



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Loughs Agency

16 October 2012

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture and Rural Development

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Trevor Clarke
Mrs Jo-Anne Dobson
Mr Chris Hazzard
Mr William Irwin
Mr Declan McAleer
Mr Kieran McCarthy
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

Mr Derick Anderson	Loughs Agency
Mr John McCartney	Loughs Agency

The Chairperson: I welcome the chief executive of the Loughs Agency, Derick Anderson, and its director of conservation and protection, John McCartney. Gentlemen, you are welcome to the Committee and have been patient while we debated that other issue. I am sure that you have a presentation for us before we get to questions and answers, so, without further ado, carry on.

Mr Derick Anderson (Loughs Agency): Yes, Chairman. We intend to cover the four major issues that were highlighted in your request for evidence from us: poaching, the levy in relation to a buyout of the remaining salmon nets, stocking and tagging.

I will initiate the poaching discussion by advising the Committee that, historically, poaching on the Foyle has been significant since our predecessor, the Foyle Fisheries Commission, was formed in 1952. In the late 1990s, we were seizing something between 500 and 700 illegal nets a season. Then, in 2001, we introduced carcass tagging, which put some control on the marketing of illegally caught fish. The number of nets declined from that period to 2006, when we seized only 87 nets. Then, with the rationalisation of commercial fishery, when we reduced the number of licensed fishermen from 156 to 28 in the Foyle area, the number of nets that we were seizing started to rise again as the value of salmon increased and the opportunity for marketing illegally caught fish increased. I will pass over to John McCartney, who will go into some detail on what we have been doing since that increase started in 2007.

Mr John McCartney (Loughs Agency): Thank you for the opportunity to speak to the Committee.

In relation to the current picture, using net seizures as an indicator of the level of poaching activity, as Mr Anderson said, in 2006, it was 87. In 2011, it was up to 161 — almost a 50% increase in the past six years. The past two or three years have been notable by the level of violence that fishery officers are facing on their routine duties. I will give you a flavour of one year. In 2011, we dealt with 54 rod-related offences, and we seized 161 nets, 12 boats, 36 bags of oysters and two cars, as well as various items including knives, balaclava masks, batons and other things used as an aid to committing an offence.

I am pleased to say that the work we have done with the angling clubs and, in particular, the private river watchers has, we feel, had a significant influence on reducing the number of rod seizures and angling-related offences. That has allowed us to focus on the more serious issue of illegal netting. We have also entered into partnerships. As you are aware, we are a cross-border agency, so we have working relationships and partnerships with the PSNI, an Garda Síochána and other enforcement agencies, including the Northern Ireland Environment Agency, Inland Fisheries Ireland and the Department of Culture, Arts and Leisure (DCAL). As well as that, more recently, we have met HM Revenue and Customs and the Public Prosecution Service in relation to the issues.

There was some indication that members here would like to understand the strategy and the methods of detection. I am quite happy to tell members about our strategy and methods of detection, but I would prefer not to do it in a public forum, because it would give the poaching community an understanding of how we actually catch them. However, I would like to invite members down to the Loughs Agency, and we would be quite happy, in a closed session there, to detail everything that we are doing in fine detail. I am sure that members understand that we do not really want to show people how we are doing business at this time.

In relation to where that leads, we have a number of prosecutions. It is correct that a limited number of people get convicted. Recently, two jail terms were issued by Letterkenny court against two people for illegally fishing and assaulting fishery officers. Only yesterday in Letterkenny court, another man was convicted for assaulting a fishery officer and obstructing four other fishery officers. As far as I am aware, he is awaiting a pre-sentence report. Another man was convicted in Letterkenny court for illegally fishing.

The big difficulty that we have in managing poaching is in developing and working the partnerships with the other enforcement agencies. I must say that, when we have asked for its assistance, the Police Service of Northern Ireland has been exemplary in supplying it. An Garda Síochána has tried very hard but seems to be suffering from very limited resources in its ability to respond. That is something that we have taken up with local senior officers in the past.

The violence against fishery officers is of significant concern to us. We have staff who have been quite badly injured and have been hospitalised and been off work, as well as considerable damage to vehicles and equipment. For a period in the summer, we came under regular stoning attacks, almost on a nightly basis, for about a fortnight.

That gives you a picture of where we are at the moment in dealing with poaching in the Foyle area.

Mr D Anderson: I will move on to the proposed levy for the buyout of the residual commercial salmon-fishing licences. I understand that the Department wrote to you on 8 August this year, indicating that there are no vires within our primary legislation to allow such a levy to be taken. That is not despite the significant proportion of our anglers. We sell something between 10,000 and 12,000 licences a year. However, we suggest that probably 30% to 40% of those do not fish salmon, and, therefore, it seems inequitable to levy those who do not fish for salmon for a salmon buyout scheme.

However, we have initiated a consultation process on an amendment to one of the regulations that controls the issue of commercial licences. That is basically to try to create an opportunity for a negotiation directly between recreational fishermen and commercial fishermen. We propose to restrict the number of commercial licences available each year to the number that were taken out the previous year. That would allow the recreational fishermen to talk directly to the netsmen, encourage them to apply for a licence and, maybe, encourage them financially not take it out. That would reduce the number of licences available in the following season. We can do that by regulation and create the sort of marketplace for that to happen.

We also want to point out that the suspension in place at the moment on the River Finn, because we have not achieved management targets, will not be lifted until at least 2017. The River Finn has to

achieve its management target in four out of five years for that suspension to be lifted. The best that can happen is that it is lifted in 2017.

We turn to the issue of stocking. As John mentioned, the agency is a cross-border body, and both the Governments that we report to have signed up to the North Atlantic Salmon Conservation Organisation (NASCO) agreement. NASCO has guidelines based on recent science in relation to stocking. They indicate that, as well as its being positive in some cases, stocking can be detrimental to rivers, where all the salmon have been removed from the river and there is no longer a residual stock. Other than that, if there are some residual stocks of salmon, the best scientific advice is that you reinstate the catchment and the habitat and encourage a better survival of the residual fish. We can provide the Committee with various scientific papers on experiences in the Thames and the Mersey, where stocking has not been successful and has not been cost-effective at all. Our strategy, therefore, is to restore and reinstate the habitat in the catchment. Again, we extend the invitation to the Committee to come, and we will show you the areas that we have reinstated and the impact that that has had on the stocks in the Foyle catchment.

An issue that was raised by the Foyle Association of Salmon and Trout Anglers (FASTA) representatives was tagging. I will pass over to John for that.

Mr J McCartney: A fortnight ago, the Committee gave us permission to go to consultation in relation to reducing the number of carcass tags down to three and consolidating some of the various angling amendments that we have made over many years, in order to produce better regulation. If the consultation is approved by the stakeholders, it will reduce the number of available carcass tags for anglers from 25 to 3.

The difficulty that we have is the legislative process itself. There is the consultation process, and then the choreography of tying in the approvals from this Committee with the North/South Ministerial Council meeting for final approval. However, if all that choreography works out properly, we hope to have the legislative change in place before the angling season next year.

The Chairperson: OK; thank you very much for your presentation. I am sure that members have questions to ask.

Today's session was borne out of a joint informal meeting that this Committee and the Committee for Culture, Arts and Leisure had with FASTA, which was highly critical of the work of the Loughs Agency. We asked that the Minister meet FASTA to discuss the issues that arose. The information that we have received back is that the Minister has not met FASTA yet. She noted that you were appearing before this Committee and wants to have sight of the discussions around this and the Committee's views. Again, I stress that it is important that the Minister meets the group. That is the first thing.

FASTA believes that the Loughs Agency needs to have a complete root and branch review of how it manages the lough and governs. How would you answer that?

Mr D Anderson: It is difficult to answer such a direct criticism. We have endeavoured to use best practice in the conservation and protection elements and in ensuring that we get the best science available, in line with the experts from NASCO, etc. Indeed, John attends NASCO annually, and, on several occasions, we have been perceived by the NASCO committees to be delivering best practice in salmon management and in conservation and protection. Our field staff colleagues have spent over 8,000 hours protecting the Foyle and Finn areas. They will do that this year as they have every year. They put themselves in dangerous positions to deliver conservation protection. We believe that we are doing our best in a very difficult situation for the sea survival of salmon.

In the 1990s and early 2000s, roughly 30 out of every 100 smolts came back from the sea. We are now down to fewer than five, which is an incredibly significant drop. Through the salmon at sea (SALSEA) project, we have been involved in fundamental scientific research to try to find out what is happening to the salmon at sea. So, we are doing our absolute best to protect every salmon that returns from the sea and to ensure that every egg that they bring back survives as far as possible, but survival rates for a wild animal such as salmon are quite low. About three smolts are produced for every 1,000 eggs. Each female salmon delivers about 2,500 eggs back to the system. We are getting to the point at which the potential for replacing the stock that comes back is under threat. We have had some significant help from angling clubs. We have more than 150 private river watchers whom we have trained for the required hours under the Fisheries Act, and they are becoming more and more helpful to us as the economic cuts that we must take bite.

We believe that we provide best practice. We are open to scrutiny; we are regularly scrutinised by the North/South Ministerial Council, and we are more than happy to come to your Committee and explain ourselves.

The Chairperson: OK; thank you. I know that you will not and do not want to talk about the strategy on the anti-poaching element of your work. That is understandable in a public scenario such as this. However, what strategy do you have in place regarding salmon and fish numbers? That is obviously a real worry not only to you but to anglers and fishermen and to Committee members and the wider public. Do you have a strategy that includes targets, aims and goals against which you can measure your performance as an agency?

Mr D Anderson: Yes; business and corporate plans containing our targets are developed annually and published. The —

The Chairperson: Is there a target for salmon numbers? Is it as specific as that? Can it be as specific as that?

Mr D Anderson: We have what we call management targets. They are established on the basis of a complete survey of the habitat that is available to salmon in the Foyle catchment, and that is all held on the geographic information system — GIS). The fundamental thing is the amount of nursery area that is available for juvenile salmon to populate. We work out the quality of the nursery area available and what area we have, and that establishes the management target. Basically, the top quality nursery area requires 10 eggs per square metre. That was established by the best scientists and salmon research available — they gave us those figures. The worst quality is two and a half eggs per square metre. So, for example, we know that we need 9,700,000 eggs to populate the area upstream of the Sion Mills weir. That roughly equates to 6,700 salmon; 60% female and 40% male. We then add 25% to allow for angling mortality, poaching and pollution, which gives us a management target of 8,000. That is what we try to achieve. If we do not achieve the targets, the consequences are things like the suspension of commercial fishing that I mentioned, the move to catch-and-release angling and the earlier closure of angling times. That is how we set our management targets.

We also complete annual status reports, and we have some copies of those here. They give all the scientific data that we collect and all our monitoring information. We publish them on our website and send copies to all our angling clubs and all the advisory forum members, etc. That is, obviously, subject to their scrutiny, critique and discussions. We have an open-door policy and meet various groups at their request. We also have the advisory forum and are just about to establish the third advisory forum. We advertised the forum publicly through an independent party, the Commission for Public Service Appointments in the South — we do not want to have any influence over who the members are. We are disappointed that FASTA did not apply for membership. That is a forum in which they could come and put their points and debate them with the other interests in the Foyle and Carlingford catchments.

The Chairperson: Do you take feedback from the annual reports that you distribute to the angling clubs? Does that form part of your report for the following year?

Mr D Anderson: Yes. One of the final sections in the report deals with the actions proposed for the subsequent year. We very much put that into the domain of the fisheries owners and interests in each of the catchment areas, with a view to generating discussion on prioritising those actions, agreeing them and getting buy-in from them.

Mr Byrne: I thank Mr Anderson and Mr McCartney for their presentation. I think that it is fair to say that there has been concern for a long time among the fishing clubs on the Foyle system. They feel that, very often, their concerns are not adequately listened to or taken on board. Earlier, you referred to private fisheries co-operating and working with you, but you made no mention of work with the clubs. What is the formal relationship between FASTA and the Loughs Agency? How often do you meet? That body represents about 8,000 anglers. Would it be fruitful to have meaningful, ongoing discussions and, perhaps, to give it representation?

Mr J McCartney: The private river watchers and anglers we referred to include those who are in the angling clubs, and I meet with many of the angling club officials regularly. I have regular contact with Mr Curran from FASTA, and I am more than happy to meet and to discuss issues and items with him,

as and when necessary. I have no difficulty in meeting with him, sitting down with him and discussing issues face to face.

Mr Byrne: Are those ad hoc meetings, or has their structure been formalised?

Mr J McCartney: At the moment, they are ad hoc meetings. I would be quite happy to move on to structured meetings if FASTA requests it or the Committee recommends it.

Mr Byrne: OK, thanks. How much commercial netting is still going on in the Foyle?

Mr J McCartney: At the moment, there is no commercial netting in the Foyle; it has all been suspended.

Mr D Anderson: The netting was suspended in 2009, because the management target for the River Finn was not achieved. The earliest that it can be achieved is 2017, so commercial netting will not restart until that year at the very earliest.

Mr Byrne: What is your attitude to restocking? Other river systems have been very successfully restocked in the past.

Mr J McCartney: We have to work with the best scientific advice on restocking. The geneticists have indicated to us that if we restock incorrectly, we could damage the fishery beyond repair. The contemporary scientific papers, which I am more than happy to send to all members, also support that. NASCO has emphasised that habitat restoration is the best way to rehabilitate a salmon river, and we have been undergoing enormous amounts of restoration work over the past three to four years.

Many years ago, when we did not understand that salmon had unique genetic populations and genetic structures, we restocked ad hoc. There have been many examples showing that enormous amounts of public money were spent on restocking programmes that actually did not do anything. The more recent examples of where that happened are, as Mr Anderson said, the River Thames and the River Mersey. However, when the water framework directive was introduced and the rivers were cleaned of pollution and polluting discharges, the habitat became more fish friendly and the fish colonised themselves from other rivers. Those findings are in peer-reviewed scientific papers that eminent fisheries research scientists published.

Mr Byrne: What is your attitude to restocking white trout?

Mr D Anderson: Our approach to the reinstatement of the River Foyle to encourage its maximum productivity is to put back in place the habitat that has been damaged over the previous years. Rivers in the Foyle area have been subject to arterial drainage, and, as a consequence, that has meant that the natural habitat that salmon need has been lost. They need spawning areas, holding pools and nursery areas. Our attitude is to try to put that habitat back in place so that the system's productivity is increased. We believe that stocking would, in effect, cause genetic pollution. We believe that —

Mr Byrne: Is any stocking going on in Carlingford?

Mr D Anderson: There is some residual stocking of sea trout in the Whitewater. That has been happening since long before the agency took responsibility for Carlingford.

Mr Byrne: I would rather hear about constructive engagement between FASTA and the agencies so that those doubts about the intention can be put to rest. I think that there has been some frustration for many years about what I would called genuine fishermen who fish legally off the rod and who feel that their interests are not being properly listened to.

Mrs Dobson: Do you recognise that sporting and recreational fishing has the potential, as yet untapped, to benefit our local economy? You spoke about restricting the number of commercial licences. What connection does the Loughs Agency have with local councils and the Department of Enterprise, Trade and Investment (DETI) to increase that potential? Do you agree with FASTA that that aspect of fishing is becoming more important than commercial fishing in the Foyle system?

Mr D Anderson: We actively support the development of recreational fishing in the Foyle. We had three angling fairs this year, two in the Foyle area and one in the Carlingford area. The focus this year was on trying to promote juvenile anglers more and more. We are hosting the World Police and Fire Games on the Foyle catchment for sea angling and some trout angling. We see that as another positive way of encouraging more visitors and tourists to come to the area. However, again, we need partnership. We need the clubs to make those visitors welcome, and we need them to make day tickets, and so on, available. Although most of them do that, some are reticent about it.

We see a place for recreational and commercial fishing. Historically, salmon fishing was an important part of the annual income cycle for families on, for example, the Inishowen peninsula and the tidal Foyle. They might have made the hay, caught the salmon and then gone on to harvest spuds, so it was part of their annual income cycle. If there were a harvest surplus, commercial fishing could have a place again. However, that is difficult to argue at this point, given that we are getting 5% of the smolts coming back, as opposed to the 30% that we used to get and probably 70% in the 60s. Although it is a difficult argument to have, if enough salmon were coming back, it would be a lovely one.

Mrs Dobson: Would your connection with local councils and DETI increase that potential?

Mr D Anderson: We have an INTERREG grant that we negotiated with DETI in its position as the core funding Department. The first of the nine projects for the £4 million that we secured from the Special EU Programmes Body was for the clipper flotilla, which you will have noted was a significant success. However, we have three angling stretches to develop with that money on the Foyle before June 2015. Of those, one is at Gribben Quay, another is at the Backwater and the third is at Mellon Beat near Omagh. So, we are very much focused on looking at traditional use of the rivers in the Foyle area to try to achieve that. We also run a sustainable development fund, which is a small grants scheme providing up to about £7,500. We use that to support people such as hospitality providers, who are often farmers who have diversified to provide accommodation. The sorts of projects that we support include the provision of drying rooms, facilities for the storage of fish that are caught, and so on. Therefore, we are on the ground at a very low level, as well as trying to consider the big picture of new reaches.

Mrs Dobson: FASTA proposes removing remaining netting rights and licences, which, it suggests, would free up angling potential. Have you looked into the financial aspects of that idea?

Mr D Anderson: Basically, we were able to obtain funds for the rationalisation of commercial salmon fishing back in 2007. We managed to secure a sum approaching £3 million to do that. The scheme was voluntary, and of the 156 valid licences that were available, all but 28 opted to take the compensation, thereby allowing them to diversify. We believe that it would be unlikely that government would find additional money to remove the remainder of the nets, if that were the policy that was decided on. By initiating this consultation, we propose to create the opportunity for recreational fishermen to go directly to the commercial fishermen. Put simplistically, and for argument's sake, if they want to buy more fish when and if commercial fishermen ever return, we will create the mechanism to allow that to happen.

Mrs Dobson: So, would there be potential for healthier stock levels if the netting rights were removed, as FASTA suggests?

Mr D Anderson: Potentially. If the remaining 28 nets were operating and taking fish, and if more fish were available in freshwater, more angling could be available. Again, though, the point is to put the mechanisms and partnerships in place to allow that potential benefit to be realised through encouraging visitors, and so on.

We participated in a study with the Northern Ireland Tourist Board (NITB) and DCAL about the economic benefits of recreational fishing in the Foyle and Carlingford areas and the rest of Northern Ireland. Among the issues we looked at were what happened in Scotland, where 50% of the anglers who fish are visitors. In the Foyle and Carlingford areas in Northern Ireland, that figure is probably less than 15%, so we have to create the right areas, such as the fishing beats, as well as opportunities for people to, in effect, own the river for the period that they are paying for. We also have to get the accommodation and the guides in place, and we are working to do that. We are in discussion with and supporting angling clubs that are trying to do that. We are supporting as well as we can the guides in the development of their skills and training and their marketing of the Foyle and the Carlingford areas.

Mr McAleer: John and Derick, you are very welcome. I just wanted to draw you on the buyout proposal for the remaining 28 nets. Derick, you said that it is unlikely that the Government would find the money to do that. I do not think that it should stop, but I think that we should formally propose that it be considered by the Minister and the Irish Government, given that you are talking about two jurisdictions. Listening to evidence that we received from FASTA in the past, it seems that this is essential to preserve the salmon and sea trout stocks in the Foyle system. We are not talking about a government handout; it would be a loan that is based on FASTA's innovative proposals, including increasing the licensing fees by €20. I think that we should bring that proposal to the Minister and to the Irish Government, given that it involves both jurisdictions.

On a separate matter, I note the correspondence that FASTA forwarded to you in July. It expressed some concern about the method of carcass tag distribution. I got a sense that there seemed to be a golden circle of distributors and that there was no consultation with the anglers about how the distribution would be achieved. I am aware that the matter is out for consultation, but I wanted to know how that came about and what the rationale behind it was.

Mr J McCartney: The rationale was that, once we had recognised there was a difficulty with salmon numbers the previous year, we could not make regulatory change to reduce the number of carcass tags in time for the angling season. We wanted to try to find a way to issue carcass tags that was legal and equitable, so we decided to do two things. It is within our legislative remit to issue tags with some discretion, so we issued a small number and asked anglers to fill in their logbooks to give us the accurate scientific information. We basically wanted them to collect the tags in a smaller number rather than have a bulk number of tags. Personally, I think that that has been very positive, because it has meant that more anglers give consideration to the lower numbers of fish, and more anglers practice catch and release. If they had only one tag, they practiced catch and release to get the best fish that they could.

Our distributors have not changed for the past number of years, and all of them had the same request from us to operate in that way. There is some anecdotal evidence that some of them did not do that, but it was a request rather than a statutory instrument, as such.

Mr D Anderson: I will just reiterate that we have moved to establish, by regulation, that reduction in the number of tags as quickly as we can. That will go out to consultation, as soon as you have approved it.

Mr McAleer: Do all potential distributors have an equal opportunity to distribute the tags?

Mr J McCartney: Absolutely. There should be no differentiation between distributors.

Mr D Anderson: Where a further buyout is concerned, we will certainly listen to our Ministers and do what we are told, but we reiterate that the earliest that the commercial salmon fishery will come back into operation is 2017. Maybe the economy will have changed by then.

The Chairperson: To clarify, are you saying that there is no need for urgency in the plans for a buyout at this time because the fishery is not going to be open commercially?

Mr D Anderson: The regulation says that the management target has to be achieved in four of the five previous years. It has not been achieved in the past four years, so if it is achieved in 2013, 2014, 2015 and 2016, commercial fishing can start again in 2017. We have no indications that there has been any change in the potential for sea survival this year. We do not see sea survival improving in 2013, unless something dramatic happens, so it will be at least 2017 before that suspension is lifted.

Mr Swann: Thanks for your presentation, gentlemen. One of the things that was touched on at the start of your presentation and that has not really been dealt with in any other question is poaching and the successes that the agency has had where that has happened. However, I know that you do not want to go into any detail on that. Of the convictions that you listed, I may have misheard, but I think you said that most of them were taken to Letterkenny court.

Mr J McCartney: This is actually a geographical matter. There are two aspects to it: one is legal, and the other is geographical. I will deal with the legal point first. Since 1952, the Loughs Agency has operated what it calls domiciliary prosecution, which means that you are prosecuted in the court

district that you come from, rather than in the court district where the offence occurred. So, if somebody from Ballybofey is caught poaching in Omagh, it does not go to Omagh Magistrates' Court; it goes to Letterkenny District Court. Unfortunately, it gets a little bit complicated, but, basically, domiciliary prosecution means that people are prosecuted in the court district in which they reside. If you think about the geography of the rivers system, Lough Foyle goes into the River Foyle, which narrows and splits between the River Mourne and the River Finn at Lifford Bridge — basically on the Strabane/Lifford border. Unfortunately, a larger proportion of our convicted poachers seem to come from the Lifford, Carrigans, St Johnston and Clady areas, which are under the Southern jurisdiction. That means that, even though those people may be caught on the lower end of the River Mourne at Strabane, they are still prosecuted at Letterkenny court because of the domicile rule. That is just the way that the system has worked. Some cases have obviously gone through Strabane court, given the number of Strabane people that have been caught, but the majority of the difficulty that we had, particularly last year, was in the area of Lifford.

Mr Swann: I was just wondering whether it was easier to get to court on one side of the border than the other. I have a number of questions, but I know that Oliver wants to ask some, so I am happy to give way.

Mr McMullan: I appreciate that, Robin, because I have meeting to go to at 3.30 pm. That is one that I owe you.

What did the buyout of the 128 nets the previous time average for each net? How did you work out the rationale for the payments?

Mr J McCartney: Specialist scientists working for the Irish Government calculated a rationale. It was a multiplication of the average fish catch, the value of the licence and the value of the equipment. Although I cannot give you a specific average at the moment, I know that it ranged from relatively small to relatively large amounts, depending on the catch history of the person taking the buyout.

Mr McMullan: You spoke about the rivers not coming back in until 2015, and you said that that is to do with numbers. Are the fish counters accurate?

Mr J McCartney: Where we have had the opportunity to purpose build fish counters, particularly on the River Roe and the River Finn, we are very confident that they are working to their absolute best capacity. One of our fish counters is at Sion Mills on the River Mourne, which was retrofitted to an existing weir. As part of the process that I am going through at the moment, a number of research scientists have electronically tagged fish that they caught below the dam at Sion Mills, and we are now tracking them to see whether they go through our fish-counting station or go over the weir. I would prefer to say that the accuracy of the Sion Mills counter is under scientific investigation. Hopefully, the scientists will come back and give us confidence. If they do not, they will give us recommendations on what we should do to take things forward.

Mr McMullan: You are talking to someone who is totally alien to fishing. Are you saying that, if it is under scrutiny, there is something wrong with it?

Mr J McCartney: No. The PhD project was not initially concerned with the Sion Mills dam but with trying to track the movement of salmon that come through the Mourne river system and split into the Glenelly river, the Derg river, the Strule river and the Drumragh river. There are a number of benefits to having a very good and solid scientific project. One is that it will tell us whether those fish cross the weir and at what point — we have laid electrodes across the weir. The other benefit is that it will also indicate what the rod and predator mortalities are, and it will help us to work out where in the system the fish go to spawn and which populations benefit most from the current migrations.

Mr McMullan: I have one other question on that. I listened to what you said about getting the fishermen in and the money for the rod licences and all that, but I did not hear you mention the Tourist Board.

Mr D Anderson: We do partner with the Tourist Board. Most recently, as part of our marine tourism responsibilities, we worked with it on the Mourne coastal route. We have also received grants from the Tourist Board to enhance our interpretative centre at Prehen; it provided us with money that allowed us to move the aquaria there. That centre has had well over 120,000 visitors through it. It is targeted mainly at schoolchildren, and we have focused on it to try to generate as many eyes and ears

as possible for the conservation and protection of our rivers and resources in the Foyle and Carlingford areas. So, we partner with NITB, Fáilte Ireland and Tourism Ireland.

Mr McMullan: My last question before I go is, again, on the fish counter. You said that it is working to its best ability. Are we sure that it is working to the ability that it is supposed to work to? Are we getting an accurate figure of the fish that return through the different places where the counting takes place?

Mr D Anderson: As John said, the purpose-built counters on the Finn and the Roe give us a very accurate count. We count probably in the region of 90% of the fish that move upstream. That is good, because we do not want to overcount or overestimate them. In places such as the River Faughan and Sion Mills, where we have fitted counters on existing weirs, it is much more difficult to be totally accurate. However, we provided an additional fish pass on the Sion Mills weir some time ago. We also fitted CCTV cameras there, and we are reviewing footage from last year to see how many fish went over the weir, rather than through the counters. I also emphasise that this year has been quite incredible, in that there has been a flood every other day on the Mourne river. When you have those sorts of conditions, it is much easier for fish to negotiate the weir rather than to go through the fish counters. Historically, the fish counters would have been the only way that they could get up. Now, with all the floods, they are flying everywhere, if you will excuse my expression.

Mr McAleer: There must be more of them there.

Mr D Anderson: Yes. I just want to mention the Integrated Aquatic Resources Management Between Ireland, Northern Ireland and Scotland — IBIS — project. That is, again, a European funded project, Mr Chairman, and through working in partnership with Glasgow University and Queen's University Belfast, we have received funding for 70 years of research. It is research designed to take academic study back to give us the management tools to develop the resources of the Foyle and Carlingford areas. There are 12 PhD and 34 masters students to go through between now and June 2015. We are using this research to focus on improving management and continually revising it, not only with regard to salmon but looking also sea trout, oysters and mussels. We are also looking at the interaction between the predatory species such as cormorants and seals, and so on. We are trying to address those issues on a fundamental basis but always with the output of a management tool at the end.

Mr McMullan: Have the last 28 fishermen been spoken to? Are they interested in a buyout now, considering that the numbers of fish are way down? Surely it would not be economically viable to them as fishermen. Would now not be the time to revisit them to buy them out?

Mr J McCartney: Some of the remaining netmen certainly would be more likely to take a buyout at this stage, particularly when netting is in suspension. However, because we do not have the funding or the remit from our Ministers to approach them, we have not approached them directly, but there are at least half a dozen of them who feel that salmon netting is a tradition and a very strong tradition. It is very like the Canadian Government's situation with the Inuit; they feel that this is part of their way of life, and I do not think that those particular individuals would be likely to take any money that you offered them. I regularly meet them informally and formally on the river, and these issues form the basis of many a discussion, but, as I said, we have not officially approached them as such.

Mr McMullan: That is OK.

Mr D Anderson: They continue to be members of the advisory forum, so we speak to them on a formal basis as well.

Mr Swann: I thought I would let you in for a quick one, there. *[Laughter.]*

Gentlemen, going back to the issue of poaching, one thing we cannot forget to mention is the attacks on bailiffs and river watchers and the work that your employees do. John, you mentioned the increased level of protection that you are using; are you seeing a greater level of sophistication and organisation among the poachers in your area?

Mr J McCartney: Absolutely. The poaching community is now far from the elderly gentleman who goes to catch a fish for his tea. Some of these poaching gangs are linked to organised crime and other organisations. Technology has also been a great hindrance to us, because everybody has a

mobile phone these days. On a joint operation recently, we determined that there were seven different individuals at different places with mobile phones to alert people to the fact that we were coming, and there were at least two scout cars operating as well.

Loughs Agency staff and fisheries officers in general throughout the world often had the advantage of the best technology, such as night-vision equipment and thermal-imaging equipment, and the only reason that the general public did not have it was that it was too expensive. Unfortunately, I think it was the Lidl store that was recently selling night-vision equipment sets, and, in a recent operation, we had no doubt that the poachers could see us as well as we could see them in the dark. So, technology is moving forward, and as it is becoming cheaper, it is allowing them to become more organised and more sophisticated.

As Mr Anderson said, when we closed or suspended the commercial fisheries, the difficulty that arose was that the black-market price of fish went up. That is basic economics; when the commodity is not there, the price goes up. That meant that people became more interested in turning over money through fishing. I think a number of the more organised groups became involved at that level, because there seemed to be an economic availability that was not there before.

Mr D Anderson: It is a continual development battle. The Committee, in its previous existence, approved our introducing a ban on the sale of rod-caught fish to help us stop poachers marketing them through the tags that they got with an angling license. Indeed, poachers used to buy juvenile licences at £2 to get the tags to put on the poached fish to sell them. However, because we have banned the sale of legally rod-caught fish, that too has increased the black-market value of illegally caught fish. It is a continual developmental battle.

Mr Swann: I understand. John, what is the working relationship between your bailiffs and DCAL bailiffs in the joint operations that you mentioned?

Mr J McCartney: Unfortunately, DCAL fishery officers do not normally work with us because they have their own jurisdiction. I, personally, would like to see a bigger overlap. We are all in a world where the availability of resources is shrinking, and any help and any additional resources that we can get are always welcome. At the moment, some poaching crews operate in both jurisdictions, and some individuals poach in both jurisdictions. We have had some success in setting up joint intelligence sharing about people whom we know to be in that transition area. We have a slightly improved working relationship with our colleagues on the other side of the border, because they have already faced some very significant cutbacks and are resource hungry, so we try to work as best as we can with anybody in law enforcement in the districts.

Mr D Anderson: We have also had some success and significant help from DCAL, or the Fisheries Conservancy Board as it was before it was absorbed into DCAL, in the disposal of illegally-caught fish in what is now the DCAL area. We developed some quite successful cases as a consequence of that.

Mr Byrne: It was remiss of me earlier not to recognise the pressure that bailiffs are under in the system. I am very conscious that Seamus Cullinan is here today, and I pay tribute to those bailiffs who are doing an excellent job. How has the Moy system in Mayo been restored to such a viable and sustainable salmon-producing river? Is there anything we can learn from the experience there?

Mr D Anderson: Without stocking, I would add. We watch the Moy with envy. It is interesting that the Moy was subjected to a very extensive drainage scheme in the 60s. It was probably one of the few cases where they moved through peat to what was a very appropriate habitat of gravels, nursery areas and so on, and that seems to have stimulated its productivity. Some of the leading work on reinstatement techniques has been carried out by Inland Fisheries Ireland on the Moy in terms of putting the habitat back into the best possible state. That has probably had some effect.

The other area of wonder is where the Moy fish go to feed. It is quite interesting that, within the Foyle catchment area, we have identified 14 different tributaries, each of which has a genetic integrity of its own. It is also interesting that the Roe and the Faughan continue to perform significantly better than the rest of the rivers in the Foyle catchment area. One thesis that was to be investigated as a consequence of the international SALSEA project was that those fish may be going to different feeding grounds from those in the rest of the system, and the Moy fish may be going to another feeding ground that has not been impacted upon to the same extent by the changes that are occurring in the sea.

The Chairperson: Does the Loughs Agency have any plans to communicate with FASTA to try to repair some of the damage in communications and relationships? Is that something that you see as vital?

Mr D Anderson: We are more than happy to meet FASTA formally or informally on a regular basis. I reiterate that we are disappointed that there was no application from the FASTA officers to join the advisory forum; however, the advisory forum works on the basis of focus groups. We have four focus groups: salmon and inland fisheries; environment; aquaculture and shellfish; and marine tourism. Most of the work is done there, and their information is brought back to the full forum in plenary meeting where it is discussed and shared with other stakeholders. I would like to think that, once the new advisory forum and the focus group are formed, we would ask the focus group whether it would be possible to invite FASTA on to it. It is possible, through the constitution of the forum and the focus groups, to do that, but we cannot do it until we have the membership in place and talk to them at the focus group.

The Chairperson: OK. Thank you very much for your time, your presentation and your answers, gentlemen.