



Comment on Draft Bye-Law

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Participating Bodies of the Angling Consultative Council of Ireland

1 REVISION HISTORY

Revision History		
Revision	Author	Notes
1.0	IPS/IFPAC	First Issue

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2 INTRODUCTION

The proposed draft Designated Salmonid Waters Bye-Law was made available to the ACCI on 16th July last, with observations to be submitted by the Angling Consultative Council of Ireland (ACCI) in regard to the draft bye-law, by the 23rd July. This is a particularly tight deadline and allows little time to engage meaningfully with the participating bodies of the ACCI.

The Inland Fisheries Division of the Department of the Environment, Climate and Communications stated in the correspondence of 16th July that the “draft bye-law designating certain waters” is “in line with the programme for Government commitment”.

2.1 INITIAL OBSERVATIONS IN RELATION TO THE DRAFT BYE-LAW

Having made a cursory review of the draft bye-law, it appears that there are four elements to the draft bye-law. These are as follows:

1. The draft bye-law stems from the ‘Agriculture and Food’ heading of the ‘Programme for Government’.
2. The draft bye-law promotes the use of annual stock management to remove non-salmonid species with the expectation that removing other fish will conserve salmonid species.
3. The draft bye-law provides for the artificial stocking of un-named species into the waters to be designated as salmonid waters, once prior consent is granted by Inland Fisheries Ireland.
4. The draft bye-law states that annual stock management shall be based on “scientific” and “management” assessment of the requirements of article 4.

An initial comment on each of the observations is provided in the following sections 2.1.1 to 2.1.4 inclusive.

2.1.1 BALANCED REGIONAL DEVELOPMENT – ‘AGRICULTURE AND FOOD’ & THE BYE-LAW

The proposed draft bye-law was made available to the ACCI on 16th July last. It was stated that the “draft bye-law designating certain waters” is “in line with the programme for Government commitment”. On review of the most recent copy of the Programme for Government it is of particular note that the bye-law is to be legislated for, under the ‘Climate and Biodiversity’ heading within the overarching ‘Balanced Regional Development - Agriculture and Food’ heading.

The 'Climate and Biodiversity' heading states very clearly that *"farmers are the primary custodians of the rural environment and have a vital role to play in addressing the climate and biodiversity crisis"*.

The heading explicitly states that through the programme for government that *"We will work with farmers to bring about change on every farm in the country in a practical way, giving them an opportunity to benefit from environmental actions and providing them with options for income generation, through alternative land use options"*.

There is a clear inference from the Programme for Government that the agricultural sector will be central to the conservation of salmonids in the waters to be designated and that this is the basis for the bye-law. As angling representative bodies, it is reasonable to expect that the programme for government will therefore engage with the agricultural sector to elevate the named waters, above current EU Directives and Statutory Instruments, by introducing a suite of environmental actions, sampling analysis and compliance conformity, to expressly improve the ecology within the waters for the primary benefit of salmonids.

A precedent exists for linking environmental quality to waters capable of supporting salmonids. Lough Corrib was afforded this additional support under 'S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations, 1988'. These Regulations prescribed quality standards for salmonid waters, and designated the waters to which the regulations would apply, together with the sampling programmes and the methods of analysis and inspection to be used by local authorities to determine compliance with the standards. None of the six remaining waters named in this bye-law were afforded this designation as a salmonid water.

Most of the waters named in the draft bye-law have endured environmental degradation during the past 50 years. Lough Sheelin has endured the most damaging water pollution over decades requiring that its trout stock be supplemented by farm reared trout. Arctic char are now extinct in both Lough Corrib and Lough Conn, due to nutrient enrichment. At that time, the phosphorous loading exceeded 20000 kg P/annum from agricultural according to the Irish Char Conservation Group Ltd. This exceeded the phosphorous loading of a combination of all other municipal and forestry sources according to the groups reports entitled "Lough Conn – A Lake in Trouble" and "The Lough Conn Char – Now Extinct!". The protected Freshwater Pearl Mussel, in the Owenriff river discharging into Lough Corrib, has suffered losses to juvenile mussels with the habitat recognised as unsuitable for the recruitment of mussels by the National Parks and Wildlife Service (NPWS, 2017), due to sedimentation and enrichment. Filamentous algae abundances have been recorded at 20 times in excess of the recommended levels in the Owenriff river. Indeed, angling bodies around Lough Corrib commissioned a report entitled 'Lough Corrib – A cause for Concern' during the mid-1990's as they recognised the ongoing environmental deterioration in Lough Corrib, despite S.I. No. 293/1988. Lough's Conn & Cullin experienced a significant decline in trout stocks in the 1990's due to pollution and increased nutrients. Lough Carra is at this moment reaching an environmental *'tipping point'* as reported in Eco Eye on RTE television in recent months. Nationally, Ireland is entering the second 6-year derogation under the EU Water Framework Directive. The EPA reports on Ireland's water quality generally, are not as would be expected at this point in time, despite improved legislation and enforcement in recent years.

A draft bye-law linked directly to enhanced and sustainable environmental improvement appears to be logical. However, the draft bye-law does not seek to address environmental issues as implied in the programme for government, but instead seeks to remove fish stocks. This approach is not new. A letter written to Eamon Ryan TD and now Minister, by the Chief Executive Officer of the Shannon Regional Fisheries Board on 17th July 2003 in regard to Lough Sheelin stated that: -

“Dr. Martin O’ Grady, Senior Research Officer with the Central Fisheries Board has stated that Lough Sheelin is “a unique ecological resource”. Unfortunately, the pollution of this lake over 30 years, has caused a serious imbalance in fish populations and it is in an effort to control this imbalance that the board removes fish”.

We believe that the draft bye-law fails to address the environmental quality and therefore the ecological sustainability of the respective fisheries for future generations, and instead binds the management of the fisheries to a continued programme of fish removal and artificial stock manipulation.

The net effect of the proposed draft bye-law is that the natural balance of fish stocks will remain unknown and the results of fish stock surveys carried out every 3 years as directed under the Water Framework Directive, will not reflect the true ecological balances within the respective fisheries.

Proposed Bye-Law Action:

- 1) In line with the Programme of Government, it is proposed here that the bye-law is re-drafted to reflect enhanced measures connected only to the agricultural sector regarding practices, land use, monitoring and compliance - including measures implied by the Nitrates Directive, Habitats Directive, EU Water Framework Directive, and the Rural Environmental Protection Scheme for such fisheries within designated SAC’s and SPA’s.

2.1.2 THE CONSERVATION OF SALMONID SPECIES ABOVE OTHER SPECIES

The draft bye-law seeks to remove non-salmonid species in the named waters, as a conservation measure for salmonids. The basis for such an approach is largely predicated on internal reports produced by the Central Fisheries Board (CFB) and Inland Fisheries Ireland (IFI) with very few reports over the past 65 years having undergone any peer-review. The impact of adopting a management assessment and strategy on this basis was evident on Lough Corrib in 2012, where despite 16 years of pike removal, two major stock surveys carried out directly by IFI - one in 1996 and the other in 2012, showed that in 2012, the population of pike had fallen by 48% and that the population of trout had fallen by 21% from the re-commencement of stock management in 1996.

Put simply, the removal of another species (pike) did not result in any conservation return for salmonids (trout).

Proposed Bye-Law Action:

- 1) The draft bye-law seeks to designate seven waters and dedicate them to the conservation of salmonids without any justification or explanatory notes. From the information presented we do not believe that they merit this description or legal status.
- 2) In our opinion, it would be appropriate to refer to the status of the seven waters as 'wild waters' and to manage them on that basis, without discriminating in favour of one type of fish given their long-standing ability to produce excellent, self-sustaining populations of both salmonids (brown trout) and pike. Such an approach would also accord with the equally prized reputation of the seven waters as big-pike fisheries, an accolade that has been seriously eroded by the stock management strategies.

2.1.3 ARTIFICIAL STOCKING OF WATERS

The draft bye-law seeks to provide for the artificial improvement of fish species in the waters, when approved by Inland Fisheries Ireland (IFI).

The artificial stocking of trout has taken place on lough Sheelin from the early 1970's. This appeared largely in response to the pollution of lough Sheelin over many years and the negative impact that pollution inflicts on wild trout stocks.

Proposed Bye-Law Action:

- 1) It is not clear what the intention of this aspect of the bye-law is, nor is it clear if the approval to be granted by IFI will consider all ecological consequences of increasing the stock of one or more individual species, artificially. It is suggested here that the ecological consequences of artificially increasing the stock of an individual species by any means, should be based upon scientific research.

2.1.4 SCIENTIFIC ASSESSMENT VS MANAGEMENT ASSESSMENT

The draft bye-law states that annual stock management shall be based on “scientific” and “management” assessment of the requirements of article 4.

In recent years, considerable pressure has been applied to the Department and to Inland Fisheries Ireland to manage the respective waters aggressively by removing pike, without any consideration for the ecological consequences of such an approach. Simply put, this was a subjective “management only” approach that dismissed all relevant scientific research, and ultimately led to the annulment in the High Court of the ‘Designated Salmonid Waters Bye-Law No. 964, 2018’.

Proposed Bye-Law Action:

- 1) In our opinion, any bye-law which seeks to improve any fishery should be based upon scientific evidence only, and the term ‘management’ as a subjective term, and as an implied alternative to measures supported by scientific evidence, should be removed from any bye-law.

2.2 REFERENCES

E. Cusack (CEO) of Shannon Regional Fisheries Board to Mr. Eamon Ryan TD, Correspondence Re: Irish Federation of Pike Angling Clubs dated 17th July 2003.

NPWS (2017) Conservation Objectives: Lough Corrib SAC 000297. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf

S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations, 1988

<http://www.irishstatutebook.ie/eli/1988/si/293/made/en/print>