



Submission by:

The National Association of Regional Game Councils.

on:

The Review of the Derogation's by the NPWS

February 2023

Comment:

We are making this submission on behalf of the NARGC as we do not agree with the manner in which the public consultation has being conducted online. Our concerns are around some of the questions and the way that they were phrased. It is not a good mythology for gathering information on such an important issue.

These Derogation's have been issued and are in place for many years for good reasons. Any change must be based on solid verified data. In this regard we welcome the statement from NPWS as follows:

“Any proposal to amend the Declarations should be accompanied with appropriate documentation to support the proposal “.

Generally, the NARGC believes there is a strong case, as there always has been, to keep the current Derogation's and to either add further species or put real workable solutions in place to deal with specific cases where other species are causing a problem.

Derogation's like all issues in relation to a species, must be based on overall species health, rather than any individual bird or, small specif area`s.

**The National Association of Regional Game Councils (NARGC)
is the largest NGO in the Republic of Ireland involved in
Hunting, Shooting & Conservation.**



INTRODUCTION

For more than fifty years, the National Association of Regional Game Councils (NARGC) has been involved in the conservation of our natural landscape and wildlife in Ireland. We have over one thousand clubs affiliated to the NARGC, consisting of more than 25,000 members. Our members annually sow cover crops, GLAS crops, wild bird cover crops, native trees and develop wildfowl ponds in the four corners of Ireland.

We also carry out and fund projects like The Native Grey Partridge Project, The Red Grouse Project, The Boleybrack Project and The Ballydangan Project to name but a few. We subsidise the sowing of various crops to benefit all forms of Wildlife on an annual basis. All this work greatly enhances the small songbird population, the wild game bird population, and several species of insects, which enhance the flora & fauna of the area.

The purpose of this presentation is to try and explain and to help understand why there is a need to control predators and vermin during this process. In the evolving world that we live in, there is always a need to explain why you are doing it, when you are doing it, and where you are doing it. We believe that that in itself is not a bad thing.

In the early years there was a clear divide between urban and rural life and you just got on with doing what was required. In recent years, there are many more people becoming involved in every single facet of life both urban and rural and everyone wants to know the three "w"'s when it comes to predator and vermin control. The Why, The Who and The Where. To understand more about what we do and why, can only be of benefit to everyone.

In this presentation we hope that we can shed some light on what we do and help dismiss some of the myths that surround the control of predators and vermin in Ireland. It should be very clear from the start that we do not just get up in the morning and decide we want to go shooting grey crows today or wake up and look out and say today is a good day for shooting pigeons. What we do is planned and precise and aimed at either protecting livestock and wildlife or saving crops from damage. Our members are provided with approved material and instructions on how best to deal with each situation. Our Association has a National Predator Control Officer on our National Executive Committee who oversees all the work involving vermin and predator control. He makes himself available to Regions on request to offer help and assistance in any problems or help they may need.

This is a labour-intensive chore, that our members fulfil to assist farmers, or to give our projects some chance of success. Our members put in a great voluntary effort and huge work hours on a daily basis. The least the State and the relevant Department

(NPWS) can and should do is to assist them in acknowledging their valuable service and ensure regulations are clear, concise, and not unnecessarily bureaucratic.

Results show the Curlew nest suffers greatly from predation and this cannot be allowed happen to such an endangered species.



Mallard nests are very vulnerable to different types of predation both from the ground and air. The hen must put up with attacks from rats, mink, magpies, grey/hooded crows etc.





The Hen Harrier, is another species that suffers because of predators and vermin.

The Red Grouse nest.



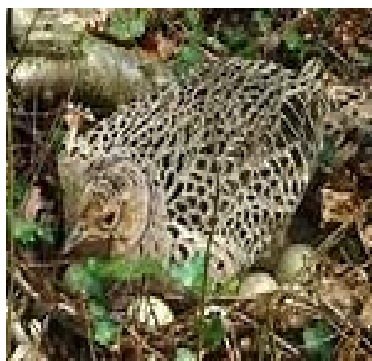
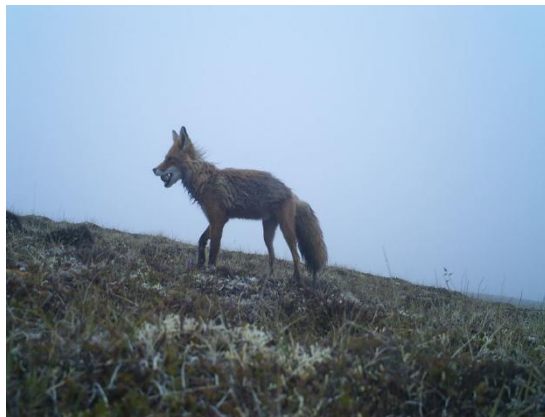
The Native Red Grouse is such an iconic bird and yet we have no real protection policy regarding its nesting territory nor indeed is any help offered when they hatch their young.



Ground nesting birds are very susceptible to predation and suffer the most of all species. Gun Clubs around the country are providing tube nests for ducks to nest in and they have proven to be highly successful. However, it is not always possible to direct birds in the wild where to nest, hence the need for predator control especially during the

breeding season.

One of the most daring of all ground predators is indeed the wily old Mr Fox and while we are not specifically focusing on such predators in this submission, the role played by Hunt Clubs and Gun Clubs in the control of these omnivorous mammals, should be noted.



Despite her best efforts, the hen pheasant can only hope for the best in getting her eggs to hatching point. There are so many predators lining up for an easy nutritious meal. During a survey carried out by one of our Clubs, on the effect of predation during the breeding season some years ago, it was observed that a pair of magpies hunted a hedgerow and took out two pheasant nests in that short period of observation. Imagine the number of songbirds and game birds being similarly targeted !

EEC Birds Directive 1979

This is the ultimate blunt instrument.

It's central dictate that 'all birds are protected' is the greatest mistake made by the European Commission. That any rampant, ever-expanding predator species, has the same protection status as a vulnerable almost extinct species, is beyond naive and really needs some explaining, especially when the predator species is playing a big part in the demise of the vulnerable species.

Further on in this submission, we will refer to Ireland's naive types, but this was the European Commission being influenced by their equally naive buddies from Europe.

It is sad that people, well-educated and with all the resources and influence available to them, got this so so wrong. Like so many similar top-down dictates, they had no experience, nor did they seek out how this would impact matters on the ground.

After 40 years of this we have a mess. Predators everywhere, but practically all other birds in decline or severe decline, some close to extinction, at least in part directly attributable to the 'protected' predator species.

It should be re-named – "The Birds Directive, good for predatory birds only and contributing to massive bird depopulation all across Europe".

While this core message is so wrong – we have what we have for the moment at least.

Derogation's from the Birds Directive

When legislators usually allow derogation's to laws or regulations, it is usually to facilitate some marginal activity that would be rendered unlawful by the law but should be allowed for good reasons.

All Member States have derogated from this Directive from the start, which again shows how improper and skewed this Birds Directive is. As is the case in Ireland, we have to derogate annually in order to carry out activities that were always carried out (pre 1979 as well). These necessary derogation's cast aspirations on the legitimacy of this Directive, particularly when the principles and foundations of it are so improper.

Statutory Instrument 254 / 1986

<http://www.irishstatutebook.ie/eli/1986/si/254/made/en>

In 1986 the Irish Government (Minister Liam Kavanagh) passed Statutory Instrument 254 of 1986, which gave authority to the relevant Minister to issue derogation's to control problem species. For the last 34 years, various Ministers have issued these Derogation's without fail.

The most significant change came in 2010 when the then Minister, Mr. John Gormley, brought in Statutory Instrument S.I. 482/2010 which effectively outlawed the use of poison. Alphachloralose, which was widely used to control corvids, particularly at nesting time, was prohibited.

This was significant as Grey Crows and Magpies particularly, have exploded in numbers ever since. Neither the Minister nor the NPWS provided any compensatory measures to control these species numbers and comply with Article 2.

The NPWS also initiated a very technical stance about certain aspects of the control mechanisms thereafter allowed, only allowing control during certain months, for nest protection for example and not factoring in the enormous task of bringing down rampant numbers, which to be effective needed to be done all year round.

The NPWS, to our knowledge, never sought population data for these predator species or the predated species, to clearly show the trends, and the need for remedial or more effective action.

When the NARGC went to the NPWS to take the Curlew off the Open Seasons Order and outlined the plight of the species, the NPWS seemed to be totally unaware of the Curlews plight. Since then funding has been given by the NPWS to other groups to try and save the plight of the Curlew and we now know that some of this funding never got used for its intended purpose. This type of oversight has to be looked at and ensure wherever tax payers money is spend that there is complete transparency on the outcomes.

How many more bird species are close to that type of peril or fast heading there ?

To comply with Article 2, the NPWS needs to get accurate population levels and the trends and to use all means including the Derogation's to achieve that.

EEC Birds Directive 1979 Article 2

“Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level”.

Has Ireland performed as required in relation to the predator species, impacting on Curlew, Grey Partridge, Corncrake, Golden Plover, etc. ?

All the other Derogation's should all be renewed and maintained as they currently are.

Dubious data produced should be discounted unless it is supported with proper researched data.

Some NGOs' pour out pseudo data in the form of throwaway comments, “Wood Pigeon are migratory”, “ Magpies are getting scarce”. All this must be disregarded, because it is simply incorrect and misleading, with no data to support it.

Starlings, for example, should be included for control by derogation as a vector for spreading disease, to domestic animals and in farmyards and pens, where other mammals or birds are maintained.

It about getting the balance right, that all species in the wild, have a natural environment that gives their species a fighting chance to advance. That sufficient control and thereby balance is in place between farm production and wild species, so that both are sustainable in the years ahead.

We must use the Derogation's much more effectively than we have been doing to achieve the proper balance. Future generations will not thank us, if we finish up with a totally unbalanced natural environment, with many of our native species extinct.

The most common phrase from naive people in this sphere is “Nature will find its balance” – This has not happened, and it will not happen.

Presently, we are facilitating the extinction of many ground nesting and farmland birds. It is happening in front of us. Predatory Birds must be managed/controlled or extinctions will multiply. It is that simple.

Actual types of damage caused:



Ladder traps are a very efficient means of controlling Hooded Crows and Magpies especially in designated areas such as game rearing pens and lambing fields. Traps must be checked as least once a day and captured birds dispatched humanely. Ladder traps seldom require a call bird as the lure of some bait in the trap is sufficient to attract the predators into the area.

'Survival of the fittest', has long been recognised as the order of advancement in the natural world and land managers have long recognised this is often at the expense of the most vulnerable species, or the easy targets.

The more our natural world has been modified to our human needs, predators have adapted and become more steadfast, furthering that trend at the expense of vulnerable species.

Many naive restoration projects have floundered and wasted their resources by not recognising this simple principle. The Corncrake in the midlands and the initial Curlew projects are examples of this naive mindset.

After a huge cost to some species, it is now recognised, we believe by almost all with any sense of the realities of the natural world, that Predator Control must take place and, if it is a very vulnerable species, it must be zero-tolerance predator control, in the sites and surrounds.

Dr. Barry John McMahon from UCD, and others, formalised this in their published paper in May 2020. See the link below.

<https://besjournals.onlinelibrary.wiley.com/doi/full/10.1111/1365-2664.13695>

Pigeon Control.



One of the first pest species we will endeavour to deal with is also a game bird under the European Birds Directive and the National Parks & Wildlife Services, Open Season Order of listed birds. See below:

[OPEN SEASONS ORDERS \(BIRDS\)](#)

Wild game birds may be hunted at certain times of the year. The full list of species types which may be hunted is provided in the Table below. There are certain areas throughout the country where the hunting of these game birds is not permitted. These exclusion zones or Wildfowl Sanctuaries as they are more commonly referred to are at 68 different locations throughout the State. The Minister for Arts, Heritage and the Gaeltacht has recently removed the species Curlew from this list due to the current conservation concerns with that species. Further details are available in the Wildlife (Wild Birds) (open Seasons) Orders 1979 to 2012.

The Pigeon Game season begins 1st November and end on 31st January each year.

As can be seen from the foregoing, the pigeon has a season similar to the pheasant in Ireland. However, we know that the numbers shot during the hunting season are relatively low in comparison to other times of the year when they cause most damage. Pigeons and crows pose the greatest threat to winter cereal crops such as Winter Wheat and Barley, just as they are sown or are about to grow. They congregate in large numbers in fields and cause a massive amount of damage in a noticeably short time. This damage is of course quantifiable in monetary terms when the crop goes on to full growth and upwards on 25-30% of the acreage is reduced due to these attacks.



This is a typical winter cereal crop in November 2020, being attacked by pigeons. The landowner tried various means to frighten them away but all to no avail. He requested the local Gun Club to help and after one or two sessions, the problem was solved. The proportion of pigeons shot during this control period would have been less than 5% of the initial numbers attacking the crop. So, as can be seen, this is one of the reasons why we do it, how we do it and where we do it.



Above you will see another example in a completely different location and this time it is where the farmer had sown a cover crop after harvest to allow the ground to rest and having feeding for his livestock in late winter, early spring. However, the severity of the attack left large portions of the field bare and without any cover crop visible. This field was attacked by thousands of pigeons and crows not hundreds. The local gun club members had to stay a few days to discourage them away from the field. Notably this is early in winter with very little hardship regarding food source shortage or bad weather such as frost or snow.

Open bog land, ideal for ground nesting birds but also a haven for predators.



NOT A SIGHT ANY FARMER WANTS TO SEE



The next most crucial time for control is when crops begin to ripen just before harvesting or when it lodges due to bad weather. The loss is very costly at this particular time of the year as the farmer has spent considerable money in getting his crop so near to harvest. Not all fields are attacked simultaneously but when they decide to descend on one, the consequences are grave for the farmer. Again, this is where the relationship between the farmer and the Gun Club is so vitally important as for generations, one is always there to help the other.

A couple of hours shooting will resolve this problem and will have absolutely no bearing on the numbers involved in the initial attack. Proof of this is borne out in the figures as recently as 2018 when an independent survey showed their numbers were stable, despite the control methods being carried out by Clubs. We know that our members enjoy this type of shooting and we are glad that we can help the farmer when he needs us. It is also known that the people against this activity will use every means possible to disrupt this process and have been known to do so. These same people have little or no regard for the countryside or the custodians of it or how they derive their income. The notion that this is not happening or is not causing damage will have to be accepted as incorrect.

During one conversation this year with a farmer suffering from a pigeon attack on his field of wheat, we were in the field and all along the tree line had been flattened and there were at least 500-600 pigeons feeding along it. The farmer was asked about his estimated cost for this damage. Very quickly he responded, and his answer was unequivocal, *"That damage there is my profit from this crop wiped out"*. This speaks volumes as to why we must control this type of damage.



Here we see an imminent attack on a standing field of wheat beside a field of stubble barley which has been cut. The damage being done to the wheat was horrendous. Again, the local Gun Club, came to the rescue and deterred the pigeons and crows from feasting on the wheat.

NARGC initiated a survey among its members back in May 2020 and we circulated a form for members to fill out and report on the frequency of attacks on standing crops and to give some idea as to the damage being done. We worked alongside the IFA in putting a cost analysis on this.

This type of damage can account for upwards of 20% of the the yield.



Crop Damage Samples



Corvid damage to livestock



Moving away from crop to livestock damage. Above is the result of the damage done to a newly born calf by a group of grey crows and magpies before the farmer got out to her. It all happened so quickly and without warning. These predators are always waiting on an easy meal and they have an excellent sense of smell and eyesight. Thankfully, the calf recovered from its ordeal but only after costly intervention from a veterinary Surgeon. The calf was unable to suckle for two weeks and had to be tube fed. This represents another reason why and where we must control any threat from corvids.



Young lambs also suffer if left unattended, out in the open, from magpies and grey crows especially. They will pick the eyes out of a young lamb in seconds if given the chance.



Left unattended, the Hooded Crow will soon wipe out a nest of young hatchlings very quickly. They operate in large flocks and soon overwhelm the mother bird and snatch away her young. Ireland has created a haven for such predators with the loss of suitable habitat for young hatching and fledgling birds to take cover in. All too common, along our rivers and lakes in late spring and early summer, Mallard, Coots and Water Hens can be seen with their young, freshly hatched clutches, only to be later seen dwindling in numbers at the behest of vermin and predators as each day goes by and with no protection being offered. This is another clear example of the why and the who and where that these predators must be controlled to protect these vulnerable species from predation.



The Jay is now becoming common in almost all counties in Ireland. A close relative and remarkably similar in habits to the Magpie, it must be assessed very shortly for inclusion in the derogation's. It is a derogated bird in the UK for years. Yet another Predator expanding in the Irish natural environment.



The Larsen Trap is most used for the trapping of magpies. While shooting is the most productive means of controlling such predators, the Larsen Trap can be used in areas where shooting could be deemed dangerous or unsuitable. The Magpie will hunt the hedgerows in search of ground nesting birds and also where songbirds nest. They will not stop until they empty the nest. Their numbers have exploded in Ireland in the last number of years and there is now even a very healthy urban population. This, most likely, has come about because of their abundance in rural areas and the competition for food. As a professional scavenger, the magpie will have no problem seeking out a meal whether in town or county. The damage that they do to young birds of both game and songbirds, cannot be underestimated. Along with that, they become the farmer's enemy in early spring with the arrival of new-born lambs. Picking the eyes out of the new-born lamb is their preferred choice of meal. Again, this is the who, the why and the where for the control of these predators.

One interesting statistic that we very seldom talk about or use in our research, is the data from the NARGC on the numbers of winged predators controlled each year. While this data is available to members each year, it clearly shows that the control methods used by local Gun Cubs in protecting their game birds and landowner's property, is having little effect on the predator species overall population, as the latest figures that are available (2018) shows no decline or danger to their numbers in Ireland. On the contrary, imagine what the damage would be like to our endangered species and garden and game birds had these control measures not been put in place.



One of the more serious problems with the protection of all birds concerns birds that are not on the derogation list and are therefore fully protected. They can inflict all sorts of damage with no means of addressing the problem. We can say of course that we have a system in place whereby we can look for a special license in such circumstances to deal with this sort of problem. However, it is a flawed system. The damage is done, and the culprit is long gone before one has access to legally deal with such a problem. This needs to be addressed in reviewing the methods of protecting to our vulnerable species. NGO's like the NARGC, should have access to deal with such problems instantly and be trusted to

do so.





To summarise:

Without derogation, unfortunate farmers will be witnessed trying some of the more novel methods of protecting their crops - see above.... the use of “scarecrow” tactics. After losing nearly 15% of his recently sowed winter crop, this young farmer had to call on the assistance of the local Gun Club to ensure the problem was solved and while his heart may have been in the right place, as he thought, it cost him dearly. The clear lesson to be learned here is that everything is done for a reason.

When you have a system that is working, do not try to fix it. An even better suggestion would be to ensure that any changes that are put forward, must be evidence-based, on reliable data and not on a one-sided sob story about the demise of some species being under threat when the factual figures show an increase in population and clear evidence that they are causing extreme damage. Surveys need to be independently assessed and scrutinised by the relevant stakeholders before a decision is made on what to do with them. There have been no real studies done on the extent of predation or vermin damage done, in Ireland, over the past twenty years. The cost implications to biodiversity, flower & fauna and to the many conservation projects being carried out over our island has never been realised.

We need to work closely with all stakeholders to ensure that a fair and balanced approach is achieved for everyone concerned. When you have a close working relationship of all the stakeholders there will never be wrongdoing. It builds up trust and engenders respect for different points of view, and that can only be a good thing in any civilized society.

I sincerely hope that having read this submission, that the reader now has an improved understanding for the reasons behind it.

THE WHY - THE WHO - THE WHERE.

This submission is done for a reason and is part and parcel of the management of our countryside by people who have a vested interest in ensuring that this management is conducted in a proper and satisfactory fashion for all the stakeholders involved. The landowners, the Gun Clubs, and the largest winners of all here, being the balance of nature being restored to the most vulnerable.

Appendix:

THE NARGC CROP PROTECTION SURVEY 2020.

During the 2020 growing season, the NARGC requested its membership to conduct a survey among farmers, who had given Clubs access to game shooting on their lands, concerning the types of damage to crops occurring during that time period.

The results were astounding. While most of the focus was on cereal crops, the damage being done to vegetable crops and fruit crops was mostly going unnoticed. Many vegetable and fruit farmers were often left bewildered at the damage done to their crop and with the suddenness of these attacks. Some were not even sure what help was available.

“One such Brassica farmer, who had 320 acres sown, had extensive damage done this year to their crop. It accounted for a 15% loss of revenue from the crop and given the very delicate margins in this method of farming, that led to only a break-even situation.”

“In the same region, a farmer had 200 acres of rape seed sown and extensive damage caused by pigeons resulted in a net loss of 10 acres of that crop. Again, when one converts this damage in monetary terms, it hugely takes away from the profit and leaves a hole in the finances for the next part of the season.”

“22 acres of wheat sown in 2020, lost 5-6 acres due to it being flattened by crows and pigeons and completely destroyed. Profit gone”

We could compile a book with the results of the survey, but we are sure that such information is known already, by anyone with an open mind observing the damage being done right across the divide. The pictures that we have provided above, are just a sample of what we have as part of the survey. The key question being asked by most landowners with whom we conducted the survey was quite simply, that if they cannot control the predators and vermin on their lands and protect their crops and livestock, well then who was going to compensate them for their losses ?

This is a question we do not have the answer to.







Above you will see a sequence of pictures of what happens when protected birds and animals go on the rampage in our countryside. We see increasing evidence of this destruction happening all over Ireland. The NPWS needs to carry out very detailed scientific surveys on protected species and their population growth. It also needs to establish the damage being done to the more vulnerable species and the risk being posed to their very survival by those protected species.

Finally, the NARGC believes that all current derogation's should be maintained as they are now for the incoming year 2023/2024.

The NARGC are working at the moment to devise a methodology to estimate the population levels for all predatory species which will act as a template for the population levels into the future. Built in to our new website we have developed an electronic bag return system for our members which also includes a separate box for birds and mammals seen. We have included all birds species in the drop down menu which will facilitate the collating of data on numbers of different species and their locations.

We believe that in order to comply with the Birds Directive, the NPWS should have been doing this for years past. This should relate to all birds, and all management and mitigation, including the very necessity for the derogation's and all should be guided by these figures and not guesstimates by people with their own agendas.

We would welcome an opportunity to work with the NPWS to establish a proper data base and invite NPWS to become involved with the collating of this data.

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