
From: Lough Corrib Pike Research & Control Group <info@loughcorrib.ie>
Sent: Thursday 8 December 2022 21:00
To: IFD Public Consultations
Subject: Public consultation on the Wild Salmon and Sea Trout Tagging Scheme (Amendment) Regulations 2022 and Conservation Measures for the 2023 season
Attachments: Salmon & Sea Trout Regulations submission to DECC 2023 .pdf
Importance: High

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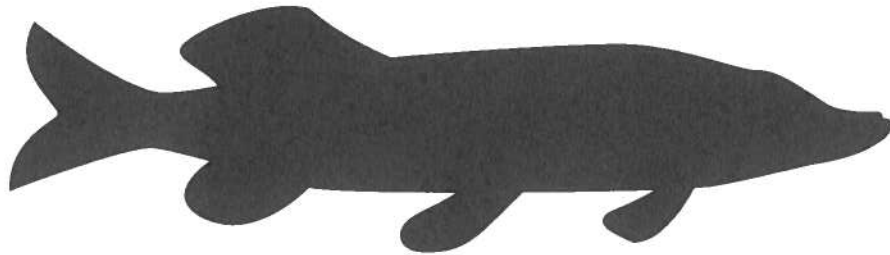
To whom it may concern,

Please find attached our submission (PDF file) to the public consultation on the Wild Salmon and Sea Trout Tagging Scheme (Amendment) Regulations 2022 and Conservation Measures for the 2023 season.

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Regards,
Lough Corrib Pike Research & Control Group.

"Northern Pike are a problem, not an opportunity".



LOUGH CORRIB PIKE RESEARCH & CONTROL GROUP

www.loughcorrib.ie

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

**Public Consultation
on the
Wild Salmon and Sea Trout Tagging Scheme
(Amendment) Regulations 2022
and
Conservation Measures for the 2023 Season**

December 8th 2022

OBSERVATIONS

1. If the Dept. of Environment is going to implement proper conservation measures for wild Atlantic salmon and other native salmonids, they must firstly designate in law all of our wild salmonid fisheries. This legislation must be properly prepared with Appropriate Assessment Screenings (AASs) where necessary for SAC¹ waters unlike the incompetent preparation and blundering due diligence of the 2018 Designated Salmonid Waters Bye-Law no. 964 and the 2021 Draft Designated Salmonid Waters Bye-Law. The prospective 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.
2. Secondly, current inland fisheries legislation such as the Coarse Fish Conservation Bye-Law No. 806 and the Pike Conservation Bye-Law No. 809 from 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, chub, dace etc being protected in salmonid fisheries/SACs² must end. Is it morally acceptable that pike, which are classed as 'non-native influencing ecology'³ to Ireland under the EU Water Framework Directive have more protection under current fisheries legislation than our native Atlantic salmon? Please note that it is perfectly legal for an angler to harvest a 30lb wild salmon if in possession of a valid salmon licence but a 30lb invasive pike is untouchable. The 806 and 809 Bye-Laws are illegal and the Dept. of Environment along with Inland Fisheries Ireland cannot continue to bury the issue. 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 many falsehoods with no Appropriate Assessment Screenings (AASs) completed to ascertain their impact on SACs (i.e. native fauna and native ecosystems).
3. In August of last year, Inland Fisheries Ireland (IFI) lodged a submission with the Dept. of Environment regarding the 2021 Draft Designated Salmonid Waters Bye-Law. In their submission, IFI stated the following regarding the 806 and 809 Bye-Laws; ***"namely Bye-Law 806 and Bye-Law 809 of 2006, the Bye-Law as it stands does***

¹ Special Area of Conservation

² Special Areas of Conservation

³ AA Screening - Lough Corrib Stock Management Plan 2019 - Inland Fisheries Ireland

not achieve its stated aim of protecting the wild brown trout status of these lakes. In fact these bye-laws have resulted in fish species which have become "naturalised" in these lakes are now afforded equal protection to the native species which have been there since the retreat of the last ice age. This is contrary to the aims of the Habitats Directive and fisheries legislation in general".

4. We have serious concerns with respect to the inaugural Appropriate Assessment Screening (Invas Biosecurity Ltd 2000), which underpins the current salmon and sea trout legislation and the management of open fisheries with a harvest surplus particularly Lough Corrib SAC. Based on 2020 data, the 2021 'Conservation Limit (CL)' for Atlantic salmon entering Lough Corrib SAC was 7,551 fish with a harvestable surplus of 4,540. In plain English, this means that 4,540 salmon could have been harvested in 2021 and still have a self-sustaining population remaining in the system. This data is based on the fish counter at the Galway Weir but doesn't take in to consideration the health of the spawning rivers upstream. Even though consistent numbers of salmon have been returning to the Corrib system on an annual basis in recent years, this gives a "false positive" in relation to the overall health of the system. For example, the Owenriff System a key salmon nursery within the Corrib system, which straddles two SACs has been decimated by an illegal introduction of invasive pike. Pike have severely impacted the Owenriff System and its ability to produce smolts for downstream migration to the sea. Under current metrics used by IFI and the Dept. of Environment, this impact is airbrushed over by solely using Galway Weir based counter numbers. As a consequence, the validity of the 2020 Invas Biosecurity Ltd Appropriate Assessment Screening could have been challenged in court as it failed to assess the impact of invasive fish species on Irish salmon stocks in SACs. The question must also be asked as to why the Appropriate Assessment Screening was conducted by a private sector company and not IFI (the responsible statutory body under the Inland Fisheries Act 2010)?

5. In an IFI report published last year, 'The Status of Irish Salmon Stocks in 2020 with Catch Advice for 2021. Report of the Technical Expert Group on Salmon', the following statement was made with respect to small salmon populations; **"Although these are insignificant fisheries (accounting for less than 0.5% of the total national rod catch when combined), their stocks are important as spawning**

populations in their own right, which must be maintained as constituent elements of biodiversity, as required under the EU Habitats Directive". In other words, all individual salmon stocks irrespective of population size are important and must be maintained in a favourable conservation condition as per the primacy of EU law. Therefore, the question must be asked, is the Dept. of Environment allowing the Galway Weir counter numbers to mask the problems with the Owenriff System in a bid to sidestep the EU Habitats Directive? If the EU Habitats Directive was being adhered to properly, all salmon producing tributary rivers within Lough Corrib SAC (including the Connemara Bog Complex SAC and the Maumturk Mountains SAC that are hydrologically connected to Lough Corrib SAC) should have fish counters installed to properly assess overall Corrib Catchment salmon stocks and to pinpoint underperforming nursery rivers.

6. All future freshwater fisheries legislation must be compliant with the EU Habitats Directive plus the EU Water Framework Directive and all necessary Appropriate Assessment Screenings must be conducted rather than the mishmash of contradictory and inadmissible legislation that the Dept. of Environment presently presides over.
7. Water bodies with non-native invasive coarse fish species such as pike will not meet high status for EU 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 post Brexit 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 the Dept. of Environment in conjunction with the Dept. of Housing, Local Government and Heritage 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.

8. Proper staffing to be put in place by IFI and proper funding must be provided by the Dept. of Environment to carry out the 'Owenriff Rehabilitation Plan'⁴ to eradicate all invasive pike from the Owenriff. Under the EU Water Framework Directive, IFI are obliged to remove these pike, as they are non-native to Ireland and to Lough Corrib SAC in addition to the Connemara Bog Complex SAC. Due to the lobbying by Lough Corrib riparian interests over the last six years, the threat to the polymorphic Owenriff salmonid population has been exposed to the general public. The Dept. of Environment and Inland Fisheries Ireland had over a decade of forewarning on this issue and a multitude of civil servants have overseen the demise of the Owenriff System after years of very deliberate procrastination.
9. Considering that the Inland Fisheries Division within the Dept. of Environment has deliberately failed to publish the current Appropriate Assessment Screening document that underpins the 2022 Wild Salmon and Sea Trout Tagging Scheme (Amendment) Regulations, it is impossible to assess whether it's sufficient or deficient. Last year's Appropriate Assessment Screening by Invas Biosecurity Ltd dated November 2021 failed to take cognisance of the fact that the Corrib Catchment/Fishery covers three SACs (Lough Corrib SAC, Connemara Bog Complex SAC and the Maumturk Mountains SAC) and salmon entering the Corrib Catchment in Galway City may be legally harvested from any one of the three named SACs. The 2021 Invas Biosecurity Ltd document from page 49 onwards is silent on the issue and therefore ultimately deficient.
10. Finally, this public consultation on the Wild Salmon and Sea Trout Tagging Scheme (Amendment) Regulations 2022 is open until 17:30 on Friday December 9th 2022. Regarding this deadline, why have Inland Fisheries Ireland commenced the online retail sale of 2023 salmon licences since Friday December 2nd? The 2023 salmon licence is validated by the 2022 Wild Salmon and Sea Trout Tagging Scheme (Amendment) Regulations, which to date remain unsigned by the Minister. Therefore, doesn't this make a complete mockery of the public consultation process and the ministerial authorisation of the regulations for 2023? Isn't this just another example of the utter dysfunctionality that currently exists within the inland fisheries sector?

⁴ IFI (2018) Owenriff Fish Population Rehabilitation Plan. National Research Survey Programme, Inland Fisheries Ireland, 3044 Lake Drive, Citywest Business Campus, Dublin 24.

The Lough Corrib Pike Research & Control Group,

Galway.

December 8th 2022

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