



FOI/0019/2007

9 March 2007

Messrs Desmond J. Houlihan & Co.
Solicitors
Salthouse Lane
Ennis
Co Clare

Dear Sirs

I refer further to your request under the Freedom of Information Act for access to

- All correspondence between the Laune Salmon Anglers Association (LSAA) and the Department of Communications, Marine and Natural Resources (DCMNR) with regard to Beat 3 of the Muckross Fishery.
- The type of agreement in place between DCMNR and the LSAA i.e Management Agreement, Formal Lease or informal arrangement.
- A copy of said agreement and
- Are Laune Salmon Anglers obliged to pay a daily payment as is normal in Ireland or on what arrangement is payment to DCMNR based.

Your request has been refused under Section 10 (1) (a) of the Freedom of Information Act 1997 as such records do not exist. Laune Salmon Anglers Association is not obliged to pay a daily payment to the Department of Communications, Marine and Natural Resources.

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 of the case by appealing the decision to this Department's FOI Internal Review Board. To appeal, you need to write to Mr Frank O'Brien, FOI Unit, Department of Communications, Marine and Natural Resources, Elm House, Earlsvale Road, 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 appropriate circumstances. The appeal 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.

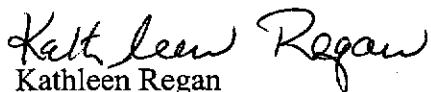
If claiming a reduced application fee, the request must also be accompanied by

- 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 "The Department of Communications, Marine & Natural Resources".

On receipt of the fee, an acknowledgement letter will be sent to you outlining details of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely



Kathleen Regan

Inland Fisheries Marine Leisure and Research Division

T: + 353 1 6782296

E: kathleen.regan@dcmnr.gov.ie



13th February, 2007

Mr Desmond J. Houlihan & Co.
Solicitors
Salthouse Lane,
Ennis,
Co.Clare

FOI/0019/2007

Dear Mr. Houlihan,

I refer to the Freedom of Information request received in this office on the 12th February, 2007 along with the associated fee.

The officer handling your request will be Ms Kathleen Regan, Inland Fisheries and Marine Leisure & Research Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2. She can be contacted at 01 6782296.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 12th March, 2007.

If you have not heard from us when the time allocated has expired, 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 refused once the specified time for responding to it has expired.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Marine & Natural Resources, Elm House, Earlsvale Rd., Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Marine & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

Mary Rabbitte
FOI Unit
PH: 01 6782903

DESMOND J. HOULIHAN & COMPANY

SOLICITORS

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Mr Noel Dempsey
Minister of Marine
Department of Communications, Marine & Natural Resources
29-31 Adelaide Road
Dublin 2

FAOMOS, BT, MB, FS

For Observations

For Action

For Follow Up

For Information MR, SMG (FOI)

C.C.

Date 25.01.2007

Our Ref:
DJH/LK/

Your Ref:

Date:

23 January, 2007

Re/

**Muckross Fishery, River Laune, Killarney, Co Kerry
Beats 1, 2 & 3**

Dear Minister,

We act for Beaufort Anglers Association all of whose members fish the River Laune and have fished the Muckross Fishery for many years.

The members of Beaufort Anglers Association consider that they are being discriminated against due to the fact that members of another association, The Laune Salmon Anglers' Association have access to Beat 3 of the Muckross Fishery on terms to which are far more favourable than those that are available to members of their association and other anglers.

We are instructed to advise you that in the event of a lease being granted to the Laune Salmon Anglers' Association in relation to any of the Muckross Fishery we are instructed to take injunction proceedings against you, your servants and agents.

Our clients are entitled to inspect correspondence etc. in relation to this matter between your and other Government Departments under the Freedom of Information Act. Please advise when and where it will be possible to get access to this documentation.

The Muckross Fishery was a gift to the nation and must therefore be available to all on the same basis. No lease or other arrangement can be entered into by the State which in any way discriminates against certain citizens.

Our clients have instructed us to advise you that they will conduct a vigorous high profile campaign in the public domain in the event that any political interference takes place which is prejudicial to their interests.

Yours faithfully,

Desmond J. Houlihan & Company.

Office of the Minister
Dept. of Communications, Marine

24 JAN 2007

Oifig an Aire
An Roinn Cumarsáide, Mara
Agus Achainní Náisiúna

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