

An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board

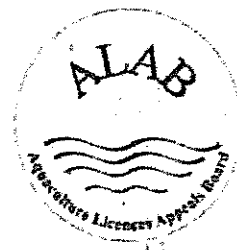


AP1/2018 Inishfarnard

Section 47 request to:

Marine Institute dated 7 March 2018

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



Marine Institute
Rinville
Oranmore
Co. Galway

7 March 2018

Our reference: AP1/2018

Re: Appeal by Bradán Fanad Teo t/a Marine Harvest Ireland, against the decision by the Minister for Agriculture, Food and the Marine to amend an existing Aquaculture to Bradán Fanad Teo t/a Marine Harvest Ireland, Kindrum, Fanad, Letterkenny, Co. Donegal on site Ref: T05/233 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site at Inishfarnard, Co Cork

To whom it concerns

The Aquaculture Licence Appeals Board (ALAB) have received an appeal against the decision of the Minister for Agriculture, Food and the Marine to amend an existing licence for the cultivation of Atlantic Salmon; *Salmo Salar* on a site at Inishfarnard, Co Cork.

The amendment to the Licence is referred to in letter dated 11 December 2017 from the Department of Agriculture, Food and the Marine to the Appellant, a copy of which is attached for reference.

The Appellant has appealed the imposition of this condition on the basis that the licence should be amended to make reference to Maximum Allowable Biomass (MAB) in defining the production limit for the Licence. The Appellant in particular cites a press release dated 5 December 2011 (reference 244/11), announcing new aquaculture licence templates, which indicates that a feature of new licences includes " a move to Standing Stock Biomass for finfish as a means of measuring production capacity at an aquaculture site. "

Pursuant to Section 47(1) (a) of 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.

In accordance with the provisions of section 47(1) (a) of the Act, the Board requires the issues specified below be reviewed and addressed by the Marine Institute:

- The Marine Institute's confirmation that MAB and Standing Stock Biomass are one and the same. If not, please explain the distinction between the two;

- Assuming both are the same, the Marine Institute's assessment as to whether MAB is the appropriate parameter to be applied as a means of measuring production capacity at a finfish aquaculture site?
- If the opinion of the Marine Institute is that it is not the appropriate parameter, please indicate (1) what, in the opinion of the Marine Institute, is the appropriate parameter; and (2) clarify why the new aquaculture licence templates issued in 2011 referred to standing stock biomass?
- If the Marine Institute's view is that MAB is the appropriate parameter to be applied as a means of measuring production capacity at a finfish aquaculture site, what, in the opinion of the Marine Institute, is the appropriate MAB for this particular site? In this regard, the Appellant, in its appeal has proposed that *"the pens shall be subject to a stocking limit of 2,200 tonnes of standing stock biomass (otherwise described as the Maximum Allowable Biomass MAB) ."*

For reference a copy of the entire Appeal lodged by the Appellant is attached.

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

