



6 March 2009

Mr Sean Boner
Messrs Sean Boner & Company
Quay Road
Dungloe
Co Donegal

FOI Request Reference: FOI/2009/6

Dear Mr Boner

I refer further to your request under the Freedom of Information Acts, 1997 and 2003 for all documents relied on by this Department when deciding to enact Bye Law 822 of 2007 and Bye Law 836 of 2008.

As you may be aware the Government committed to aligning the management of the wild salmon fishery with the scientific advice from 2007 onwards in the interest of conservation of stocks. International best practice for the management of North Atlantic Salmon required the adoption of the precautionary approach and the cessation of indiscriminate mixed stock fisheries. Accordingly, since 2007 the harvest of salmon, by any means, has been restricted to those stocks in rivers that are meeting their conservation limits and commercial fishing and recreational angling has been undertaken only on a scientifically identified exploitable surplus.

A suite of measures is introduced annually for the management of the wild salmon fisheries. These include the Wild Salmon and Sea Trout Tagging Regulations which provide for, among other things, the quotas of fish that can be harvested by commercial fishing engines and rod and line from those rivers identified in Schedule 2 of the Regulations. The Regulations also provide for the tagging of fish generally and the use of brown tags in specified rivers. A number of bye-laws were also introduced to provide for the opening, closing and catch and release on specific rivers. Bye-law No. 822, 2007 and Bye-law No. 836, 2008 were required to prohibit the use of certain commercial fishing engines which were traditionally used in mixed stock fisheries and effectively to close such fisheries. In making these Bye-laws the Department relied on the advice of the Standing Scientific Committee (SSC) of the National Salmon Commission (NSC). The report of the SSC for 2008 can be viewed on the Department's website at www.dcenr.gov.ie. Copies of the SSC reports for both years 2007 and 2008 are available from the Department on request. As these reports are lengthy documents there may be a charge for photocopying if required.

You may wish to be aware that a range of Bye-laws were adopted for each of the fishing seasons 2007 and 2008. These bye-laws can also be viewed on the Department's website at www.dcenr.gov.ie or on request from the Department.

If you have any queries regarding this correspondence you may contact me by telephone at the number beneath.

I wish to advise you that, if for any reason you are not satisfied with the outcome of your request, you are entitled to seek a review by appealing the decision. To appeal, you need to write to the FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan, Co Cavan. You must make your appeal within 4 weeks of the date of this letter, but the making of a late appeal may be permitted in certain circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Please note that an application fee for an appeal is currently €75.00 and a reduced fee of €25.00 applies if you are covered by a Medical Card.

If claiming a reduced application fee, the request must also be accompanied by

- The Medical Card registration number
- The name of the issuing Health Board
- Your consent to the verification of these details with that Health Board.

Payment should be made by way of bank draft, money postal order, or personal cheque made payable to "Department of Communications, Energy and Natural Resources".

On receipt of the fee, you will be advised of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely

Kathleen Regan

Kathleen Regan

Inland Fisheries Division

Telephone No 01-6782296

Email kathleen.regan@dcenr.gov.ie



18/02/2009

Mr Sean Boner
Sean Boner & Company
Quay Road,
Dungloe,
County Donegal

FOI Request Reference: FOI/2009/6

Dear Mr Boner,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 13/02/2009 requesting all documents relied on by the Department when deciding to enact Bye Law 822 of 2007 and Bye Law 836 of 2008. The application was received along with the associated fee.

The officer handling your request will be Ms Kathleen Regan, Inland Fisheries Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Kathleen can be contacted on 01 6782296.

You can expect to receive your decision by the 13/03/2009.

If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Cosgrove

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan
Phone: 01 6782902

SEÁN BONER & COMPANY
SOLICITORS

Quay Road, Dungloe, Co. Donegal.
Tel: 074 9522762 or 074 9522756
Fax: 074 9522763
Email: info@seanboner.ie
DX 156007 Dungloe



Ms. Mary Rabbitte,
FOI Unit,
Department of Communications, Energy
and Natural Resources,
Elm House,
Earlsvale Road,
Cavan,
Co. Cavan

Our Ref:

SB/MMC/X792

Your Ref:

11 February 2009

BY EMAIL TO mary.rabbitte@dcenr.gov.ie; foi.unit@dcenr.gov.ie;

AND BY FAX TO 01 6783057

RE: BYE-LAW 822 OF 2007 AND BYE-LAW 836 OF 2008

Dear Madam,

We would be grateful if you would let us have copies of all documents relied on by the Department when deciding to enact the above two Bye-Laws.

We enclose Request for Access to Records Under the Freedom of Information Act, 1997 together with cheque in the amount of €15.00.

Yours faithfully


SEAN BONER & COMPANY

**REQUEST FOR ACCESS TO RECORDS UNDER THE
FREEDOM OF INFORMATION ACT, 1997**

Please address this request to relevant FOI Contact

Please use **BLOCK** letters

Details of Applicant

Surname: BONER

First Name: SEÁN

Postal Address: SEÁN BONER & COMPANY, SOLICITORS,

QUAY ROAD, DUNGLOE, COUNTY DONEGAL.

Telephone Number(s)

Home : _____

Business: 074 95 22762.

Mobile: _____

OFFICIAL USE ONLY

Date FOI request Received: _____

Identity Verified: _____

Consent Confirmed: _____

Personal Information

My preferred form of access is: *(please tick as appropriate)*

to receive copies of the record by post

other – please specify _____

Details of Request

In accordance with **Section 7 of the Freedom of Information Act**, I request access to records which are: *(please tick as appropriate)*

Personal
Non-personal

*In the space provided below, please describe the records as fully as you can. If you are requesting **Personal Information**, please state precisely, in whose name those*

records are held. You will not normally be given access to personal information of another person unless you have obtained the written consent of that person.

I request the following records: All documents relied on by
the Department of Communications, Energy & Natural
Resources when deciding to enact Bye-Law 832 of
2007 and Bye-Law 836 of 2008.

Please sign here: Sean Bonar

Date: 11/2/2009