



Northern Ireland
Assembly

Committee for Culture, Arts and Leisure

OFFICIAL REPORT (Hansard)

Salmon Conservation: DCAL Officials

28 November 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Miss Michelle McIlveen (Chairperson)
Mr Dominic Bradley
Mr William Humphrey
Mr Basil McCrea
Mrs Karen McKeivitt
Mr Oliver McMullan
Mr Cathal Ó hOisín

Witnesses:

Mr Aidan Cassidy	Department of Culture, Arts and Leisure
Mr Seamus Connor	Department of Culture, Arts and Leisure
Mr Liam Devlin	Department of Culture, Arts and Leisure

The Chairperson: We welcome to the meeting the following officials: Aidan Cassidy, head of inland fisheries; Seamus Connor, chief fisheries officer; and Liam Devlin, deputy principal of the inland fisheries group (IFG). I advise everyone, including the officials, that this session is being recorded by Hansard. You are very welcome to the Committee this morning. Please make your opening statement, and then members will follow up with some questions. Thank you.

Mr Aidan Cassidy (Department of Culture, Arts and Leisure): Thank you very much, Madam Chair, for the opportunity to brief the Committee on the outcomes of the consultation on the introduction of a new suite of salmon conservation regulations in the Department of Culture, Arts and Leisure (DCAL) jurisdiction. I will provide the Committee with a brief overview of the developments to date, and Liam will then outline the detail of the consultation and the Minister's views on the way forward.

By way of introduction, I will say that salmon conservation is one of the most pressing issues for us. The wild Atlantic salmon is currently under threat of extinction, and scientific evidence that has been gathered locally and internationally over many years supports that conclusion. The figures have been well rehearsed. The Committee is aware that only 5% of young salmon are surviving and coming back to our waters. At the moment, the main problem for salmon is low marine survival, but the exploitation by commercial and recreational fishermen also has to be addressed.

The Committee will recall from our briefing on 2 July this year that the consultation was the next step in the implementation of salmon conservation measures that our Minister announced in her statement to the Assembly back in December 2012. During that consultation, we considered the legislative implications of introducing mandatory catch and release for salmon angling and a cessation of salmon netting, both of which received overwhelming support during our initial public consultation in 2012.

The consultation lasted from 3 July until the end of September, during which we sought the views of those with an interest in the proposal.

Madam Chair, with your agreement, I will now pass over to Liam, who is responsible for processing the IFG's legislative programme. He will take the Committee through the detail of the consultation outcomes. We will then, of course, be very happy to take members' questions on the issue.

Mr Liam Devlin (Department of Culture, Arts and Leisure): Aidan touched on the public consultation on the future of salmon angling and commercial salmon fisheries. That consultation closed in July 2012, and the outcome of the exercise demonstrated that there is overwhelming support for catch and release for salmon angling and an end to salmon netting. During the following months, there were many discussions on the detail of those two policies and, in particular, on what amendments would be required to inland fisheries legislation to implement them successfully.

Following our briefing to the CAL Committee on 2 July this year, a consultation issued to a targeted section of stakeholders seeking comments on a wide range of proposals for regulating the implementation of catch and release and a ban on salmon netting. The consultation closed on 27 September, and we received a total of 210 responses from a wide range of interested parties. During the consultation period, we also met members of angling clubs and other key stakeholders, including the Salmon and Inland Fisheries Forum, the Ulster Angling Federation and Bann System. Responses to the consultation were generally positive.

At the end of the consultation, an inland fisheries panel, comprising technical and policy staff, met to consider issues arising from the consultation and agreed that changes to the proposals were appropriate. The Agri-Food and Biosciences Institute (AFBI) was also asked to provide input from a scientific perspective. I will now outline the outcome of that analysis and the subsequent recommendations that the Minister agreed.

The first recommendation is that catch and release will apply both to salmon and sea trout. Salmon and sea trout are already grouped together in the Fisheries Act, but there are also more practical reasons for applying catch and release to both. Although some consultation respondents favoured an exception for the inclusion of sea trout in catch and release in certain waters, AFBI advised us that there are insufficient data on which to base generic safe limits for the exception of sea trout across the DCAL jurisdiction. Data collected from anglers and commercial netmen also suggest that the numbers of sea trout caught are very low. IFG's advised position is, therefore, to apply a precautionary approach that is based on international data until local information has been assessed over a number of years. Additionally, as it is sometimes difficult to distinguish between salmon and sea trout due to their overlapping characteristics, inclusion of sea trout in catch and release will aid in the enforcement of catch and release for salmon angling, because anglers will not be able to capture salmon and claim that they believed it to be a sea trout. That approach is consistent with the policies that have been adopted in the Loughs Agency area.

The second set of recommendations relate to salmon angling methods. It was important that we considered angling methods that would be conducive to a successful implementation of catch and release. In the consultation, we proposed that anglers would not be able to use earthworms, prawns or shrimps as bait or any fish hooks other than single barbless hooks. Worms, in particular, tend to be ingested deeper into the fish and are harder to unhook without causing internal damage. Single barbless hooks are also easier to unhook in a caught fish and will cause less damage than multibarbed equivalents. However, following consideration of the consultation responses, it is now agreed that anglers can continue to use prawns and shrimps for wild salmon and sea trout angling throughout the season and worms after the end of June.

Critical to our analysis was the recent research that AFBI carried out that clearly demonstrated that fish caught by prawn were not deep hooked and could easily be released back to the water. Although worms are more easily ingested, they may not be fatal to salmon if the fishing line is cut rather than an attempt being made to retrieve a hook.

It was clear from consultation responses that respondents were also concerned that the prohibition of prawns, shrimps and worms would impact negatively on juvenile, elderly, infirm and disabled anglers, as those are the fishing methods that people with limited mobility favour. However, it is important that worm fishing is prohibited until the end of June to protect young runs of salmon, which occur before July.

The use of hooks for salmon angling will be limited to either single or double barbless hooks. Based on responses to the consultation, it is likely that that will be met with widespread support from anglers. Hook sizes will not be specified in the regulations, as there is too much variation depending on the species of fish, and it would be hard to police. That has been agreed with AFBI.

The next recommendation relates to exceptions to catch and release. It is clear that we have to future-proof legislation to allow for the opening of waters for the taking of salmon where, based on independent scientific advice, there are overriding reasons for doing so. That will ensure that the legislation is flexible enough to accommodate future bag limits for salmon on waters that demonstrate a sustainable surplus of fish over conservation limits.

At the moment, it is proposed that only Lough Melvin is included in the list of exceptions, because data prepared by Inland Fisheries Ireland clearly demonstrate that it has a sustainable surplus of salmon. That fishery is transboundary, and any fishery management practice should be consistent with the approach taken by the South of Ireland [*Inaudible.*] taking of salmon in its jurisdiction in 2014. The bag limit will be restricted to two fish for each angler over the entire season.

The next recommendation relates to criteria for the resumption of salmon netting. Although salmon netting will no longer be legal from 2014 onwards, we have to consider criteria for a potential resumption of salmon netting, should stocks recover sufficiently. It has been agreed that netting can resume only if it is determined that such activity is not likely to adversely impact on a special area of conservation, as defined under the habitats directive. Furthermore, we will also have to assess the impact on rivers that contribute to commercial fisheries. AFBI's advice is that commercial netting can occur only when management targets have been achieved consistently for all monitored salmon populations intercepted by a fishery in the DCAL jurisdiction.

That is consistent with North Atlantic Salmon Conservation Organization (NASCO) advice on the management of mixed-stock fisheries. Freshwater netting on Lough Neagh will continue, and any salmon that are caught are to be returned to the water. AFBI advised that the draft net technique that Lough Neagh fishermen use is not conducive to the taking of salmon anyway, and that is evidenced by the negligible declared salmon catch from Neagh fishermen in recent years.

We also considered the eligibility for salmon net licences in the event of a resumption of netting. In any resumption, first preference will be given to anyone who has held a salmon net licence or their stated nominee, in any one of the three calendar years prior to the introduction of the regulations. Compensation will also be considered for any netsmen who can demonstrate loss of earnings as a consequence of the regulations. Those are the main recommendations on salmon fishing that have been agreed by the Minister. However, for the purposes of expediency, the Department has taken the opportunity to propose some other minor changes that are unrelated to salmon conservation. The principal changes are to the format of an angling licence, which will facilitate the introduction of one licence form for all game angling and one for all coarse angling activity. That will negate the need to print and distribute different licence books for each licence category. It is very similar to the format of the angling licences that are currently issued by the Loughs Agency.

Following this briefing, we will make arrangements for a summary of consultation responses, and our analysis will be published on the DCAL website. The Departmental Solicitor's Office will be tasked with finalising the draft regulations that are required to implement the final consultation proposals. Those will be presented to the Minister in December or January for final approval, and, pending a further presentation to the Committee, the regulations should be introduced by March 2014. We are happy to take questions.

The Chairperson: Thank you very much. There is a suggestion of compensation for netsmen. At what stage will that be considered?

Mr Cassidy: It would perhaps be useful to run through the basis for that. Under the new regulations, compensation will be calculated on the basis of loss of income. We will engage with Land and Property Services to determine the potential entitlement for each netsman. As the Committee may recall, there was a buyout scheme in the early 2000s. We will continue with the provision of compensation to any netsmen who wish voluntarily to give up their entitlement to a licence. In that event, we would again involve Land and Property Services to establish the compensation levels.

We have had a lot of discussions with the netsmen over the past two years. It is fair to say that the netsmen fully understand the need for these conservation measures, and that is reflected in the fact that they have not fished over the past number of years. It was very important that we recognised that

they were giving up their livelihoods and that we would apply appropriate compensatory measures in those circumstances. They have welcomed that. We have paid them compensation for not fishing for the past two years, but this will be a further compensation payment to reflect the fact that we are bringing in a mandatory cessation.

The Chairperson: Have many of them indicated that they may wish to give up their entitlement to a licence?

Mr Cassidy: We have not yet had those detailed discussions, Madam Chair. The commercial netsmen are waiting to see what the outcome of this process will be. We will then meet them to talk about their individual requirements and their long-term prospects.

The Chairperson: So this is an ongoing process, specifically in relation to netsmen?

Mr Cassidy: It is. As Liam mentioned, one of the key issues for the netsmen was the protection of their historical right to fish. We have built into the legislation that, if we are in a position in the future where we have sustainable levels of fish that can be harvested, those commercial netsmen or a nominee can apply to the Department for a licence. That copper-fastens their right to apply for a licence in the future, should we be in a position where there are surplus stocks and are meeting our conservation levels. It is quite a complex process. Perhaps Seamus will run through the circumstances in which that scenario may arise.

Mr Seamus Connor (Department of Culture, Arts and Leisure): We have six indexed rivers in the DCAL area, and a conservation limit is set for those. The task for us is to set the conservation limit for all our major salmon rivers that we have identified in our NASCO plan for the next five years. We will do that. We have to identify that there is a surplus above that conservation limit if we are to allow anglers to take fish. Obviously, the bar would be set slightly higher for commercial netsmen.

We need to ensure that the increase in stock levels is sustained over a period, rather than it just being a yearly increase or decrease. We will be looking for data that is consistent over the previous five years to ensure that any trends that we are seeing are going to last. Once we identify that, our scientific committee will look at all the data that is coming in for catches, surveys and adult fish counts. They will make an assessment and recommendations to the Department. We will then consider those recommendations and decide which rivers can be placed in the list of exceptions and whether commercial fishermen are able to fish again if there is a sufficient surplus.

The Chairperson: So this will be very much based on science rather than anecdotal evidence?

Mr Cassidy: Absolutely.

Mr Connor: Very much so.

The Chairperson: I am very conscious of previous conversations that we have had in which it was very much a "them and us" situation between the anglers and the commercial netsmen. It was quite contentious at times. If the Department is going to take a lead on that, I welcome it.

The comment is made in your written presentation that the proposals had been "largely welcomed". Obviously, that means that they were not welcomed by everyone.

Mr Cassidy: The fact that we had 200 responses to the consultation, Madam Chair, shows the degree of interest and the diversity of views. When we were taking proposals forward to the Minister and the Committee for consideration, it was on the basis that our fundamental objective is to conserve salmon stocks. However, in doing so, we had to recognise that we need to build in certain contingencies to allow fishing to resume in the future if the science dictates that it can.

The key thing about all our policies is that they are underpinned by sound scientific advice. Our AFBI scientists have an international reputation in that area. To answer your point, our scientific committee will be representative of senior scientists in fisheries and our Chief Fisheries Officer. There is a degree of independence to that process, and it will be transparent and clear. Each year, there will be a report on the annual return and how our waters have met the management targets etc.

The Chairperson: Over the past couple of days, all Committee members have received correspondence from The Honourable The Irish Society that enclosed a report by AFBI on the use of prawns and shrimp as bait. You reflected on that in your presentation, but, for the record, I have to ask whether that evidence has been taken into consideration.

Mr Cassidy: It has. If I recall correctly, we met with The Honourable The Irish Society on a number of occasions. It has taken a very responsible approach and introduced voluntary catch and release a number of years ago. That, obviously, had an impact on its fisheries, as it would have on any other private fisheries that have taken that line.

The society made two key points. The first was that we should recognise that shrimp and prawn was an acceptable method for fishing and that, in its view, if that method were used, there was a higher level of certainty that the fish would survive. We took the advice of our scientists on that and they carried out a study; Seamus will perhaps comment on that later. They confirmed that, indeed, shrimp and prawn bait is a very acceptable way of fishing as it effectively catches the fish in the upper lip and therefore minimises damage. Its other issue was about sea trout, which it lobbied to ensure were not included in the legislation. Again, as Liam mentioned, we commissioned AFBI to carry out a very extensive piece of work to look at that. The bottom line is that there was insufficient data on which to base genetic safe limits for the exploitation of sea trout. For example, in the period 2002-10, only 110 fish were detected. The data suggests that there are very low numbers of sea trout in the waters, and that is reflected in the catch rate. The consensus was that it would be prudent to adopt a precautionary approach until we have a sound and robust scientific stock analysis to determine the position.

We met one of the requirements that The Honourable The Irish Society and others wanted, but, in the circumstances of uncertainty around the sea trout stock, we felt that it was appropriate to take a precautionary approach on that. We will engage AFBI to carry out further research in that respect.

Mr Ó hOisín: Thank you Aidan, Seamus and Liam. I declare an interest as an angler. Most anglers I have spoken to have welcomed this — almost exclusively. There are a few questions about the practicalities. I have a couple of minor questions. The rationale for the inclusion of sea trout was a very good one. I was lobbied in my constituency by the lower Bann representatives for that not to be included. I also have to say that the deputy First Minister was not pleased that it was included, but that is another story. He fishes exclusively for sea trout, as I understand it.

Strictly speaking, do barbless hooks have to be manufactured that way, or can they be hooks with the barb removed? It is a technical question, but I am sure that many fishermen have boxes of hooks, none of which is barbless.

Mr Connor: It can be either a properly manufactured barbless hook or one where the barb has been flattened.

Mr Ó hOisín: Maybe that could be made clear. The worms issue caused me a bit of concern. I believe that there are some guidelines or a video coming out shortly.

Mr Connor: We have a big job to do in working with the angling clubs, and I am pleased to see Ulster Angling Federation representatives here this morning. We need to educate anglers about the new approach. One of the issues is that we could not legislate for every eventuality. That is why we stuck to the permissible methods and the type of hook, but, ultimately, the success of this will rely on fishermen on the river bank adopting whatever approach is necessary to ensure the survival of the fish. We are rolling out an education programme. We have produced a video on catch and release. We will also produce a range of advisory leaflets, which will be circulated widely in the fishing community.

Mr Ó hOisín: The prohibition on the use of worms prior to July is for the protection of smolts etc. Is that right?

Mr Connor: It is, yes. The key message from the scientists is that we need to get as many salmon back to the rivers as leave them. There are instances where people will catch smolts when they are fishing early in the year, particularly when they use worms, so the idea is to protect the smolts and maximise the smolt outrun from the rivers to ensure that they will come back again.

Mr Ó hOisín: That makes sense. The major concern is the provision in the legislation for exceptions to catch and release. We met the Lough Melvin anglers in September, and they had concerns. There was also concern about the feeder rivers of Lough Neagh in that, if conservation levels were reached on the Bann that may not represent or be relevant to the likes of the Ballinderry or Agivey rivers, or any of the six feeder rivers. How would that pan out?

Mr Connor: Lough Melvin will be the exception because the scientific data has proven that there is an excess above the conservation limit there. That has been the case for a number of years, so anglers can take fish there. We intend to group the other rivers genetically. We are looking to identify genetically which groups of rivers are the same. Although we do not have conservation limits set for all rivers, we will look to the index rivers for guidance in respect of what salmon stocks are doing. Where there is a group of rivers, the NASCO advice is to protect the weakest stock, so management decisions that we take depend on the potential impact anglers will have on the weakest stock. We will always seek to protect the weakest stock. That may mean that anglers may not be allowed to fish downstream at certain times of the year.

Mr Ó hOisín: Because of the unique position of Lough Melvin, has any discussion taken place around it being adopted or included in the Loughs Agency, which has a remit for Foyle and Carlingford?

Mr Cassidy: We have had discussions with the trustees of Lough Melvin, and we are certainly giving active consideration to that. We propose to meet the trustees over the next couple of weeks to discuss that. Perhaps we could report back to the Committee at a later stage.

Mr Ó hOisín: I welcome the single licence proposal. I think that it should apply to all rivers across the board. It should have been worked on with the Loughs Agency, and I hope that that will be part of your discussions. It would make life so much simpler if we were working with a single licence right across the board for Loughs Agency and DCAL waters and, indeed, right across the island. That would be good for the fishing tourism product.

Mr Cassidy: Madam Chair, I could pick up on that point. We are working with the Loughs Agency, Inland Fisheries Ireland and the Department of Communications, Energy and Natural Resources in the South. A group has been established to consider a scoping study to look at an all-Ireland licensing regime. That work is under way.

Mr McMullan: Thank you for your presentation. You are very welcome. I broadly support this, but I have a few concerns. In the event of, at some stage, the nets being re-licensed, does that automatically do away with catch and release in the rivers? I am scared of an "us and them" situation arising again, and I am afraid about a couple of these things because I can see people starting to pick through them and saying, "There is something going on here."

Mr Connor: It is probably fair to say that, if nets are back on again, we reasonably expect that fish stocks are at a fairly good level. There are other management options that we have such as bag limits, maximum number of fish and quotas. We can put those in place to ensure that, when commercial fishing ensues again — if it does in the future — there is a proper management regime in place to ensure that enough fish get back to the rivers. We will always look back to the conservation limit to ensure that that number of fish get to the river next year to make sure that the river is properly seeded.

Mr McMullan: Nothing in this states that for an angler to read. Anglers and even some organisations who were beating your back with a stick prior to this will continue to do so unless that is clearly laid out. I advise you to do that, because some people will jump on you for that.

Mr Connor: We hope to have a series of meetings with anglers, probably next year before the fishing season starts, and we will take the opportunity to explain to them what the conservation limit is, how we propose to manage fisheries, and under what circumstances angling will resume on a river and commercial netting will take place. That will provide an opportunity for people to ask what will happen in various scenarios. Hopefully, that will clarify the issues, because this is all based on scientific advice and on sufficient numbers getting back to the river. The key thing for us is that salmon get back in sufficient numbers.

Mr McMullan: Will there be a more robust check on numbers caught in nets than in the past? Compensation has been paid, and it is paid on what was caught or what was recorded as caught. The

argument is this about whether those numbers were caught. That is neither here nor there; it is for someone else to sort out. What do we put in place to make sure that does not arise again? That question will be asked of you. What robust scheme will you put in place to monitor what is actually caught? There are conflicting reports, and some say that a lot more was caught than was recorded?

Mr Connor: Enforcement is part of our role. We make sure that the nets are inspected regularly and confirm catches for that day. We ensure that sufficient inspections take place to stand over the figures.

Mr McMullan: I agree with Mr Ó hOisín's comment about all rivers. Will it also include private waters? Another bone of contention is that some private waters take in large amounts of money for fishing but are not controlled in the same way as public waters.

Mr Cassidy: I can confirm that this legislation, if adopted, will apply across the DCAL jurisdiction.

Mr McMullan: What about outside the DCAL jurisdiction? Outside that, the estate owners who own those lucrative rivers feed off the DCAL waters. What are we doing about them?

Mr Cassidy: To be clear, these regulations will apply to anyone fishing in Northern Ireland or in the DCAL jurisdiction, irrespective of whether it is a public angling estate or a private fishery. The law applies across the board.

Mr McMullan: That message needs to go out as well.

Mr Cassidy: Madam Chair, it is important that we re-emphasise this point. Salmon netting can resume only if it is determined that such activity will not impact on a special area of conservation. In the case of County Antrim, it was on the River Finn. Our management targets are for all monitored populations intercepted by a fishery in the DCAL jurisdiction. If it has any impact, salmon netting cannot resume if we do not meet the conservation and management targets in those waters.

Mr McMullan: So it is down to you, based on the scientific evidence on those rivers. For example, in my area or in your area, Seamus, that can only be done on scientific evidence on the numbers.

Mr Connor: Absolutely. As I said, the NASCO principle is to protect the weakest stock. For example, if four out of five rivers were meeting the conservation limit and maybe could be cropped but one of them was not meeting it and is likely to be intercepted by a commercial fishery, it is likely that we would not allow that commercial fishery to operate in order to protect the weaker stock. All rivers that are affected by a commercial fishery must be above the conservation limit at a sufficient level for a sufficient period before we will consider allowing commercial netting to take place.

Mr McMullan: Will compensation to the fishermen, which has already been paid, be made year on year while they are not fishing commercially?

Mr Devlin: Under the present agreement that we have with the netsmen, the payments that have been made are on the basis that they have not fished their nets in the previous two years. The calculation of compensation under these regulations will be separate in that it will be compensation based on the Land and Property Services valuation of how much income they would have raised during the period that they are no longer allowed to net from this period onwards.

Mr McMullan: So every year they are not commercially fishing, they will be paid compensation based, presumably, on what they would have caught?

Mr Devlin: It will not be a year-on-year payment. It will be a compensation package based on the period of time, and that will be calculated by Land and Property Services. It will not be a year-on-year payment for all of the years that they are not fishing.

Mr McMullan: Can anyone else come in on the back of that to claim compensation for loss of earnings?

Mr Devlin: Not under the regulations as they currently stand because they are only for netsmen who are impacted by the regulations and the prohibition of salmon netting. No one outside of those six eligible netsmen has claimed compensation.

Mr McMullan: Nobody outside those six.

Mr Devlin: Nobody outside those six.

The Chairperson: No doubt we will get some information on that as you go through the process. When do you anticipate coming back to the Committee with final proposals?

Mr Cassidy: We will reflect on the views that the Committee has expressed today, and we will go back to the Minister. We would like to come back to the Committee with firm proposals early in January.

The Chairperson: We will see you in January. In the meantime, have a happy Christmas.