



Northern Ireland  
Assembly

**Committee for Culture, Arts and Leisure**

# **OFFICIAL REPORT (Hansard)**

**Wild Sea and Salmon Fisheries:  
Departmental Briefing**

**16 February 2012**

# NORTHERN IRELAND ASSEMBLY

## Committee for Culture, Arts and Leisure

### Wild Sea and Salmon Fisheries: Departmental Briefing

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

Miss Michelle McIlveen (Chairperson)  
Mr William Irwin (Deputy Chairperson)  
Mrs Brenda Hale  
Mr David Hilditch  
Mr Michael McGimpsey  
Mrs Karen McKeivitt  
Mr Cathal Ó hOisín  
Mr Pat Sheehan  
Mr Robin Swann

**Witnesses:**

Mr Mick Cory	Department of Culture, Arts and Leisure
Mr Marcus McAuley	Department of Culture, Arts and Leisure
Ms Karen Simpson	Department of Culture, Arts and Leisure

**The Chairperson:** OK, members. We will move on to our next briefing on angling and salmon conservation, which is from the Department of Culture, Arts and Leisure (DCAL). The Department's briefing paper and the letter that was issued to it on 16 January are in members' papers. The letter highlights the issues that the Ulster Angling Federation (UAF) raised to the Committee.

We welcome departmental officials to the meeting. In attendance are Mick Cory, who is the director of the sports, museums and recreation division; Karen Simpson, who is the head of the inland fisheries group (IFG); and Marcus McAuley, who is the chief fisheries officer. You are very welcome. Thank you for coming this afternoon. I am not sure whether you heard the previous presentation. If you did not, it is a shame that you missed it. However, it has been recorded by Hansard. I am sure that you will take the opportunity to read what was said. I will ask you to make an opening statement, if you like, and then to take members' questions.

**Mr Mick Cory (Department of Culture, Arts and Leisure):** Thank you, Chair. Yes, I will make a short opening statement and, perhaps, move relatively quickly to questions.

Good afternoon. I thank the Committee for inviting my colleagues from the Department's inland fisheries group and me to brief members on a range of angling matters and salmon conservation. I will

provide a general overview of the inland fisheries group, followed by an overview of the Department's current priorities on salmon and inland fisheries. We will then be happy to take members' questions on the issues that are covered in the briefing that the Department provided.

The Department of Culture, Arts and Leisure is responsible for salmon in inland fisheries in Northern Ireland, except those in the Foyle and Carlingford catchment areas, which are the responsibility of the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission. DCAL assumed the responsibilities of the Fisheries Conservancy Board (FCB) for Northern Ireland, which was a non-departmental public body, after it was abolished in June 2009. All functions are delivered in-house, including operational salmon and inland fisheries management activities. So, there is no arm's-length body.

The inland fisheries group comprises the policy and administration team, which is based at Causeway Exchange and Portadown and is led by Karen Simpson. There is also a team of some 50 mobile fisheries officers, industrial workers and support staff, which is known as the fisheries operations and technical support team and is led by Marcus McAuley. That team is based at Causeway Exchange, with outstations at Bushmills salmon station, Movanager fish farm near Kilrea, Castlewellan in County Down, Riversdale near Ballinamallard in Fermanagh, and Derrycrow boat house on the southern shores of Lough Neagh.

The Agri-Food and Biosciences Institute (AFBI) undertakes research and monitoring of salmon in freshwater fisheries. That is funded by the Department. That monitoring provides the scientific basis for conservation and management of the resource.

IFG's current annual expenditure budget is some £4.5 million, which includes salaries and a small capital budget. It generates an income of approximately £540,000 per annum that comes mainly from the sale of fishing licences, both commercial and recreational, as well as permits to fish in waters of the public angling estate.

It is very clear that, currently, the most pressing issue for us is salmon conservation. However, salmon is not the only species that is under threat. The European eel stock has been in rapid decline since around 1980. That decline shows no sign of recovery. A number of causes have been suggested, such as changes in ocean climate, habitat loss, predation, mortality due to hydroelectric turbines, overexploitation, pollution and parasites. In September 2007, the European Commission adopted the European eel regulations, which aim to establish measures for the recovery of European eel stocks. DCAL's programme for the conservation of eel stocks is set out in three eel management plans, which the European Commission approved in March 2010. Later in 2012, the Commission will review those plans to ensure that the management measures that we have taken to conserve eel stocks are achieving the conservation objectives that the European eel regulations set out.

Moving on to salmon, the wild Atlantic salmon is an iconic species, and it is currently under threat of extinction. Robust scientific evidence has been gathered locally and internationally over many years to support that conclusion. It is clear that continued exploitation of wild salmon by commercial and recreational fishermen in the DCAL jurisdiction is no longer tenable. There is a significant risk that, if we do not take urgent action, we will be in breach of the EC habitats directive and subject to the possibility of infraction proceedings. That brings with it the threat of hefty fines of up to £350,000 a day, which would be levied on the local devolved Administration. We cannot allow that to happen, as it would impact not just on fisheries but, potentially, on all aspects of public services in Northern Ireland.

Commercial and recreational fisheries benefit from exploiting the salmon. If the salmon were to disappear as a species, that would not be of any benefit to anyone in the sector. It is in all stakeholders' best interests to show a united front and to take steps now on a voluntary basis to address those concerns. The Minister has called for the adoption of a range of voluntary salmon conservation measures for the 2012 season. Those will allow the Department time to fully consult on the further steps to be taken to address the future sustainability of salmon stocks in the DCAL jurisdiction. So far, we have had a very positive response from a range of clubs and individual anglers to the call for voluntary catch and release for the 2012 season. Although efforts are focused on salmon conservation at the moment, I can confirm that the Department is also commissioning

research on the status of stocks of other fish species to advise wider conservation policy and measures.

The Committee has asked for a briefing on some matters that the Ulster Angling Federation raised. The Department has provided the Committee with a written response to those matters. I therefore do not propose to read that out, but I suggest that that be our on-the-record response to the Committee. We were not advised of those issues by the UAF directly. It might have been a better use of all our time if those matters had been raised in writing with the Department in the first instance or through the salmon and inland fisheries forum in the first instance. We would have addressed many of the points directly with the UAF. However, they have been raised, and we have responded to you in writing. We will be happy to take questions on that in a moment.

The DCAL inland fisheries group is unique in the Department, as it is responsible for both fisheries and the delivery of services to the public and to other Departments and agencies. That requires a wide range of skills and technical expertise, and I commend to the Committee the effort and commitment displayed by all the DCAL inland fisheries staff in dealing with a plethora of complex issues and procedures in that field.

I thank you for your attention. Karen and Marcus, who are with me today, will take the lead in answering your questions on their areas of responsibility.

**The Chairperson:** Thank you very much, Mick. Has the Department received any communication to date from Europe about a potential breach of the EC habitats directive?

**Mr Cory:** Marcus will cover that in a moment, but the Department for Environment, Food and Rural Affairs (DEFRA) deals with European issues. We have had communications from Europe, supplied to us through DEFRA.

**Mr Marcus McAuley (Department of Culture, Arts and Leisure):** Most recently, there was a meeting in DEFRA in London. I took part via telephone, and we described the measures that we were taking to address DEFRA's concerns. Those concerns are principally on the potential impact of the north Antrim coast salmon fishery on protected stocks that are on their way, if you like, to the Foyle, which is a special area of conservation (SAC) for salmon. We described the scientific monitoring that we have done and the analysis of the catch of those nets, which reflects an assessment under article 6 of the habitats directive. We have provided that assessment to DEFRA, and we await further contact.

**Mr Cory:** We have also supplied DEFRA with a copy of the scientific report that assesses the genetic basis for the decisions that are being taken.

**The Chairperson:** The netsmen have obviously made applications for their licences. Are there plans to issue those licences to them in advance of the start of the season?

**Mr Cory:** The Department cannot issue the licences; it would be in breach of an EC law, and EC law takes precedence over local law. So, if commercial netsmen have a right under even the Fisheries Act, and we issue licences, we would be in breach of an EC directive.

**The Chairperson:** So, you have no plans at this stage to issue those licences?

**Mr Cory:** We have no plans to issue those licences.

**The Chairperson:** Have you had direct conversation with the netmen about this matter?

**Mr Cory:** Over the years, some, yes. We had three letters back from the netmen. We wrote to them outlining our proposed steps, but we had a number of conversations over the past number of years and offered them voluntary buy-out schemes. I think that those ongoing conversations will —

**The Chairperson:** Just given that this is quite a dramatic move for them, and we heard extensively this morning about the impact that that will have, do you plan to have a meeting with the association? Obviously, a conversation is easier had than an exchange of letters.

**Mr Cory:** Yes, of course. This is an interim measure. We are not proposing a permanent measure. This is to allow us time to consult fully with the range of interests over the next number of months as to the longer-term actions that we can take to improve the sustainability and deal with the threat to the salmon.

The netmen are one important group of stakeholders but are certainly not the only group of stakeholders that we have to take account of. For example, there has been a significant campaign over the past number of weeks whereby recreational fishermen have been writing into the Department. There have been over 700 letters, as well as petitions calling for a ban of commercial fishing off the north coast.

Yes, we would be happy to have further conversations with the netmen on how we take the matter forward to allow a broader consultation and to find a longer-term solution to this measure.

**The Chairperson:** You detail in your briefing paper the specific number of salmon that commercial fisheries catch, but you give an approximation for recreational rod. None of us is au fait with how you can then make up the estimate, given that only 25%, I believe, issue returns to the Departments. How do you come about those figures?

**Mr McAuley:** A carcass tagging scheme has been in place for some years. Any wild salmon must be tagged. The legal requirement is to put a little tag through the gill. Commercial fisheries have a logbook, and the information in that is returned. So, simply put, it is a legal requirement to return figures of the total catch.

We acknowledge that there is not 100% compliance for angling. Although we do our best to enforce it, we must recognise that there is not 100% compliance. So, when making stock assessments, we use factors to uprate the angling catch to reflect our best estimate of under-reporting.

**The Chairperson:** You are saying that there is not 100% compliance, but we heard today that there is only a 25% return. Is that accurate?

**Mr McAuley:** My understanding is that the catch return from commercial fishing —

**The Chairperson:** No, I mean from rods.

**Mr McAuley:** Sorry, that is the point that I was making. Although it is a legal requirement for every angler to tag every wild salmon and report the catch through a logbook system, we recognise that, unfortunately, that is not the case. The figure of 25% has, maybe, been presented as an estimate of the total catch, that is, 25% of anglers return their tags or report their catch. So, we recognise that, and, in making stock assessments, we upgrade the figures and report them internationally through the

International Council for the Exploration of the Sea (ICES) to the North Atlantic Salmon Conservation Organization (NASCO), which are the bodies concerned.

**The Chairperson:** Clearly, the line that you are going down with nets is that there is a moratorium on the catch of salmon. This is probably a naive question, but why can there not be a moratorium across the board?

**Mr Cory:** That is effectively what we are asking the sector to do, although not totally. It is a catch-and-release voluntary measure, as I understand it, for recreational fishing. There are some difficulties in applying that, but, nevertheless, we are asking the sector to collaborate across the piece to ensure that the rod-caught fish can be returned. If you are going to take longer-term measures, there is a requirement to modify and legislate for them.

**The Chairperson:** We understand, from the presentation, that doing even that would cause stress and potential death to salmon.

**Mr McAuley:** As you will know from nature programmes and so on, a salmon is a very robust animal. For example, it can get up waterfalls. Its purpose in life is to get back to spawn. In short, if it is caught appropriately, handled with care and released, it will survive. The survival rate of rod-caught fish is quite high. There is some risk with certain methods, such as worm-fishing whereby the hooks might be more deeply embedded, but, as has been mentioned, if we legislate accordingly in due course or consult on the appropriate measures, a salmon that is caught by an appropriate method and handled with care will survive. There is research on that.

**Mr Cory:** The key point is that we would like to consult on the range of measures that are necessary to address the issue in the longer term. We are looking for voluntary collaboration by the sector across the piece to help us to carry out that consultation this year and address that in the longer term.

**The Chairperson:** So, you are looking for voluntary rather than mandatory collaboration at this stage?

**Mr Cory:** Yes, because we do not have the powers to introduce mandatory actions at this time.

**Mr McAuley:** I would add that an option in consultation must be, in my view, for a total cessation — no angling at all.

**Mr Cory:** All options will be in the consultation, from complete cessation to a "do nothing" option.

**Mr Ó hOisín:** I want to establish from the outset that commercial net fishing for salmon is not in breach of any EU directive and that the potential infraction being imposed would be down to article 6 of the habitats directive, which concerns fish coming back to SACs etc. Netting in itself is not the issue; it is the chance that fish may be coming back to rivers in SACs. I wonder how that sits with DEFRA.

I assume that, as with DCAL here, DEFRA issues licences to fishermen, and netsmen in particular, in Scotland, England and Wales, because it is the overriding body. However, when it comes to water and sewerage issues in this jurisdiction, responsibility is mixed across three or four Departments. I wanted to establish that from the outset.

I am not sure what impact that would have on mandatory closure of rivers because of stocks. I can understand how it might work for the netsmen, but that is a contentious issue, as I am sure you would

agree. What are the details of that anticipated £350,000 a day infraction? When would that kick in? How would it be addressed? It is not clear. The 275 English and Welsh nets and the 50 Scottish nets can potentially take fish that are coming to rivers in this country, or indeed, all of Ireland. I wonder how that sits with article 6 of the EU directive.

**Ms Karen Simpson (Department of Culture, Arts and Leisure):** I will address the question of infraction. If the Commission were minded to pursue infraction proceedings, there is a set process to follow. We would either be advised that it intends to commence proceedings immediately, in which case we would have three months to respond, or we could be given the chance to take corrective action within a period of three months. Assuming the worse-case scenario — that the Commission felt that infraction proceedings were justified — it would make an application to the European Court of Justice, and it is that court that would, in fact, levy the penalty, which could be a fine of up to a maximum of £350,000 a day. It is highly unlikely that it would be up at that maximum level, but the scale of the fee is at the court's discretion.

**Mr McAuley:** In respect of the earlier point about exploitation, nets and the habitats directive; in the simplest terms, if salmon populations are not maintained at favourable conservation status, that will be viewed as a breach of the habitats directive. At the moment, the monitored populations are not at favourable status. We have a robust methodology to determine the status of our populations, so we know that they are not at favourable status, despite the range of measures that we have taken over the past 10 years to 15 years. Our science has demonstrated that the nets are taking fish that are on their way to a special area of conservation, as I mentioned. The habitats directive has wider scope in respect of maintaining an exploited species in favourable status. Given that fish are being intercepted on their way to a special area of conservation and that other populations are being exploited when they are not at favourable status, we are, ultimately, at great risk of infraction.

**Mr Ó hOisín:** Would the netsmen have due cause and justification in taking umbrage at the Department if those who refused the buy-out scheme were now prevented from fishing, while fish intended for rivers in this country are caught elsewhere in contravention of the overall EU directive?

**Mr Cory:** I can make a point on that. That is already happening internationally. The fisheries of the Faroe Islands and Greenland have ceased catching salmon offshore and have complained to Europe, through NASCO because although they have ceased their activities, others are catching fish elsewhere. That is part of the international picture. They are already making that point. The North Atlantic Salmon Conservation Organization is seeking all nations to make a concerted effort to address that, and Europe is backing that up by making inquiries not just here but across Scotland, Wales and England.

**Mr Swann:** Hello, folks. It is good to see you again. Have you any idea of the commercial value in a calendar year of the catches from the nets off the coast?

**Mr McAuley:** In 2010, 4·8 tons of salmon were caught in the north Antrim fishery. We are not party to information on exactly what the commercial value of that is, and I would not really want to just guess.

**Mr Swann:** That is fine.

**Mr McAuley:** We are aware of the quantity caught.

**Mr Cory:** We can provide the Committee with the numbers of fish that that relates to.

**Mr Swann:** I think that we have that detail in the briefing paper. For complete clarity, Michael, did you say earlier that the Department will not be issuing net licences this year?

**Mr Cory:** It is not that we will not; we cannot. We would be in breach of —

**Mr Swann:** So, the netsmen will not be receiving their licences.

**Mr Cory:** We cannot issue them.

**Mr Swann:** The briefing paper states that, under the Fisheries Byelaws (Northern Ireland) 2003, you have to give them 14 days' notice. Has that been issued to them in writing?

**Ms Simpson:** No, not yet. Following the Minister's request for voluntary measures, we have sought views from the stakeholders, including the Salmon and Inland Fisheries Forum (SIIF).

That forum is due to meet later this month, and the Minister will take on board the views expressed by the forum and other stakeholders before coming to a final decision on the way forward and what exactly the next steps will be. We will be in contact with the netsmen well before the beginning of the new season.

**Mr Swann:** You mentioned the SIIF. From what I have heard previously and the further briefing papers and information received today, I am becoming extremely worried about its functionality and effectiveness as a means of communicating with the Department. I think that you are aware that the Ulster Angling Federation threatened to withdraw from the forum. The Wild Sea and Salmon Fisheries Association told the Committee that it did not feel that anybody represented it, even though it is a member of SIIF. The association felt that no one listened to it or represented its interests to DCAL. The Committee has received correspondence stating that, at SIIF's most recent meeting, the majority asked for the licences to be issued. We have now received personal correspondence from the chairman, on a personal basis, which states that all sea netting should be banned and that SIIF is a very hard body to manage. It seems to me to be a dysfunctional body.

**Mr Cory:** The Salmon and Inland Fisheries Forum is an important forum for the Department in seeking advice from the sector. It is a diverse sector, and it represents a wide diversity of views. It is fair to say that those views are not always consensual, because the members of the forum, naturally, come at the matter from very different points of view. That, in itself, is an important function: to reflect that diversity to the Department so that we understand that. The forum was established following the demise, or closure, of the FCB to allow us to try to engage in a sensible, co-ordinated and structured way with the sector. My understanding of the meeting in January is that there was not sufficient representation to get the views of the widest range of the sector, and, therefore, a special meeting was called for February in order to do that. It is an important forum. I understand your point about whether it is effective; and that is, perhaps, a different issue. However, it is the main forum through which the Department can be advised of the voice of the sector, particularly the diversity of those voices.

**Mr Swann:** I am quite concerned about a number of other issues. Mr Ó hOisín raised a concern about the complete closure of rivers being one of your consultation options. Do you not recognise the concern that the complete closure of rivers to angling, should it be on a catch-and-release basis. If the responsible anglers were not also acting as bailiffs for their waters, there would be a larger threat from illegal netting and the illegal killing of fish? Anglers are probably some of the best bailiffs and policemen for their stretches of river. So to go for complete closure might have a more adverse effect.



**Mr McAuley:** That point has been and continues to be well made. My point was that a consultation must consider all options. Those points will, I imagine, be well made during that consultation and will inform the decision. I simply made the point that it must be an option.

**Mr Swann:** I am just making the point that it is not a very wise one.

You referred to the Bushmills research station. Has it served its purpose; is there more work for it to do; or is it also having an adverse effect on the salmon run on the Bush river?

**Mr McAuley:** It is only because of the monitoring of the Bushmills salmon station, which has led the way internationally and flagged up the problems facing salmon. The main problem facing Atlantic salmon at the moment is low marine survival. The figures have been well rehearsed recently: they have dropped from 30% to 5%. Only 5% of young salmon are surviving and coming back. There is something very amiss in the ocean. The eel stocks, which also spend part of their life in the sea, travelling from the Sargasso, have also disappeared. So, we have huge oceanic ecological issues.

We know that only because of the Bush river monitoring of marine survival. If we are to continue to detect any improvement, we must continue to monitor. All the management responses can be informed only by robust monitoring.

**Mr Cory:** Can I make an additional point? Marcus has explained very well how the monitoring of the Bush is very important, and it is important for the Committee to recognise that, if we see an increase and we get the marine survival to improve and the numbers to return, netsmen and recreational fishing could get back to where it has been. The sorts of steps that we might take will need to be monitored on a regular basis, because we are not necessarily looking at stopping it outright, not in the long term. The aim is for the fisheries to become sustainable so that their exploitation can continue. That is a very important point, and I do not think that anyone in either the commercial or recreational business wants a non-sustainable situation in which salmon disappear entirely. The monitoring will inform those future steps, when appropriate.

**Mr Swann:** I will move away from the salmon issue and turn to Lough Neagh. The other indigenous species that are present in those waterways and the management of Lough Neagh have been raised as concerns. Is there anything further there?

**Mr McAuley:** We inherited the Fisheries Conservancy Board function in 2009, and, since that time, I have organised the bailiffing staff under a different management regime with direct regional management and direction, training and the acquisition of further enforcement tools, principally boats. In recent weeks and months, we have had a very direct presence on the lough and have been detecting and removing significant quantities of illegal netting. We are devoting considerable resources to enforcement on Lough Neagh, which, as we know, is a very large piece of water.

**Mr Cory:** First, as we have the Committee's ear, I want to add that, if anyone in the sector or otherwise is aware of any illegal fishing activity, it is important that they make the Department aware of it, and we will take steps to address it. There are means through which to inform us, such as confidential lines and so on. The second point is that we have increased our bailiff work and are far more visible in our activities. Clearly, we do not want to signal where we are going and where that activity will be, but we are recording what activity has been undertaken in the past, and we have information that will tell folk in a transparent way that we are active in that area and, indeed, what prosecution activity results from it. However, prosecution is the ultimate deterrent, but we would rather that it was not happening. We do not particularly want to prosecute people; we want that illegal activity to stop.

**Mr Swann:** I have heard anecdotally that you have 11 bailiffs who work from 9.00 am to 5.00 pm Monday to Friday and that is it.

**Mr Cory:** That is wrong. They work weekends and are up all night in some instances.

**Mr Swann:** I wanted that clarity and for that to be recorded here, Chair, because it is important. Would you consider looking to voluntary support from river club bailiffs and fresh water river bailiffs to supplement what you are doing?

**Mr McAuley:** The legislation allows for the appointment of private water bailiffs, which is anyone with an interest in a fishery and is, for example, often a member of an angling club. We held a number of seminars after we inherited that function to engage with angling clubs through the federation and to promote the idea of people becoming appointed as private water bailiffs. We very much want to work in co-operation. As most of you will know, the Lough Neagh fishery is a private commercial fishery. The title to it is held by the co-operative, which chooses to operate it as a commercial fishery. It has its own bailiffs and protection staff, and we also work with them. So, in short, we very much welcome that.

**Mr Swann:** Would you consider running those seminars again?

**Mr McAuley:** Absolutely.

**Mr Cory:** I would like to mention to the Committee that the DCAL fisheries protection officers do a very difficult job, in uncomfortable situations — wet, dirty, cold. They pull up some nets full of rotting fish. They are sometimes out there confronting people who do not wish to be confronted. It is a difficult job, but they are professional in carrying out their legal duty. I just want to put it on record that that is the case. They take their duty very seriously, as does the Department.

**The Chairperson:** On that point, have you taken many prosecutions?

**Mr Cory:** We do so regularly. We can provide those figures.

**The Chairperson:** That would be useful. Thank you.

**Mr Cory:** It takes some time between detection and prosecution, but we can give you those figures.

**Ms Simpson:** In some ways, the prosecution figure underestimates the amount of effort and success that Marcus's team has. If his staff see an illegal, unmarked net on Lough Neagh, we do not know who owns it — because it is unmarked — and therefore a prosecution cannot follow.

**The Chairperson:** It is just a matter of confiscating the net, then.

**Ms Simpson:** Yes, taking the net off the lough and disposing of it.

**Mr McAuley:** We can dispose of them. We have the power to dispose of those nets, so they are lost to whoever chose to use them.

**Mr McGimpsey:** I just want to briefly recap where we are, because we had the nets people in before. I want to understand exactly what the next steps are. You are not going to issue their licence; is that what I understand you to say?

**Mr Cory:** Ultimately, it is the Minister's decision, but we are not intending to issue a licence.

**Mr McGimpsey:** Your advice to the Minister will be to not issue the licence. I am aware that it is the Minister's decision, but your advice is to not issue the licence. The argument is that it is because of the European directive, is that right?

**Mr Cory:** It is not an argument; we have legal advice that says we would be in breach of the directive and would be acting illegally in issuing those licences.

**Mr McGimpsey:** Is that the European directive that came in a few years ago?

**Mr McAuley:** No, it is the habitats directive.

**Mr McGimpsey:** In 2007?

**Mr McAuley:** No. It came in some time before that.

**Mr McGimpsey:** So, were they in breach last year and the year before? Why this year?

**Mr Cory:** Because we now have scientific evidence that the fish being taken actually come from protected areas under the European directive.

**Mr McGimpsey:** Did you not always have that? You have known that for a number of years.

**Mr Cory:** True, but we now have the evidence that it is the case.

**Mr McGimpsey:** The netsmen are expecting licences to be issued, as has happened for generations — I do not know for how many years, but certainly for a long time — every year around St Patrick's Day. It is not happening this year. I presume that you have sat down and talked them through all this, and that you have very solid legal advice that this is the appropriate step. Your argument is that it is going to cost you £350,000 a day in European money. If these guys do not take the licences, they are going to save you up to £350,000 a day. It seems to me that we are asking for due legal process before this is all over. Have you talked to the netsmen? Have you sat down and said "Look, this is what we are going to do. We are forced to do this. Here is the European directive" and so on and so forth? Have you done that? It seems to me that that would be a reasonable step to take. You would do that in business. In a business situation, if you are in a legal dispute with somebody, those are the sort of steps that you would take. Mediation, it is called. For the netsmen, this is business, and you are taking their business and their livelihood off them. You are doing it on St Patrick's day, and it seems to me that you need to sit down and tell them that, and meet them and their legal advisers to explain it

all. The next thing, it seems to me — you say you have legal advice, and presumably they will have legal advice — is that you cannot just simply wipe out their business arbitrarily, wave a European directive in your hand and say "Here is my legal advice, and that is it." I would have thought, at the very least, that it is extremely unreasonable to go forward on that basis without at least talking to them.

**Mr Cory:** We have had an ongoing conversation with the netmen over a number of years. On numerous occasions, we offered voluntary buyout. At this point, we are in a position where we have scientific evidence —

**Mr McGimpsey:** I could go along to you and say that I want to buy your house. You could say that you do not want to sell it and that that is it. Then, I come along and say that I will knock it down anyway.

**Mr Cory:** If I may finish; I am not suggesting that we will not talk to them. We have had a conversation over a period. We have made offers. We have written to them. We are in a difficult situation. I will make the point again; we are not taking nets away. We are not issuing licences in 2012 in order to consult them on what the solution is in the longer term.

**Mr McGimpsey:** Are you saying that they can fish without licences?

**Mr Cory:** I do not think that that would be the solution; would it?

**Mr McGimpsey:** I am trying to find out where you are coming from. I am trying to understand the situation into which you have got yourself. It is starting to look like a cul-de-sac. You will not give them licences. I understand that they need licences to fish. Therefore, whether you take away the nets is irrelevant: you are taking away their livelihoods.

If you came along to William and said that there was to be no more farming on his farm, that would take away his livelihood, and he would feel aggrieved. Any businessman would. That is the world of business. They all have the ability to seek recourse, compensation or whatever. It seems to me that the Department's steps are totally unreasonable. Here we are, four weeks away from issuing licences, and you are saying that you will not do that and that you will now have a conversation.

**Mr Cory:** We cannot do it. We would be in breach of an EC directive.

**Mr McGimpsey:** So, a law came in between this time last year, presumably, and now.

**Mr Cory:** Scientific evidence suggests that we are in breach of an EC directive. Therefore, the Department is not in a position to do that.

**Mr McGimpsey:** You had better be really sure of that.

**Mr Cory:** We will take that point on board.

**Mr Sheehan:** What responsibility does the Department have for waters where there are private fishing rights?

**Mr McAuley:** The fisheries regulations apply to all fisheries. Therefore, the fisheries by-laws of 2003 and amendments that have been made to them since then apply to all fisheries regardless of whether they are private. Specific rules for the public angling estate sit within that, if you like. However, the breadth of regulations for legal fishing practices applies to all fisheries.

**Mr Sheehan:** Therefore, for argument's sake, if a ban on salmon fishing were brought in on all rivers in the North, it would apply to rivers that were privately owned or on which there were private fishing rights.

**Ms Simpson:** Yes. The fishery owner can impose conditions on his fishery. However, those conditions must be either as strict as or stricter than the law.

**Mrs Hale:** How many illegal nets have you actually removed? What lengths are they?

**Mr McAuley:** Since April 2011, in the current financial year, we have removed 45 km of nets from Lough Neagh. They are sheets of net.

**Mrs McKeivitt:** I want to return to a point that Mr McGimpsey touched on. Will the European directive, etc, apply to netsmen in South Down? If so, is there scientific evidence that applies to that area?

**Mr McAuley:** The EC directive applies throughout Europe to any activity that might impact on the favourable status of the species. Therefore, in short, the answer is yes.

**Mrs McKeivitt:** I understand that 10 year ago, a number of netsmen went into the voluntary buyout scheme. Was that offered to netsmen every year, or has it been reissued simply on account of the information that you say is forthcoming?

**Ms Simpson:** It has not been an annual offer, but an offer of a voluntary buyout has been made on a number of occasions, the last of which was in 2008-09.

**Mrs McKeivitt:** Is there any guidance for us when they say no? How can this be moved forward when fishermen and their families have had the right to fish with nets for over 500 years? They see it as their culture and heritage.

**Mr Cory:** Work on that guidance will certainly be part of the consultation.

**Mrs McKeivitt:** What consultation?

**Mr Cory:** The one that will take place. We are talking about an interim voluntary step this year of not applying for licences to allow a full consultation on the longer term measures to be taken.

**Mrs McKeivitt:** I want to go back. We had a report. The netsmen have applied for their licences and they have paid their fee. They are expecting the licence to be in place by 17 March so that they can go and fish. We are hearing that they will not have their licences. The guidance that you are giving the

Minister is that he should not issue the licences. How we are going to bring this forward before 17 March? They are supposed to get 14 days' notice. Is that right?

**Mr Cory:** Yes. We will obviously need to take the relevant steps at that time. At the moment, the Minister has not made that final decision. She will wish to take into account the formal responses from the netsmen. We have written to them, and we have some responses, but not all. She will wish to take into account the response from the Salmon and Inland Fisheries Forum. Next week's Assembly debate will be important, as will the existing legal advice. The steps to be taken thereafter will, obviously, be part of that consideration.

**Mrs McKeivitt:** I am trying to get my head around the decision. Ten years ago, when you came up with the idea of the voluntary buyout, and everyone bar six or seven netsmen bought into it, there was a massive decline. It is obvious that they are not causing the problem in salmon fishing. What has changed from last year's licence issue, when it was obvious that there was a decline long before last year?

**Mr Cory:** We have a scientific report that shows that the netsmen are catching fish from an EC habitat directive-protected waters.

**Mr McGimpsey:** So if they go away, it will save you up to £350,000 a day.

**Mr Cory:** It is not just an economic argument. There are three arguments. The first is the moral one about the survival of an iconic species. The second is a financial one, to do with the potential for a £350,000 a day fine. The third is the sustainability argument, which is that it is in the interests of the whole sector that the fisheries should become sustainable in order to allow the exploitation to continue. The evidence at the moment is that it is not.

**Mr McGimpsey:** You have not sat them down to talk them through that.

**Mr Cory:** As I say, we have had ongoing conversations with them, and part of that step forward, as I said to Mrs McKeivitt, may well include that.

**The Chairperson:** I am reluctant, but Mr Swann wants to ask a short question.

**Mr Swann:** It is a short question.

**The Chairperson:** So is Mr Ó hOisín's.

**Mr Swann:** An offer was made in 2008. Did anyone take up that offer, or are we still talking about —

**Ms Simpson:** In the original voluntary buyout, 55 nets were reduced to six. Those six have remained. The formal holders of those net licences have declined subsequent offers of a voluntary buyout.

**Mr Ó hOisín:** I wonder what the officials would make of the netsmen's assertion that no substantial communication has been held with them over the past three years about their licences.

**Mr Cory:** They have not made that assertion to us, but we have recently written to them. There is also consultation through the Salmon and Inland Fisheries Forum, which is a key part of that direct contact.

**Mr Ó hOisín:** Has there been direct contact?

**Mr Cory:** I visited one last year and had quite an interesting conversation.

**The Chairperson:** Going back to the original point that was made when I asked the question, there is nothing quite like conversation, particularly when you are dealing with something as controversial as this, which affects people's livelihoods. Maybe, there are lessons to be learned from this as well.

**Mr Cory:** Absolutely, and I am always open to those lessons. This is a complex sector, and it is not just one group of people that that conversation has to take place with.

**The Chairperson:** We appreciate that as a Committee, having heard various sides of the argument.

**Mr McAuley:** I will make a very quick point. For the first time, international scientists in France, following considerable monitoring in the marine environment, which is where the real problem is, are talking about extinction. That is the reality. We are talking about entitlement to fish, points in support of which were all well made, but it is very important that we all recognise that we are talking about a wild animal that is being threatened with extinction.

**Mr Irwin:** Forgive me for being confused, but, on the one hand, we are told that a licence cannot be issued and, on the other, we are told that you have not made a final decision. Michael McGimpsey is absolutely right. You are leaving this to the last second, and you have not spoken to the people concerned. We received a presentation from those people, and they seemed reasonable enough in that they want to conserve the stock as well. However, they feel that they are being left out, are not being spoken to and no one is dealing with them. You need to be very careful about how you take things ahead. I cannot believe that no one has met with them, spoken to them and tried to deal with the situation in a proper manner.

**Mr Cory:** If the Committee wish to made that recommendation to us, we will certainly take it on board.

**The Chairperson:** Thank you very much for your presentation and for taking questions. We will return to this.

**Mr Cory:** See you next week. *[Laughter.]*

**The Chairperson:** Thank you.

**Mr Cory:** Thanks.