

48th MEETING OF THE FOYLE CARLINGFORD AND IRISH LIGHTS COMMISSION

Wednesday 2nd April 2008 @ 11am

Loughs Agency Headquarters, Prehen

Attendees

Present

Tarlach O'Crosain (Chairman)
Jacqui McConville (Vice Chair)
Joe Miller
Thomas Sloan
Jim Wilson
Denis Haughey
John Byrne
Winston Patterson
Enda Bonner
John Mulcahy
Alan McCulla

In Attendance - Loughs Agency

Derick Anderson CEO
Gerard Mills – Director of Development
Barry Fox – Director of Aquaculture and Shellfisheries
John McCartney – Director of Conservation and Protection
Laura French (Minutes)

1. Apologies

Brendan Byrne
John Pollock – Director of Corporate Services

2. Minutes of the Previous Meeting

CEO advised the Board that section 9 of the previous minutes had been inaccurate and will be amended accordingly.

Proposed Jacqui McConville
Seconded Enda Bonner

3. Reserved Minutes

None

4. Matters Arising

None

5. Pen Pictures

The Board were provided with a copy of all Board members pen pictures. CEO asked the Board to review their own pen picture and advise on any amendments before they were placed on the Agency's website.

6. CEO Report

CEO reported to the Board that one of the Fisheries Officers from the Omagh Crew, Mark Mimmagh, had been in a bad road traffic accident over the Easter break and was in intensive care with serious head injuries. CEO also added that the Loughs Agency's coxswain Roly Wysner was also off on long-term sick following an operation. The Chairman and members of the Board asked that their regards be sent to Mark and Roly for a speedy recovery.

CEO advised the Board that he was present at the last Assembly's Agriculture and Rural Development Committee meeting and had got approval to proceed on an 8 week consultation for both the ban on the sale of rod caught salmon and trout and the oyster Regulations. CEO added that he would relay the outcome to the Board after the consultation period.

CEO gave an overview on the Review of Environmental Governance and further information will be reported on at the next meeting of the Board.

CEO reported to the Board that the Eco Eye series which the Loughs Agency took part had been aired on RTE and copies were available for the Board. CEO continued that there were over 341,000 viewers and that the Loughs Agency had been invited to do another piece with Eco Eye. CEO added that it had cost €12,000 for a 6minute slot and the Agency had thought they may get better value for money with a programme with Sky.

CEO advised the Board that there had been further representation from the Advisory Forum for a Board member to attend their meetings. CEO provided the Board with a copy of the minutes of the last Forum meeting and asked them to consider the request.

7. Directors Report

The Board were provided with updates from the Senior Management Team each giving a brief overview on their relative areas.

Development

Gerard Mills, Director of Development advised the Board that the two bids to the Special EU Programmes Body (SEUPB) have been submitted.

1. Marine Tourism and Angling Development (circa €8MEU)
2. Territorial Cooperation with the Scottish Centre of Ecology and the Natural Environment (SCENE)

He added that we hope to hear responses and funding announcements, should we be successful, by August / September 2008. In the interim we have approached Rural Development Council, DARD Rural Development, IFI and NITB to identify synergies and opportunities where the Agency can develop product development of mutual advantage.

Financial Assistance - Small Grants Scheme

Director of Development advised the Board that over 30 applications had been received before the closing date (27th March 2008). This will provide information for an initial sift of projects and will be followed by full applications, assessment and award or otherwise. Papers will be prepared for the Board for their decision.

All Island Angling Licence

Mr Mills reported to the Board that the Loughs Agency has worked up a proposal to develop an on line licensing scheme particularly to facilitate the visiting angler. Following an approach by all 7 Regional Fisheries in the Republic of Ireland and with the support, in principle, from DCAL the Agency had agreed to be the conduit to fund the scoping of an all island licensing scheme.

Conservation and Protection

John McCartney, Director of Conservation and Protection advised the Board that since the last Board meeting Agency staff have been busy on a number of fronts. The regulatory process had run into some difficulties because of departmental schedules, and thus the public consultations have not yet been issued. The pre consultation process changed within Northern Ireland, and currently the Agency must have the approval of the Agriculture and Rural Development Committee both before, public consultation takes place. Regulations must again be taken to the committee following consultation for their approval. Agency staff are working closely with DARD colleagues to try and ensure that these regulations get back on schedule.

Mr McCartney continued that Agency staff have paid out most of the money associated with the first payment of the salmon hardship scheme, and are preparing to pay out the next portions in April 2008. Agency staff have successfully collected and decommissioned all of the surrendered nets, which have now been disposed of. The remaining commercial fishermen will be receiving their 2008 licence application packs shortly.

Enforcement Actions

Director of Conservation and Protection reported that 2008 has started with 7 rod related offences, and 5 rod seizures. Agency protection staff have also seized 3 illegal nets and one inflatable boat. Pollution issues have also been addressed by Agency staff with 5 sets of statutory samples taken with a view to prosecution. The Agency has 31 cases in the court system from 2007.

Comparative Summary fish counter data

	2005 Jan / Feb count	2006 Jan / Feb count	2007 Jan / Feb count	2008 Jan / Feb count
Faughan	28	31	23	32
Finn	19	21	4	5
Sion Mills	26	7	532	-1
Roe	15	296	199	17
Corrick	22	Not available	-4	-1
Newry	Not available	Not available	Not available	9
Omagh	Not available	Not available	Not available	6

KW Proteins - Lisahally Fish Processing Plant

Mr McCartney provided the Board with the following pieces of information. The Loughs Agency has been heavily involved in evaluating the application by KW Proteins for a fish processing plant at Lisahally. This is a flagship development for the Port and Harbour Commissioners and the Loughs Agency took onboard the need to try and establish a working relationship both with the developer and with the Port and Harbour Commissioners.

However, the Loughs Agency identified at an early stage that the discharge from the plant was larger than could be coped with by Culmore Sewage treatment works and thus would have a negative effect, possibly irreversible on Lough Foyle. The Agency met with both the developers and the Port and Harbour Commissioners and evaluated the existing plant which was to be brought from Norway.

Loughs Agency staff came to the conclusion that a number of alterations to the proposed process could allow the development of the plant in the Londonderry area. These principally were to separating the condensate effluent from the cooling water, thus reducing the Nitrogen and Biochemical Oxygen loading on the final effluent, and finding an alternative disposal route for the final effluent. The developers proposed that this final disposal route would be via ship i.e. that the effluent generated would be used as ballast water on the ships, treated with formic acid, and then displaced at sea when loading on a cargo of Blue Whiting.

The Agency received a number of written concerns in relation to this practice and the subsequent discharge at sea, however the Agency viewed that this discharge was outside of its regulatory remit and passed the concerns directly onto Planning service. A planning decision is imminent on the proposal and the Agency awaits to see the result of this application.

Omagh Hydro Electric Scheme

The Omagh Hydro Electric Scheme has been the subject of significant controversy between the Omagh Anglers and Omagh District Council. The Hydro Electric Power Scheme was originally proposed to the Loughs Agency by Omagh Technical College, and the Loughs Agency entered into a partnership with the College to assist in the development of the Hydro Electric Scheme on the understanding that a full baseline fisheries impact study was carried out before the scheme was launched.

The agreement was in the spirit that the scheme itself would be used as a scientific monitoring for fish passage, fish movement and the effect of hydro electricity on fish populations.

The proposals between the Agency and Omagh College were enshrined in an exemption permit under the 1966 Fisheries Act which closed the hydro electric plant for the 6 months of the year when fish life was most vulnerable in the river. It has come to light recently that Omagh District Council have now become the lead partner in the development, and the Agency together with Omagh Anglers have approached Omagh District Council and explained the rationale and reasoning behind its regulatory intervention and await with interest a response from the Council.

The River Roe Hydro Scheme

The Environment and Heritage Service (EHS) have made application to build a hydroelectric scheme on the River Roe. Loughs Agency entered into early negotiations with the EHS highlighting the nature extent and type of fisheries information that was needed and the safeguards to protect fisheries. The EHS have initially responded and a meeting has taken place between the Loughs Agency, EHS and the Roe Anglers Association so that a clear and transparent way forward can be determined between the appropriate bodies.

Warrenpoint

A number of FEPA licences have been issued or are pending:

- DU 141/08 – Warrenpoint Emergency Dredge. Concerns over vessels touching bottom. Issued 20.02.08.
- DU 74/08 Volume 1- Warrenpoint Harbour, Construction of Berth 4. Issued 29.02.08
- DU 74/08 Volume 2 – Warrenpoint Harbour, Construction of Berth 5. Issued 29.02.08.
- DU 74/07 – Capital Dredge Programme. Not yet issued.
- DU 74/07 Volume 3 – Warrenpoint Harbour Breakwater Construction and associated dredge footprint. Not yet issued, pending Environmental statement

Princess Quay Development

There is a proposal by McCormick's Developers from Londonderry to build the first of a series of office blocks on piles out into the main River Foyle at city centre locations.

While initially the Loughs Agency had little concern in relation to the fisheries impact of this scheme it has now become apparent that this is the first or flagship application that may be followed by a large number of others.

Loughs Agency staff recently met with the developers and have informed the developers that it is the opinion of the Agency that an Article 6 Assessment under the Habitats Directive and NI Regulations will be required. This assessment will assess the impact on fisheries on the development and is based on the broader precautionary principle. The Agency awaits a response from the developer in relation to this.

Lifford and Greenbraes

The Strabane and Lifford Regeneration Scheme has proposed a significant development downstream of Lifford Bridge on both the Strabane and Lifford side. The Agency has engaged initially with the developers and has a number of concerns in relation to the proposal.

The principal concern is that the development appears to be on a flood plain in an area that is likely to flood, and given the significant fisheries interest, and investment undertaken by the Agency on the Greenbraes, the Agency is to meet with the developers in the next few weeks to highlight its concerns and to discuss mitigation proposals should the development go ahead.

Greenore Port

The development proposal has been presented to An Bord Pleanala and a decision was reached on 21 February 2008 that it does fall into the 'Strategic Infrastructure and Development' category under the Strategic Infrastructure Act. This essentially means that the developers must now apply formally to An Bord Pleanala rather than Louth County Council if they wish to proceed with the application. Loughs Agency will be contacted as and when a formal application is lodged.

Loughs Agency responded to the developers' consultants as part of the scoping phase back in January 2007 and has recently provided information to consultants on the likely impacts on tourism/recreation in the area.

Aquaculture and Shellfisheries

Monitoring Vessel Procurement

Barry Fox, Director of Aquaculture and Shellfisheries provided the Board with the following report. Tenders for the procurement of the Agency's new monitoring vessel have been assessed. Three tenders have been received from Mooney Boats in Killybegs, Damen Shipyard in Holland and All American Marine in the USA. Unfortunately none of the tenders received met with the qualifying criteria. The main areas where the tenders did not qualify were on price, and delivery time. The Naval Architect employed for this project has now gone back to the yards to see if there is the possibility of price and time negotiations but it is felt that this may not be possible. Please see attached report.

Public Mussel Fishery

There have been a number of reports of vessels poaching mussels from licensed sites in Carlingford lough. The Agency's protection staff in co-operation with the PSNI have been investigating this and have identified three vessels engaged in fishing on an aquaculture site on the north Shore of Carlingford near Rostrevor. A number of Dummy mussels were planted on the site and witnessed by Agency staff. These mussels in turn were recovered by the PSNI from the vessels in question after a days fishing on Friday 21st of March 2008.

Regulations

The Regulations for the conservation and management of the wild oyster fishery in Lough Foyle have been included for the next ARD committee and the hope is that they will be given the necessary approval to go for public consultation. It is hoped that these regulations subject to the consultation process will be put before the June meeting of the NSMC for sign off. The next items to be put forward for the ARD Committee Agenda in the coming months will be the Wild Mussel Regulations and the Aquaculture Licensing Regulations.

CEC/DAFF Management Agreement

Further to our last meeting with the Crown Estate Commission and the Department of Agriculture, Fisheries and Food, we have established that the Agency is in a position to legally recover any costs that the Agency is exposed to relating to ground rents through the licensing process. This relates directly to the recovery of the payment to be made by the Agency to the CEC/DAFF for their interests in lough Foyle. We are currently waiting to hear back from the CEC/DAFF on the development of the agreement.

Corporate Services

CEO gave the following report on behalf of the Director of Corporate Services.

Finance

Final Department of Finance and Personnel / Department of Finance approvals were received on 10th March for our 2008 budget - £5.7m, funded 50:50 by North and South. The first quarter of grant in aid drawn down was next due in April 2008. The Hardship Package funds held in a separate account were on target to be paid out in April 2008. The 2007 Financial Statements year end work was ongoing and draft accounts were being prepared for review.

Audit

External Audit by NIAO / C& Ag Audit due to commence 31st March 2008 – with finalisation targeted for June 2008. Internal audit 2007 report in draft form – Agency responses issued to Audit & final version for sign off.

Corporate Governance

Conflict of Interest Declarations issued to all staff (due end Feb 08). Conflict of Interest Declarations to be completed by Board. Directors Stewardship reports complete will be reported on by the CEO at the Audit Committee Meeting. Risk Management quarterly meetings required and will be reported the next meeting of the Board.

NSMC

NSMC Sectoral planned for 21st May 2008.

Staffing Recruitment / Vacancies

There are currently no vacancies within the Agency. Staffing loading review Terms of Reference drafted, to commence by early 2008.

Banking

Electronic payments to suppliers transfer ongoing.

Annual Report

2006 Annual Report currently at design / print stage date for laying June 2008. 2007 Annual Report work commenced on drafting – draft to be brought to the next meeting of the board.

Corporate and Business Plan 2008 – 2010

Approved at NSMC Sectoral Meeting final DFP clearance 10th March 2008.

Pensions

The current pension scheme is under consideration of Sponsoring Department / DFP.

Equality

The Disability Action Plan survey of staff to commence as soon as possible. The Agency is a member of the Age Equality Forum. Section 75 Screening complete on all new regulations. Review of Equality Scheme to commence early 2008. Review of Consultees Underway

Tendering / Procurement

Department of Finance and Personnel Central procurement Directorate SLA under review.

Accommodation

The Architect's draft scoping study is currently with staff for comment. Greencastle accommodation ongoing. Temporary transfer of Carlingford offices initiated furniture delivery complete / telecom & IT requirements complete mid April.

8. Proposed Programme for Further Regulations

The Board were provided with a table on future Regulations for their consideration. CEO advised the Board that these Regulation will be taken to the NSMC meeting in Dublin Castle on 21st May 2008.

9. NSMC

CEO provided the Board with a paper on the NSMC approval process for Loughs Agency Regulations for their information.

10. Angling Fair

Director of Development, Gerard Mills provided the Board with a copy of a mystery Shoppers report completed during the angling fair and a paper to request the decision of the Board on an angling fair in 2009. Mr Mills explained the success of the 2008 angling fair to the Board and explained that there were over 6,000 visitors at the fair and we increased bed nights in the City by 14%. CEO added that although the planning for the fair was rushed due to the internal audit our gratitude was extended to Lionel Knobbs, Andrew Sides, Kevin Wilson and Gillian Simpson who put in a lot of hard work. A

discussion ensued and the 2009 angling fair was approved by the Board.

Proposed Jacqui McConville
Seconded John Mulcahy

11. All Island Licensing

Director of Development's report covered this item.

12. Update on Vessel

Director of Aquaculture and Shellfisheries' report covered this item.

13. Consultation on Fish Health Directive

The Board were provided with a paper on the above for their consideration.

14. Consultation Document for Replacement on FIFG

The Board were asked to note the forthcoming consultation on the European Fisheries Fund and the Agency were tasked to seek to maximise the benefits for the Foyle and Carlingford Area from this funding.

Proposed Jacqui McConville
Seconded John Mulcahy

15. Hydro Electric Schemes

Director of Conservation and Protection's report covered this item. A paper was provided to the Board for their approval. However, the Board were provided with copies of the Central Fisheries Board policy on Hydro Electric Schemes and were asked to approve its adoption by the Agency. This was approved.

Proposed Denis Haughey
Seconded Jacqui McConville

16. Internal Audit

CEO provided the Board with a copy of the Internal Audit report issued by DARD. CEO continued to explain the reasoning behind the Internal Audit and the outcome. CEO added that this would be

discussed in more detail at the Audit Sub Committee meeting and any further concerns would be brought back to the Board.

17. Budget

CEO provided the Board with a copy of the Loughs Agency Budget Profile for 2008 for there reference.

18. Sub Committees

CEO asked the Board for volunteers for each of the sub committees. They were as follows;

Audit Sub Committee

Enda Bonner (Chair)
Tarlach O'Crosain
John Mulcahy
Joe Miller

Development Sub Committee

Jacqui McConville (Chair)
Winston Patterson
Denis Haughey
Jim Wilson

Salmon and Inland Fisheries Sub Committee

Jim Wilson (Chair)
John Byrne
Denis Haughey
Tarlach O'Crosain

Aquaculture and Shellfisheries Sub Committee

Alan McCulla (Chair)
Thomas Sloan
John Byrne
John Mulcahy

Remuneration and Personnel Sub Committee

Joe Miller (Chair)
Tarlach O'Crosain
Brendan Byrne
Jacqui McConville

19. A.O.B

None

20. Date and Venue of Next Meeting

The next meeting of the Board of the Foyle Carlingford and Irish Lights Commission will be held on Wednesday 28th May 2008 at 11am in Loughs Agency Offices, Carlingford.