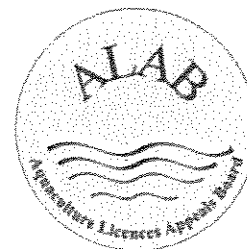


**An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board**



Mr Jeffrey Fisher
Marine Institute
Rinville
Oranmore
Co Galway

27 February 2018

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture and Foreshore Licence to Thierry Gillardeau & Desmond Moore, Celtic Kerber Ltd, Mr John Boyle, Mr Gary Boyle and Mr Brendan Boyle for the cultivation of Pacific Oysters using bags and trestles in Gweedore Bay.

Dear Mr Fisher

The Minister for Agriculture, Food and the Marine granted Aquaculture and Foreshore Licences for the cultivation of Pacific Oysters using bags and trestles in Gweedore Bay.

The Aquaculture Licences Appeals Board ("ALAB") has considered the documentation furnished and is of the opinion that further information is necessary for the purposes of enabling ALAB determine the Appeal.

Pursuant to Section 47(1) (a) of the Fisheries (Amendment) Act, 1997 ("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.

A desk-top Bird Impact Assessment has been undertaken by the Board's Technical Advisors and a copy of the Report dated 13 February 2018 is attached to this Notice. That Report concludes that the EIA screening and Appropriate Assessment (AA) conducted in connection with these Licence Applications were deficient with respect to the assessment of the potential impact of the proposed oyster farm, either on their own or in combination with other aquaculture activities, on birds.

The following issues have been identified in respect of the adequacy of the EIA screening and AA supplied in support of support of the Gweedore Bay applications:

- The AA screening and subsequent AA reports are inadequate as they only consider impacts on one SPA, but independent analysis indicates that there is potential interaction with the bird Special Conservation Interests (SCIs) from eight SPAs;
- The AA report failed to identify the potential for significant impacts on the Common Gull SCIs of the West Donegal Islands and Inishbofin, Inishdooey and Inishbeg SPAs and the Lesser Black-backed Gull SCI of the Inishbofin, Inishdooey and Inishbeg SPA;

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- A Stage 2 Appropriate Assessment of the potential impact on the Common Gull SCIs of the West Donegal Islands and Inishbofin, Inishdooley and Inishbeg SPAs and the Lesser Black-backed Gull SCI of the Inishbofin, Inishdooley and Inishbeg SPA may be required;
- There may be additional important bird populations that utilise the Gweedore Bay area that should also have been considered in the EIA screening.

In accordance with the provisions of section 47(1) (a) of the Act, the Board requires the following issues be addressed:

1. The AA screening and subsequent AA reports conducted in connection with these Licence Applications are inadequate as they only consider impacts on one SPA, but independent analysis indicates that there is potential interaction with the bird Special Conservation Interests (SCIs) from eight SPAs. Please conduct supplemental assessments to take account of these additional SPAs.
2. The AA report failed to identify the potential for significant impacts on the Common Gull SCIs of the West Donegal Islands and Inishbofin, Inishdooley and Inishbeg SPAs and the Lesser Black-backed Gull SCI of the Inishbofin, Inishdooley and Inishbeg SPA. Please conduct supplemental Assessments to consider the impact of the proposed Aquaculture Licence on these species of bird.
3. Please assess whether there are any additional important bird populations that utilise the Gweedore Bay area which should also have been considered in the EIA screening; and if so, assess the impact of the proposed Aquaculture Licences on those populations.
4. Having conducted the supplemental Assessments on the potential impact on the Common Gull SCIs of the West Donegal Islands and Inishbofin, Inishdooley and Inishbeg SPAs and the Lesser Black-backed Gull SCI of the Inishbofin, Inishdooley and Inishbeg SPA, please consider whether a Stage 2 Appropriate Assessment is required;

A response to this Notice is required **within 28 days** of the date hereof.

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

We await hearing from you.

Yours sincerely

Mary O'Hara

Mary O'Hara
Secretary to the Board