notice to you, determine the appeal.

For completeness, please also note that further to submissions received from the Appellant dated 10 January 2020 and the Minister dated 3 March 2020 in response to section 46 requests, the Board determined that it has jurisdiction to consider and determine the appeal. This correspondence is also available on ALAB's website.

Finally, please note that hard copies of documents referred in the attached schedule are available on request by contacting the undersigned by letter, email or phone - The Secretary, Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. R32 DTW5, Email: info@alab.ie telephone number: 0578631912.

Yours sincerely,



Margaret Carton
Secretary to the Board

cc. Mr. Ultan Waldron, AFMD (via email)

AP1/2019 – Deenish Schedule of Documents

Schedule of Documents Minister

Date Document Received	Document Title
Observations	
15-May-19	Submission by ██████████ to ALAB
18-May-19	Submission from ██████████ to ALAB
07-Jun-19	Submission from Inland Fisheries Ireland (IFI)
07-Jun-19	Submission from Galway Bay against Salmon Cages with attachments: <ul style="list-style-type: none">• Friends of the Irish Environment: Submissions to the Minister• DCCAE and IFI Views and Requirements
09-Jun-19	Submission from Salmon Watch Ireland
Information Gathering	
14-Jan-20	MOWI response to S46 dated 16 December 2019
06-Jul-20	Marine Institute response to S47 dated 24 June 2020
19-Aug-20	BIM response to S47 dated 24 June 2020
21-Jul-20	MOWI response to S47 of 24 June 2020
25 Nov-20	Marine Institute Reply to S47 dated 30 October 2020 <ul style="list-style-type: none">• Briefing Paper on Maximum Allowable Biomass• Annual Benthic Review Documents from 2005 to 2019

AP1/2019 – Deenish Schedule of Documents

03-Nov-20	<p>MOWI response to S47 request dated 30 October 2020 Reports were provided:</p> <ul style="list-style-type: none"> • University of Stirling - 2010 Benthic Monitoring Report 2010 Deenish Fish Farm • Aquafact - 2011 Environmental Surveys Beneath Finfish Cages at Deenish and Inishfarnard Kenmare River County Kerry • Aquafact - 2012 Environmental Surveys Beneath Finfish Cages at Deenish and Inishfarnard, Kenmare Bay- • Aquafact - 2013 Environmental Surveys Beneath Finfish pens at Deenish and Inishfarnard, Kenmare Bay • Aquafact - 2014 Environmental Surveys beneath Finfish Cages at Deenish • Aquafact – 2014 ASC Environmental Surveys beneath Finfish Cages at Deenish • Marine Harvest - 2015 Deenish 13S1 Stock Report
20-May-21	<p>MOWI response to S47 dated 23 April 2021</p> <ul style="list-style-type: none"> • Aquafact EIA December 2020 (Vol 1 & 2)
10-Mar-23	<p>MOWI response to S47 dated 7 March 2023</p> <ul style="list-style-type: none"> • Aquafact EIA dated June 2022 (Vol 1, 2 & 3)
03-Apr-23	<p>Marine Institute response to S47 dated 7 March 2023</p> <ul style="list-style-type: none"> • A review of Benthic Monitoring at Irish Finfish Aquaculture Sites during 2020, dated 20 April 2021 • A review of Benthic Monitoring at Irish Finfish Aquaculture Sites during 2021, dated 24 February 2022