

DAERA Lough Erne Commercial Fishing Permit Policy

General

1. The Department of Agriculture, Environment and Rural Affairs (DAERA or Department) owns and manages the fishing rights on Upper and Lower Lough Erne. DAERA's policy is that Lough Erne and its fisheries should be used primarily for recreation and amenity purposes, while respecting the rights of the traditional commercial fishermen.
2. Lough Erne is central to the maintenance and future development of the significant tourist industry of County Fermanagh and the attraction of visitors, including recreational anglers, to the area. As part of the management regime the Department issues licences and permits annually for the small traditional commercial fishery on the Lough operated by local fishermen.
3. The commercial exploitation of any species is only permitted where scientific evidence confirms stock levels and identifies a surplus of fish that can be harvested, without adversely impacting on the overall stock level or other species. Any future change to policy will be guided by the available scientific evidence from fish surveys carried out by the Agri-food Biosciences Institute (AFBI) in Lough Erne.

Scope of Commercial Fishing

4. Brown Eel fishing was stopped in 2010 to comply with the European Council Regulation (EC) No 1100/2007 and meet the required escapement target for the catchment. Given the current status of the Eel stock, it is unlikely there will be a resumption of traditional Eel fishing for a considerable period of time given the current status of stocks.
5. Pike is the only species that can currently be taken from Lough Erne by commercial fishermen, with efforts directed on the Lower Lough to protect the salmonid rivers. Consideration will be given to assessing if there is a continued need for protected areas on the Lower Lough or if these can be disregarded.
6. Commercial fishing for Pike will be monitored through monthly catch returns. Future exploitation will be in line with the overall commercial policy and scientific advice on the exploitation of those stocks and to ensure there is no

adverse impact on recreational angling.

7. The commercial fishing Pike season opens from the 1st December to the end of February inclusive. This will avoid any conflict with the main recreational game angling season which starts on the 1st March each year.
8. There is the potential in the future for the commercial exploitation of Perch on the Lough, as recent surveys have highlighted a significant growth in the population. Future exploitation will be in line with the overall commercial policy and scientific advice on the exploitation of those stocks. Legislation changes and consultation on those changes will be required to enable fishing for Perch using large D Fyke nets (with an escape panel). It is anticipated that the season would be for a maximum 8 week period in May and June in any year.
9. The Department will continue to prohibit the taking of Bream, Pollan, Eels, Salmon and Brown Trout on a commercial basis. Any future exploitation will be in line with the overall commercial policy and scientific advice on the exploitation of those stocks.

Number of Permits Available

10. Currently the only species in Lough Erne allowed to be taken as per the DAERA commercial coarse fish permit is Pike. The maximum number of permits available should therefore reflect the needs of this small traditional fishery, so that fishermen remain incentivised to carry on commercial activity. The number of permits to be issued each season will be capped at six, but reducing to four as fishermen retire or leave the fishery.
11. The maximum number of permit holders can be reviewed in the future if other species become available to harvest. Those currently eligible (i.e. those already holding a permit) to apply for a permit will still be able to do so, but as numbers reduce through retirement, etc, new applicants will be sought when the number of eligible fishermen reduces below four.

Eligibility for Permits

12. The issue of permits is restricted to those commercial fishermen who have applied for and held permits, actively fished and provided catch returns for two out of the three previous years. A zero catch return is not acceptable as evidence of active fishing. Any fisherman not applying for a permit to fish in any given year, without providing a valid reason to the Department, may lose their entitlement to apply for a permit, which may then be reallocated. The Department will contact the fisherman to ascertain their intentions to fish and they will be given a deadline to respond by. A failure to reply by the deadline will result in the permit being allocated to another person.

13. When a permit holder ceases to fish (usually on retirement or death), if there is a nominated helper, that individual has the first option to apply for the permit, providing they can demonstrate that they have been a nominated helper in 2 of the previous 5 years. Each permit holder may nominate a helper to assist him in authorised fishing operations. Nominated helpers name and contact details must be made known to the Department in advance of any fishing season.
14. If the nominated helper does not wish to apply for a permit or for some reason are ineligible, then preference will be given to helpers from other Lough Erne commercial fishing boats, who can demonstrate that they have been a nominated helper in 2 of the previous 5 years. Where two or more helpers maybe eligible for a single vacancy, then length of time as a nominated helper will be used to decide who receives the permit. If there are no helpers wishing to apply, then the Department will invite applications for permits up to the maximum number available at that point in time. The application process is detailed in **Annex 1**.
15. Anyone fishing must have a valid DAERA fishing licence.
16. Anyone who has been convicted of a fishery offence in the last 5 years will be precluded from any permit application process. The date the exclusion commences will be 5 years before the date the application process is opened.
17. A template for the permit, including conditions, is attached at **Annex 2**.

Permit Application Process

18. All applications for a permit shall be considered and adjudicated on by the Inland Fisheries Senior Panel made up of the following senior staff:

Chair: Director (Grade 5) or Assistant Director (Grade 6) of Marine and Fisheries Division

Members: Chief Fisheries Officer and the Head of Inland Fisheries Policy (Grade 7) or their nominated deputy.

Permit Appeal Process

19. When an applicant has been refused a permit or had a permit revoked then that person may appeal within 14 days of being notified of the refusal or revocation to the Director of Marine and Fisheries Division. If the Director has already taken part in the Senior Panel then the appeal shall be reviewed by the Deputy Secretary (Grade 3) of the Environment, Marine and Fisheries Group.

This Policy is effective from 19 March 2021.

**DAERA APPLICATION PROCESS FOR A LOUGH ERNE PERMIT AND
SCORING MATRIX FOR NEW APPLICANTS**

1. When the Department of Agriculture, Environment and Rural Affairs (DAERA) is made aware that the number of fishermen eligible to apply for a Lough Erne commercial fishing permit will drop or has dropped below the maximum number of four (4), it will seek to fill any vacancy using the eligibility criteria outlined below. However before initiating a recruitment process, the Department will first establish if any existing helpers wish to apply for a permit in their own right (as per DAERA Lough Erne Commercial Fishing Permit Policy eligibility criteria), if not then the recruitment process will be made open for new applicants to apply.

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2. This section outlines the process to be used in the absence of interest among current helpers to assess new applications in an equitable and fair manner:-
 - (a) The Department will publicly advertise seeking individuals to apply for a commercial permit to fish on Lough Erne;
 - (b) The advertisement will provide details on how and where to apply, an application end date and the criteria to be used to evaluate applications. It will not be restricted to only those living in the Erne catchment. A sample application form is included below;
 - (c) A panel will be established comprising of senior staff within the Marine and Fisheries Division to assess all applications, with records being retained of all applications and the panel evaluations. The most senior staff member will hold the position of chair and will ensure that all applications are evaluated in a fair and equitable manner;
 - (d) Applicants must be over 18 years old and must own or have access to a boat and relevant fishing equipment;
 - (e) Applications will be assessed only on information provided by the applicants. However, if it is subsequently discovered that an applicant

has provided false information, the Department retains the right to revoke the permit and award it to another applicant in the same process or a new process if required;

- (f) Marks for each criteria will be those agreed and awarded jointly by the panel. A merit list of successful candidates will be drawn up and permits will be awarded in that order;
- (g) Should a successful candidate decline an offer, it will be offered to the next successful candidate on the merit list; and
- (h) The Department may retain the merit list for up to 5 years from the date of the agreement of the merit list, to fill any further vacancies that may arise.

Lough Erne Commercial Fishery New Entrant Application Form

Full Name:

Address:

Date of birth (DD/MM/YYYY):

Have you have had any convictions for fishery offences in the last 5 years:
Yes / No (delete as appropriate).

Please complete this form with as much information as possible to allow the evaluation panel to assess your application.

Please outline your commercial fishing experience (20)

Please outline how you intend to commercially fish on Lough Erne and what equipment you have access to. (15)

Please outline how you intend to dispose of the fish captured. (15)

Candidate Signature:

Date:

Lough Erne Commercial Fishery Application Assessment

Candidate Name:

Date of Assessment:

Criterion 1: Please outline your commercial fishing experience

Inland Fisheries Panel Comments:

**Marks
Available
20**

Agreed Panel Mark

Criterion 2: Please outline how you intend to commercially fish on Lough Erne and what equipment you have access to.

Inland Fisheries Panel Comments:

**Marks
Available
15**

Agreed Panel Mark

Criterion 3: Please outline how you intend to dispose of the fish captured.

Inland Fisheries Panel Comments:

Marks Available
15

Agreed Panel Mark

Application Merit Order

Merit Order (Suitable)	Applicant Name	Total Panel Mark
1.		
2.		
3.		

Did not meet the Criteria	Applicant Name	Reason
1.		
2.		
3.		

Members of Inland Fisheries Assessment Panel			
Position	Name (Signature required)	Grade	Department
Chair Person			
Panel Member			
Panel Member			



Department of
**Agriculture, Environment
and Rural Affairs**

**FISHERIES ACT 1966 (NI) (as amended)
PERMIT TO FISH COMMERCIALY IN LOUGH ERNE**

Permit No: S /20

Subject to the undermentioned conditions and any others contained in the Fisheries Act (NI) 1966, as amended, and any Byelaws and Regulations made thereunder, the Department of Agriculture, Environment and Rural Affairs hereby permits:

(name and address)

assisted by

(name and address)

to fish for PIKE only

by means of set nets.

CONDITIONS

1. Fishing must take place only within those areas where it is permitted, as defined in the 2014 Fisheries Regulations NI legislation.
2. Anyone fishing must hold a valid DAERA Commercial licence.
3. Boats used on Lough Erne for fishing for pike must not be more than 6.1m long and 2.2m wide.
4. Only the permit holder and his helper named on this permit may fish under the authority of this permit.
5. The permit holder shall strictly observe any direction which may be given to him from time to time by the Department of Agriculture, Environment and Rural Affairs.
6. This permit must be produced when required by any authorised person.
7. The permit holder shall keep records by number and weight of the pike caught by him under authority of this permit, and shall submit such records to the Department of Agriculture, Environment and Rural Affairs **by the end of each Month (December, January, February)**

8. All salmon, sea trout, trout, bream, pollan, perch, eels and any other species to which this permit does not apply which must be taken from the net and returned to the water without avoidable injury.
9. Synthetic nets must be made from 2 or more multifilament yarns twisted and plied together, or 3 or more multifilament yarns braided together.
10. A person shall only use a single wall set net or trammel net for the taking of pike on Upper or Lower Lough Erne with a minimum a mesh size of 63mm or more from knot to knot, measured along the side of the square of the mesh taken in the clear when the net is wet.
11. The maximum length of a single wall set net or trammel net for the taking of pike on Upper or Lower Lough Erne which may be used at any time by any one licence holder shall be 460 metres of net as hung whether used as one or more nets.
12. Each net or row of nets of a single wall set net must be marked with a yellow float which must be 30cm in height above the surface of the water and 30cm across.
13. Each float should be painted clearly and legibly in figures of not less than 12mm high with the number of the relevant commercial fishing licence which must be obtained from the DAERA Inland Fisheries Group Office at 1 Mahon Road, Portadown.
14. Pike less than 60cm measured from the tip of the snout to the fork or cleft of the tail must be returned without avoidable injury to the water from which they were taken.
15. The annual close season for taking coarse fish on Upper and Lower Lough Erne by single wall set nets or trammel net nets is from 1 March to 30 November (both dates inclusive).
15. This permit is liable to be forfeited at the discretion of the Department of Agriculture, Environment and Rural Affairs should the holder or his helper act contrary to any of these conditions or commit any breach of the Fisheries Act and Fisheries Regulations. Forfeiture may result in the future disqualification of the permit holder and helper from applying for a permit.
16. By accepting the permit, the permit holder accepts the conditions of the permit as outlined above.

This authority shall remain in force during the period from 1 December [ENTER YEAR] to end February [ENTER YEAR] inclusive unless withdrawn by the Department of Agriculture, Environment and Rural Affairs at any time by notice in writing.

Dated this day of:

**Signed on behalf of the Department of Agriculture, Environment and Rural
Affairs:**