

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM CHOMHSHAOL AGUS GHNÍOMHÚ AR SON NA HAERÁIDE

### JOINT COMMITTEE ON ENVIRONMENT AND CLIMATE ACTION

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*Dé Máirt, 1 Feabhra 2022*

*Tuesday, 1 February 2022*

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Tháinig an Comhchoiste le chéile ag 10 a.m.

The Joint Committee met at 10 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Richard Bruton,	Lynn Boylan,
Réada Cronin,	Timmy Dooley,
Cormac Devlin,	Alice-Mary Higgins,
Alan Farrell,	John McGahon,
Darren O'Rourke,	Pauline O'Reilly.
Christopher O'Sullivan,	
Bríd Smith,	
Jennifer Whitmore.	

Teachta / Deputy Brian Leddin sa Chathaoir / in the Chair.

*The joint committee met in private session at 10 a.m., suspended at 11.23 a.m., and resumed in public session at 1.05 p.m.*

**Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022:  
Minister for the Environment, Climate and Communications**

**Chairman:** The purpose of this part of the meeting is to consider the motion re Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022, which was referred to this committee by both Houses on 25 January 2022. I welcome the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, and his officials, to this meeting. I invite him to make his opening statement.

**Minister for Communications, Climate Action and Environment. (Deputy Eamon Ryan):** I welcome the opportunity to come before the joint committee today to discuss the motion. The motion seeks the joint committee's approval for the Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022, which prescribes the licence duties payable in respect of salmon, eels and oyster commercial fishing and dealers' licences that fall to be issued or renewed in 2022. Commercial fishing for eel is currently not permitted, in line with Ireland's eel management plan approved by the European Commission under EU Regulation 1100/2007 due to the perilous state of the stock. The European eel is on the International Union for Conservation of Nature, IUCN, red list as a critically endangered species.

In keeping with Government policy and the commitment first given in 2003 in front of the then joint committee, adjustments, if any, were to be applied in line with the consumer price index, CPI. However following the reduction in licence duties in 2010, in response to the then prevailing economic circumstances, no adjustments, either increase or reduction, have since been recommended by Inland Fisheries Ireland, IFI, for approval of Ministers regardless of increases in the CPI. It was always envisaged that the licence duty levels prevailing before 2010 would be restored. Hence the recommendation of IFI is to restore the duty level to pre-reduction levels in as far as practical.

Since the cessation of mixed stock fishing in 2007 in line with scientific advice, commercial salmon fishing is limited to only those rivers with stocks that are exceeding conservation limits. This licence duty restoration will apply to wild salmon, oyster fishing and dealers' licences. The proposed restoration of duty levels for commercial fishing licences is consistent with my decision in December last year to restore the duties on certain categories of salmon rod licences as set down in the published Salmon Rod Ordinary Licences (Alteration of Duties) Order 2021 and the Special Tidal Waters (Special Local Licences) (Alteration of Duties) Order 2021. The proceeds from the sale of salmon licences, both rod and commercial, amounts to €900,000 per annum with the vast majority attributed to the rod licence duty. A 50% component of all licence duties collected in respect of both commercial salmon fishing licences and salmon rod licences is ring-fenced to be invested in salmon stock rehabilitation and habitat improvement providing ecological and conservation dividends for the stocks.

I thank the Chairman and committee for their attention and I trust that the committee will recommend that the Oireachtas should pass the motion approving the licence duties for 2022.

**Chairman:** I thank the Minister for his opening statement and invite members to indicate if

they wish to ask a question. I call Deputy O'Sullivan.

**Deputy Christopher O'Sullivan:** I thank the Minister. I seek clarification regarding the potential consequences for eel stocks, are licences for commercial fishing for eels being provided for? Why are eels referenced in the opening statement?

**Deputy Eamon Ryan:** The licences are there on a statutory basis but are not being issued. In 2009, there was a ban on eel netting and exploitation of eels was introduced because the stock was in crisis. Across north-west Europe stocks were at 1% of what they would have been under pristine conditions. It is a north-west European stock. It goes to the Sargasso Sea. It does not come back like the salmon to an individual river so it is particularly at risk. It has a very long life cycle. An eel will take 30 years before it will migrate down river. We also have issues with a number of obstructions on rivers that make it perilous but there is no exploitation or catch of eel. Eel fishermen to bring eels upstream and across dams, but there is no catching and exploitation of eels.

**Deputy Christopher O'Sullivan:** The motion does not seek to return to the pre-2009 situation.

**Deputy Eamon Ryan:** No.

**Chairman:** The Minister said in his statement that 50% of all licence duties that are collected in regard to salmon fishing licences and rod licences are ring-fenced for improving the "ecological and conservation dividends for the stocks", but what about the other 50%? I do not expect the Minister to have this information now, but he might revert to the committee later. How much money are we putting in, in total, to improve the ecological and conservation dividends for the stocks?

**Deputy Eamon Ryan:** The budget for Inland Fisheries Ireland, which is the key agency, is €30 million. That is an annual application. The annual revenue of approximately €500,000 adds to that but is not the key element. Of that €30 million, some €20 million is for salaries, particularly for fish protection personnel who monitor what is happening in the rivers. We will have to look at this in connection with what we are doing on the national land use review and what work the GSI and the EPA are doing in regard to the scientific assessment of our river basins and of our water quality. Inland fisheries is one of the areas where we need to look again and invest further to use it as the measure, particularly of water quality. Salmonid species, in particular, are highly sensitive both to water temperature and pollution. We are at risk of both. The EPA's assessment that the rivers in the south east known as the three sisters have been fully saturated with nitrogen and phosphate is a warning call. One of the best ways of monitoring, measuring and getting local community involvement and engagement and an understanding of the quality and health of our rivers is by monitoring, assessing and protecting the health of our salmonid fish stocks, in particular. They are the canary in the mine, if we are not mixing metaphors, because they will tell us whether their environment is in pristine condition.

**Chairman:** I thank the Minister. To be clear, is he agreeable to increasing the investment and resources in fisheries so that we get those outcomes?

**Deputy Eamon Ryan:** That is part of the budgetary process. My general assessment is that one of the key projects for this Department and this Government is the scientific assessment that will underpin our land use plan. Critical to that is the issue of water quality and biodiversity levels within our rivers, lakes and marine areas, particularly as part of the land use plan. In that

regard, the work of Inland Fisheries Ireland is important not only in its own right but also to complement what the EPA and the GSI are doing, and what we are going to have to do to get the land use plan right and act on it to improve the natural conditions in our country.

**Chairman:** I thank the Minister and call Senator Higgins.

**Senator Alice-Mary Higgins:** I will follow up on the point about the 50% reserve and the question of what the other 50% might be earmarked for. If I understand correctly, that 50% goes to Inland Fisheries Ireland. As the Minister mentioned, the other complementary part - the work of the EPA - is very important. Perhaps it would be appropriate for some of the other 50% of the revenue generated to be earmarked for the work of the EPA in regard to water quality in specific areas. The Minister mentioned the intersection with the land use plan. Marine protected areas are going to be very relevant, especially as they intersect with tidal waters. Would it be worth considering the earmarking of a portion of the other 50% of revenue raised for the work of the EPA and for work that might be needed, perhaps for a specific time period, in regard to the land use strategy and the development of the marine protected areas? On a related issue, one of the key issues relating to licences is the level of stock that is in place. This was highlighted recently in respect of Cork by fishermen. There was very serious concern that unless we have better monitoring and regulation of sonar and noise activity in our waters, it is likely to have a detrimental effect on fish stock. That may affect future sea fishing quotas but also future licences. To what extent is the Minister engaging with his Cabinet colleagues and the Minister of State, Deputy Noonan, on the development of regulations in respect of sonar activity in marine areas that may impact on fish stocks and in terms of the habitats directive? Ireland has responsibility for the implementation of the habitats directive within our exclusive economic zone, EEZ. I would be grateful if the Minister could comment on that. I think it will affect both the quotas and the issue of future licensing.

**Chairman:** I thank the Senator and will let her back in. The Minister and his officials are here today to talk about inland fisheries. Marine protection is not on the agenda of this meeting.

**Senator Alice-Mary Higgins:** The motion relates to tidal areas also because of oysters.

**Chairman:** Indeed.

**Deputy Eamon Ryan:** What we learn through ecology is that everything is connected. There is a connection in the marine. One of the biggest challenges with salmon as a species is what is happening in far distant waters off Greenland where the salmon go for their feeding and development before they return and those changes and everything that happens on the way, be it a fish farm with the whole issue of sea lice or military or other matters. The most sensitive aspect in that regard relates to cetaceans with the sonar effects on them being particularly acute. We work with the Minister of State, Deputy Noonan. Coming back to what the Senator said about our inland waters, the water quality issue is something for which they have the key responsibility. The EPA is the enforcement agency. It is critical that there is good connection and good swapping of information, analysis, data and work across all the agencies.

Just to back up, the other 50% goes to the IFI, but that is earmarked for rehabilitation and habitat improvement. It is not as if it is going into the general Exchequer coffers or any other source. It is all for good conservation, development and protection of our inland rivers.

**Deputy Richard Bruton:** I thank the Minister for his attendance. It is a pleasure to see him. I have a few questions about the conservation status of stock. He indicated that it is under

considerable stress. Some rivers are entirely closed because of a lack of stock. Can the Minister give us a picture of the salmon stock status and the direction of progress? Is it getting worse? Are more rivers being closed? Where exactly do we stand in respect of protecting the species?

How will new salmon licence charges relate in everyday terms to people who may be using them, for example, the proportion of the value of the catch that the fee will represent or the charge in respect of a person who is seeking to take out a licence on a river where it is open to angling?

**Deputy Eamon Ryan:** I will give the Deputy an update on the status of the stocks, particularly salmon stocks. They seemed to be relatively steady, if not showing a slight improvement, in the last five years. The number of rivers open to catching where there is a total allowable catch set and conservation limits went from 44 to 48 between 2017 and 2021. The number on catch and release has gone from 27 to 32 and the number closed has gone from 72 down to 64. That is a slight improvement but still we would not be complacent. Anyone with a close interest in angling will say that the numbers are a fraction of what they would historically have been. Some rivers, such as the Moy, are still remarkable. I think the total allowable catch there is something like 12,000 fish. The next river down from that would be something like 4,000, which is a fraction of it. I am thinking of the likes of the Blackwater or the Maine down in Kerry. It varies across the country. There is the Laune in Tralee. They would be some of the larger rivers.

We have a complex system because there is both the spring run and the autumn run. A lot depends on local conditions as well as the wider context, as I mentioned earlier, of what is happening in the feeding grounds out in the Atlantic. Some 7,000 fish would be caught with commercial licences each year. That is still very valuable. In shops the price of wild salmon is astronomical because it is such a precious and rare commodity. The number of licences is relatively small. Commercial fisheries are limited just to salmon. We do not do any eel.

On the range of licences in terms of costs, a draft net licence is €385 and there were 58 sales of them last year. Snap net licences, a slightly different netting type, sell as ten at a duty of €152. We are looking at about a 10% increase. It is not a huge revenue accruing to the State. Most of the revenue comes from the rod licences for anglers, tourists and others, including short-term daily licences. The commercial licence income and numbers are very small. For some people it is still a very significant business because those 7,000 fish are not insignificant in numbers but the licence fee revenue is a fraction of what it would be from the commercial fisheries compared to the rod licences.

**Deputy Darren O'Rourke:** A lot has been covered. I would like to get a sense of how the allowable catch compares to what it was at the start of the last decade or in 2008, 2009 or 2010. How does the season compare? Is it the same comparable season? On this approach to licensing and the increase in fees and duties as a mechanism for conservation and management, is the Minister satisfied that it is effective? Has there been an assessment of its effectiveness or appropriateness as a tool for conservation? What assessment has been made of the impact of the increase in fees? I expect from those who avail of these licences that there is a business case that this plugs into. Has that been assessed from the Minister's end in terms of the implications of these increases and the impact they will have on fishing activity? Is that plugged into the Department's analysis to achieve a desired result?

**Deputy Eamon Ryan:** May I give the wider assessment of the past ten years? We were at a crisis stage 15 years ago. If I recall correctly, Noel Dempsey was Minister at the time. We were

at a crisis point and still had drift netting at sea. The issue of drift netting was critical because such netting is indiscriminate. If you had a drift net off either the west or east coast to catch salmon coming down, you could not tell which river they were going to. It was not scientific. You could not tell whether that fish was the last to go up a particular river, so it was vital that drift netting be stopped. That has worked in the sense that it has stopped the precipitous decline that had been under way since the 1970s, which is when drift netting and draft netting were at their height and when there were hundreds of thousands of salmon. There had been a continuous downward curve since then. The numbers have not come back up as much as we would have liked but there has at least been a stabilisation and, in some rivers, a restoration.

This is a complex issue to deal with. As I have said, it is connected to global warming because salmon are very sensitive to water temperatures. We are at the southern end of the feasible range for salmon. Salmon numbers further south have dropped by even more. They are also very sensitive to pollution. We have a significant and ongoing problem with water pollution in all of our rivers. We have gone from a largely pristine river system to having only 20 or so river systems being so described. To go local, catch and release has been implemented in the Boyne in the Deputy's own area. There is still the ability to fish to help with conservation. It is not as if there are not salmon going up the Boyne. I happened to visit Dowth recently and the point was made that Knowth, Dowth and Newgrange were the centre of early civilisation on our island because there was the most incredible protein source at the bend in the river just beneath where those portal tombs are located. It was therefore the ideal place for civilisation to thrive. Could we get back to those numbers on the Boyne? I certainly believe we should set that as an objective. It is not lost. I have seen salmon jump over the weir at Clonskeagh. We can restore the stock as a critical contribution to restoring biodiversity in Europe. It is of that much significance.

**Senator Pauline O'Reilly:** To take up that point about restoration, conservation and the sensitivity of salmon to global warming and pollution, I believe the Minister announced a consultation on a new conservation plan. It has been ten years since such a plan was drawn up for the country, so it is about time something was done in this regard. I would like an update on that.

We had some discussions last year on by-laws in respect of the western lakes and salmonoid species. Inland Fisheries Ireland has undertaken to draw up a management plan in respect of the western lakes. This may not be the appropriate setting for this. I know the Minister is to come back to discuss fisheries, including inland fisheries, in more detail but the western lakes are at particular risk from invasive species, so I would like to understand the work Inland Fisheries Ireland is undertaking with regard to that management plan. Might we consider by-laws in respect of salmonoid species in general because they may be out of date? Perhaps that work could be included in the conservation or management plan.

**Deputy Eamon Ryan:** I will again go local and refer to the Senator's own city. The River Corrib is one of the great rivers and Lough Corrib is one of the great lakes. It is more of a trout lake than a salmon lake but the River Corrib is open. Some 4,139 tags may be issued, just to give an indication of numbers. You will see fishermen at the site by Salmon Weir Bridge. They are there for a reason. The Senator is right. We need much more deep and dense analysis of what is happening in the likes of the great lakes so that we can manage them better. There is a lot of controversy in this area. There are all sorts of different views and opinions with regard to pike versus trout and perch and the issues around invasive species. The ecology is highly complex. It is of great importance that we manage and monitor the great lakes.

To help with that, there is a series of papers and policy initiatives coming from the Department. Within a number of weeks, we expect a policy paper on water quality and climate. We will forward that to the committee. We also expect a further paper on the whole issue of aquaculture and the protection of our marine, lake and salmonoid environments. There will also be a policy paper on the management options for salmon, which will go to consultation this year. There are a number of different critical policy initiatives coming. We will share all of them with the committee straight away. We look forward to engaging on them.

**Deputy Christopher O’Sullivan:** It comes back to the whole conservation element. The Minister signalled that some of the revenue collected from the fees will be put back into conservation and habitat protection. In that regard, is there room to address the issue whereby necessary flood prevention works have taken place within a particular town to protect residences and businesses, the best examples in my own area being the works on the River Bandon, the River Fealge in Clonakilty and in Skibbereen, but the outcome had not been good from a habitat and biodiversity point of view? What tends to happen on these rivers is that the Office of Public Works carries out its works with one thing in mind, that is, flood prevention. However, at times what is left afterwards, including in the three examples I gave the Minister, is a biodiversity desert in which the riverbed has been completely changed and not re-established. Is there potential for funding from this stream of income, perhaps supplemented by other funding, to rewild or replace habitat that has been lost where there is a desire in the community to do so? The works in Bandon, Clonakilty and Skibbereen are perfect examples. The spawning of fish and breeding birds have been impacted.

**Deputy Eamon Ryan:** Could the Deputy remind me of the river in Clonakilty? I have my list of rivers here. I always think it is great to go local in terms of-----

**Deputy Christopher O’Sullivan:** It is the River Fealge. It is a very small river.

**Deputy Eamon Ryan:** I do not think it is on my list. It is the River Ilen that flows through Skibbereen, is it not? That is open. There are 817 tags allowed on that river while 708 are allowed for the River Bandon. I will be honest; when I saw some of those flood protection works, particularly those in Bandon and Skibbereen, I wondered how fish would ever come back up again. There was a very significant intervention in these cases. I remember that, on the Cork side of Bandon, there was a kind of-----

**Deputy Christopher O’Sullivan:** A new mountain was created out of what was taken from the riverbed.

**Deputy Eamon Ryan:** It was just incredible. I will go local and again mention the weir at Clonskeagh in my own area. Flood protection works have just been carried out there. We were talking about different agencies with different responsibilities. This is an OPW issue. I look at the scale of the change to the local environment and I fear that some of our flood protection works are overengineered, do not take into account biodiversity and do not consider how more natural flood management techniques, such as overflow areas and so on, can be used. I have a real fear that the approach taken may create further problems in that it tends to speed up the waters and funnel rivers, particularly in the likes of Skibbereen and Bandon. There is a worry that rivers are being culverted rather than flood prevention works being designed. The OPW has a job to do and will say it has to-----

**Deputy Christopher O’Sullivan:** The question relates to where these flood schemes have already happened and are done, dusted and finished but the riverbed remains in a degraded con-

dition. Is there potential for funding to be used from this income to rewild or engineer a return to the habitat that was there previously, if the Minister understands what I mean?

**Deputy Eamon Ryan:** I would not rule anything out. It is difficult, however. I had a discussion recently with representatives of the OPW regarding who has responsibility for flood protection on the railway line in Clare. The Chair will remember this topic. I made the point that the organisation is responsible for flood protection, but we would work with it to ensure when designing flood protection that we consider nature protection at the same time as working to avoid the flooding of homes.

**Chairman:** Building on Deputy Christopher O’Sullivan’s question, might there be a greater role for Inland Fisheries Ireland, IFI, to work with the OPW to ensure that the right ecological assessments and rehabilitation plans are put in place in the context of these schemes?

**Deputy Eamon Ryan:** There is, and Mr. Maher may wish to give details in that regard. A memorandum of understanding, MOU, has been worked out between the IFI and the OPW in places such as Bandon, because they must work together and they do. It is not a case of one State agency being right or wrong. The OPW benefits from listening to the IFI.

**Chairman:** I thank the Minister. I call Senator Higgins.

**Senator Alice-Mary Higgins:** I do not know if this might be appropriate, but it would be useful if we could see the MOU on co-operation between the IFI and the OPW. We are going to have a more detailed discussion on fisheries in this committee in future and that MOU information would be useful to allow us to have as informed and useful a conversation as possible. I do not know if the MOU is a general agreement or specific to individual rivers, but it would be useful if information on the mechanisms of co-operation were to be available.

Deputy Christopher O’Sullivan’s points about flood protection were well made. To return to the licensing aspect, as well as addressing the question of the appropriateness of flood protections, in instances where a local pressure is being applied for a discrete period of time, for example, through flood works and other activities, is there a potential to suspend the use of licences in such areas? I refer to a situation, for example, of a river in a particular area that may be under significant pressure, perhaps during a migration season. Is that a tool that could be used to ameliorate the situation so no extra pressure is experienced?

Will the Minister clarify whether the licences referred to in this context apply to just wild salmon and shellfish or are charges for aquaculture licences or finfish aquaculture licences included? Regarding the wider question of what kinds of mechanisms are employed, has there been public consultation in this regard? I ask this because the Minister mentioned drift and draft nets and the negative impacts they have had. Draft nets are still included in the Schedule to this Bill. What public consultation has there been around the use of draft nets, as well as concerning the use of other gear which have by-catch implications?

**Deputy Eamon Ryan:** The draft nets are different because there is no issue with by-catch and they are river-specific. They are used within the estuarine and river system, so there is not the same risk as I mentioned regarding drift netting at sea, which is indiscriminate.

I will certainly seek to get that memorandum of understanding, even if it is only an example of what can be done on the River Bandon, because that would be good. I have not seen it myself yet, so I look forward to seeing how it works.

I assure the Senator that commercial licences are only issued where the scientific assessment of a river is that it is above its conservation level to ensure that any activity is not worsening a conservation problem. Within that context, the ability to do other works on the river is governed by sensitive rules regarding what can and cannot be done. Works on bridges or other roadways would have to be done outside particular times to ensure that migratory fish stocks are not disturbed. Therefore, the type of licence and the sort of other activities that might impinge on fish stocks is heavily regulated under statute regarding when that takes place.

**Senator Alice-Mary Higgins:** I ask the Minister to comment on my question about the wild salmon and-----

**Deputy Eamon Ryan:** No, sorry, the fish farming licences are issued by the Department of Agriculture, Food and the Marine and they are not included in this system.

**Senator Alice-Mary Higgins:** Okay. Regarding draft nets, there are some concerns environmentally, so this topic may need to be reviewed and examined in the wider context of fishery and conservation policies. Concerns exist about wild salmon and draft nets.

**Deputy Eamon Ryan:** That will be part of the paper in the context of examining the management of this system and exploring if there are issues with draft net licensing.

**Chairman:** I thank the Senator. To bring the Minister back to the local perspective, again, I ask him about some rivers in my neck of the woods, namely, the River Feale and the River Mulkear. Perhaps the Minister might have some figures that he can share with us. Most members are in favour of having a further session devoted specifically to barriers to fish migration. There are serious issues in this regard with the Annacotty Weir on the River Mulkear, just outside Limerick city, and the Ardnacrusha power station on the River Shannon. That last location might be straying into the Minister's other remit on energy. We are going to take a close look at that matter, but does the Minister, or the representatives from the IFI, have anything to tell us about what it is planned to do in the areas where those projects are to remove what most people would agree are significant barriers to fish migration?

**Deputy Eamon Ryan:** It is a real issue. As it happens, I was just talking to my officials earlier today and said that what I would like to do is to visit both locations. There is nothing better than seeing at first hand what is happening on the ground in the presence of our fish scientists and representatives from the ESB. The Shannon system, in particular, is a large facility with a major disruptive effect on the eel and salmon populations. If the Chair might be interested, he and other members of the committee could come along when I visit the region and we could see the situation at first hand and listen to what management options are possible to try to improve it.

**Chairman:** I thank the Minister. The members will appreciate that invitation, and we will probably take him up on it. On the numbers for the rivers I mentioned, does the Minister have them to hand?

**Deputy Eamon Ryan:** The River Feale and the River Mulkear in Limerick are both catch and release areas, so there is hope. The numbers, however, are significantly below optimum, so fishing must be on a catch and release basis.

**Chairman:** Do any other members wish to ask a question? No. I thank the Minister and Mr. Maher for coming in today and briefing the committee on this matter.

## Messages to Dáil and Seanad

**Chairman:** In accordance with Standing Order 101, the following message will be sent to the Clerk of the Dáil:

The Joint Committee on Environment and Climate Action has completed its consideration of the following motion:

That Dáil Éireann approves the following Order in draft:

Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022,

a copy of which was laid in draft form before Dáil Éireann on 17th January, 2022.

In accordance with Standing Order 75, the following message will be sent to the Clerk of the Seanad:

The Joint Committee on Environment and Climate Action has completed its consideration of the following motion:

That Seanad Éireann approves the following Order in draft:

Fisheries (Commercial Fishing Licences) (Alteration of Duties and Fees) Order 2022,

a copy of which was laid in draft form before Seanad Éireann on 17th January, 2022.

The joint committee adjourned at 1.42 p.m. until 10 a.m. on Tuesday, 8 February 2022.