



<b>Paper Title:</b>	<b>New fishing controls for salmon and sea trout in Wales: proposed application to Welsh Government for confirmation of new fishing byelaws</b>
<b>Paper Reference:</b>	<b>NRW B B 8.18</b>
<b>Paper Sponsored By:</b>	<b>Ceri Davies</b>
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<b>Purpose of Paper:</b>	<b>Decision / Scrutiny/ Development / Information</b>
<b>Recommendation:</b>	<ol style="list-style-type: none"> <li>1. To comment on proposed amendments to previously advertised byelaws.</li> <li>2. To consider and agree final proposals for new fishing byelaws.</li> <li>3. To consider and comment on risk.</li> <li>4. To give approval for an application to Welsh Government for confirmation of new byelaws for rod and net fishing for salmon and sea trout in Wales (of 10 years' duration with a full review after 5 years).</li> <li>5. That the Board receives a future paper on ongoing action to address technical developments and pressures on fish stocks.</li> </ol>

<b>Impact:</b> To note – all headings might not be applicable to the topic	<p>How do the proposals in this paper help NRW achieve the Well-Being of Future Generations Act principles in terms of:</p> <p><b>Looking at the <u>long term</u>:</b> protecting stocks of salmon and sea trout from further decline and promoting recovery towards sustainable status.</p> <p><b>Taking an <u>integrated</u> approach:</b> fishing controls are only part of the story – we will continue work to promote river habitat quality restoration.</p> <p><b>Involving a <u>diversity</u> of the population:</b> fishing is a popular pastime for a wide range of participants including the elderly and disabled.</p> <p><b>Working in a <u>collaborative</u> way:</b> we have able partners in the rivers trusts and need to maintain a productive relationship with them.</p>
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	<p><b>Preventing issues from occurring:</b> we must act to protect our fish stocks, and catalyse stock recovery whilst NRW and partners' initiatives deliver river quality restoration.</p>
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**Issue**

1. Salmon and sea trout are iconic species in Wales, and yet stocks in many rivers have declined substantially in recent decades and are currently deemed unsustainable. We are therefore not securing the potential benefits for Wales that would result from healthy fish populations and the fisheries they can support.
2. Poor status also contributes to failures under the Water Framework Directive and the Habitats Directive.
3. This paper sets out proposed action to address one pressure, the effects of fishing on unsustainable stocks, however we recognise that continued work on other pressures is required.

**Background**

4. Our overall objective for migratory salmon and sea trout stocks in Wales is: -

***“To protect, through the application of best-practice science and management, the sustainability of our natural resource of wild salmon and sea trout stocks in Wales.”***

5. In addressing the objective, we consider the Sustainable Management of Natural Resources (SMNR) as defined in the Environment (Wales) Act (2016), together with our statutory duties and associated Government guidance. We are also mindful of UK’s international commitments to NASCO (North Atlantic Salmon Conservation Organisation).
6. In delivering this objective we will secure sustainable fisheries.
7. The status of our stocks of salmon and some sea trout has given serious and growing cause for concern. The Board has previously agreed the consideration and development of further fishing controls to respond to this, culminating in June 2017 with Board approval to launch a statutory consultation on proposals for new rod and net fishing controls.

8. Byelaws provide the mechanism to control rod and net fishing activity, including the means for imposition of statutory Catch-and-Release (C&R) fishing, whilst a renewed Net Limitation Order (NLO) provides the statutory means to limit the number of net fishing licences that may be issued each year for fishing within the public net fisheries in estuaries around much of the coast of Wales.
9. New fishing controls are essential alongside ongoing priorities, initiatives and action by NRW, together with partners, to address other factors in freshwater and the marine environment that are contributing to stock decline such as habitat degradation, incidents of poor water quality, and predation.
10. We have already applied to Welsh Government for confirmation of a new NLO. This paper sets out the next stage in the process to amend fishing controls, by seeking Board approval to proceed to an application to the Cabinet Secretary to confirm new fishing byelaws.

### **Proposals for fishing controls**

11. During a 2-year process from 2015 we analysed stocks and trends and considered options to achieve our objectives for salmon and sea trout stocks. The background to this is summarised in Annex 1.
12. Throughout this process we liaised extensively with fishing stakeholders and Welsh Government and, where appropriate, the Environment Agency (EA). We compiled a comprehensive technical case in which options were assessed and a final proposal for new byelaws was identified (Annex 2).
13. The Board approved the launch of a formal consultation process, lasting for 12 weeks. This was advertised, promoted on our website, presented to each of our Local Fisheries Groups, directly notified by e-mail to all migratory salmonid licence holders for whom we had contact details, and by letter to angling retail shops, netsmen, and to all AMs and MPs in Wales.

### **Consultation responses**

14. We received 549 responses to the consultation. These were mostly from anglers and fishery owners and fishing associations, but also from netsmen, NGOs, and from Dŵr Cymru Welsh Water.

15. An analysis of representations is presented in Annex 3, and a full report on the consultation will be prepared to accompany a future application for confirmation of new byelaws.
16. Most angling and netting interests opposed all or part of the proposed byelaws whilst some fisheries interests, and some other organisations, were supportive (Annex 4).

### **Alternatives suggested in consultation responses**

17. We received suggestions for variations to the proposed control measures, amongst comments on specific pressures acting on stocks, from approximately 100 responders. These are summarised in Annex 4, and we have given very careful consideration to these.

### **Proposed amendments to byelaws**

18. After careful scrutiny of the responses we have made amendments to the original proposals. These are summarised in Annex 5.

### **Addressing pressures**

19. NRW is actively addressing a range of pressures affecting fish stocks.
20. We are undertaking a full review of the licencing process for piscivorous, including new approaches to bird census and assessment of potential fish loss, and addressing issues under the HD. In doing this we will seek experience and best practice from other jurisdictions.
21. We have new work underway on River Restoration Plans that, together with area statements and other priorities, we will use to continue to pursue environmental improvements, the Sustainable Management of Natural Resources, and delivery of our purpose.
22. The Area Statement processes will help us identify new actions and partners to work with to deliver SMNR.
23. Our organisational design work is focusing our resources on place-based work and we will look to use those resources to better deliver for the environment whilst introducing changes to our approach where required.

## **Socio-economic considerations**

24. Salmon and sea trout fisheries contribute many millions of pounds to local rural economies and also have an associated social value. We are currently reviewing published evidence to provide appropriate metrics for this so we can have a shared view on the scale of economic benefit. This is because there are different and sometimes old valuations quoted and we need to bring these valuations up to date where possible.
25. The existence of salmon and sea trout in our rivers is also an indicator of a healthy environment. Our aim is to maintain and improve social and economic benefits that sustainable recreational rod fisheries and net fisheries provide whilst conserving the fish that represent such an important part of our wildlife diversity.
26. In developing our approach, we have been mindful of the goals set within the Well-being of Future Generations (Wales) Act (2015): (A prosperous Wales; A resilient Wales; A globally responsible Wales). The Act requires us to improve the social, economic, environmental and cultural well-being of Wales.
27. We believe that the best way to maximise wellbeing and economic benefits for the medium to long term is through restoring our salmon and sea trout stocks, so that they return to levels able to support larger catches, sustainably. Our management proposals are intended to achieve this. We are aware that there is a risk of a short-term reduction in fishing activity, but believe this is offset by the prospect of continued access to fishing for both rods and nets into the future.
28. Our proposals seek to achieve medium to long-term sustainability whilst ensuring that, in the meantime, fishing can continue albeit with zero intentional kill of salmon and, in defined rivers, some sea trout.
29. Considering the scale of recent net catches of salmon and sea trout, most of these fisheries cannot continue to be sustained by economic return. It is recognised by some that the cultural value of the fishery should be considered, but it is not clear that demonstration of cultural value must be dependent on being able to kill fish.
30. The measures being proposed for rods and nets would not ban fishing, merely the killing of salmon and, in some locations and times, sea trout. The overall impact would be less than many perceive, and it is difficult to avoid the conclusion that the conservation of valuable stocks outweighs any short-term impact on economic activity.

## **Habitats Directive (HD) and the Habitats Regulations Assessment (HRA)**

31. Salmon are a feature of 6 sites designated as Special Areas of Conservation under the HD in Wales: 4 populations are classified as 'unfavourable' and 2 'favourable' (though not assessed). The HD requires the UK to report on the conservation status of designated species every six years. The last report in 2013, set out the [status of Atlantic salmon](#) as 'Unfavourable-Inadequate'. Recent recruitment failures mean that it is now likely that we will see further decline in salmon stocks, and a deterioration in status to 'Unfavourable-Bad' in the 2019 report. It is therefore important that we implement all available management actions to prevent further deterioration and where possible reverse it.
32. HRAs of both the NLO and byelaw proposals for rod and net fishing have been prepared and will be provided to Welsh Government for their decision-making process.

## **Recommendation(s)**

1. To comment on proposed amendments to previously advertised byelaws.
  2. To consider and agree final proposals for new fishing byelaws.
  3. To consider and comment on risk.
  4. To give approval for an application to Welsh Government for confirmation of new byelaws for rod and net fishing for salmon and sea trout in Wales (of 10 years' duration with a full review after 5 years).
  5. That the Board receives a future paper on ongoing action to address technical developments and pressures on fish stocks.
33. We recommend that the Board adopts the amended proposals set out in Annex 5 and approves an early application to be made to Welsh Government for confirmation of new byelaws for rod and net fishing in Wales. We hope that these can be implemented as early as possible in 2018.

## **Communication**

34. We will communicate the Board's decision via: -
- Email communications to all migratory salmonid licence holders for whom we have contact details
  - A paper to Local Fisheries Groups
  - Letters to angling retail outlets
  - News and documents placed on our website.

35. We will follow up these communications with ongoing dialogue with stakeholders so that we work together to implement any legal changes.

## **Key Risks**

### *Ongoing opposition:*

We recognise that the majority of responses have been in objection to these proposals

We also acknowledge that many stakeholders have expressed concern about previous decisions that NRW has taken, most notably with regard to hatcheries and the delivery of alternative mitigation measures (although this only affects 5 rivers).

We need to recognise these opinions and improve dialogue with stakeholders and demonstrate other work of NRW in response to other pressures affecting fish stocks.

### *Legal challenges:*

We are aware of, and have assessed the likelihood of these risks. We have concluded that our proposed action is appropriate, is based on sound evidence and is in line with endorsed management procedures.

### *Technical concerns:*

We recognise there is a need to better explain technical matters to our stakeholders, and will seek better ways to do this.

The progressive work on sea trout stock dynamics, targets and compliance is a good example of technical development.

Our ability to assess stocks and implement measures in response to declining abundance is resource-intensive, as well as being slow to respond in a timely manner. We need a system that allows us to assess and respond to changes in stock abundance more quickly.

We note more prompt action is now taken in other jurisdictions (notably Scotland and Ireland), and we have committed to ongoing work with the EA and Cefas to design and implement a new annual assessment and response cycle by the time of a 5-year review. We reiterate that commitment here.

### *We reach different conclusions to the EA:*

The EA follows the same management procedures for salmon, and there has been risk that they might draw different conclusions to those of NRW.

The EA has now reached the end of their preparations for a statutory consultation, and their proposals are similar to those of NRW (Annex 6).

*Our approach differs from that in other jurisdictions*

Procedures are resulting in broadly similar outcomes in Scotland, Ireland and Northern Ireland (Annex 6).

*Timescale and risk of delayed progress:*

Resource constraints in both NRW and WG restricts our ability to move more quickly towards resolution. However, this matter is recognised by both organisations as a very high priority.

It is feasible that new byelaws might not be confirmed until after certain key dates for fisheries (see Annex 7).

Delay could mean that the liaison and consultation process would have to be repeated.

*Concerns around action on other pressures*

A rank order of pressures identified in consultation responses is provided (Annex 3).

Many of these are recognised by NRW and action is already underway on most. We will ensure clearer communications on these plans.

*Board concerns:*

We are committed to further work with the Board, should concerns be raised about any of the matters in relation to our proposals.

## **Financial Implications**

36. We refer to the Board paper from May 2017. Technical and enforcement resources remain challenging.
37. Actions required on pressures constraining stocks already feature in existing work plans across NRW.
38. Our organisational design work currently underway is seeking to ensure that we work in different ways, in more integrated teams and more effectively with partners so that we can deliver the sustainable management of natural resources.



### **Equality impact assessment (EqIA)**

39. An EqIA has been carried out (Annex 8).

## **List of Annexes**

1. Background to development of proposed new fishing controls for salmon and sea trout
2. Proposals advertised for new rod and net fishing byelaws and a new Net Limitation Order
3. Analysis of proposed rod and net fishing byelaws consultation responses
4. Recommendations made for alternative proposals
5. Conclusions – proposed amendments to byelaws
6. Arrangements in other jurisdictions:
  - Environment Agency: decision on statutory consultation for new fishing controls for salmon and sea trout
  - Inland Fisheries Ireland – regulation of salmon and sea trout fishing in 2018
  - Scottish Government: conservation measures to control the killing of wild salmon
  - Department of Agriculture, Environment and Rural Affairs (Northern Ireland) – angling regulations
7. Dates of current net and rod fishing seasons in Wales
8. Equality impact assessment