



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

RESPONSE FORM

Catch Controls: byelaws for Nets and Rods 2017

We would like to find out your views on the proposed byelaw changes to catch controls to help protect vulnerable salmon and sea trout stocks and fisheries. By providing this information we will be better able to understand the context to the answers that you provide to our consultation. We also want to quantify and be sure that we have received responses from all sectors that may be affected by, or have an interest in managing our fisheries. This information will therefore help us to accurately record who has responded to this consultation. Your details will only be kept for this consultation and any future work directly related to this.

Please note this is only a consultation on the proposed catch control byelaws. Any objections to the 2017 Net Limitation Order should be made separately to Welsh Government.

By Post to: Jeremy Frost, Marine and Fisheries Division, Inland Fisheries Strategy, CP2, North Core, 2Nd Floor Pillar, MO2, Cathays Park, Cardiff, CF10 3NQ . Or by email to jeremy.frost@Wales.gsi.gov.uk

Section 1

Q. 1c) Please tell us how you found out about the Catch Controls consultation:

√ From Natural Resources Wales

Q. 1a) About Yourself

Please tell us which one of the following categories best describes your primary interest in salmon and sea trout.

- I am a licensed net fishermen
- I am an angler with 50 years experience and have landed nearly 2000 salmon in the UK
- I represent a group of individuals who fish for salmon and sea trout (please tell us the name of the group).
Wye Owners group – recently renamed the Wye Ctachment Conservators.....
- I own or lease salmon and sea trout fishing. Both own and lease
- I represent a salmon and sea trout conservation or environmental conservation organisation (please tell us the name of your organisation).
Afonydd Cymru – Ceo; Wye and usk Foundation Founder and retired CEO.....
- I am involved in the catering industry and buy/sell wild salmon and sea trout (fish retailer, fishmonger, restaurateur, etc.)
- I am involved in the tackle trade for angling
- Response from Non-Governmental Organisation (as above AC and WUF)
- Other (please specify).

If more than one of these categories applies to you please select all relevant categories.

Q. 1b) What part of the country do you have an interest in?

Please tell us where you primarily fish for salmon or where the salmon that support your business are from.

- North Wales (Anglesey and North Gwynedd, Conwy, Denbighshire, Flintshire and Wrexham, Meirionnydd)
- Mid Wales (Montgomeryshire, Ceredigion, Radnorshire) (Wye)
- South west Wales (Pembrokeshire, Carmarthenshire, Swansea, Neath Port Talbot and Bridgend)
- South east Wales (Ely and Vale, Taff, Rhymney and Ebbw, Usk and Wye)
- All Wales (in respect of Afonydd Cymru)
- Other e.g. England/Ireland/Scotland (please specify) Herefordshire Wye.....

If more than one of these categories applies to you please select all relevant categories.

How we will use your information

Natural Resources Wales will look to make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

We will not disclose financial or other individual specific information that could inadvertently identify an individual or his / her business.

We will also publish a summary of responses on our website in which we may publish the name of the organisation providing responses.

Returning your response

Your response to this consultation needs to be returned by 14th November 2017. Please respond using this form. You can add extra documents supporting any responses that you make but please make it very clear which question this additional information relates to.

Please ensure any evidence previously submitted as part of the Questionnaire in 2016 is re-submitted to make sure it is included in your submission.

We would like you to use this form if you are not submitting your response online. You can return it by email to Fisheries.Wales@cyfoethnaturiolcymru.gov.uk. Please use this email address if you have any questions regarding this consultation.

Or by post to: **David Mee, "Salmon and Sea Trout Byelaws", Natural Resources Wales, Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ**

We welcome your views on the catch control byelaws 2017.

Section 2

Q2a. Do you agree with Natural Resources Wales salmon and sea trout stock assessments?

Please tick the relevant box

Yes, in part

We understand the logic behind the methodology for stock assessments of both salmon and sea trout and believe that it could provide accurate information to be used to make an accurate assessment of stock levels and trends. However, there are two areas where inaccuracies could occur:

1. **Catch returns.** For reasons that are sometimes difficult to understand there is a tendency for anglers to either not declare or underdeclare catches. This is not helped by a poor system of collection. By contrast, riparian owners like to see every fish accurately recorded as this relates to the value of their fishery. Licence returns by Wye anglers often amount to just 66% of those submitted by owners. **For larger rivers, if not all, we recommend collecting catch details from riparian owners, including clubs.** Having negotiated net buy offs in the Severn estuary and elsewhere, we know that netmen also under declare their catches.
2. **Exploitation rate.** In Wales, we understand this is calculated using data collected from the Welsh Dee where upwardly migrating adult salmonids are trapped at Chester weir and tagged. Reported recaptures of tagged fish by anglers can give a %age figure of exploitation by legal angling. Given that exploitation rates can vary between 11% and 18% is this surrogate appropriate for other rivers in Wales?

The Dee is, by the standards of other rivers in Wales, one of the larger. It has a spring run of salmon and other classes of the salmon run as well as sea trout. Its flow is more highly regulated than any other, reducing the incidence of unfishable days. Currently it is an any method fishery: fly, spinner, prawn, shrimp and worm. Much of its length is fished by clubs, meaning that there is likely to be a consistently high level of effort.

As a consequence of the above and a reduced salmon population (when exploitation rate is always higher) exploitation is likely to be of a significantly greater order than on, say, a small spate river. Typically, here angling effort is determined by a short and late season and by rainfall. It is also greater than on rivers such as the the Wye where banning of worm, shrimp and prawn has already reduced angler effectiveness. Mandatory catch and release has sent those wishing to take a salmon elsewhere while dirty spates and annual algal blooms dramatically curtails fishing effort by reducing the number of fishable days. This is not replicated on the Dee.

The upshot of that is some rivers, notably the Wye, will have had its achievement of conservation target significantly underestimated. **If successful exploitation controls are introduced to the Dee, the Wye's exploitation will be more nearly replicated and the conservation target will *de facto* rise. This will affect other rivers too.**

Q2b Please tell us if have any evidence to support a different stock assessment conclusion.

Please see above

Section 3

Q3a. Do you support the proposed Net fishing byelaws?

Please tick the relevant box

In part

If no, please state on what grounds your objection is based.

The aim of netting and rod fishing restrictions is surely to ensure that sufficient (per the conservation target) numbers of salmon and sea trout safely escape to spawn and thereby continue the run for future generations. The NRW proposal for all salmon to be released and for the netting season to be shortened will go in a small way to achieving that.

One concern is that despite what NRW believe, releasing a net caught fresh salmon in warmer temperatures (netting would now be between 1st May and 31st July) is very risky – only less risky, obviously than hitting them over the head! The example of what happens in the Hampshire Avon, where salmon are released but seatrout retained is not comparable. The Hampshire Avon salmon are early running, spring fish which tend to arrive in the colder water period. Release of salmon there is less hazardous at that time of the season.

Even if a salmon is released from a gill net and appears to survive, the damage to protective coverings and scales render them them at risk of fungal diseases which may not occur until much later in the year. Clearly, the shorter the netting period in salmon rivers, the better.

The rod fishing byelaw proposes a 'slot' size of 60cms for sea trout and fish over this size would be mandatorily returned. This makes sense as the larger fish are often female and carry relatively large numbers of eggs. These larger fish are much less suitable for the table. It is not clear why this does not apply to the netsmen, nor why rod fishers should return sea trout under this size during the period at the start of the season, given that at the other end of the season they may be retained.... nor why the size of 60cms is chosen.

These anomalies could be easily addressed and we suggest that 1st May start for the nets is still far too early, given the likelihood of large sea trout and salmon being caught. A start date of 1st June is a better compromise: it also aligns with the National Byelaws. As a quid pro quo, the slot size of 60 should be reduced to 20" or 51cms, saving more multispawners and inedible fish. We also suggest rod fishers be allowed to keep all sea trout below 51cms throughout the season. With regards to the proposed release of sea trout until end May: there is no conservation difference between a dead sea trout in May or August!

This seems a more equitable solution especially when the economic comparison between rod and net caught fish is made. At just £45K total value for net catch, and knowing value of rod caught fish (NRW estimates £150million for Wales) plus the cost of fishery improvements, it seems incredible that we don't reward our netsmen differently to put everything back.

A small but slightly bizarre suggestion is that the Black Rock Lave nets continue to kill salmon albeit restricted to two per fishermen. This confronts logic head on: Firstly, it is certain that the Black Rock fishery is exploiting a mixed stock fishery. One that takes fish destined for several rivers: Taff, Usk, Severn and Wye. Mixed stock fishery exploitation has been proscribed by NASCO, the advice of which the UK government has agreed to honour.

Secondly, Lave net fishing is the one type of net fishing where C&R can safely take place with minimal damage to salmon.

Thirdly, it is unnecessarily divisive. The stakeholders of Usk, Wye and Severn have contributed to the buy off of other netting stations, and funded successful habitat restorations. Since 2012, the Wye rod fishery has faced full C&R and NRW proposes the same for the Usk. Surely there should be no exceptions for nets when C&R is a viable alternative.

Q3b Do you support the proposed rod fishing byelaws?

Please tick the relevant box

In part

If no, please state on what grounds your objection is based.

There are some instances when a pan Wales byelaw makes perfect sense and others when it doesn't. Measures that reduce damage to fish should be applied all over Wales. An example is the proposed ban on prawn, shrimp and worm, though sadly at present, only for salmon. In our view, use of these methods tend to annul the benefit of other conservation efforts as they increase the exploitation rate of salmon. Those not caught earlier due to the restraints of the national spring byelaws often succumb when tempted by worm, shrimp or prawn.

In hot water conditions the use of the shrimp can often catch fish when other methods fail but the chance of a successful release is much reduced in those hotter conditions. **We are pleased to support the ban on these methods for salmon.**

However, we question the merits of allowing worming for sea trout. Generally, the proposed byelaws move fishing in Wales towards sport fishing and away from "fish mongering." Complete banning of worm (shrimp and prawn) would help this further as well as making enforcement much simpler. The technique deployed (fly or worm) can be detected some distance away and would reduce the risk of unintended (or intended!) catching of salmon.

The thorny issue of hooks, barbs and sizes could be better approached in another way. Our suggestion is that all trebles over size 12 are banned, doubles permissible on flies but certain spinning patterns – especially the so called Flying C – are only permissible if fitted with a single hook. The move to barbless should be gradual and not by byelaw. Banning small trebles would, for example, make the use of the Icelandic hitch fly difficult and following a 40 year career in minor oral surgery, I can confirm that small trebles actually do less damage to the cartilaginous fishes' mouth than a large barbless single, even if unbarbed.

An example of a byelaw that is **not** best applied pan Wales relates to the application of catch and release. One particular river is predicted to be “probably not at risk” (PNAR) – the river Usk. The owners and anglers of this river have contributed to the securing of funds that has enabled the drift net buy off, fish passage construction, habitat restoration and other positive actions via their local trust, the Wye and Usk Foundation. It’s more than coincidence that both Wye and Usk are the only rivers predicted to be PNAR following the extensive work carried out in both catchments (the Severn also PNAR is not assessed in a comparable way).

It is certain that the proposed bait ban will save many fish here and reduce recapture of fish released in the Spring. The recent abstraction reduction proposals will save many more from losses in the estuary. The Wye recovered from near extinction **without** mandatory full season catch and release – just voluntary. It is only this year that any additional benefits of the 2012 full C&R byelaws take effect and this year’s catch is less than last year.

The existing Usk byelaws are an unusual mixture following a series of legislative changes: Start > 31st May - fly only; 1st June > 15th June: fly and spinner; 15th June bait fly , spinner. 15th September > end: fly and spinner only. One benefit of the bait ban is that the 15th June and 15th September trigger no changes. Might it be the time to consider a back end (autumn) fly only period which has been successful on the Wye?

The classification and continued restoration efforts by the Usk stakeholders, mean that we can see no reason to enforce full season mandatory C&R, given reasonable success with voluntary efforts. Nor can we see any evidence that mandatory C&R offers any significant improvement over voluntary in this river.

In any event, we believe all rivers should be managed on an individual whole catchment basis.

Section 4

Q4a. Please tell us if you have any further comments that haven’t been covered by the previous questions.

Government is charged with responsibilities in respect of rivers and fisheries in the following acts:

1. Environment Act 1995 “To maintain, improve and develop” (fisheries)
2. The Water Framework and Habitats Directives
3. Well Being of Future Generations 2015
4. Environment Act Wales 2016 legislation to best manage our Natural Resources

There is no doubt that NRW is correct in their assessment that the stocks of salmon and sea trout in our rivers are, save in two, poor and declining. Broadly, the size of a salmon and sea trout population is determined by their %age survival at sea and the productivity of the river into which they migrate and spawn. However, losses occur at

all life stages: This consultation is about bringing in measures to reduce losses at just one life stage (returning adult fish) and by a single causative factor (angling) and in so doing may impact disproportionately on the principal area in which this natural resource delivers its economic benefits. The period proposed, 10 years, seem unnecessarily long (unless NRW and WG have no plans to restore our rivers).

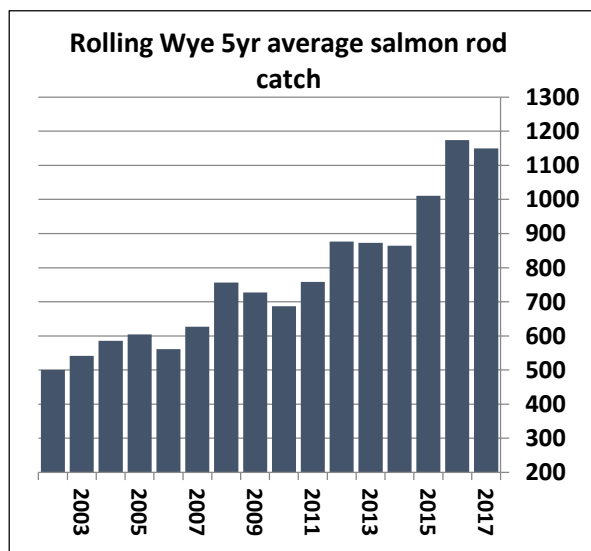
In today's environment, increased numbers of predators (dolphins, seals, otters on adults; fish eating birds and predatory fish on juveniles) have played a significant part in reducing marine survival. Land use pollution has been allowed to damage our environments with minimal preventive efforts made. There are large amounts of basic fishery restoration required and climate change adds to the burden.

This demands much, much more than just changes to rod and net fishing byelaws.

Page 49 of the "**Technical case supporting....stocks in Wales**" list the conservation status of all Wales' rivers. Just two are predicted to be in the group "probably not at risk". These two rivers are the Wye and the Usk (the Severn is also so classified)¹ We believe it is important to consider what is different about these two and whether this has relevance to overall conservation goals.

Both rivers have been maintained, improved and developed with a series of projects and actions managed by the Wye and Usk Foundation (WUF) and delivered with its partners, including predecessors of NRW. These actions include:

- Buy off of estuary drift nets and putchers by WUF
- Majority of barriers to migration removed or made accessible with passes
- Ongoing restoration of tributary system: fencing out stock and tree management
- Reduction of abstraction with agreed changes (UWAG project)
- Promotion and letting (sale) of fishing with Passport scheme that returns funding
- Mitigation of effects of farm pollution. Farm by farm corrective advice and delivery
- Wye only: amelioration of the effects of acid rain and restoration of upland forest wetlands



Left: the ongoing improvement of salmon catches on the Wye, achieved without full mandatory catch and release

We have no doubt that further improvements can be made to Wye and all Wales' rivers if Government and NRW finally get round to sorting out the worsening levels of pollution from farming and forestry.

The downside of the current consultation is that it will inevitably place further divisions

¹ The Severn, is anomalously so classified but by virtue of considering its wetted area to be half that of the Wye (its 4x bigger) and whereas 143 eggs/100m2 is needed for the Severn, 224 eggs/100m2 are needed for the Wye!

between anglers and fishery owners on one hand and those responsible for our natural resources, which include NRW. Those involved with some of the worst affected rivers will feel the gross unfairness of having to make sacrifices while the polluters appear not to pay. Increasing the numbers of spawners of a falling population will do little more than stave off the inevitable end of migratory fish **unless the central causative factors are rapidly addressed**. NRW and Government are charged with doing this.

We will leave comparisons with the juxtaposition of deckchairs on a certain White Star Liner alone for now.

Dr Stephen. J. Marsh-Smith OBE, November 2017 for Afonydd Cymru.

Thank you for taking the time to fill in this consultation.