

## Salmon Watch Ireland Newsletter

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### Salmon Farms, Wild Salmon and the Courts: Why a Canadian Ruling Matters in Ireland

A recent federal court ruling in Canada has clarified a question increasingly relevant to Ireland: can governments lawfully restrict or close salmon farms on conservation grounds, even where science is contested and economic impacts are significant? The courts' answer is unambiguous — yes.

#### The Discovery Islands decision

The case centred on the Discovery Islands in British Columbia, a narrow migration corridor for wild Pacific salmon. Citing concerns about disease transfer and sea lice from open-net pen salmon farms, the federal government refused to renew licences in the area as part of a wider phase-out policy.

Salmon farming companies, including MOWI, challenged the decision.

**In 2024, the Federal Court of Canada ruled that the Minister acted lawfully. It confirmed that:**

- **salmon farm licences are conditional privileges, not guaranteed rights.**
- **governments may apply the precautionary principle where credible ecological risk exists; and**
- **protecting wild salmon is a legitimate public interest, even where economic losses occur.**

**In January 2026, the Federal Court of Appeal upheld that ruling in full, dismissing industry appeals.**

**The judgments do not prevent companies from pursuing separate civil claims for compensation. However, the legality of the conservation decision itself is now firmly settled.**

### **Why this matters for Ireland**

**For the Irish Government, the Canadian ruling has direct relevance. Ireland faces similar concerns around the interaction between salmon aquaculture, wild Atlantic salmon, and sea trout, which are particularly vulnerable to marine pressures during their coastal phase.**



**Under the EU Nature Restoration Law, Ireland will be required not only to halt biodiversity loss but to actively restore degraded ecosystems and species populations. This includes restoring free-flowing rivers, improving coastal water**

quality, and addressing pressures that impede migratory fish. The Discovery Islands case shows that governments can lawfully take precautionary action where aquaculture poses a credible risk to migratory species — even without absolute scientific certainty — a principle directly applicable to sea trout as well as salmon.

### **The wider significance**

The Canadian courts have confirmed a shift in environmental governance: preventing ecological harm takes precedence over maintaining the status quo. For aquaculture, this signals a future where location, cumulative impacts, and nature-restoration obligations are central. For wild salmon and sea trout, it strengthens the legal basis for recovery-focused policy rather than damage limitation.



Adult Atlantic salmon have declined by 90%

## **Update on Wild Salmon and Sea Trout Tagging Regulations**

### **Current legal position on the Wild Salmon and Sea Trout Tagging Scheme**

The Wild Salmon and Sea Trout Tagging Scheme is established under section 69 of the Inland Fisheries Act 2010. While tagging regulations have traditionally been made each December, there is no legal requirement under section 69 for regulations to be updated annually or by any fixed date.

A public consultation on draft tagging and conservation regulations has been completed and generated a significant number of submissions. These submissions, along with scientific advice from the Technical Expert Group on

**Salmon (TEGOS) and Inland Fisheries Ireland, are still under active consideration by the Department. No decisions have yet been made on measures for the 2026 season.**

**Until new regulations are formally made, the existing regulations (S.I. No. 741 of 2024) remain fully in force. They continue to apply unchanged unless and until they are amended or replaced.**

**The Appropriate Assessment screening carried out for the existing regulations also remains valid for as long as those regulations apply. The emergence of updated scientific information does not invalidate the assessment underpinning the current regulatory framework. However, any proposed changes to the tagging scheme or conservation measures will be subject to a new Appropriate Assessment process, as required under EU nature conservation law.**

### **How does this affect Commercial Fisheries in 2026**

**The proposed regulations would have effectively closed commercial fisheries in a number of vulnerable catchments, in line with clear scientific and management advice. If that advice is not accepted and translated into regulation, a significant number of Atlantic salmon will continue to be harvested commercially against the best available evidence on stock status and sustainability.**

**Failure to act on this advice would represent a serious departure from established fisheries management practice. It would signal that political convenience is being prioritised over conservation responsibility, and that expert guidance on the protection of a critically depleted public resource is being sidelined. Atlantic salmon stocks are not declining through chance or inevitability, but through continued political reluctance to make difficult, evidence-based decisions.**

**Ignoring scientific and management advice at this point risks accelerating the collapse of already fragile stocks and undermines public confidence in fisheries governance. Effective management requires leadership that is willing to follow the science — not governance shaped by short-term political pressure or preferential treatment of vested interests.**

### **Recreational Fisheries**

**The current regulations permit the retention of up to ten Atlantic salmon per individual, despite official catch returns showing that only a very small proportion of fishers ever approach this limit. The proposed regulations would have reduced this allowance to three tags per angler — a measure that remains generous in the context of rapidly declining salmon stocks.**

**Even at this reduced level, the proposed allocation would still allow a meaningful recreational fishery to continue while aligning exploitation more closely with**

scientific advice. Retaining higher individual limits serves little practical purpose and weakens conservation outcomes, particularly when cumulative impacts are considered across catchments.

Of additional concern is the effect on early-running salmon, which are especially vulnerable and of high conservation value. Allowing the recreational sector to retain up to three salmon during the Spring risks continued exploitation of these early fish, undermining efforts to provide enhanced protection during critical migration periods.

In the context of accelerating stock decline, regulatory measures should prioritise conservation effectiveness rather than preserving historically high limits that no longer reflect ecological reality.

### **Proposed Catch and Release Rivers – Will be open to exploitation**

Reopening rivers that have been scientifically and management advised as having no exploitable surplus would represent a profound failure of fisheries governance. In these catchments, any renewed harvest risks accelerating stock collapse, and pushing already vulnerable populations closer to irreversible decline.

The implications extend well beyond individual rivers. Such a move would signal a retreat from science-led management and run counter to Ireland's obligations under EU conservation law, including the Habitats Directive and the Nature Restoration Law, which require not only the avoidance of further deterioration but active measures to restore depleted species and ecosystems. Allowing exploitation in rivers deemed incapable of sustaining harvest would set a damaging national precedent and expose the State to legal and ecological risk in the management of at-risk Atlantic salmon stocks.





## **The Issuing of Scientific Advice at an increased probability of achieving the CL of a particular river is a proactive management stance in the face of a crisis.**

The issuance of scientific advice based on an increased probability of achieving the Conservation Limit (CL) represents a proactive and precautionary management response to the current crisis facing Atlantic salmon stocks. The move to an 85% probability threshold should be understood not as an arbitrary escalation, but as a direct reaction to the scale and persistence of stock decline. Since 2007, management advice has been framed around a 75% probability, a period during which salmon stocks were significantly stronger and more resilient. In the present context of sustained and widespread decline, applying a higher probability reflects the reduced capacity of stocks to absorb risk and the urgent need to minimise exploitation pressure in order to stabilise and recover vulnerable populations.

### **Decisive Action Now, Adaptive Management Going Forward**

In light of the current status of Atlantic salmon stocks, the regulations should proceed without dilution or delay, based on the best available scientific and management advice. At the same time, a structured multi-agency review process involving Inland Fisheries Ireland, the Technical Expert Group on Salmon, and relevant environmental authorities should be established to examine data gaps, methodological concerns, and stakeholder objections, with a view to refining future management decisions. Any regulatory framework must remain dynamic, capable of responding quickly to significant improvement or deterioration in stock status. However, this adaptive approach cannot be used to justify continued risk-taking: the position remains clear that commercial exploitation is no longer compatible with stock conservation, and that any recreational exploitation must be tightly managed, precautionary, and explicitly aligned with conservation and recovery objectives.