



Northern Ireland  
Assembly

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**COMMITTEE FOR  
CULTURE, ARTS AND LEISURE**

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**OFFICIAL REPORT**  
(Hansard)

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**Fisheries (Amendment) Regulations  
Eel Fishing (Amendment) Regulations**

8 September 2011

**NORTHERN IRELAND ASSEMBLY**

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Eel Fishing (Amendment) Regulations**

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8 September 2011

**Members present for all or part of the proceedings:**

Miss Michelle McIlveen (Chairperson)  
Mr William Irwin (Deputy Chairperson)  
Mr Dominic Bradley  
Mr Michael McGimpsey  
Mr Cathal Ó hOisín  
Mr Pat Sheehan  
Mr Robin Swann

**Witnesses:**

Mr Liam Devlin            )  
Mr Marcus McAuley     )     Department of Culture, Arts and Leisure  
Ms Karen Simpson        )

**The Chairperson:**

Hello. I welcome Karen Simpson, head of the inland fisheries group in the Department of Culture, Arts and Leisure (DCAL); Liam Devlin, the deputy principal of the inland fisheries group; and Marcus McAuley. Thank you very much for coming this morning. I ask you to make your opening statement.

**Ms Karen Simpson (Department of Culture, Arts and Leisure):**

Thank you, Madam Chairman. I am Karen Simpson, head of DCAL's fisheries branch. Marcus McAuley is the Department's chief fisheries officer, and Liam Devlin heads the group in the branch responsible for legislation and finance. Liam and I will cover the two new statutory rules that the Department proposes to introduce under the powers conferred by the Fisheries Act

(Northern Ireland) 1966. I hope to explain the background and purpose of the regulations, after which we will be happy to take any questions that you may have.

The first of the two regulations is the Eel Fishing (Amendment) Regulations 2011, which are proposed as a conservation measure to protect the sustainability of eel stocks. The 2010 regulations prohibit the fishing, taking or killing of undersize eels, which are defined as being less than 30 cm in length. That size applies both to brown eels, which are resident eels not yet ready to go to sea to spawn, and the mature silver eels that are ready to go to sea to spawn.

The new regulations will increase the minimum size of brown eels from 30 cm to 40 cm. The European eel stock has been in decline since about 1980. Lough Neagh is the only remaining commercial eel fishery in Europe, and it is strictly regulated under the terms of the Neagh/Bann eel management plan, which was approved by the European Commission in March 2010. The Lough Neagh Fishermen's Co-operative Society, which owns the right to fish for eels in Lough Neagh, has requested an increase in the size of brown eels that can be taken from 30 cm to 40 cm to help to increase the number of silver, mature eels that can escape to their natural spawning grounds in the Sargasso Sea.

The proposal has been discussed with scientists from the Agrifood and Biosciences Institute (AFBI) and various other scientific professionals on behalf of DCAL, and they have been supportive of it as a conservation measure. We have also presented our proposal to members of our advisory salmon and inland fisheries forum, who are also content with it.

The second regulations are the Fisheries (Amendment) Regulations 2011, which aim at amending the list of designated rainbow trout waters in schedule 6 to the Fisheries Regulations (Northern Ireland) 2003. The annual closed season for game fisheries runs from 1 November to the last day of February of the following year. That does not, however, apply to a designated rainbow trout water, which can stay open the whole year round. DCAL has received applications from private fisheries owners to create two new rainbow trout waters, one at Green Road, Ballyclare and one at Cromore Road, Portstewart. Fisheries officers have inspected the sites and are satisfied that the necessary work to prevent the escape of rainbow trout has been completed to the required standard.

We have also received a request from the Downpatrick and District Angling Association to

remove Loughinisland Lake from the list of designated rainbow trout waters. Those applications have been submitted to the advisory salmon and inland fisheries forum.

**Mr Swann:**

Thank you very much. What will be the decrease in eel catch resulting from a change from 30 cm to 40 cm? Of those caught that are less than 40 cm, what is the percentage of live returns to Lough Neagh?

**Mr Marcus McAuley (Department of Culture, Arts and Leisure):**

It would be difficult to quantify absolutely the reduction in catch because of the change. It is important to stress that, as Karen said, the fishery itself requested the change. Reflecting that, most of the catch that can be marketed is over 40 cm, so eels between 30 cm and 40 cm tended to be wasted because they could not be marketed. It is a conservation measure, but it is also part of the business strategy. You are right: the intention is to catch fewer eels in order to enable more to grow to marketable size and, more important, to let them mature to become silver eels so that they spawn and contribute to the recovery of stock across Europe.

**Mr Swann:**

There is no way that the eels are sorted by size when they are caught and collected. They are sorted by size only when they are on the tables, not at the fishery.

**Mr McAuley:**

Particular hook sizes are used to avoid catching small eels. On your second point about whether a small eel would still be alive if it were caught, there is some risk with smaller hooks, as the eel could be so damaged that it may not survive. Therefore an increase in eel size is matched with an increase in hook size to try to make sure that smaller eels are not injured and can be returned.

**Mr Swann:**

I am not just talking about the catching stage but the sorting stage when most of the sizing is done on the sorting table in the fishery. Is that not where most of the sorting by size is done?

**Mr McAuley:**

Yes, but the intention is that fishermen, knowing that the marketable size is now 40 cm, will return anything smaller. They use a method that, hopefully, ensures that the eels survive.

**The Chairperson:**

How many eel fishing permits are there?

**Ms Simpson:**

Approximately 200; it varies from year to year. We cannot comment on the number of eel fishing permits, as they are issued by the Lough Neagh Fishermen's Co-operative Society. However, the number of eel fishing licences issued by DCAL is in the hundreds.

**The Chairperson:**

Is there a market for eels in Northern Ireland or are they exported?

**Ms Simpson:**

Most are exported to Holland.

**Mr Ó hOisín:**

I spent a few days in Lough Erne over the summer recess, where I met a fisherman who has fished for 60 years and is a bit disgruntled. I promised him that I would mention at the first opportunity that he thinks that the eel population in Lough Erne is sustainable.

You talked about the use of longlines to catch eels, which is the common practice on the lough. What percentage of eels is caught in the traps at Toome and Portna? There is concern about game fish being caught in those traps, which cover 95% of the river. Do you have a percentage for that? Surely that is an easier place at which to sort the eels by size rather than taking the risk of killing them on longlines.

**Mr McAuley:**

It is the same eels but two different fisheries. The longlines in the body of the lough catch juvenile brown eels. Some 20 years into their life cycle, they become silver eels, which is when they go down the river and out to sea at Coleraine. It is at that point that the traps intercept the silver eels as they migrate; that is a different exercise. A balance has to be struck, because the more brown eels that are taken, the fewer silver eels there will be.

As a percentage, brown eels are caught in the largest volume. Up to 200 people fish brown

eels. The traps are seasonal. The eels migrate only at certain times of the year, starting about now. They are very seasonal. A silver eel fishery is selective of silver eels and, therefore, catches a smaller volume than a brown eel fishery.

**Mr Ó hOisín:**

You do accept that large game fish are lost in the traps?

**Mr McAuley:**

Yes, there are conservation measures in the regulations regarding that. A main one, which is known, colloquially if not in the regulations, as the Queen's gap, requires large gaps to be left between the rows of an eel fishery so that other fish can get through. However, as fish stocks come under pressure, those issues become more pertinent. However, salmon smolts can be trapped.

**Mr Ó hOisín:**

I have visited Portna fishery in my constituency on several occasions at the request of angling associations, and the Queen's gap is not very wide.

**Mr McAuley:**

Noted. We are actively working on the development of salmon conservation policy and fish passages. The Rivers Agency has its own structures at Portna. You also need to regulate levels to find a balance while allowing free passage. Modifications to rivers and lakes in the Erne system were undertaken in the 1950s and 1960s, but that was a different time; we have to deal with this in the modern context and balance all the needs.

**Mr Irwin:**

I see that AFBI, which carried out the scientific research for the Department, agreed that any minimum-size increase would be good for stock. I am no fishing expert, but is it right that the smaller size cannot be sold on anyway?

**Mr McAuley:**

The fishery's position is that its market is for 40 cm and above, so from a business perspective there is little point in catching smaller eels. More important, however, is the need to conserve stocks.

**Mr Irwin:**

I understand that. Is there much opposition, or is it only from those who are trying to catch them?

**Mr McAuley:**

It was the fishery that requested it. This is a joined-up approach to conservation and management.

**Mr Irwin:**

That is very good. I was just wondering whether there was any opposition.

**Mr D Bradley:**

Have you any estimate of the value of eel fisheries to the economy?

**Ms Simpson:**

Approximately £2 million.

**The Chairperson:**

Thank you very much for your presentation. Are members content with the proposed statutory rules?

*Members indicated assent.*