

## **RECORD OF DECISION - IP/FCILC 13**

Pursuant to the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing a North/South Ministerial Council done at Dublin on 8 March 1999, the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on 8 March 1999 and to the supplementary Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland constituted by the exchange of letters dated 18 June 1999, as amended by the supplementary Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland constituted by the exchange of notes dated 19 November 2002, Mr Ian Pearson, M.P., Parliamentary Under-Secretary of State and Mr. Dermot Ahern, T.D., Minister for Communications, Marine and Natural Resources have given consent to the decision sought in **Paper IP/FCILC 13** set out below. The effective date of this decision is 1 September 2004.

### **Decision sought in paper IP/FCILC 13**

Ministers are invited to:

- (i) approve the Foyle Area and Carlingford Area (Close Seasons for Angling) (Amendment) Regulations 2004; and
- (ii) authorise the Joint Secretaries to the North/South Ministerial Council to sign and approve on their behalf.

## FOYLE, CARLINGFORD AND IRISH LIGHTS SECTOR

### **FOYLE AREA AND CARLINGFORD AREA (CLOSE SEASONS FOR ANGLING) (AMENDMENT) REGULATIONS 2004**

1. The Loughs Agency of the Foyle Carlingford and Irish Lights Commission has prepared a set of draft regulations, the “Foyle Area and Carlingford Area (Close Seasons for Angling) (Amendment) Regulations 2004” in connection with their area of responsibility.
2. The proposed regulations have been prepared as a result of the fish kill on the River Strule in Omagh on 5<sup>th</sup> August 2004, and amend the Foyle Area and Carlingford Area (Close Seasons for Angling) Regulations 2001 by bringing forward the beginning of the close season in the River Strule and its tributaries upstream of its confluence with the River Owenkillew from 21<sup>st</sup> October to 13th September.
3. The fish kill on the River Strule close to Omagh, which occurred on 5th August 2004, is still under investigation by Environmental Heritage Service (Northern Ireland) and the Loughs Agency. The area affected is close to Water Service Omagh Sewage Works and appears to have been caused by low dissolved oxygen levels associated with high water temperatures and low river levels. The reasons for and causes of the low dissolved oxygen levels continue to be pursued by the agencies through both chemical and biological sampling. It is anticipated that firm indications of the pollution source will become available during September when analysis and correlation of the data is completed.
4. There have been 4 similar serious incidents in this area since 1999, and the Loughs Agency is involved in ongoing litigation in association with the other affected fisheries owners seeking compensation for the losses recorded in these incidents from the sources of the pollution on each of those occasions.
5. The management for the conservation and protection of the salmon stocks of this area is focused on the monitoring of the migration of adult salmon up stream of Sion Mills weir through the use of automatic fish counting facilities. Target escapements are set on the basis of the in stream habitat available for each of the fresh water stages of the salmon's life cycle in the areas up stream of Sion mills and these are expressed in terms of the number of fertilised salmon ova required to provide the optimum stock for the habitat available.

6. Monitoring of the size, fecundity and sex ratio of the annual adult migration has established that a total of 8000 Salmon are required over Sion Mills weir to provide the 9.7 million ova required to stock the area. This makes allowance for angling, predator and poaching mortality of the adult stock.
7. There are two main watercourses upstream of the area where the fish kill occurred and to which it can be expected that these fish would have moved into to spawn. These are the Drumragh River which has an ova deposition requirement of 789,000 ova and the Camowen River with a requirement of 2,305,500 ova giving a total requirement upstream of the fish kill of 3,094,500.
8. Monitoring of the sex ratio of adult salmon migration over a number of years indicates that 60% are female and 40% are male, and that each female salmon will provide 3000 ova. Using this information the number of ova removed from the system by the fish kill is estimated at 1,296,000 or 42% of the total ova requirement for the area upstream of the kill.
9. Anecdotal information from local angling interests suggest that the female fish run into the area affected by the fish kill earlier in the season than the male fish which arrive closer to spawning time. This is supported by information provided by Omagh Angling Association who opened the body cavities of 160 of the casualties and found 11 to be male and the remainder female (this represents 93% of the total). On this basis 663 of the casualties would be female and would have provided 1,989,000 ova or 64% of the ova requirement of the area upstream of Omagh.
10. To exacerbate the situation the number of salmon returning from their sea migration this year have been generally very disappointing right around the coast of the island. To date 6610 fish have been recorded moving upstream of Sion Mills (these include those fish killed at Omagh) whereas 10,470 had been recorded at a similar stage in 2002 and 9151 in 2003.
11. The date of the proposed closure has been discussed with the fisheries owners and is generally acceptable to at least the principals of the organisations. It will also allow the Agency as required by statute to publish them in the local press prior to their introduction and provide the opportunity for publicity to be given to the introduction of the regulations to the angling fraternity.