



# LOUGH CORRIB PIKE RESEARCH & CONTROL GROUP

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**Submission to  
The Department of the Environment, Climate and  
Communications (DECC)**

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**Public Consultation  
on  
Designated Salmonid Waters Bye-Law 2021**

**August 20<sup>th</sup> 2021**

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## 1.1 LOUGH CORRIB DESIGNATED BROWN TROUT FISHERY

While this public consultation process is solely concerned with a proposed 'Designated Salmonid Waters Bye-Law', we are taking this opportunity to highlight the gross contradictions and dysfunctionality within inland fisheries policy/legislation as it pertains to Lough Corrib Special Area of Conservation (SAC) and its salmonid population. This dysfunctionality is driven by a covert agenda within the Inland Fisheries Division of the Department of the Environment, Climate and Communications (DECC) to impose a mixed fishery model on every freshwater body in the country, in complete contravention of the EU Habitats and EU Water Framework Directives. This mixed fishery model can be simply defined as the validation and legitimisation of all anthropogenic introductions of invasive coarse fish including pike to every watercourse in the country including SAC lakes and rivers.

On July 2<sup>nd</sup> 2020, the European Commission<sup>2</sup> issued a press statement regarding their decision to refer Ireland to the Court of Justice of the EU over its failure to designate Special Areas of Conservation (SACs), more than five years after the deadline expired. Under the Habitats Directive (Directive 92/43/EEC), Member States must designate SACs, with specific conservation objectives and corresponding conservation measures to maintain or restore a favourable conservation status of the species and habitats present.

These steps need to be carried out within six years from the inclusion of these sites in the EU list as Sites of Community Importance (SCI). In the case of Ireland, 154 SCIs (out of 423) have not yet been designated as SACs in the Atlantic biogeographical region, although the relevant deadline expired in December 2014. Site-specific conservation objectives have not been established for 87 sites, and the necessary conservation measures have not been established at any of the 423 sites.

To date, necessary conservation measures have not been listed for Lough Corrib SAC and the Department of Housing, Local Government and Heritage have continually failed to produce the necessary S.I. (Statutory Instrument) to complete the formal designation of the site as a Special Area of Conservation in accordance with Article 4 of the Habitats Directive.

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<sup>2</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_1235](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1235)

Lough Corrib was designated a **Salmonid Water** under S.I. No 293/1988 European Communities (Quality of Salmonid Waters Regulations 1988) and as previously stated is a designated SAC (Special Area of Conservation) under the EU Habitats Directive due to the presence of Atlantic salmon a qualifying interest species under Annex II/V of the Directive.

Under current Inland Fisheries Ireland (IFI) policy<sup>3</sup>, Lough Corrib is a designated wild brown trout fishery where pike management occurs. This brown trout policy originally implemented in 2014 was supposed to be reviewed in 2017 (3 yearly intervals) but to date IFI have made no attempt to do so. Considering this failure by IFI to follow its own procedures and policy development processes, how will the new IFI CEO influence any future salmonid policy on Lough Corrib considering that DECC are hamstringing the incumbent CEO at every opportunity with their mixed fishery agenda? Will he preside over another shambles just like his predecessor did with respect to the 'Pike Management Review (2016-2018)' or the 'Sea Trout Policy' development that was mysteriously shelved in 2017?

## 2.0 THE LOUGH CORRIB SAC

The Lough Corrib Special Area of Conservation (Site Code 000297) is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240ha (the entire site is 20,556ha).

Special Areas of Conservation (SACs) are prime wildlife conservation areas in the country, considered to be important on a European as well as Irish level. Most SACs are in the countryside, although a few sites reach into town or city landscapes, such as Dublin Bay and Cork Harbour. The legal basis on which SACs are selected and designated is the EU Habitats Directive (Council Directive 92/43/EEC of May 21<sup>st</sup> 1992 on the conservation of natural habitats and of wild fauna and flora), which is transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011). The Habitats Directive was initially transposed into Irish law in 1997 by the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997), with later amendment regulations (S.I. No. 233 of 1998; S.I. No. 378 of 2005).

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<sup>3</sup> Inland Fisheries Ireland, Brown Trout Policy, August 2014, IFI/2014/1-4233.

The aim of the European Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) is to create a network of protected wildlife sites in Europe, which are maintained at a good conservation status. The Habitats Directive formed a basis for the designation of Special Areas of Conservation (SACs). Similarly, Special Protection Areas (SPAs) are legislated for under the Birds Directive (Council Directive 79/409/EEC as amended by Council Directive 2009/147/EC) on the Conservation of Wild Birds). Collectively, SACs and SPAs are referred to as European sites or Natura 2000 sites in Irish legislation. In general terms they are considered to be of exceptional importance for protecting rare, endangered or vulnerable habitats and species within the European Union.

The Directive lists certain habitats and species that must be protected within SACs. Irish habitats include raised bogs, blanket bogs, turloughs, sand dunes, machair (flat sandy plains on the north and west coasts), heaths, lakes, rivers, woodlands, estuaries and sea inlets. The twenty five Irish species which must be afforded protection include salmon, otter, freshwater pearl mussel, bottlenose dolphin and Killarney fern.

Lough Corrib can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south, and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones to the north. The surrounding lands to the south and east are mostly pastoral farmland, while bog and heath predominate to the west and north. A number of rivers are included within the SAC as they are important for Atlantic salmon. These rivers include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east, as well as the Cong, Bealanabrack, Failmore, Cornamona, Drimneen and Owenriff to the west. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.

Atlantic salmon (*Salmo salar*) use the lake and rivers as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II/V of the EU Habitats Directive. The lake is a renowned salmonid fishery and is a designated **Salmonid Water** under S.I. No 293/1988 European Communities (Quality of Salmonid Waters Regulations 1988), this S.I. has been superseded by the EU Water Framework Directive. The lake has a population of sea lamprey (*Petromyzon marinus*), a scarce, though probably under-recorded species listed on Annex II of the EU Habitats Directive. Brook lamprey (*Lampetra*

*planeri*), also listed on Annex II, are also known from a number of areas within the site. A population of freshwater pearl mussel (*Margaritifera margaritifera*), a species listed on Annex II of the EU Habitats Directive, occurs within the site. White-clawed crayfish (*Austropotamobius pallipes*), also listed on Annex II, is well distributed throughout Lough Corrib and its in-flowing rivers over limestone. The freshwater pearl mussel (*Margaritifera margaritifera*) is a freshwater bivalve listed under Annex II as mentioned and V of the EU Habitats Directive. It is legally protected in Ireland under Schedule 1 of the Wildlife Act (1976 (Protection of Wild Animals) (Statutory Instrument No. 112, 1990) and the now amended European Communities (Natural Habitats) Regulations (Statutory Instrument No. 94, 1997). Owing to its complicated life history and environmental sensitivities, it is a key biological indicator species for the habitat quality of river ecosystems.

## 2.1 OWENRIFF RIVER - PART OF THE LOUGH CORRIB SAC

The Owenriff is home to one of the most important populations of the freshwater pearl mussel in the world. It is certainly amongst the top four most important populations in Ireland. Unfortunately it has been in unfavourable condition since 2004, owing to degradation of its habitat. Ireland has reported twice, under Article 17 of the Habitats Directive, on the conservation status of the freshwater pearl mussel. On both occasions, the species was found to be in unfavourable bad and declining status.

The Owenriff River is part of Lough Corrib (SAC 000297) and salmon is a designated Annex II/V species. The conservation objectives for all species designated in this SAC are generic. In Europe, the freshwater pearl mussel (*M. margaritifera*) has been shown to use native brown trout (*S. trutta L.*) and Atlantic salmon (*Salmo salar*) (Young & Williams, 1984a; Moorkens, 1996, 1999). Ziuganov & Nezlin (1988) have proposed that the relationship of pearl mussels and salmon is symbiotic. The fish provides the essential step in the mussels' life cycle, and mussels improve water quality by filtering water. If salmon numbers decline to the level where there are not enough fish to support the new generation of mussels, this would have a direct negative effect on the mussel population and the conservation objectives for the SAC. Although brown trout are not a protected species in the context of Council Directive 92/43/EEC, they are listed as a "species of conservation interest" at the site.

### 3.0 THE DELIBERATE SPREAD OF INVASIVE COARSE FISH

Ireland is an island nation at the western edge of mainland Europe. The country was effectively separated from mainland Europe during the early stages of the retreat of the last ice age (Fitzsimons and Igoe 2004; Igoe 2004). This separation provided a physical barrier that prevented stenohaline species colonising from the East. As a result, Ireland has a relatively reduced fauna and flora (Igoe 2004). Ireland's freshwater fish community is far less diverse than that of Britain or mainland Europe. In respect of fish, Ireland has 28 freshwater species (Fitzsimons and Igoe 2004), compared with 236 in Europe (Moriarty and Fitzmaurice 2000; FAME 2004). Consequently, all of Ireland's indigenous freshwater species are euryhaline, having some degree of tolerance to salt water (Quigley and Flannery 1996; Fitzsimons and Igoe 2004). They include salmon (*Salmo salar* Linnaeus), trout (*Salmo trutta* Linnaeus), pollan (*Coregonus autumnalis* (Pallas)), char (*Salvelinus alpinus* (Linnaeus)), river lamprey (*Lampetra fluviatilis* (Linnaeus)), sea lamprey (*Petromyzon marinus* Linnaeus), brook lamprey (*Lampetra planeri* (Bloch)) and eel (*Anguilla anguilla* (Linnaeus)).

Invasions by non-native species are a major threat to global biodiversity. Terrestrial and aquatic habitats can be negatively affected, resulting in grave damage to conservation and economic interests, such as agriculture, forestry and civil infrastructure. In some cases public, animal and plant health may also be threatened. Both Northern Ireland and Ireland have international obligations to address invasive species issues, principally the Convention on Biological Diversity, International Plant Protection Convention, Bern Convention, EU Water Framework Directive and the EU Habitats Directive.

***“In the recent past, the majority of species introductions to Ireland have originated from Great Britain, also an island. Thus a filtering effect has been in operation, Ireland being the last land mass in a fragmented chain. As a result of its geographical location the number of introductions of alien species into Ireland has been smaller in comparison to much of continental Europe. However increasing global trade and migration over the last century have led to a marked increase in the rates of species introductions to Ireland, resulting in more frequent and noticeable impacts upon native biota.”<sup>4</sup>***

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<sup>4</sup> Stokes, K., O'Neill, K. & McDonald, R.A. (2004) Invasive species in Ireland. Unpublished report to Environment & Heritage Service and National Parks & Wildlife Service. Quercus, Queens University Belfast, Belfast.

It is very evident from various IFI fish surveys that the deliberate anthropogenic spread of invasive coarse fish is a major problem in Ireland. This spread is the result of 'Bucket Biologists'<sup>5</sup> illegally moving fish from one catchment to another for their own egocentric gains. This activity in Ireland has been confirmed by Dr. Cathal Gallagher, IFI Head of Research and Development, in a submission made on December 10<sup>th</sup> 2015 to the Department of Environment, Community and Local Government regarding **Significant Water Management Issues in Ireland (SWMI)**. Dr. Gallagher made the following statement.

***“The native Irish freshwater fish fauna has been augmented by a large number of non-native species (e.g. perch, pike, dace, bream, tench, roach and rainbow trout). These have been introduced either deliberately or accidentally, e.g. angling activities, aquaculture and the aquarium trade. A non-native species is one that has been either intentionally or accidentally released in to an environment outside of its natural geographical habitat range. Many non-native fish species have become established in the wild throughout Irish lakes and rivers, e.g. perch, roach, rudd and bream. Roach is a species which has been shown to affect salmonid production and cause a decline in brown trout angling catches. Within a few years of being introduced into a water body they can become the dominant species due to their high fecundity and they usually displace brown trout. Water bodies with non-native invasive fish species such as roach will not meet high status for EU Water Framework Directive (WFD) purposes due to the presence of these species. Future introductions of non-native species will also lead to a downgrading of the ecological status of a water body.”***

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<sup>5</sup> 'Bucket Biologists' is a phrase coined by US wildlife authorities to describe individuals who want to illegally alter fishing grounds by stocking them with their preferred catch, usually invasive species.



### 3.1 THE EU WFD & INVASIVE COARSE FISH

The Water Framework Directive (WFD) was introduced in December 2000 with the broad aims of providing a standardised approach to water resource management throughout Europe and promoting the protection and enhancement of healthy aquatic ecosystems. The Directive, transposed into Irish Law in December 2003, requires EU member states to protect those water bodies that are already of good or high ecological status and to restore all water bodies that are degraded, in order that they achieve at least good ecological status by 2015.

Inland Fisheries Ireland (IFI) has been assigned the responsibility by the Environmental Protection Agency (EPA) for delivering the fish monitoring element of the WFD in Ireland. Surveillance monitoring sites are set out in the WFD Monitoring Programme published by the EPA in 2006 (EPA, 2006) and the fish monitoring requirements are extensive, with over 300 water bodies, encompassing rivers, lakes and transitional waters, being surveyed in a three year rolling programme. The main unit of management of the WFD across Europe is the River Basin District (RBD). A river basin or catchment is an area of land from which all surface run-off flows through a series of streams, rivers and possibly lakes into the sea at a single river mouth or estuary. An RBD comprises one or more neighbouring river basins together with their associated wetlands, groundwaters and coastal waters. The distribution of flora and fauna in surface waters will vary both within RBDs due to the physical differences in habitats and also regionally across Europe due to geoclimatic variations.

The WFD addresses this issue by dividing the EU into a series of 'ecoregions'. For rivers and lakes Ireland shares an ecoregion with Northern Ireland (Ecoregion 17), and for estuaries and coastal waters Ireland shares an ecoregion with the UK (Ecoregion 1). For IFI's fish monitoring element in Ireland, three fish groups have been identified and agreed for Ecoregion 17 by a panel of fishery experts (**FIGURE 3**). In the absence of major human disturbance a lake fish community is considered to be in reference state (in relation to fish) if the population is dominated by salmonids (or euryhaline species with an arctic marine past) (i.e. group 1 fish species (natives) are the only species present in the lake).<sup>6</sup>

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<sup>6</sup> North South Shared Aquatic Resource (NS Share) Task 6.9: Classification Tool for Fish in Lakes: Plan for Development/Conceptual Model (T1 A6.9 - 1.1).

**List of the three fish groups identified for Ecoregion 17**

<b>1. Natives</b>	<b>2. Non-natives influencing ecology</b>	<b>3. Non-natives benign (generally not influencing ecology)</b>
Brown trout	Roach	Tench
Sea trout	Perch	Rudd
Salmon	Pike	Stoneloach
Char	Bream	Gudgeon
Pollan	Dace	
Eel	Carp	
Shad	Rainbow trout	
3-spine stickleback	Chub	
9-spine stickleback	Minnow	
Brook lamprey		
River lamprey		
Sea lamprey		
Flounder		

**Figure 3. Water Framework Directive Irish fish classification**

Classification and assigning lakes with an ecological status is a critical part of the WFD monitoring programme. It allows River Basin District managers to identify and prioritise lakes that currently fall short of the minimum "Good Ecological Status" that is required if Ireland is not to incur penalties. A multi-metric fish ecological classification tool (Fish in Lakes –'FIL') was developed for the island of Ireland (Ecoregion 17) using IFI and Agri-Food and Biosciences Institute Northern Ireland (AFBINI) data generated during the NSSHARE Fish in Lakes project (Kelly *et al.*, 2008). This tool was further developed during 2010 (FIL2) in order to make it fully WFD compliant, including producing Ecological Quality Ratio (EQR) values for each lake and associated confidence in classification (Kelly *et al.*, 2012).

## 3.2 CASE STUDIES OF INVASIVE FISH IN ECOREGION 17

### CASE STUDY 1: Lough Fern, Co. Donegal.

Lough Fern located in Co. Donegal, was one of the great spring salmon lakes until its stocks were hit by UDN (Ulcerative Dermal Necrosis) in the 1970s. However, the salmon stocks were making a slow recovery since then until perch appeared in recent years. Lough Fern is also located within the Leannan River Special Area of Conservation. In 2005, Lough Fern was surveyed as part of the North South Shared Aquatic Resource (NS Share) 'Fish in Lakes' project. No perch were found. In 2008, Lough Fern was surveyed as part of the Water Framework Directive (WFD) Monitoring Programme. No perch were found. In 2011, Lough Fern was surveyed as part of the Water Framework Directive (WFD) Monitoring Programme. No perch were found. In 2014, Lough Fern was surveyed again as part of the Water Framework Directive (WFD) Monitoring Programme. Perch (aged 1+) were found.<sup>7</sup> Therefore, an illegal introduction took place somewhere between 2012 and 2013. Since 2014, IFI haven't made any effort to remove perch nor have they made any attempt to pursue a rehabilitation plan for the lake. Under current legislation, these invasive perch are protected in a natural salmonid fishery within a SAC.

### CASE STUDY 2: Lough Shindilla (Screebe System), Co. Galway.

Lough Shindilla is the uppermost lake on the Screebe system in Co. Galway, located approximately 0.75km west of Maam Cross. The lake is also located in the Maamturk Mountains Special Area of Conservation (SAC). The lake used to hold a good stock of brown trout and got the occasional run of sea trout and salmon (O'Reilly 2007). Lough Shindilla was surveyed in 2007 under the WFD surveillance monitoring programme (Kelly and Connor 2007). During this survey arctic char and brown trout were found to be the dominant species present in the lake. Adult salmon, minnow and eels were also captured. The lake was surveyed again in 2010, with arctic char being the dominant species in terms of abundance (CPUE)<sup>8</sup> and perch were the dominant species in terms of biomass (BPUE).<sup>9</sup> This was the first time that perch were recorded in Shindilla and IFI surmised

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<sup>7</sup> Inland Fisheries Ireland - Sampling Fish for Water Framework Directive - Lakes 2014 - Lough Fern.

<sup>8</sup> CPUE (Catch Per Unit Effort).

<sup>9</sup> BPUE (Biomass Per Unit Effort).

that the lake was colonised by perch from Ardderry Lough during the floods of 2008 and 2009.<sup>10</sup> No explanation was given in the 2010 WFD report as to why perch were in Ardderry Lough considering its location and morphology. In the same report, IFI acknowledged that ***“the introduction of this non-native species has the potential to negatively impact the native brown trout and arctic char populations”***. The lake was surveyed again in 2013 under the WFD programme. Brown trout was the dominant species in terms of abundance (CPUE) and perch was the dominant species in terms of biomass (BPUE). IFI noted that the mean arctic char CPUE and BPUE was substantially lower in 2013 compared to 2010 and 2007, yet they stated that this decrease was not statistically significant.<sup>11</sup> The latest WFD survey of Shindilla was conducted in 2016. The 2016 report noted that perch was now the dominant species in terms of both abundance (CPUE) and biomass (BPUE). The same report also highlighted that the mean arctic char CPUE and BPUE were significantly lower in 2016 compared to 2013, 2010 and 2007.<sup>12</sup> Nevertheless, the 2016 report made no mention on the obvious impact that perch are having on the native arctic char population and one could infer that IFI has no interest in removing the invasive perch or rectifying the sharp decline in char numbers in a SAC.

### **CASE STUDY 3: River Inny, Co. Westmeath.**

The River Inny, an order 5 river (Strahler 1952), is one of the major tributaries to the River Shannon. The river is 88.5km long and occupies a catchment area of 782.46km<sup>2</sup> (O'Reilly 2002). The river rises in Co. Westmeath and flows through Loughs Sheelin, Kinale, Derravaragh and Iron before discharging into Lough Ree. Chub (*Leuciscus cephalus* (Linnaeus, 1758)) is a highly prized angling species in Britain and Europe. The absence of chub from the rivers of Ireland, many of which provided an ideal habitat for the species and excellent conditions for the angler, provoked considerable controversy among the visiting angling community. However, it is the stated policy of the Fisheries Boards (IFI) in Ireland to preserve our indigenous and naturalised fishes and to prohibit the introduction of non-native and potentially invasive species (National Policy for the Management, Development and Conservation of Coarse Fish Species in Ireland, Central Fisheries

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<sup>10</sup> Inland Fisheries Ireland - Sampling Fish for Water Framework Directive - Lakes 2010 - Lough Shindilla.

<sup>11</sup> Inland Fisheries Ireland - Sampling Fish for Water Framework Directive - Lakes 2013 - Lough Shindilla - IFI/2014/1-4186.

<sup>12</sup> Inland Fisheries Ireland - National Research Survey Programme - Lakes 2016 - Lough Shindilla - IFI/2017/1-4354.

Board, in preparation).<sup>13</sup> In 2001 and 2004 there were unconfirmed reports from anglers that chub had been caught in the River Inny, a major tributary of the River Shannon. No specimens, however, were retained for identification and authentication. In 2005, three live chub were caught in the River Inny and officially identified by fisheries scientists from the Central Fisheries Board (CFB). These fish had probably been illegally introduced to the river by British carp or pike anglers with a view to establishing a population of this species in Ireland.<sup>14</sup>

***“It is probable, however, that, as the chub become more abundant and widespread, they will impact on our native or naturalised fishes. The impact could be direct, through predation, or indirect, by competing for available habitat or for common food items. A further risk associated with the introduction of non-native, invasive species relates to the viral, bacterial or parasitic fauna that these fish harbour (Hoffman and Schubert 1984; Boxshall and Frear 1990; Kennedy 1994; Beyer et al. 2005)”.***<sup>15</sup>

Between 2006 and 2008 the CFB conducted a chub removal operation that was deemed a success by the then CFB CEO Dr. Ciarán Byrne, ***“I am delighted that the effective response mounted by the Fisheries Boards to eradicate this invasive species has paid off. Chub posed a major environmental threat to the country. I would like to take this opportunity to remind anglers that it is illegal to introduce non-native species into Irish waters. As custodians of our precious fisheries resource the Fisheries Boards will take whatever action is necessary to remove any introduced invasive fish species and to prosecute any person that is deemed to be responsible for such introductions”.***<sup>16</sup>

As of August 2021, chub still exist in the Inny River with IFI issuing a press release on August 25<sup>th</sup> last year declaring that chub had made a ‘re-appearance’.

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<sup>13</sup> Caffrey, Joe & Acevedo, Silvana & Gallagher, Kevin & Britton, Rob. (2008). Chub (*Leuciscus cephalus*): A new potentially invasive fish species in Ireland. *Aquatic Invasions*. 3. 201-209. 10.3391/ai.2008.3.2.11.

<sup>14</sup> Caffrey, Joe & Acevedo, Silvana & Gallagher, Kevin & Britton, Rob. (2008). Chub (*Leuciscus cephalus*): A new potentially invasive fish species in Ireland. *Aquatic Invasions*. 3. 201-209. 10.3391/ai.2008.3.2.11.

<sup>15</sup> Caffrey, Joe & Acevedo, Silvana & Gallagher, Kevin & Britton, Rob. (2008). Chub (*Leuciscus cephalus*): A new potentially invasive fish species in Ireland. *Aquatic Invasions*. 3. 201-209. 10.3391/ai.2008.3.2.11.

<sup>16</sup> Westmeath Examiner, Tuesday June 30th 2009, Inny's Chub Stubbed Out - Tom Kelly.

Salmon and brown trout are considered to be at risk from direct competition with *Leuciscus cephalus* (Caffrey *et al.* 2008; Invasive Species Ireland 2010; Caffrey 2013). Brown trout and juvenile salmon occupy habitats utilised by *Leuciscus cephalus* and their dietary range overlaps (Caffrey *et al.* 2008; Invasive Species Ireland 2010; Caffrey 2013). Other important native fish such as rare strains of brown trout (e.g. in Lough Melvin), Pollan and Arctic Char may also be threatened by the introduction of *Leuciscus cephalus* (Caffrey *et al.* 2008; Invasive Species Ireland 2010; Caffrey 2013).

If chub are found in Lough Corrib SAC, what will the response of DECC officials and IFI be?

#### **CASE STUDY 4: Owenriff Catchment, Co. Galway.**

The Lough Corrib catchment is the largest and most important wild salmonid catchment in Ireland and Lough Corrib is considered the premier wild brown trout fishery in Ireland (Gargan *et al.*, 2002). Oughterard village is situated on the Owenriff River, which drains a region of approximately 68km<sup>2</sup> and enters Upper Lough Corrib downstream of Oughterard, Co. Galway. The Owenriff catchment is located within two different Special Areas of Conservation (SACs) both of which support two Annex II species of the E.U. Habitats Directive (92/43/EEC), namely Atlantic salmon (*Salmo salar*) and the freshwater pearl mussel (*Margaritifera margaritifera*) (NPWS, 2005).

***“Prior to 2009 there were no official records of pike (*Esox lucius*) being present in the Owenriff catchment upstream of the natural waterfall at Canrawer, Oughterard. There were anecdotal records suggesting that there were pike present in some lakes in the catchment in the 1990s but this was never confirmed by IFI staff and no pike were recorded in the electrofishing surveys of 1997 and 2007 (IFI unpublished data; WRBD, 2008). Gradients in excess of 6.6% (Spens *et al.*, 2007) and 7% (Hein *et al.*, 2011) have been shown to act as barriers to the natural dispersal of pike. The natural waterfall at Canrawer, Oughterard on the main channel of the Owenriff exceeds the published gradient threshold preventing natural colonisation of pike from the established population in Lough Corrib, as do the natural falls on the Clooshgareen and the Glashanasmearny both of which now have pike present in the lakes above these natural barriers (IFI, 2018a). In 2009, pike were captured for***

***the first time by Inland Fisheries Ireland (IFI) staff in two lakes in the catchment (Loughs Bofin and Agraftard) following reports from anglers of pike in the system.”<sup>17</sup>***

***“During the 2017 survey pike were recorded at three river sites including the most upstream sub-catchment and in the two lakes surveyed, indicating a range expansion over the past 20 years. Results from the 2017 survey suggest that pike are present all over the Owenriff catchment, in areas where they can freely gain access and in some areas where they cannot naturally gain access (gradients > 7%).”<sup>18</sup>***

***“As there are little or no major anthropogenic pressures in the catchment to cause the decline in fish stocks, it is reasonable to infer that the introduction of pike and their subsequent range expansion in the Owenriff catchment (with impacts of competition for food and space and predation on resident and migratory fish) is the main factor causing the decline of brown trout and salmon in the Owenriff catchment. Research from Europe and North America supports this finding.”<sup>19</sup>***

On November 22<sup>nd</sup> 2019, IFI published a further fish stock survey report<sup>20</sup> on the Owenriff catchment. The report stated the following.

***“Pike was the most common fish species recorded in all lakes, followed by eel. Pike and eel were also captured in the fyke nets in both lakes where the two species were recorded. No brown trout were recorded in any of the lakes indicating a possible failure in recruitment or survival in at least the previous few years. In contrast the brown trout captured in Lettercraffroe Lough (also located in the Owenriff catchment, but no pike are present in the lake) during the 2016 survey ranged in age from 0+ to 4+ indicating recruitment success in the previous five years (Kelly et al., 2017). Brown trout in Lough Bofin and Lough Agraftard from the***

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<sup>17</sup> Inland Fisheries Ireland - Owenriff Fish Population Rehabilitation Plan - 2018 - IFI/2018/1-4399.

<sup>18</sup> Inland Fisheries Ireland - Fish Stock Survey of Selected Lakes and River Sites in the Owenriff Catchment - 2017 - IFI/2017/1-4396.

<sup>19</sup> Inland Fisheries Ireland - Fish Stock Survey of Selected Lakes and River Sites in the Owenriff Catchment - 2017 - IFI/2017/1-4396.

<sup>20</sup> IFI (2019) Fish Stock Survey of Selected Lakes and River Sites in the Owenriff Catchment, 2018. National Research Survey Programme, Inland Fisheries Ireland, 3044 Lake Drive, Citywest Business Campus, Dublin 24.

***2017 survey were aged at 2+ (IFI, 2018a). Definitive conclusions are difficult to determine for all four lakes surveyed due to the limited number of fish recorded. However, brown trout were not recorded in each lake, but they are still present in Lettercraffroe (a lake within the Owenriff with no pike present) and in neighbouring catchments (Loughs Doo, Glencullin, Kylemore and Lettercraffroe) where pike are also not present.”***

With respect to the Water Framework Directive (WFD) and the impact of invasive coarse fish on the Owenriff's ecological status, IFI had the following comments to make in the same 2019 report.

***“Using the FIL2 classification tool, Loughaphreaghaun, Lough Adrehid, Lough Ateeann and Lough Shannaghree were assigned a fish ecological status of Bad for 2018 based on the fish populations present. Reasons for the failures were mainly due to the absence, lower than expected abundance or missing age classes of type specific indicator species (i.e. brown trout). In contrast lakes in neighbouring catchments where there are no pike present, such as Glencullin Lough, Doo Lough, Kylemore Lough and Lough Shindilla, were assigned a fish status of High and Ardderry Lough was assigned a fish status of Good (see [www.wfdfish.ie](http://www.wfdfish.ie)). The EPA has also assigned high status to Lough Bofin; however this status assignment does not incorporate fish status (EPA, 2017).”***

#### **CASE STUDY 5: Ross Lake, Co. Galway.**

Ross Lake is situated in the Corrib catchment, located approximately 1km south-east of Rosscahill and 3km north-west of Moycullen, Co. Galway in a chain of lakes entering Lough Corrib at Moycullen Bay. Ross Lake and the surrounding woodlands have been designated as a Special Area of Conservation (SAC) for containing a hard water lake, a habitat listed on Annex I of the EU Habitats Directive (Council Directive 92/43/EEC) (NPWS, 1999). The lake supports communities of *Chara pedunculata* and *Chara curta*, both of which are characteristic of marl lakes such as Lough Carra in Co. Mayo. Ross Lake was surveyed in September 2016 as part of the WFD (Water Framework Directive) surveillance monitoring programme and roach were found to be the dominant species in terms of abundance (CPUE) and roach/bream hybrids were the dominant fish species in



terms of biomass (BPUE).<sup>21</sup> No brown trout were found in 2016 or during the previous WFD surveys conducted in 2007, 2010 and 2013.

Ross Lake was once a famed trout fishery that had its own self sustaining wild population.<sup>22</sup> Since the introduction of various invasive coarse fish including pike and roach, the native trout population have ceased to exist. Ross Lake is now a de-facto coarse fishery with a mayfly hatch but no salmonids present in a SAC lake.

### **CASE STUDY 6: Lough Corrib, Co. Galway.**

Lough Corrib the second largest lake in Ireland (after Lough Neagh), is situated in Co. Galway in the River Corrib catchment. The lake stretches from outside Galway city to within three kilometres of Maam Cross, a distance of over 50 kilometres. The main rivers draining into Lough Corrib include the Black, Clare, Dooghta, Cregg, Owenriff rivers and the Cong canal which joins Lough Corrib to Lough Mask. The lake can be divided into two parts; Lower Lough Corrib - a relatively shallow basin underlain by carboniferous limestone in the south and Upper Lough Corrib - a larger, deeper basin underlain by more acidic granite, schists, shales and sandstones to the north (NPWS, 2004). Since 2008, the lake has been surveyed under the WFD (Water Framework Directive) surveillance monitoring programme. During the summer of 2011, IFI conducted the second WFD fish survey. One tench (*Tinca tinca*) was captured in a fyke net on Upper Lough Corrib.<sup>23</sup> This discovery should have set off alarm bells but IFI at the time decided to bury the fact in an obscure WFD report. No tench were discovered in a subsequent WFD survey (2014). As of February 2020, riparian anglers don't know if a self sustaining population of tench exist in Lough Corrib. If such a population exists, have IFI formulated any contingency plans to remove these invasive fish? Why did IFI attempt to protect this species in 2018 under proposed legislative amendments considering that the potential presence of tench is the result of an obvious illegal introduction (no tench were captured in the major fish stock surveys of 1986, 1996 and 2012) and the presence of tench in Lough Corrib SAC is in contravention of the EU Habitats Directive conservation objective's?

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<sup>21</sup> Inland Fisheries Ireland - National Research Survey Programme Lakes 2016 - Ross Lake - IFI/2017/1-4366.

<sup>22</sup> Went, Arthur E. J. "The Pike in Ireland." *The Irish Naturalists' Journal*, vol. 12, no. 7, 1957, pp. 177-182. JSTOR, JSTOR, [www.jstor.org/stable/25534470](http://www.jstor.org/stable/25534470).

<sup>23</sup> Inland Fisheries Ireland - Sampling Fish for the Water Framework Directive Lakes 2011 - Lough Corrib - IFI/2012/1-4069.

## **CASE STUDY 7: Lettercraffroe Lough, Co. Galway.**

Lettercraffroe Lough is located 6km south-west of Oughterard, Co. Galway on a tributary of the Owenriff River which flows through the town and into Lough Corrib. Lettercraffroe Lough is also situated within the Connemara Bog Complex, a large Special Area of Conservation (SAC) site that encompasses a wide range of habitats, including extensive tracts of blanket bog, heath, woodland, lakes, rivers and streams.<sup>24</sup> The lake was the subject of a WFD survey in 2007, 2010, 2013 and 2016. The surveys showed that roach are now the dominant species in terms of biomass and CPUE (Catch Per Unit Effort). Yet in 2008, the Western Regional Fisheries Board (WRFB) produced a fish stock survey report of the entire Owenriff System that stated the following:

***“The presence and dominance of roach in Lettercraffroe lake is unacceptable and illustrates the need for improved bio-security planning in order to prevent unauthorised fish introductions, alien species infestations and fish disease transfers. Options should now be considered with regard to methods for the removal of the roach population from Lettercraffroe Lake.”<sup>25</sup>***

As it stands over the last thirteen years, the WRFB, CFB or IFI have made no effort in removing invasive roach from this once famed trout fishery as described by T.C. Kingsmill Moore in his celebrated book ‘A Man May Fish’. Furthermore, should any angler remove five roach or any roach above 25cm in length from Lettercraffroe Lough then that angler would be breaking the law (Bye-Law 806 of 2006) and potentially liable to a fine plus confiscation of their fishing gear used. Is this obscene and contradictory policy fully supported by IFI staff, the IFI Board, its recently appointed CEO, DECC and the Principal Officer within the Inland Fisheries Division?

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<sup>24</sup> Inland Fisheries Ireland - National Research Survey Programme Lakes 2016 - Lettercraffroe Lough - IFI/2017/1-4360.

<sup>25</sup> The Western Regional Fisheries Board, Catchment Wide Fish Survey For The Owenriff River, January 2008.

## **CASE STUDY 8: Lough Inagh, Co. Galway.**

Lough Inagh is situated in the Ballynahinch system approximately 7.5km north of Recess, Co. Galway. The lake is located in the Inagh valley with the Twelve Pins Mountains rising to the west and the Maumturk mountain range to the east. Lough Inagh is fed primarily from the Tooreenacoona River, which then flows out of the lake into Derryclare Lough.

Lough Inagh is situated within the Twelve Bens/Garraun Complex Special Area of Conservation (SAC). This is an extensive SAC located in the north-west of Connemara and is dominated by mountainous terrain. Geologically, the SAC can be divided into two distinct sections; the Twelve Bens which are composed of quartzite and schists in the valleys and the mountains to the north of Kylemore which are composed of gneiss, sandstones and mudstones (NPWS, 2005). The main soil type within the site is peat. Eight of the habitat types listed in the SAC are found in Annex I of the EU Habitats Directive.

The SAC also contains many species listed on Annex II of the Habitats Directive: freshwater pearl mussel, Atlantic salmon, otter and the plant, slender naiad (NPWS, 2005). Lough Inagh is part of the Lough Inagh and Derryclare Fishery. The lake holds a stock of brown trout and has a spring and grilse salmon fishery and a run of sea trout (O' Reilly, 2007). The lake was previously surveyed in 2002 and 1997 (Gargan and Rogers, 2002). At that time the lake held a stock of Arctic char, brown trout, sea trout, minnow and eel (Gargan and Rogers, 2002). Perch were discovered in the lake in 2016, since then stock management efforts (using perch traps) by IFI have been on-going to remove them from the lake.

In a 2019 Water Framework Directive (WFD) survey conducted by Inland Fisheries Ireland, a total of four fish species (sea trout are included as a separate 'variety' of trout) were recorded in Lough Inagh. Perch was the dominant species in terms of both abundance (CPUE) and biomass (BPUE) captured in the survey gill nets during the 2019 survey. This contrasts with the previous survey in 2002 when brown trout and Arctic char were the dominant fish species in the lake (Gargan and Rogers, 2002).

Arctic char were not captured during the 2019 survey. The Arctic char population may now be so small that it is difficult to capture using conventional sampling methods and could be on the verge of extinction. Introductions of perch and other non-indigenous

species cause declines in Arctic char populations and can also lead to extinctions in some lakes (Kelly *et al.*, 2014, Kelly *et al.*, 2017, Connor *et al.*, 2019 and Morrissey-McCaffrey *et al.*, 2018).

### **CASE STUDY 9: Aughrusbeg Lake SAC, Co. Galway.**

Aughrusbeg Lake SAC is one of the most westerly lakes in the Connemara area of Co. Galway, located approximately 5km west of Cleggan. It has a surface area of 50ha, a mean depth of less than 4m and a maximum depth of 14m. The lake falls into typology class 7 (as designated by the EPA for the Water Framework Directive), i.e. deep (>4m), less than 50ha and moderate alkalinity (20-100mg/l CaCO<sub>3</sub>).

Aughrusbeg Lough forms part of the Aughrusbeg Machair and Lake Special Area of Conservation (SAC). The site has been selected as a SAC for containing a lowland oligotrophic lake, a habitat listed on Annex I of the E.U. Habitats Directive. The underlying geology of the region is made up of Omey granite (NPWS, 2003). Species recorded from the shoreline of the lake include six-stamened waterwort (*Elatine exandra*), quillwort (*Isoetes lacustris*) and shoreweed (*Littorella uniflora*) (NPWS, 2003). The majority of Aughrusbeg Lough has gently sloping granite shores, with a well developed sand shelf present on the western shore. At the edge of this sand shelf the lake bed falls off steeply to a depth of 6m (NPWS, 2003).

According to archival Inland Fisheries Trust data and O'Reilly (2003), eels and brown trout were the only species present in the lake. However, a recent survey in 2007 as part of the WFD surveillance monitoring programme (Kelly and Connor, 2007) found rudd and eels to be the dominant species present, with three-spined stickleback also recorded.

On Wednesday, August 11<sup>th</sup> this year, Inland Fisheries Ireland issued a press statement confirming that invasive pike had been found in Aughrusbeg Lake SAC for the first time. The confirmation was made during a fish stock survey by Inland Fisheries Ireland research staff.

The introduction of invasive pike to small low-complexity lakes, such as Aughrusbeg Lough, could be devastating to resident fish populations. New introductions are also potentially a carrier of fish disease and parasites, the state agency stated.

Francis O'Donnell, current Chief Executive Officer of Inland Fisheries Ireland said: ***“Ireland’s inland waterbodies are ecologically important ecosystems, which support significant recreational fisheries for native and established fish species. ‘Introductions’ of new species threaten these ecosystems that they support, potentially in unforeseen ways, and are a major cause for concern for Inland Fisheries Ireland.”***

He added: ***“Unfortunately, a similar introduction of pike into the upper sections of the Owenriff catchment in County Galway over ten years ago caused the virtual collapse of what had been a very important salmonid fishery in the West of Ireland.”***

Under current fisheries legislation (see Section 4.0), which the Inland Fisheries Division of DECC are steadfastly standing over, these invasive pike are now protected in a SAC. Only this could happen in Ireland with such incompetent and negligent civil servants operating within DECC.

## 4.0 CURRENT COARSE FISH & PIKE BYE-LAWS

### Conservation of Pike Bye-Law No. 809, 2006.

On August 3<sup>rd</sup> 2006, the then Minister of State at the Department of Communications, Marine and Natural Resources, Mr. John Browne TD, signed a new national bye-law on the conservation and protection of (invasive) pike in all watercourses. This bye-law contained three wording changes from bye-law no. 805, which was revoked. The new bye-law clarified several issues that were raised by interested parties. The new bye-law superseded the Pike Conservation Bye-Law no. 667, which was in force since 1990. That bye-law allowed for the killing of one specimen sized pike i.e. 20lbs in a river and 30lbs in a lake in any one day. The current bye-law no longer allows this practice and only one pike up to 50cm may now be killed in a day on any watercourse including SACs. All pike taken by fair angling, longer than 50cm must be returned alive to the water in all cases. Another change in the current bye-law is that 0.75kg of pike flesh may only be retained by an angler instead of 1.5kg.

### Conservation of and Prohibition on Sale of Coarse Fish Bye-Law No. 806, 2006.

Two weeks prior to the new pike bye-law being signed in to legislation, Mr. John Browne TD signed a bye-law protecting (invasive) coarse fish<sup>26</sup> in every Irish water course on July 20<sup>th</sup> 2006. The new bye-law allowed only four coarse fish per angler per day to be retained and no coarse fish above 25cm in length could be retained either. The bye-law also prohibited the sale of any coarse fish in Ireland excluding fishing tackle dealers and fish bait suppliers who have been granted an exemption from their respective regional fisheries board (IFI).

## 4.1 GENESIS OF CURRENT COARSE FISH & PIKE BYE-LAWS

The following extracts (*all in italics*) are from a research essay titled “National Identity, Moral Panic and East European Folk Devils” by Kevin Howard, which appeared in a 2011 academic textbook titled “Globalization, Migration and Social transformation - Ireland in Europe and the World” edited by Bryan Fanning of University College Dublin and Ronaldo Munck of Dublin City University. The research by Kevin Howard gives an in-depth and chronological history of how invasive coarse fish got such comprehensive legal protection by Irish politicians and deficient government officials.

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<sup>26</sup> “Coarse fish” means any fresh water fish other than pike, salmon, trout, eels or minnow.

*In the early 1970s with EEC membership approaching, attention broadened to the potential value of visiting continental anglers. In the context of the debate around the 1970 Fisheries Bill, the Labour Party TD Stephen Coughlan told how a visiting group of French anglers he observed would take:*

***“Great delight in doing things which we would not bother to do. Some of them would be more elated from catching a perch weighing half a pound than would a man who had caught a 25lb. salmon ... Coarse fish are a menace. We all know the damage both pike and perch do. [However, they could be] a great tourist attraction. There should be a promotional drive in that respect throughout European countries (Coughlan, Dáil Éireann, 2 December 1970).”***

*Ireland joined the EEC in 1973 and throughout the decade, the economic potential of continental anglers pursuing Irish pike was a recurrent theme. German coarse anglers of which there were an estimated 250,000 were perceived to have far more disposable income than English visitors. In the context of the 1979 fisheries bill, Fine Gael's Patrick Hegarty, echoing the assumptions of 20 years earlier about continentals' taste for pike suggested that Germans in particular, should be encouraged to come here. They would be able to catch and 'make a delicious meal of a fish that we would be likely to throw away' (Hegarty, Dáil Éireann, 18 October 1979). Five years later, in the context of a further fisheries debate, the point was again made that while few in Ireland were bothered with coarse fish, pike in particular, continentals were avid pike anglers. The Fine Gael spokesperson on tourism, Gay Mitchell argued:*

***“Coarse fishing is frowned on by inland fishermen in this country. It is a lowly thing in the eyes of some anglers to fish for pike. People in Germany and on the Continent generally, they are very much into pike fishing. We have lakes full of pike. Promote it, particularly in areas like Germany and continental countries (G. Mitchell, Dáil Éireann, 22 June 1984).”***

*From the 1920s to the 1980s then, the themes are quite clear: across the political spectrum, coarse fish particularly pike should not be, and are not wanted, in Irish waters; on the other hand, the English, Germans and other continentals pursue these species and should be facilitated in coming here to fish for them.*

### ***Piscine Ethnocentrism***

*At the same time as parliamentarians were pushing for the promotion of pike angling tourism amongst Germans and other continental anglers, other parliamentarians were lobbying for legislation to protect pike stocks from the apparent threat these continentals posed to these stocks. The claims made in relation to the predations of visiting German and French fishermen were extraordinary, most particularly from parliamentarians who represented areas with a tradition of coarse angling. In late 1986, the Fianna Fáil TD for Cavan-Monaghan, Peter Wilson asked the 'Minister for Tourism, Fisheries and Forestry the steps he is taking to ensure that the pike stocks in County Cavan will not be completely depleted by continental anglers' (emphasis added, Wilson, Dáil Éireann, 25 November 1986).*

*The mainstream media expressed similar disquiet. The Irish Independent ran a story claiming that 'several border lakes had been "totally cleaned" out of coarse fish recently'. The chairman of the Dublin Pike Anglers club claimed:*

***"Continental anglers are now arriving here in droves, equipped with nets, a multitude of rods and freezer boxes. The fish are then sold on the Continent, so it all adds up to a cheap holiday here with little benefit to the tourist sector (Moffat, Irish Independent, 12 January 1987)."***

*Yet in the three years 1985–1987 inclusive, the fisheries boards removed nearly 60,000 pike at a cost to the state of £IR184,000 (offset to some extent in that dead pike were sold on to fish dealers for £IR1 per kilo). During the economically depressed mid 1980s, the state was spending considerable sums to remove pike wholesale while introducing legislation to limit the alleged retail-scale activities of continental anglers, who were being encouraged to come to Ireland in the first place, to fish for a species which many Irish anglers, politicians, academics and popular opinion had traditionally regarded as an invasive nuisance. Yet as Table 12.2 shows, legislation has emerged to protect coarse fish, pike in particular. Crucially, in each case, this legislation was a direct response to the claims made about the threats which foreigners posed to the stocks of coarse fish.*



**Table 12.2 Legislative protection of pike, coarse fish**

Measure	Date	Legislation	Proscription
1	1986	Conservation of Pike By-law No. 654	No more than three fish taken in one day, no more than 10 allowed in possession at any one time
2	1990	Conservation of Pike By-law No. 654	Only one pike, no more than 6.6lb (3kg), per angler, per day, allowance made for 'specimen' fish
3	2006	Conservation of Pike By-law No. 809, 2006	Only one pike can be killed per angler, per day, and this must no longer than 50cm in length
4	2006	Conservation and Prohibition on Sale of Coarse Fish Bye-law No. 806, 2006	No more than four coarse fish, none of which can be longer than 25cms (4ins)

Source: Drawn from data at *Dáil Éireann*.

One of the reasons for these contradictory dynamics was the beginnings of an indigenous pike angling lobby, which was adopting the English practice of 'catch and release' in the context of a fisheries management tradition and a game angling culture that was extremely hostile to pike. The Dublin Pike anglers referred to above had been founded as early as 1970. The bulk of Ireland's pike angling clubs however were formed in the 1980s and 1990s. In January 1988, 15 of them came together to form the Irish Federation of Pike Angling Clubs (IFPAC). From that beginning membership has risen to 94 clubs (IFPAC 2009). One of the IFPAC's key aims is to have the pike 'assigned the status of indigenous species', an ongoing and ideologically loaded debate. Nevertheless, the lobbying of IFPAC, stressing in particular the predations of foreigners, contributed to the introduction in 1991 of further legislation to protect pike stocks (Measure 2, Table 12.2).

By the mid 1990s 'catch and release' had become the hegemonic normative framework for club-based, organised pike angling and for coarse anglers more generally. The establishment of 'catch and release' reached a watershed with the launch in 1999 of the Sligo-based *Irish Angler's Digest*. The magazine set out to 'provide a forum for an exchange of views about various topics of interest'. For the first few years of the periodical's life, the perceived threats to coarse fish were the usual suspects: algae bloom, water extraction, effluent from farming activity; littering by Irish anglers and of course 'the Continentals'. Nonetheless, in the main, the tone of the magazine was positive and upbeat. All forms of angling, and the commercial activities that surrounded them, seemed to be doing well. However, the wider context was changing rapidly. In 1996, Ireland experienced net migration for the first time since the late 1970s. The net migration of the

1970s comprised Irish emigrants returning home. For the last few years of the 1990s that pattern was very similar, ethnic Irish returning. By the early 2000s the composition of the migrant stream was much more diverse. From the perspective of Ireland's coarse anglers, these newcomers were quite different to Germans on vacation. There were far more of them; they weren't in Ireland on holiday and they seemed to want to catch and eat any and all species of freshwater fish. In short, they were not anglers, they were fishermen. Thus, while the fisheries boards continued to cull pike, water quality continued to deteriorate, extraction for building increased, the sole variable for the perceived decline in coarse fish stocks, and the attendant threat to tourism became the undifferentiated category 'East European' immigrants.

The highpoint of the panic was 2005, the year after accession. In the January 2005 edition of *Irish Anglers Digest*, the IFPAC warned readers that 'into the cauldron of abuse of Irish pike, has come a barrage of illegal and immoral practices designed to indiscriminately remove any fish that swims. The simple facts speak for themselves.' The authors did not refer specifically to East Europeans, that was left implicit. April 2005 was the first time the term 'non-nationals' appeared; used in relation to what the IFPAC saw as the government's reluctance to 'consider the wholesale taking and killing of coarse fish by non-nationals as a major problem'. IFPAC went on 'it does not do our tourist industry any good when visiting [English] anglers [a more morally advanced type of non-national] go back with tales of specimen bream, tench, etc, being bar-b-queued on the lakeshore' (*Irish Anglers Digest*, 2005, vol. 6, no. 12:21). By July of that year, the IFPAC's chairperson was more explicit:

***"We now have a large population of Eastern Europeans who traditionally eat coarse fish .... To prohibit members of this significant community from catching and eating coarse fish could be viewed as wrong and discriminatory. Fish removal should be controlled. The total ban on the taking of coarse fish would be unworkable and possibly discriminatory. Bag limits for coarse fish should be introduced (Chambers, IAD, July 2005, 47)."***

The IFPAC didn't want a total ban on the taking of coarse fish because their members used small fish as pike bait. Nevertheless, they were still anglers, pursuing fish for sport, not harvesting them for food:

***“What really annoys anglers at present is the illegal methods used by many non-nationals to catch fish. A week rarely goes by without reports of non-nationals being seen setting nets or longlines. In many cases they use dinghies, arrive on lakes at dusk and again at dawn. It does not take them long to lay the long lines or remove the fish (ibid., p. 48).”***

*In May 2006 the magazine reported on a meeting the previous month of a coalition of angling interest groups brought together to suggest a campaign of political lobbying. The meeting was told that ‘fresh, frozen and smoked roach, bream, pike etc, can be purchased in many shops including some in Moore Street’ (Irish Angling Digest, May 2006: 35). While no evidence of this was given the same edition showed photographs of dead coarse fish, caught up in nets, and allegedly dumped on the bankside by East Europeans. Dead fish, on a fishmonger’s slab or in a supermarket’s fish section, is one of the few remaining authentic presentations of animals as foodstuffs. In the main, animal products are presented for human consumption packaged, in other words, ‘disembodied’. Thus, in and of themselves, pictures of dead fish might be regarded as quite neutral. The difference of course is that in the pages of Irish Anglers Digest coarse fish are not food; they are sporting quarry that should be returned to their habitat alive, to fight another day. Such photographic imagery therefore is highly emotive and those responsible are quite easily identifiable.*

### **The Legislators’ Campaign**

*Throughout 2005 and 2006 the push for legislation gathered pace, most particularly though not surprisingly by opposition TDs. In April 2005, the Green Party had gotten on board the campaign for raising the legal status of coarse fish. The Party’s leader Trevor Sargent tabled a question in the Dáil to the Minister for Communications, Marine and Natural Resources, as to ‘when legal protection of coarse fish, in addition to the protection afforded to the pike species, in order to protect stocks from destruction [would be introduced] (Sargent, Dáil Éireann, 27 April 2005). The Fine Gael TD Olwyn Enright tabled a number of written questions (March and June 2005, January 2006) calling on the government to introduce legislation compelling ‘catch and release’. In March 2006 the independent TD from the Cavan-Monaghan constituency Paudge Connolly sought an adjournment debate, ‘to discuss the following matter of urgent public and national concern, namely ... the threat to inland coarse fishery resources ... from illegal fishing*

activity and stock depletion (Connolly, *Dáil Éireann*, 23 March 2006). Not to be outdone, Sinn Féin's TD for the same Cavan-Monaghan constituency, Caoimhghin Ó Caoláin, tabled a question to encourage a 'catch and release' ethos as a way of protecting 'coarse fish stocks which are under threat from illegal fishing' (Ó Caoláin, *Dáil Éireann*, 28 March 2006). Connolly followed up a month later with a similar question. In May 2006 Green Party TD Eamonn Ryan pressed the government to introduce 'a "catch and release" system for pike angling in the interests of preserving stocks here' (Ryan, *Dáil Éireann*, 3 May 2006). In July, Ireland's semi state electricity provider, the Electric Supply Board (ESB) announced that 'catch and release' was to be practised in the waters it controlled.

### **Legislative Catharsis**

While the government had deflected requests for legislation with the response that fish protection was a matter for the fisheries boards, in July 2006 it relented. Two bye-laws were introduced, Measure 3 and Measure 4 in Table 12.2 above. Measure 3 further strengthened the protection of pike, Measure 4 offered the first ever protection for all forms of coarse fish. Thus by 2006, all coarse fish had come under the Dáil's protection. As we have seen, each legislative step was taken to protect fish against foreign predation.

The *Irish Anglers Digest* was jubilant, 'Protection – at last' ran the headline in the edition which followed the introduction of the legislation (Vol. 8, no. 6, October 2006). The introduction of the legislation appears to have had a cathartic effect for the authors of the magazine. Its November 2007 edition featured pike fishing in Poland which raved about the abundant and rich waters; the state run restocking programmes; the efficient administration and policing of fishing licences, ending with a paen to the wonderful Poles. Since then, there's been no negative mention of the 'East European' threat. Indeed, the February 2007 edition contained a piece on how the pike fishing scene in Ireland had changed over the last two decades. How it had become populated by diverse types of anglers, the most common of which was the xenophobic-piker, 'a character who first raised his head in the mid-1990s'.

**"The recent past has provided xenophobic-piker with a new wave of targets from the accession states. Basically, a latent racist, if he fails to catch a pike, then it's not the fault of the weather, water, the bait, or even his angling prowess – 'the**

***Bosnians' [anyone from east of Calais] are always to blame (Farrell, IAD, Vol. 8, no. 10, 2007, p. 5)."***

*Yet despite the protective legislation, the fisheries boards continue to cull pike. An anomaly not lost on the Mayo TD Michael Ring who queried the policy with the Minister for Communications, Marine and Natural Resources. On foot of the 2007 general election in Ireland this was now the Green Party's Eamonn Ryan. In 2008, his party colleague Mary White<sup>27</sup>, suggested to the Minister that coarse fish stocks were in imminent danger of collapse' adversely affecting 'a valuable source of tourism for rural areas' (White, Dáil Éireann, Vol. 650, 13 March 2008). Ryan responded to the effect that the threat was overstated. There had been a few localised examples of fish stocks being exploited as a food item. 'However, this relatively new practice has not had a significant impact on coarse fish stocks nationally ... the main problem appears to be perception. In Ireland, we are not used to seeing our coarse fish killed and eaten ... domestic anglers are commonly angered when they witness this practice' (Ryan, Dáil Éireann, Vol. 650, 13 March 2008).*

*In addition to Minister Ryan's downplaying of the apparent danger to actual fish stocks, research by Fáilte Ireland (Irish Tourist Board) suggests that the apparent threat to tourism may also have been exaggerated. For the seven years 2002–2008 inclusive, neither coarse angler numbers nor visitors satisfaction rates with the quality of angling in Ireland showed any significant declines. During that period, the number of visitors engaging in coarse angling averaged around 29,000 (Fáilte Ireland 2007, 2009), much the same as in the late 1960s. The same source recorded that slightly less than 12 per cent of those surveyed indicated they were not satisfied with the quality of the angling. Indeed, the majority, 57 per cent, indicated they were very satisfied.*

*It is true that there has been some turning away from Ireland as a coarse fishing venue, not least by pike anglers. However, this cannot be blamed on recently arrived East European immigrants. In 2002, the Pike Anglers' Club of Great Britain made a submission to the Central Fisheries Board which stated that:*

***"For many years a great number of our members, plus numerous other British pike anglers have visited the various loughs and rivers of Ireland to sample the pike***

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<sup>27</sup> In March 2010 Mary White was appointed to the cabinet as a Junior Minister at the Department of Community, Equality with special responsibility for Integration, Equality and Human Rights.

***fishing for which it was once famed. However, in recent years most of these anglers have refrained from visiting Ireland to fish, because of the ... dwindling quality of the pike fishing ... It is significant that the recent decline of quality pike fishing on Irish venues coincides with [the fisheries board's culling of] pike in large numbers, this in our view is short sighted and a recipe for fishery suicide! (PAC 2002)."***

*The ambivalence towards the pike, its 'native' status, and the consequent policy of culling it to protect the indigenous salmonids profoundly alienates the very constituency the Conservation of Pike Bye-Law no. 809, 2006 was introduced to protect.*

### **Conclusion**

*There is a long history of illegal fishing in Ireland, not least in the border counties. As long as there have been riparian rights of exclusion, people have poached and, if caught, punished. Eighty years before Alfonsas Zilius was convicted of illegal fishing, Pat McConnell appeared in court in Cavan charged with fishing illegally. He was netting bream (a coarse fish) for food in a river to which he had no access rights. Mr McConnell pleaded guilty on the basis that he didn't think he was doing anything wrong. The judge decided to treat him leniently (Anglo-Celt, 23 October 1926). In the 1980s it was the continentals 'cleaning out our rivers and lakes' (Anglo-Celt, 10/1987, 13), as well as 'faceless get rich quick merchants from Northern Ireland'.*

*Moral panics are the acute manifestations of a chronic moral indignation (Young, 2009, 7). As we have seen, since at least the 1980s, the activities of foreigners taking fish for food were the source of this indignation. In the context of the mass immigration of mid 00s this indignation became acute. The future is open and we cannot perceive how the large-scale immigration of the 00s will impact on Irish national identity. What we can see is the rapidity with which the core ethnic group can alter the legislative and administrative context to compel cultural compliance from foreigners. At the core of Irish national identity is a profound ethnocentrism. An obvious ethnocentrism informs the 2006 legislation. Yet all identities are constructs and the more flexible these constructs are, the more resilient they are likely to prove. In this specific example, the normative framework East Europeans transgressed is itself an example of transnational cultural syncretism; the English practice of 'catch and release' repackaged as traditionally Irish. The criminalisation of East*

*Europeans' fishing and dietary practices was justified on the basis of the perceived threat these posed to Ireland's coarse fishing stocks.*

## 4.2 COARSE FISH/PIKE BYE-LAWS IN SACs SUBVERT EU LAW

As discussed in previous sections, the Conservation of Pike Bye-Law No. 809, 2006 and the Conservation of and Prohibition on Sale of Coarse Fish Bye-Law No. 806, 2006 are national bye-laws that cover all lakes, rivers, streams, ponds etc and including Special Areas of Conservation (SACs). The legal basis on which SACs are selected and designated is the EU Habitats Directive (92/43/EEC) was initially transposed into Irish law in 1997 and is now covered by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended. The Habitats Directive contributes to ensuring biodiversity in the European Union by conserving natural habitats and wild fauna and flora species. It sets up the 'Natura 2000' network, the largest ecological network in the world. Natura 2000 comprises **Special Areas of Conservation** designated by EU countries under this directive and **Special Protection Areas** classified under the Birds Directive (Directive 2009/147/EC).

Any plan or project that is likely to have a significant effect on a Natura 2000 site must be subject to appropriate assessment screening under Article 6(3) of the Habitats Directive. Competent authorities may only agree to a plan or project after having ascertained that it will not have a significant impact on the integrity of a Natura 2000 site. Some projects that will cause significant negative impact may still be permitted, in the absence of other alternatives, for imperative reasons of overriding public interest (including those of a social or economic nature). Where this arises, EU countries must introduce compensatory measures to ensure the overall coherence of the Natura 2000 network. This procedure is regulated under Article 6(4) of the Habitats Directive. Article 6(3) of the EU Habitats Directive provides the following:

***“any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only”.***



The Lough Corrib Pike Research & Control Group has availed of legal advice from a Senior Counsel, which concludes that there is no basis to limit the range of the term “any” in Article 6(3) in its preface to “plan or project”. Thus, the two bye-laws No.s 806 and 809 of 2006 are a plan (or project) and therefore they trigger the Article 6(3) requirements, and should be subject to appropriate assessment screening, as it arises in circumstances, which are not necessary for the management of Natura 2000 sites. It is logical to conclude that any such screening will result in the requirement for an appropriate assessment to be done on the bye-laws themselves.

Neither department officials nor the now defunct Central Fisheries Board conducted appropriate assessment screenings<sup>28</sup> on these two bye-laws for any of the 439 Irish SACs<sup>29</sup> that may include freshwater catchments prior to implementation. Therefore, the Conservation of Pike Bye-Law No. 809, 2006 and the Conservation of and Prohibition on Sale of Coarse Fish Bye-Law No. 806, 2006 are fundamentally **illegal** as they contravene both the EU Habitats Directive and the current domestic European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).

Accordingly, the two bye-laws are also in breach of Article 6(2) as DECC are not taking appropriate steps to avoid, in SACs, the deterioration of natural habitats for which salmon etc are designated. Instead, DECC has adopted measures through secondary legislation that are causing such deterioration.

A more recent inland fisheries bye-law was revoked on this very issue. On October 25<sup>th</sup> 2018, the Designated Salmonid Waters Bye-Law No. 964 of 2018 was signed in to law by Richard Bruton TD (Fine Gael). British and Irish pike angling lobbyists challenged the bye-law in the High Court, case no. 441 MCA (2018). The case never went to non-jury trial presided over by Mr. Justice Seamus Noonan as the state’s legal team never defended the bye-law as the requisite appropriate assessment screenings (AASs) were never completed. As a consequence, the bye-law was annulled under Section 57 of the Inland Fisheries Act 2010 on February 25<sup>th</sup> 2019 (**FIGURE 4**).

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<sup>28</sup> Oughterard Anglers Association, pers. comm., November 2019 - FoI and AIE requests.

<sup>29</sup> <https://www.oireachtas.ie/en/debates/question/2019-09-19/261/>.

**THE HIGH COURT**  
2018 No. 441 MCA  
MONDAY THE 25<sup>TH</sup> DAY OF FEBRUARY 2019  
BEFORE MR JUSTICE NOONAN  
IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 57(7)(a) OF  
THE INLAND FISHERIES ACT 2010  
BETWEEN

**IRISH PIKE SOCIETY  
IRISH FEDERATION OF PIKE ANGLING CLUBS AND  
IAN FORDE**

**APPELLANTS**

**AND  
MINISTER FOR COMMUNICATIONS CLIMATE ACTION AND  
ENVIRONMENT**

**RESPONDENT**

The Notice of Motion of the Appellants dated the 26<sup>th</sup> day of November 2018 being listed before the Court this day for directions Whereupon and on hearing Counsel for the Appellants and Counsel for the Respondent

And the Court noting by consent that the reference to section 57(7)(a) of the Inland Fisheries Act 2010 in paragraph numbered 1 of the said Notice of Motion should correctly refer to section 57(7)(b) of the said Act  
By Consent

IT IS ORDERED pursuant to section 57(7)(b) of the Inland Fisheries Act 2010 that the Designated Salmonid Waters Bye-Law No 964 2018 enacted on the 25<sup>th</sup> day of October 2018 as published in Iris Oifigiúil on the 31<sup>st</sup> day of October 2018 be and hereby is annulled

AND IT IS ORDERED that the Appellants do recover from the Respondent their costs of these proceedings when taxed and ascertained

MARY KELLY  
REGISTRAR  
PERFECTED 25/02/19

Martin E Marren Solicitors  
Solicitors for the Appellants

Chief State Solicitor  
Solicitors for the Respondent

Figure 4. 2019 High Court annulment of Salmonid Bye-Law No. 964 of 2018.

## 5.0 ATLANTIC SALMON & THE LOUGH CORRIB SAC

As stated previously, Atlantic salmon (*Salmo salar*) use the lake and rivers as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II/V of the EU Habitats Directive.

The annual salmon run through the fish counter at the Galway salmon weir is estimated to be 50% of the total run as salmon ascend through the open gates at the weir. The count recorded by the fish counter is doubled annually to provide a total estimate of the salmon run.<sup>30</sup> For example, the total salmon run for 2015 was estimated at 18,952 salmon. The salmon conservation limit for the Corrib is 7,572 fish. The available surplus of salmon for the 2017 season was 5,470 salmon. The available salmon surplus over the five year period (2013 to 2017) on the Corrib system ranged from 4,235 to 6,250 salmon.

Year	2013	2014	2015	2016	2017
Salmon Surplus	4,235	6,250	4,966	5,227	5,470

Based on the above data, the Corrib salmon run is sub optimal but relatively stable in recent years in spite of the problems within the SAC and with marine survival values (ICES 2016).

The scientific advice and management policy in Ireland is to allow salmon stocks to return to individual rivers below conservation without commercial or angling harvest. The harvesting of salmon is only permitted in rivers with an identifiable surplus. This policy ensures the best chance of recovery of depleted salmon stocks and allows the continued propagation of genetically distinct populations within each stock.

The former Central Fisheries Board (CFB) operated a commercial salmon fishery at the cribs on the Corrib River since purchasing the fishery in 1978. In 1999, all commercial salmon fishing ceased on the Corrib and salmon entering the river had free access. Ireland ceased mixed stock drift net fishing at the end of 2006 season. This action coupled with the closure of the commercial traps on the river meant that there has been no interception of Corrib salmon returning since 2006. At sea, the commercial salmon

<sup>30</sup> J. Conneely 2017, WRBD Director, Inland Fisheries Ireland, pers. comm., June 22<sup>nd</sup>

fishery at the Faeroes has not operated since the 1980s and the Greenland commercial salmon fishery is on a strict quota for subsistence use only. Therefore, there is little to no interception of Corrib salmon returning and a quota is in place on the river, which allows salmon to be taken on rod and line while protecting the number of salmon required to spawn annually. The official line from IFI and DECC is that the Corrib system has been substantially above conservation limit in recent years.

Taking all this evidence at face value, there are some some pertinent questions that remain unanswered.

Firstly, why are IFI and by extension DECC pushing a 'catch and release' agenda as a conservation tool for salmonids through various social media platforms? If we examine the Corrib salmon data for 2015, IFI were willing to allow anglers to harvest approximately 25% of incoming salmon stock and still have a sustainable population within the Corrib system. By allowing this high percentage of harvesting, IFI are implying that the angler is not having a negative impact on overall stocks. If this is the case, why is there such a spotlight on promoting 'catch and release' and the continual latent message that if an angler returned more fish alive then there would be no issues with salmon stocks. Either the angler is having a negative impact or not. The contradictory policy of IFI shoving 'catch and release' angling down every anglers throat through the 'CPRsavesfish' campaign while simultaneously selling harvesting licences (blue gill tags) to the same anglers is laughable. IFI are only making a mockery of themselves and the expert scientific advice that underpins quotas.

This duplicitous position on 'catch and release' angling was further compounded by a statement made by Mr. Fintan Gorman (IFI Chairman) in the recently published Wild Salmon and Sea Trout Statistics Report 2019 (IFI/2020/1-4513). Mr. Gorman stated the following, ***"given the status of the species(salmon) there is clearly scope for improving the level of catch and release angling"***. If the IFI Chairman is so concerned about the impact of rod and line harvesting on wild salmon, why does he and the IFI board sign off on the sale of blue harvesting tags every year? Is he afraid that IFI would lose major revenue from the cash cows of the Corrib and Moy systems if Irish salmon angling went full 'catch and release'? Mr. Gorman should remember that you cannot have your bread buttered on both sides.

Let us examine another indigenous Corrib salmonid in brown trout. Corrib trout stocks are currently very healthy and stable with respect to the last major Corrib fish survey in 2012 and the various WFD surveys that have taken place in 2008, 2011, 2014 and 2018. The following statement was made by IFI in March 2012 regarding Lough Corrib:

**“If excessive angling catches were responsible for reducing trout stocks in recent years then a significant reduction should be seen in the numbers of larger older fish in the 2012 survey – this is not the case. It is the smaller fish, not the larger individuals, which are poorly represented in the stock”.<sup>31</sup>**

If these categorical statements with respect to Corrib trout stocks are made in official reports, why is there a concerted effort currently being made within the Inland Fisheries Division of DECC to amend the Western Fisheries Region Conservation of Trout Bye-law No. 840 of 2008 by lowering the daily bag limit from four trout to two. It appears that DECC want to solve a problem that doesn't exist. If this push towards lowering brown trout bag limits and full 'catch and release' angling on Lough Corrib is being portrayed as a conservation effort, then no quantitative scientific evidence<sup>32</sup> exists to support it. Therefore, what is the hidden agenda? Currently, there is no bag limit for brown trout on Loughs Conn and Cullin in Co. Mayo, which form part of the 'Great Western Lakes' grouping with Corrib, Mask and Carra. The lack of bag limits on these lakes show that there is no rationale or consistency to the management strategies employed by DECC and by extension IFI in the west of Ireland.

Secondly, why have DECC or IFI failed to produce annual appropriate assessment screenings for individual SAC lakes and rivers, which are covered by the Wild Salmon and Sea Trout Tagging Scheme Regulations. As comprehensively discussed in Section 4.2 of this submission, these annual regulations trigger the EU Habitats Directive Article 6(3) requirements and should be subject to appropriate assessment screening.

In November 2020, DECC published for the first time ever a generic AAS produced by the private sector for the current Wild Salmon and Sea Trout Tagging Scheme (Amendment)

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<sup>31</sup> Inland Fisheries Ireland - Preliminary Observations in Relation to an Adult Fish Stock Survey of L. Corrib completed in February/March, 2012 - IFI/2012/1-4097.

<sup>32</sup> Oughterard Anglers Association, pers. comm., November 2019 to present - Fol and AIE requests.

Regulations. However with respect to Lough Corrib SAC, this AAS never examined the major impact that invasive pike are having on the Owenriff River, an important Atlantic salmon nursery. Also, the AAS never examined the role that other invasive coarse fish such as roach, perch, bream etc are having on juvenile salmon. If legally challenged in the High Court could this AAS stand up to scrutiny? Why was this AAS completed by a private sector company, INVAS Biosecurity Ltd. and not the appropriate statutory body being IFI?

If the necessary screenings were conducted properly on the Wild Salmon and Sea Trout Tagging Scheme Regulations for the Lough Corrib SAC, provisions would be made for the serious decline in Atlantic salmon stocks entering and leaving the Owenriff system and the resultant negative consequences for the freshwater pearl mussel, another Annex II species (see Section 2.1). While IFI have produced an 'Owenriff Fish Population Rehabilitation Plan' in 2018, no meaningful work has taken place since to protect Atlantic salmon stocks in the system apart from a pike radio tracking survey. DECC seem to be maintaining the illusion that because relatively consistent numbers of salmon are returning to the Galway Weir each year then everything is rosy in the garden. This is far from the truth.

## 6.0 SEA TROUT & THE LOUGH CORRIB SAC

Sea trout is the common name usually applied to anadromous or sea-run forms of brown trout (*Salmo trutta*), and is often referred to as *Salmo trutta* morpha *trutta*. The sea trout, also widely known as 'white trout' or 'breac geal' in Irish, can be found in rivers, loughs and estuaries throughout Ireland. Other names for anadromous brown trout are sewen/ sewin (Wales), peel or peal (SW England), mort (NW England), finnock (Scotland), and salmon trout (culinary).<sup>33</sup> In essence, sea trout are sea-going brown trout.

Most Irish sea trout are females, with their male partners often remaining behind in rivers as resident brown trout. Sea trout/brown trout breed in autumn when river temperatures reach about 6 degrees centigrade, usually in October/November. Most are coloured but late-running fish may still be silver-sided.

While the Lough Corrib SAC is not recognised as a sea trout fishery, its importance in producing a small number of sea trout should not be underestimated. From records currently available to hand, it is very difficult to ascertain the numbers of sea trout running the Corrib River over the last twenty to thirty years.

***“Sea trout numbers were generally low during the season. Up to the end of May water levels fluctuated up and down with numbers difficult to assess, as angling was restricted at times due to high water conditions. From mid-June onwards levels stabilised at one gate up to the third week in July. Water levels fluctuated thereafter for the remainder of the season and it was difficult to observe numbers of fish present in the system. While staff observed some small numbers of decent size sea-trout on the camera in the Weir Pool, and anglers encountered some sea trout while fishing for salmon, numbers overall were generally poor”<sup>34</sup>.***

According to the available IFI Salmon and Sea Trout Statistics Reports, there were 13 sea trout landed in the Corrib catchment in 2010, only one in 2013 and none for the years 2014 and 2015. Furthermore, the annual IFI Fishcounter Reports noted that 6 sea trout passed through the Galway weir in 2015 and none in 2016.

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<sup>33</sup> Everard, Mark. *Britain's Freshwater Fishes*. Princeton: PUP, 2013, p. 84.

<sup>34</sup> Inland Fisheries Ireland - Galway Fishery Newsletter 2015.

The latest Wild Salmon and Sea Trout Statistics Report 2019 (IFI/2020/1-4513) published on November 2<sup>nd</sup> last year, shows that 3 sea trout were caught and released on the Corrib system for the year 2019.

The whole Galway coastline was once famous for the sea trout that it supported. Though badly affected by salmon farms and sea lice, the southern Galway Bay area though not as prolific as the north of the bay still holds stocks of sea trout particularly around Kinvara and Ballyvaughan Bays. In 2016, a sea trout weighing 6.5lbs was captured on August 16<sup>th</sup> in the inner Galway Bay area.<sup>35</sup>

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<sup>35</sup> Annual Report of the Irish Specimen Fish Committee 2016.



## 7.0 LOUGH CORRIB SAC STOCK MANAGEMENT OPERATIONS

Stock Management is undertaken/required on certain systems for the conservation of salmonids in waters, which are managed by IFI as salmonid fisheries. Such waters are identified in IFI's pike and trout management policies. These stock management operations are informed by scientific research, are based on best international practice and carried out in accordance with IFI's pike and trout management policies under strict standard operating procedures. Stock management in relation to invasive pike on Lough Corrib has been carried out by IFI and its predecessors; the Western Regional Fisheries Board, the Inland Fisheries Trust and the Corrib Fisheries Association since 1898. The targeted predation of salmonids by pike has been observed and described by many professionals working in the inland fisheries sector both in Ireland (O'Grady & Delanty, 2008) and in other states and regions where pike are considered as non-native and invasive e.g. Alaska (Sepulveda *et al*, 2013) and Sweden (Byström *et al*, 2007). This is particularly so in the spring months when juvenile salmon and trout migrate from feeder streams to larger freshwater bodies. Pike are an invasive predatory fish that can reduce stocks of salmon and trout and their numbers are managed on certain wild trout fisheries that are recognised as internationally important.

Stock management is an intrinsic component in the conservation management of a Natura 2000 site, ie. Lough Corrib SAC. A report published by the National Parks and Wildlife Service (NPWS) in relation to protected habitats and species, highlight pike as a potential threat to the status of Atlantic salmon in some Irish water-bodies designated under the EU Habitats Directive (NPWS, 2007). This report specifically refers to the Corrib catchment. Pike are also regarded by Inland Fisheries Ireland as a non-native species within the context of the EU Water Framework Directive (IFI, 2018)

When considering the above and bearing in mind that Atlantic salmon are classified as an Annex II and Annex V species in the provisions of the EU Habitats Directive, coupled with Atlantic salmon being a qualifying interest of this SAC, management of pike stocks is necessary in the Corrib catchment as it designated as Lough Corrib SAC.<sup>36</sup>

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<sup>36</sup> Inland Fisheries Ireland - Screening for Appropriate Assessment - Lough Corrib Stock Management Plan 2021 - Page 6

## 8.0 PROPOSED DESIGNATED SALMONID WATERS BYE-LAW

On July 26<sup>th</sup> this year, DECC gave notice of their intention to make the 'Designated Salmonid Waters Bye-Law' to provide for the designation of the waters (7 lakes including Lough Corrib SAC) specified in the schedule to the draft bye-law as salmonid waters to be managed primarily for the benefit of wild salmonid species.

The draft bye-law as published contains nine sections. Two out of the nine sections deal with the salmonid designation but four sections deal with stock management (control of invasive fish species as discussed in Section 7 of this submission).

Section 4 of the draft bye-law contains the following wording: ***"The designated waters shall be managed primarily for the benefit of wild salmonid species"***.

On October 29<sup>th</sup> 2020, the Department of the Taoiseach published the Programme for Government: Our Shared Future. Clearly stated in this document on page 66 is the following, ***"legislate to designate our western lakes as salmonid lakes"***. No where in this document does it insinuate that the lakes concerned be primarily salmonid waters. If one refers to the Oxford English Dictionary, primarily may be defined as 'mostly' or 'for the most part'. Therefore, what is the raison d'être of DECC to include this wording in legislation? Are DECC still trying to give some legitimacy to non-salmonid invasive fish species (pike etc) within SAC lakes such as Lough Corrib through the vehicle of secondary legislation?

As stated multiple times within this submission, Lough Corrib is a SAC designated under the EU Habitats Directive due to the presence of Atlantic salmon. In 1988, The European Communities (Quality of Salmonid Waters) regulations, S.I. No 84, designated the Corrib as a salmonid water. The 1988 Regulation was superseded by the EU Water Framework Directive 2000/60/EC.

The question therefore that stakeholders should be asking is why are officials in DECC attempting to railroad through a proposed salmonid designation bye-law with the aid of a private sector<sup>37</sup> appropriate assessment screening (AAS) for a lake that is already designated through national and EU legislation? Correspondingly, why is the statutory

<sup>37</sup> <https://www.gov.ie/en/publication/aa304-publication-of-the-rfq-for-an-appropriate-assessment-of-a-proposed-bye-law-designating-a-number-of-lakes-to-be-managed-primarily-for-the-benefit-of-salmonids-on-etenders-through-the-quick-quote-process/>

body Inland Fisheries Ireland not conducting the AAS on behalf of its parent government department? Will IFI not give DECC the answers they want to justify their reckless policies towards lacustrine SACs? What will happen if the private sector AAS contradicts previous AASs produced by IFI?

Superficially this draft bye-law seems intent on protecting Lough Corrib as a salmonid fishery, however it appears to be only a smokescreen to invalidate and remove powers from the statutory body (Inland Fisheries Ireland) to carry out stock management operations (pike, roach, perch etc removal) unmolested in SACs. The wording of section 7 within the draft bye-law substantiates this premise. Section 7 clearly states the following:

***“The Minister may, before approval, amend stock management plans as he sees fit and such plans, as approved by the Minister, shall be published and implemented by IFI”.***

Why does a draft salmonid designation bye-law contain multiple sections on stock management operations and why does the same bye-law give an effective veto to the incumbent DECC Minister and his political advisers to cease all stock management operations with one stroke of the pen and therefore undermine the integrity of SACs especially Lough Corrib SAC? This is clearly repugnant to the EU Habitats Directive.

## 9.0 CONCLUSIONS & RECOMMENDATIONS

1. If DECC are going to implement proper universal conservation measures for wild Atlantic salmon and our other native salmonids, they must firstly designate in law without ambiguous wording all of our salmonid fisheries from Co. Cork to Co. Donegal, not just the seven lakes listed in this current abomination of a draft bye-law. This prospective legislation must be properly prepared with appropriate assessment screenings (AASs) by IFI where necessary unlike the incompetent preparation and bungling due diligence of the revoked 2018 Designated Salmonid Waters Bye-Law No. 964. The potential legislation must be robustly defended if legally challenged and in all likelihood it will be challenged by British pike/coarse angling lobby groups through their proxy Irish organisations. All salmonid lakes outside the the seven listed in the draft bye-law some of which are highlighted in Section 3.2 of this submission will be effectively thrown to the wolves if this bye-law is ratified.
2. Secondly, current fisheries legislation such as the 806 and 809 bye-laws of 2006 must not conflict with or contravene the conservation objectives of the EU Habitats and Water Framework Directives. The bizarre situation whereby invasive coarse fish such as pike, roach, perch, bream, tench, dace, chub etc being protected in salmonid fisheries must end. Is it morally acceptable that pike, which are classed as non-native<sup>38</sup> to Ireland under the WFD have more protection under current questionable legislation than our native Atlantic salmon? Please note that it is perfectly 'legal' for an angler to harvest a 30lb wild Atlantic salmon if in possession of a valid salmon licence but a 30lb invasive pike is untouchable. The 806 and 809 bye-laws as currently worded also validate the presence of invasive coarse fish no matter where they're deliberately introduced including SACs. The 806 and 809 bye-laws are illegal and must be revoked before national game angling stakeholders are forced to take legal action against the state. Not alone are the 806 and 809 bye-laws repugnant to current Irish and EU legislation but they were formulated in 2006 on the basis of perceived threats, false facts and latent racism by pike/coarse angling lobbyists. How can DECC in the most hypocritical manner designate lakes as 'primarily salmonid' while simultaneously protecting invasive coarse fish in the very same lakes?
3. All future freshwater fisheries legislation must be compliant with the EU Habitats and Water Framework Directives and all necessary screenings must be completed rather

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<sup>38</sup> AA Screening - Lough Corrib Stock Management Plan 2019 - Inland Fisheries Ireland

than the mishmash of contradictory and illegal legislation that DECC presently presides over. The question must be asked, is any inland fisheries legislation currently on the statute books fully compliant with EU Directives?

4. Water bodies with non-native invasive coarse fish species such as pike will not meet high status for Water Framework Directive purposes due to the presence of these species. Future introductions of non-native species will also lead to a downgrading of the ecological status of a water body. Stricter border controls especially in the post Brexit era and strengthening of existing legislation for moving these species internally in Ireland is required immediately. Legislation currently exists under Regulation 49 (Prohibition on introduction and dispersal of certain species) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477). We are calling on DECC to add all invasive coarse fish (covered by the 806 & 809 bye-laws) including zander (*Sander lucioperca*), barbel (*Barbus barbus*), wels catfish (*Silurus glanis*) and topmouth gudgeon (*Pseudorasbora parva*) to the Third Schedule (Part 2A) of S.I. 477, which already lists chub, dace, roach and carp. No additional legislation is required. Heavier fines and custodial sentences are also required if individuals are found transporting these invasive species into Ireland and within the country.
5. Proper staffing to be put in place by IFI and proper funding to be provided by the DECC to carry out the 'Owenriff Rehabilitation Plan'<sup>39</sup> to eradicate all invasive pike from the Owenriff. Under the EU Water Framework Directive, the state is legally obliged to remove these pike, as they are invasive to the SAC. Due to the lobbying by Lough Corrib stakeholders over the last five years, the threat to the remarkable polymorphic Owenriff salmonid population has gone from latent to visible. DECC and IFI had a decade of forewarning on this issue, in addition the previous IFI CEO may go down as the person who single handedly oversaw the demise of Owenriff salmonids after years of deliberate procrastination. We are also calling for DECC to release more funding to IFI to deal with the recent introduction of invasive pike to Aughrusbeg Lake, another SAC water deliberately seeded with invasive pike by malicious pike anglers.
6. IFI must immediately end its duplicitous position on the status of pike in Ireland. On October 15<sup>th</sup> 2013, Ms. Suzanne Champion of IFI issued an online press statement<sup>40</sup>

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<sup>39</sup> IFI (2018) Owenriff Fish Population Rehabilitation Plan. National Research Survey Programme, Inland Fisheries Ireland, 3044 Lake Drive, Citywest Business Campus, Dublin 24.

<sup>40</sup> <https://www.fisheriesireland.ie/Press-releases/new-study-reveals-pike-native-to-ireland.html>

declaring that pike were native to Ireland. Over two years later, on December 10<sup>th</sup> 2015, Dr. Cathal Gallagher, IFI Head of Research and Development, in a submission made to the Department of Environment, Community and Local Government regarding **Significant Water Management Issues in Ireland (SWMI)**, stated categorically that pike were non-native to Ireland. In 2019, IFI reconfirmed that pike were non-native in an AAS conducted for invasive pike removal operations on Lough Corrib (Special Area of Conservation-SAC 000297). How can a statutory fisheries authority make such contradictory public statements with no rational explanation forthcoming and expect to be a credible organisation in the eyes of game angling interests?

7. IFI must end its self defeating and hypocritical policy of releasing all pike 85cm or greater in length during annual stock management (pike control) operations on the designated trout fisheries that also contain Atlantic salmon. IFI or its predecessors have never produced any credible scientific evidence showing that releasing 'Big Old Fat Fecund Female Fish (BOFFFF)'<sup>41</sup> i.e. large hen pike would benefit a salmonid lake such as Lough Corrib. How can a statutory fisheries authority produce an AAS for Lough Corrib stock management operations, which states clearly that the presence of pike are a negative in the Lough Corrib SAC and then have a contradictory policy of releasing alive all large pike caught in gill nets? The mind boggles.
8. All open cage salmon farming in Galway Bay and its environs must immediately cease. How long more can successive Irish governments and civil servants in the relevant state departments be seen to promote the conservation of wild salmon stocks while simultaneously championing the growth of Irish salmon farming?
9. Finally, the Lough Corrib Pike Research & Control Group are totally opposed to this salmonid waters bye-law in its current form. We cannot support nor can any Lough Corrib stakeholder, a bye-law that is deliberately designed through political meddling to undermine IFI's ability to conduct annual stock management operations on Lough Corrib and as a consequence undermine its status as a SAC/salmonid fishery. Furthermore, this draft bye-law degrades IFI's autonomy as a statutory body. No Irish government minister or government official should be granted a legal veto over the EU Habitats Directive through a national bye-law. In summary, it's quite reasonable to

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<sup>41</sup> Samuel Shephard, Inland Fisheries Ireland, June 6th 2019 - [https://www.researchgate.net/post/Which\\_fisheries\\_are\\_managed\\_with\\_a\\_maximum\\_size\\_limit\\_or\\_harvest\\_slots\\_both\\_max\\_and\\_min\\_size](https://www.researchgate.net/post/Which_fisheries_are_managed_with_a_maximum_size_limit_or_harvest_slots_both_max_and_min_size).

state from a legal perspective that this draft bye-law is not worth the paper it's written on.

The Lough Corrib Pike Research & Control Group,

August 20<sup>th</sup> 2021

[info@loughcorrib.ie](mailto:info@loughcorrib.ie)

***"Northern pike are a problem, not an opportunity".***

