



# Responses to advertising of proposed Salmon and Sea Trout Protection Byelaws

Summary Report

17 August 2018

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## 1.0 Introduction

The Environment Agency received a total of 1,374 responses to the advertising of the proposed Salmon and Sea Trout Protection Byelaws. Within these responses, 900 contained an objection to one or more of the byelaw proposals. This meant that 474 responses were solely supportive of one or more elements of the proposed Byelaw.

There were 1,160 responses received directly into the online consultation tool. The remaining responses (214) were received by post or email. All responses which were received by post and email were inputted manually into the consultation tool.

Respondents were asked six mandatory, closed questions at the beginning of the consultation. These questions obtained details regarding the respondents name, email address, who they represented (themselves or an organisation), if their response was with regard to a particular fishery, how they found out about the consultation and if the we could publish their response or not. Where possible, tags which identified which region of the United Kingdom the response was relating to were applied e.g. North East, South West etc. Following the six mandatory questions, four open questions regarding the respondent's objection/support to the four byelaw proposals were asked. These questions were free text so that each respondent could provide an explanation as to why they supported/objected to each byelaw.

After all responses to the consultation were received, each response was read and a tag of 'support', 'object' or 'neither support or object' applied to each of the four byelaw elements that a response was provided for. The responses were then downloaded into an Excel sheet and filtered to identify any which included one or more objections to the byelaw proposals.

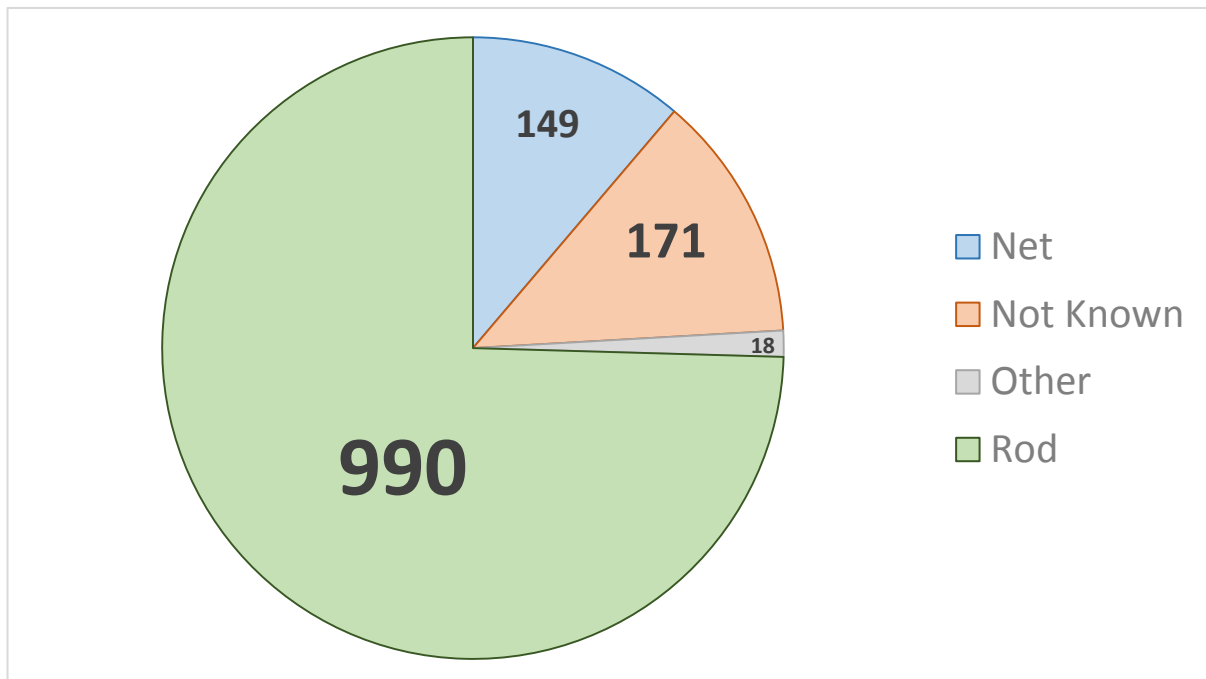
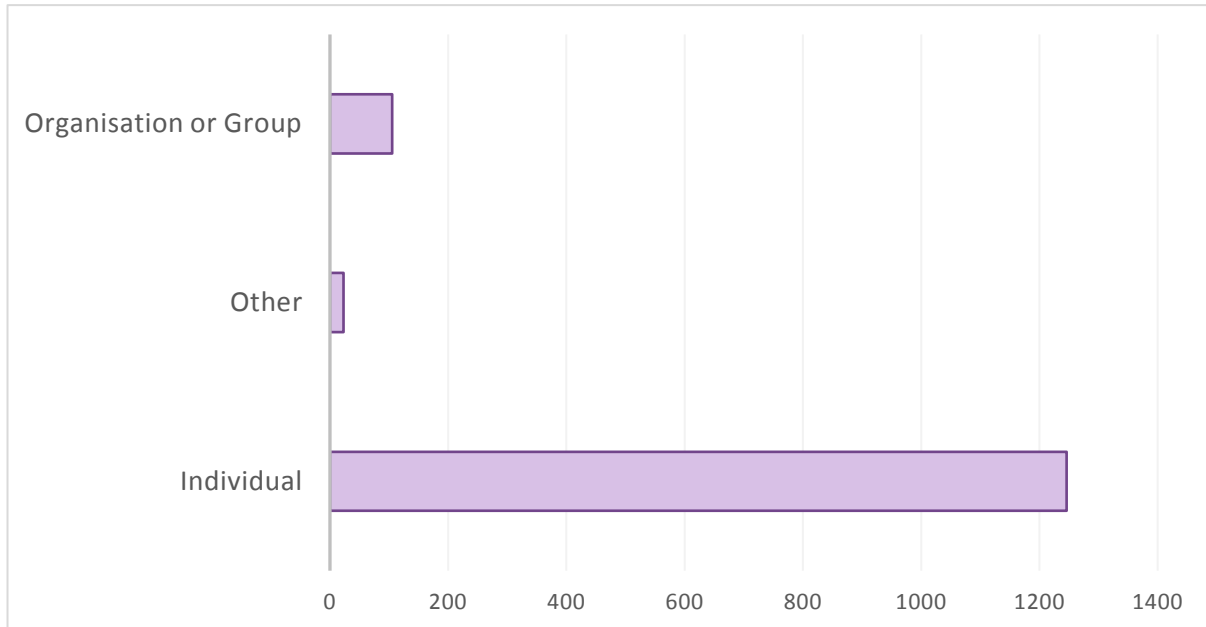
The following sections provide analysis of the responses that were received. Each question has been analysed for the following; number of responses received, breakdown of the answers and the number of respondents that provided additional written information. For the responses to each element of the proposed Byelaws we have provided a summary of these for both those respondents who objected to the proposed Byelaw and for those who supported it. For the summary of objections we have then provided the reply that we provided to those who made that objection.

## 1.1 Respondent Demographic

The following questions were designed to obtain background information on everyone who provided a response. They provided a useful insight into each of the respondents, helping to identify key areas of interests and opinions for specific demographics.

### 1.1.1 Please tell us if you are responding as an individual or representing a group?

**Number of responses**      **1,374**



**158 further answers were provided.**

The vast majority (91%) of respondents represented themselves as ‘Individuals’. 105 people were responding on behalf of an organisation or group (e.g. angling club or net association)

and just 23 were categorised as 'other'. Some examples of 'other' include the following; riparian owner, angling club member and members of a county council.

The pie chart shows the number of responses attributed to each sector; Rod, Net, Not known and Other. These were identified by manually sorting through each response and applying the appropriate 'tag' which identifies it within the correct sector.

### 1.1.2 Regional analysis of respondents

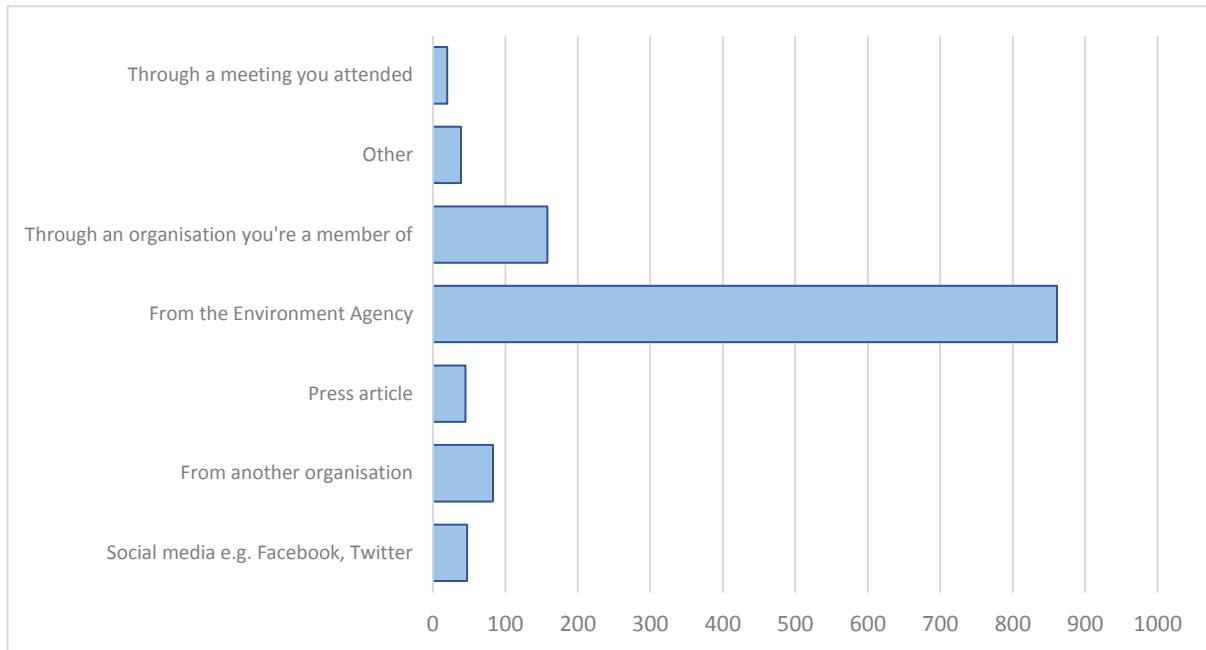
**Number of responses**                      **964**



The above map shows the number of respondents for each regional area, with 64% responding from the North West and North East combined. Those responses assigned with a 'National' tag (65) were representing a national organisation or group. The vast majority of respondents tagged with 'Other' were representing rivers in Wales and Scotland.

## 1.2 How did you find out about the proposed Salmon and Sea Trout Protection Byelaws?

**Number of responses** 1,261



73 further answers were provided.

Answers to other included; word of mouth, fishing magazine and from a friend.

## 2.0 Responses to renewal of existing National Salmon Byelaws

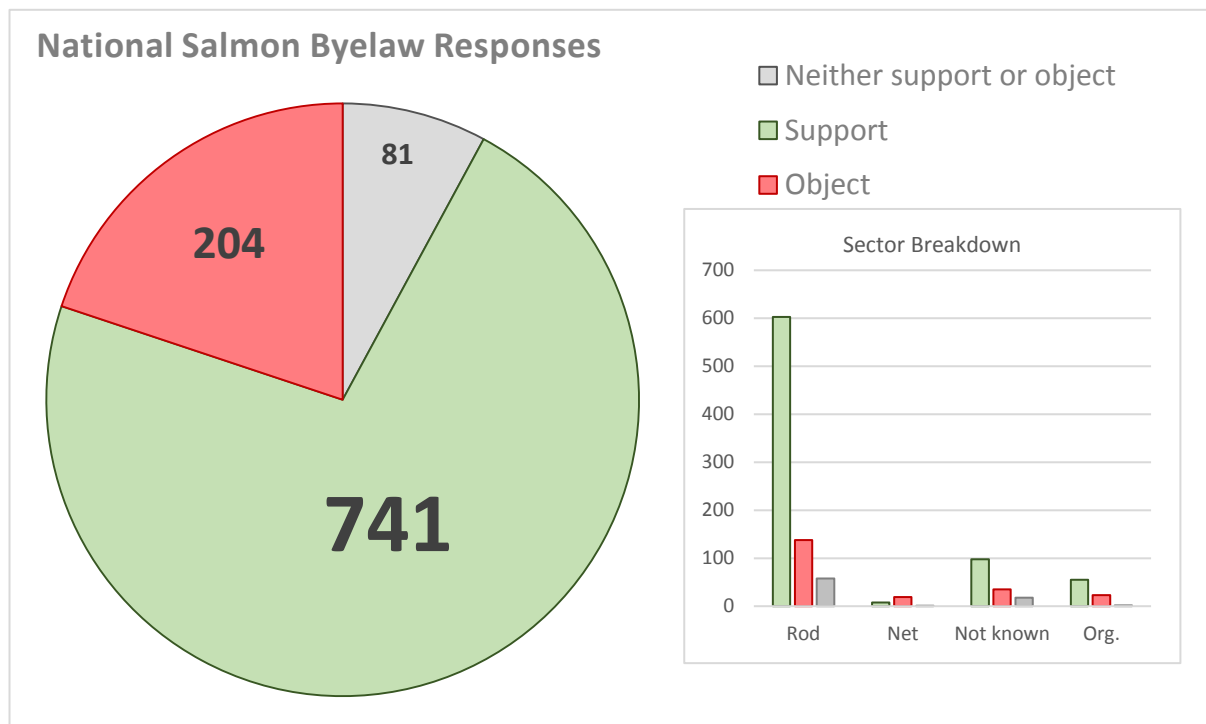
**Number of responses**      **1,026**

### **National Salmon Byelaw summary:**

- *impose a delay in the netting season for salmon and sea trout to 1 June;*
- *require the return, with minimum injury, of all salmon caught by anglers before 16 June and*
- *specify no angling from salmon, other than with artificial fly or lure, before 16 June*

*A few specified net fisheries are still allowed to net for sea trout before 1 June although any salmon caught must be returned immediately to the water with least possible injury.*

The support for this byelaw was attributed largely to rod and organisational responses, with 75% and 69%, respectively, supporting the byelaw to renew the existing National Salmon Byelaws (658 people in total). Only a small portion of net respondents answered this question (15%). A higher portion of net respondents objected (18) than supported (8) the renewal of these byelaws.



The main themes that responses contained are detailed below along with the associated reply that we provided for those responses that contained objections.

### **Summary of objections**

#### ***Problems contacting us***

**Response:** One of the consultation response email addresses was not working correctly for a short period of time at the start of the consultation. This was promptly corrected once we were advised of the problem.

We can confirm that the other contact options were available and working at all times, and provided alternative routes for responding to the consultation. These were by post, by completing a response online using the consultation website and by email to Defra. We are not aware of any problems regarding contacting us by telephone.

***This has not worked / no evidence of improvement***

**Response:** While spring salmon numbers have certainly not increased to pre-1990s levels, there has nonetheless been an apparent increase in spring salmon numbers in the last 6 years. It is not readily possible to attribute this increase solely to the National Salmon Byelaws, given that salmon stocks are affected by so many factors, but the prevention of killing spring salmon by nets and the mandatory release of thousands of spring salmon over the last 18 years will have at least contributed to some extent to the evident improvement in spring salmon stocks.

***Object as sea trout should be protected as well***

**Response:** Sea trout populations are more resilient than salmon, since juvenile sea trout are produced both by returning adult sea trout and by resident brown trout populations. Therefore, there is always a degree of reproductive capacity within river systems as well as in migratory fish, which helps maintain sea trout stocks.

***Support in part but would have all net fishing banned until June 16***

**Response:** The net fisheries that are permitted to fish before the 1 June catch low numbers of salmon and are principally targeting sea trout. Any salmon that they do catch must be returned immediately to the water with the least possible injury. At this time of year, salmon are typically the larger multi-sea winter fish, which are less likely to become gilled or snagged due to their size than the smaller grilse, which arrive at the coast later in the year. In nets that are allowed to fish at this time, these fish can be removed with relatively little damage. The proposed byelaws will close those fisheries where fish cannot be returned or those where a salmon only fishery is currently present.

***NE nets: Object to spring salmon byelaws: Early fishing of salmon pre June 1<sup>st</sup> and being returned damaged***

**Response:** Historic catch records show that few salmon are captured in the T net fishery before the 1 June (on average, around 5% of the total catch, which equates to around 280 salmon per year). At this time of year, salmon are typically the larger multi-sea winter fish, which are less likely to become gilled or snagged due to their size than the smaller grilse, which arrive at the coast later in the year. In T nets, many of these larger salmon are retained free-swimming in the bags or pockets forming the terminal headpiece of the net. With care, these fish can be removed with relatively little damage. It is less easy to remove any salmon caught in J nets, but so few salmon are likely to be caught in the proposed shorter season for sea trout, around 10% of the total catch, which equates to approximately 45 salmon per year, that losses are predicted to be very low.

**Summary of support**

- *Salmon need protection to ensure long term survival of the species*
- *These measures are needed to preserve the sport of angling for future generations*
- *Also support total ban on rod and net fisheries until salmon numbers recover*

Spring salmon stocks still require protection as they have yet to recover to sustainable levels – a harvestable surplus rather than just meeting conservation/management targets. There is also a widespread acceptance amongst anglers of the need to adhere to the measures, and



so to change them now would reduce the likelihood of restoring stocks, even though angling pressure is probably not a major reason for their decline. This is especially relevant in the light of the pressures across all English salmon stocks.

### 3.0 Responses to new Net Byelaws

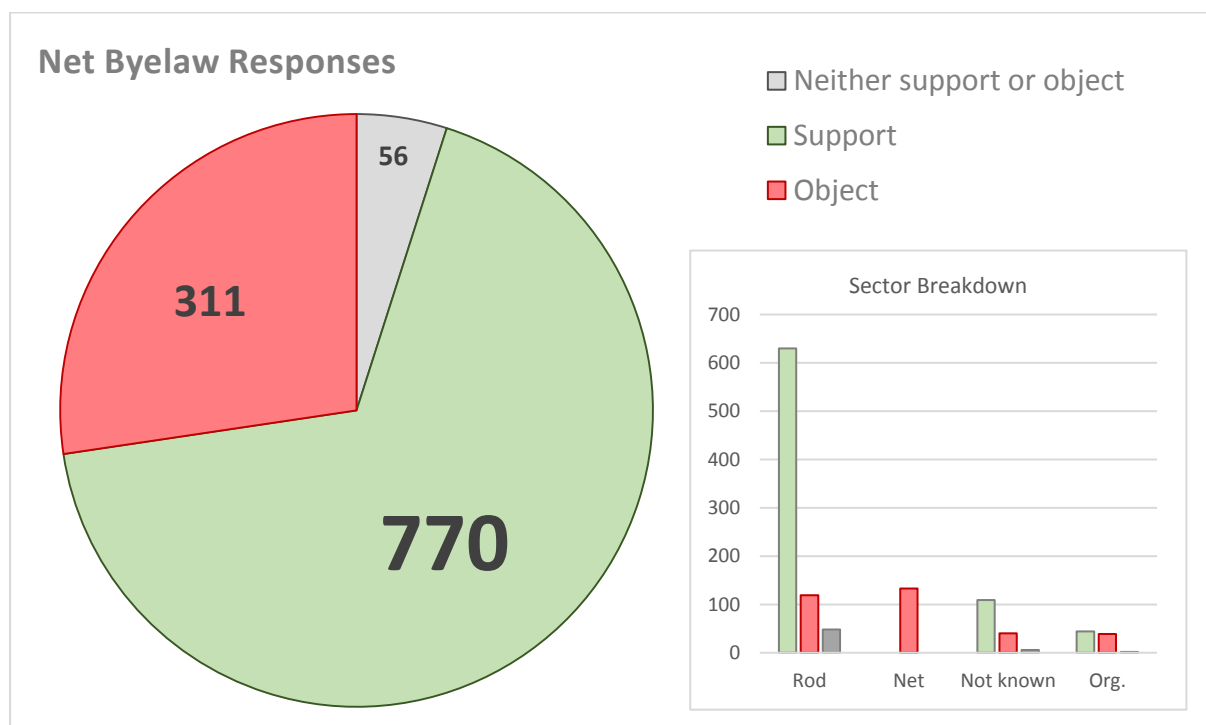
**Number of responses**      **1,139**

**Proposed net byelaw summary:**

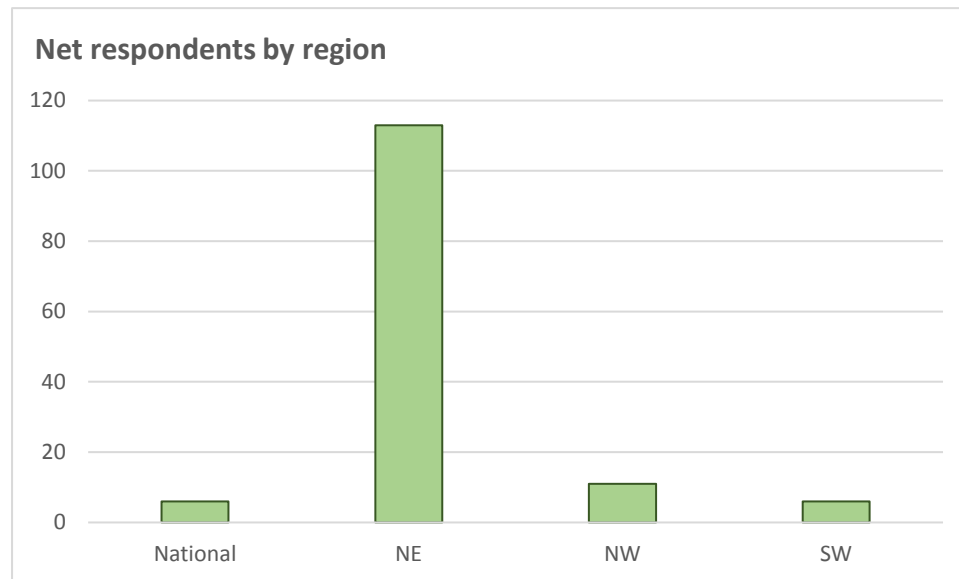
*In Summary, for the salmon net fisheries that are 'At Risk' or 'Probably at Risk'*

1. *All drift net fisheries to close in 2019 These include the NE Drift net fishery and the drift nets fisheries on the Rivers Lune and Ribble in the North West*
2. *All other net fisheries should close for the taking of salmon in 2019*
3. *A sea trout only fishery to be allowed only where the take of salmon can be reduced and returned with a strong likelihood of survival.*

There was a strong level of support for the net byelaws, driven mainly by respondents from the rod sector (630 out of 770 supporting respondents). Those representing the net sector were overwhelmingly against these byelaws. Just over 90% of net respondents objected and none supported. The remaining 10% did not answer the question.



The vast majority of net respondents originated from the NE of England (83%), with just 11 and 6 from the NW and SW, respectively. 13 respondents did not specify what region they were from. This is shown in the graph below.



The main themes that responses contained are detailed below along with the associated reply that we provided for those responses that contained objections.

### Summary of objections

These were predominantly from net fishermen and their families.

***Loss of livelihood (NE coastal fishery) with little / no alternative fishing quotas that could be used.***

**Response:** All nets in the North East Coast Net Fishery operate as a coastal mixed stock fishery, in that they exploit salmon from a large number of different populations from rivers on the east coast of Britain. This mode of operation introduces difficulties in fisheries management, as it is not possible to effectively protect the most vulnerable of the contributing stocks. This is because we cannot determine with high confidence the impact of the fishery on each of the contributing stocks.

The UK Government has international obligations to NASCO to close such coastal mixed stock fisheries, as it is not possible to manage them in such a way as to effectively protect contributing salmon stocks. In 2012, the Fisheries Minister, Mr Benyon, instructed the Environment Agency to close the drift net fishery in 2022. Since that time, concerns over the performance of salmon stocks have increased, and the Environment Agency has reviewed the regulation of both rod and net fisheries to better protect stocks, with a presumption of only allowing exploitation where stocks are sustainable.

We have recently met with the National Federation of Fishermen's Organisations (NFFO) to explore alternative methods of netting that may increase opportunities for a sea trout only fishery and we will continue to do so over the next 12 months. Our decision to defer the introduction of any new national salmon byelaws until 2019 provides a significant period of notice to licensees, which will assist them in making the transition to alternative operating arrangements.

### ***Compensation should be paid if the fishery is closed***

**Response:** We do understand that the byelaws will put a financial impact on net licence holders. We have not taken our decision lightly and have based it on grounds of ensuring stocks exist at a sustainable level in the future.

Claims for compensation can only be considered once any byelaws have been confirmed. There is a power to pay compensation to fishermen in the Water Resources Act 1991 who are “injuriously affected by a byelaw” but it is for the Minister to decide whether the payment of compensation should be considered in any particular case. There is no freestanding right to payment for any net fishermen affected.

### ***NW and SW netsmen both made the point that they take very few fish and are already so tightly regulated that this cannot be the difference between success and demise of salmon.***

#### ***Net and rod fishermen aren't able to deplete salmon stocks***

**Response:** When salmon stocks are below their minimum safe spawning levels, further reducing their numbers is likely to result in fewer salmon in future generations. Thereby stopping or slowing their recovery to sustainable levels. Although net and rod fisheries in England that target salmon only catch a proportion of the salmon returning to a river, it is still likely that, when stocks are below their minimum safe levels for that river, the take of a proportion of these fish would affect the sustainability of that salmon stock in the future.

### ***The netsmen point out that the rod angler is more protected than the netsmen and society and politics values a rod caught fish more than a net caught one thus discrimination against netsmen.***

**Response:** We have only sought to close net fisheries where the release of salmon cannot be achieved without harm. Where nets are able to operate a sea trout only fishery we are allowing this to continue. We have gone down a more voluntary route for the rod fishery as there is the possibility to allow both a fishery to operate and, use the resources and money gained from this activity to be fed back into the local environment.

Despite concerns we have tried to maintain a sea trout fishery where this is possible to do so. This is to support the culture and heritage of the salmon net fisheries.

### ***Loss of a way of life and cultural heritage***

**Response:** Our primary objective in managing salmon populations is the conservation or restoration of stocks. However, when considering new regulations we look carefully at their potential socio and economic impacts. In doing this we consider:

- Whether proposed measures will have an unreasonable effect on someone's livelihood (e.g. net fishing) or the value of their property (e.g. fishing rights)
- Effects on different groups – we consider the balance of impacts on commercial and recreational fisherman
- The effect on the viability of fisheries
- Heritage value: where fishing methods are unique to a very small number of locations, we consider retaining a residual fishery and/or permitting a low level of catch

We recognise that these proposals will have an impact on livelihoods, which often have been passed down through many generations of the same families, and will place restrictions on traditional and cherished pastimes. In reaching this difficult decision we have sought advice and views from salmon rod and net interests, affiliated groups, businesses and

organisations. We have also closely considered the best available scientific evidence available to us.

***Some respondents suggested different ways of reducing catches without closing the fishery e.g. catch limits and close times.***

**Response:** We have carefully considered other approaches, including shortening the salmon season and introducing a catch limit for salmon. However, we take the view that these approaches would not achieve our conservation objectives for salmon, since these options would still allow a large number of salmon be caught, including salmon from stocks which we have identified as having no harvestable surplus available for exploitation.

Catch limits are also likely to encourage the discard of smaller salmon with a view to keeping future larger ones. This might lead to a greater unrecorded mortality.

***Legal presence of fishermen prevented illegal activity.***

***Some angling associations on the NW coast also objected to the closure of salmon fishing on their coast but supported the bigger mixed stock fishery closure on the east coast. The reasons behind this were due to the small and [perceived] well regulated NW coast fishery and, by their presence prevented illegal poaching of salmon.***

**Response:** Large scale illegal netting would be unlikely to occur as salmon cannot be landed without a carcass tag being present. Illegally caught fish would be hard to sell on in large numbers and easy to identify.

Where salmon are present, the Environment Agency has dedicated enforcement resources to use in protecting stocks, such as targeted patrols. We are also increasing the use of intelligence-led work, and improved technology and surveillance, on identified hot spots, which is improving our ability to prevent and deter illegal activity. We work alongside angling clubs, landowners and partner organisations to maximise our resources on the ground. In particular, the intelligence that we use to target our enforcement activity relies on the close relationship that we have with our customers and partner organisations, such as the Angling Trust and the Inshore Fisheries and Conservation Authorities.

***Object: These byelaws will last forever, you will never reopen the fishery***

**Response:** The byelaws will be in place for 10 years and will have a mid-term review. With the exception of the mixed stock NE fishery, if stocks improve to a level of harvestable surplus then net fisheries could re-open.

***Object: measures don't go far enough, all netting should be banned***

**Response:** We have taken the decision that salmon stocks on rivers that are classified as At Risk or Probably at Risk should have the take of salmon from them reduced further. Where a river's salmon stock has been classified as Not at Risk or Probably Not at Risk we consider it to have some level of harvestable surplus, and these rivers are therefore not subject to the further controls on the take of salmon that are proposed by the new byelaws. This is why salmon fishing on the River Severn (Probably not at risk) can continue.

With many net fisheries, there are also cultural elements and livelihood concerns that we also need to take into account. We can however confirm that new licences cannot be passed on if there is a zero NLO in place. Furthermore, we are not able to enable net licences to be passed on to the relations of existing netmen as we have a need to follow an open and transparent net licensing process within a public fishery.

***Object: reduction of fishing season / release of salmon from J nets***

**Response:** We recognise that best efforts and diligence would allow many free swimming salmon and grilse to be released, and a smaller proportion of fish that were gilled or snagged. However, it is very likely that a level of mortality of netted salmon would occur, either directly in the nets or after the fish had been released.

These fish would incur a variable degree of physical damage and physiological stress. Therefore, even with catch and release, it is likely that a high mortality of salmon would occur in salmon caught in a J net, either in the net directly or post-release.

The fundamental consideration is the level of unavoidable salmon bycatch mortality. This has been determined as the low tens of fish in each district in the fishery. We take the view that the management objectives for the fishery do not allow the operation of J nets on a catch and release basis for salmon for the whole of the current netting season – until the end of August.

However, the level of bycatch mortality likely to be experienced from J nets at Filey operating as a sea trout only fishery until the end of June from 2019 would produce an acceptable, and very low impact on salmon stocks.

***Object to the Inclusion of closure of conservation areas in the final byelaw package***

**Response:** Conservation Areas have been established around the mouth of many North East salmon rivers to prevent nets operating in areas where there is a large concentration of fish, and thereby protect stocks from high levels of exploitation. Current regional byelaws provide an exemption to the general prohibition of netting within Conservation Areas, which allows T nets to operate close to the mouth of the river Tyne (Tyne Conservation Area B) and in the area between the mouth of the river Coquet and the River Aln (Coquet Conservation Area B).

Proposals to remove these exemptions were not included in our initial consultation held between August and October 2017, but were developed as a result of the consultation process, when stakeholders raised the issue of net fishing within conservation areas. It is a valuable and intrinsic part of consulting with stakeholders that new issues are brought to our attention, and that we properly consider them.

Having had the issue raised during consultation, detailed analysis of net catches showed that the catch rate for T nets operating in the Tyne Conservation Area B for salmon is almost 10 times greater than that for T nets operating outside the Conservation Area. In the Coquet Stell fishery, catches of salmon are around four times higher than elsewhere.

We take the view that the management objectives for the fishery do not allow nets to continue to fish in the Conservation Areas, and achieve catch rates for salmon that are far greater than those achieved elsewhere in the T net fishery. Therefore, we are proposing to remove this byelaw exemption.

***Object: demand for a public enquiry***

**Response:** With respect to a public inquiry. The decision to call for one rests with the Minister, who may cause an inquiry if it appears expedient for him to do so. The Environment Agency will submit the byelaw package, clearly setting out our reasons behind the proposals. We also have to make clear where there have been objections and representations from individuals and organisations who are opposed to the proposals we submit. This must include options we have not considered, our responses to the objections and the evidence supporting our case to proceed.

As part of the summary of all documents we will submit to Defra, we will highlight any requests for an inquiry or further consideration. We must also set out what support we have received and from whom. The package will very carefully set out all evidence and representations including economic factors that would impact on businesses and individuals. For example, we will clearly state that the Tamar net fishery is subject to a catch limit per netmen of twenty-three salmon only in a netting season (maximum of 69 salmon in total) due to the current NLO.

***Object: the nets do not take enough salmon to be the problem. We are a very well regulated and small fishery.***

**Response:** When salmon stocks are below their minimum safe spawning levels, further reducing their numbers is likely to result in fewer salmon in future generations. Thereby stopping or slowing their recovery to sustainable levels. Although net and rod fisheries in England that target salmon only catch a proportion of the salmon returning to a river, it is still likely that, when stocks are below their minimum safe levels for that river, the take of a proportion of these fish would affect the sustainability of that salmon stock in the future.

With many net fisheries, there are also cultural elements and livelihood concerns that we also need to take into account. This has been a hard decision to make. We have followed the Regulators' Code and the statutory principles of good regulation as well as our duty to have regard to economic and social wellbeing. We have given appropriate consideration to the potential impact of our proposed byelaws on economic growth, both for individual businesses and more widely, alongside consideration of our statutory duty to maintain, improve and develop fisheries.

We do understand that the byelaws will put a financial impact on net licence holders. We have not taken our decision lightly and have based it on grounds of ensuring stocks exist at a sustainable level in the future.

***Object: there are a total of 11 drift nets along 200 miles of coast, each less than 400m long. This will not make any difference.***

We do not find that the impact of the North East net fishery on contributing stocks is minimal. The net fishery can take over twenty thousand salmon per year, and in 2016 almost 19,000 salmon were caught. Around half of these fish are destined for rivers in Yorkshire and the North East. Closing the net fishery for salmon would see an immediate and substantial boost to salmon stocks.

***Object: How can you close our net fisheries but allow seals to thrive?***

**Response:** The Environment Agency does not regulate or have conservation duties for seals. Two species of seals are found in the North East, grey seals and harbour or common seals. Grey seals are the larger and more numerous of the two species.

It has been estimated that there are between 3,000-6,000 grey seals residing around the Farne Islands, the main colony in the North East of England. A smaller population of around 500 grey seals is found around Coquet Island.

The Tees estuary supports a small breeding population of harbour seals which are present throughout the year. A total of 88 seals were recorded in 2012. Further north there is a small resident population of harbour seals at Holy Island in north Northumberland.

Seal diet is typically predominated by sand eels, together with cod, whiting, haddock, and flatfish. However, seals are commonly observed to consume salmon and sea trout in estuaries, around nets and river mouths. We recognise that salmon and sea trout have

been estimated to comprise a substantial proportion of the diet in such areas at certain times. Salmon numbers are affected by a wide range of impacts, including predation by seals, exploitation, water quality, habitat quality and accessibility. It is difficult to determine the relative impact of different pressures on fish stocks, although the biggest single factor impacting the status of salmon populations is believed to be declining marine survival, which has nearly halved over the last 20 years. This has been largely linked to climate change induced environmental changes, which are understood to affect feeding and prey species availability.

The impact on salmon populations from predation by seals will vary significantly between years, and in different locations. A study by the MAFF Salmon and Freshwater Fisheries Laboratory (now CEFAS) in 1979 estimated losses of salmon caught in nets to seals in the North East net fishery to be around 5%.

It is not possible to quantify the impact of seal predation on salmon that do not encounter a net. Therefore, considerable uncertainty remains about the level of impact on local salmonid stocks as a result of predation by seals. Seals in England and Wales are protected under the Conservation of Seals Act 1970, which prohibits taking seals during a close season (01/09 to 31/12 for grey seals and 01/06 to 31/08 for harbour seals) except under a licence issued by the Marine Management Organisation.

Under the provisions of the Act, fishermen may only shoot seals during the annual close season if serious damage is being caused to catches or gear. During the remainder of the year, seals may be shot providing an appropriate, licensed firearm is used. The Act also allows for specific Conservation Orders to extend the close season to protect vulnerable populations. Three such orders have been established; these effectively protect all the main concentrations of harbour seals along the east coasts of England and Scotland.

### **Summary of support**

- *Netting is not sustainable and they take more fish than rod anglers*
- *It is difficult to release salmon from nets undamaged/unharmed*
- *All barriers to fish migration need to be removed and this includes nets*
- *Overarching support centred on a declining stock and respondents agreeing that the existing salmon net fishery took more fish than current levels currently can spare.*

The proposed byelaws reflect this principle, and are in accordance with NASCO guidelines, which require that there should be no exploitation of stocks that fail to meet their conservation targets.

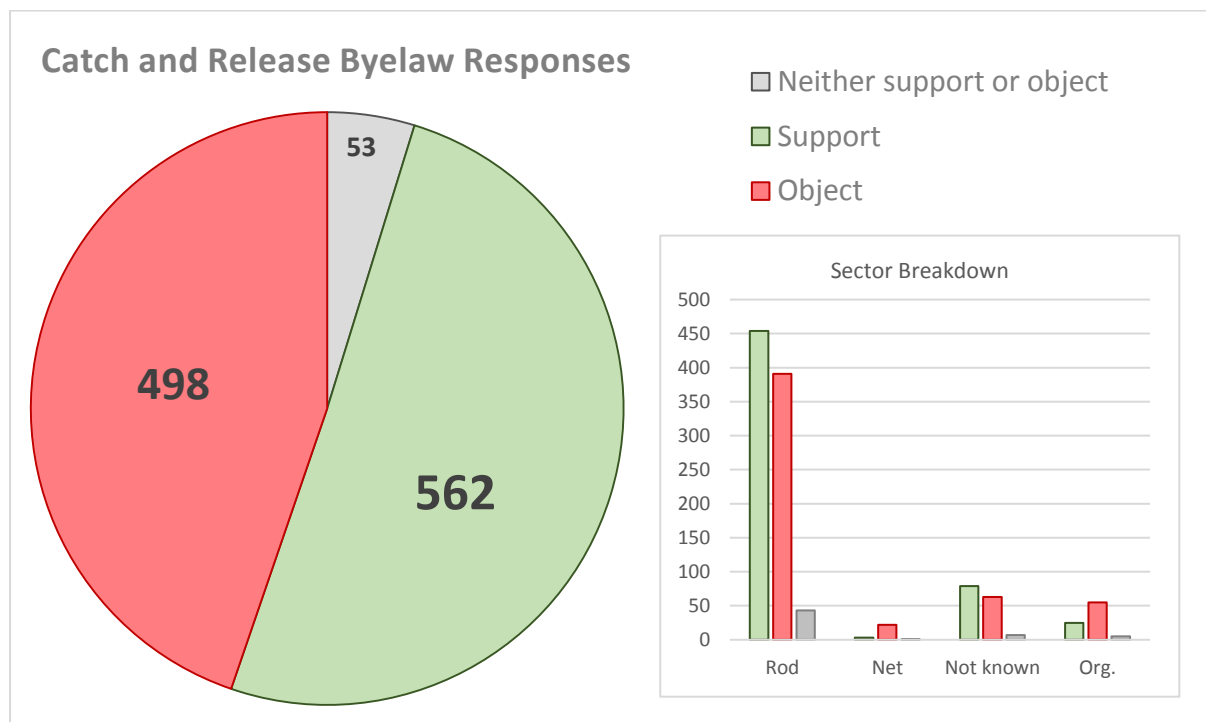
## **4.0 Responses to new catch and release Byelaws for rod fisheries**

**Number of responses**      **1,112**

### **Proposed catch and release byelaw summary:**

1. *Mandatory catch and release on the 10 rivers that are classed as 'At Risk' should be introduced in June 2018*
2. *Voluntary catch and release on the 28 rivers classed as 'Probably at Risk' – to be reviewed in 2019 with a view to continue or implement a byelaw if challenging targets for catch and release cannot be achieved. We will discuss the principles for this review further with England Fisheries Group.*

Overall, the responses to the catch and release byelaws were fairly balanced between support and objections. This was driven mainly by the large number of rod respondents, who were split 53% in support and 47% who objected. Rod respondent's objections were based largely on whether or not the proposed byelaw would affect them or not. This varied greatly from river to river. Organisations and net respondents were much more of the opposite opinion, with 68% and 90%, respectively, in objection to the catch and release byelaws. However, their objections were based on very different reasons. Organisations generally believed that catch and release should be voluntary, and the proposed measures were too harsh. Net respondents generally believed that voluntary measures do not go far enough and mandatory catch and release should be increased.



The main themes that responses contained are detailed below along with the associated reply that we provided for those responses that contained objections.

### Summary of objections

***Object: taking one salmon will not cause a problem***

**Response:** Voluntary catch and release has clearly increased on many rivers in recent years and now sees, on average, over 80% of salmon returned alive. Despite there being a generally high proportion of anglers who return all or most of their catch in recent years, there remains a substantial proportion of anglers who release very little or none of their catch. These anglers typically catch one salmon per season and keep it. Therefore the greatest benefit in terms of numbers of salmon saved, will come from reducing the number of individual anglers who take one salmon in the season. We consider that this will be best delivered by mandatory 100% catch and release byelaw for At Risk stocks.

***Object: it is immoral to catch a salmon and not take it after the stress of capture, it won't survive anyway.***

**Response:** Catch and release can be practised very well but it does depend on the angler. This can be improved by culture, experience and rules that ensure the fish are caught using



equipment and methods that maximise the likelihood of returning a fish to successfully spawn. We would agree that this requires different tactics from the onset as a fish caught to be taken could be played in a very different way than one that is to be returned back to the river. There are very few salmon returning to many of our rivers. Those that we class as At Risk and Probably at Risk, have by definition no harvestable surplus. There is an argument that fishing should be banned but the Environment Agency does not support this approach as angling delivers huge recreational benefits and many hundreds of clubs spend significant time, effort and money enhancing their rivers, removing barriers to fish passage and lobby and act to help prevent pollution and low flows.

The EA and its partners are actively promoting sustainable catch and release. Films such as the one attached here by the Atlantic Salmon Federation <http://www.asf.ca/live-releae.html> are being widely promoted.

***Object: imposing catch and release will stop anglers fishing and harm the economy***

**Response:** From a rod fishery perspective, we are not closing rod fisheries. We are preventing the take of fish where the stocks are most vulnerable. Given the response to the initial consultation we recognise that further regulation could have an impact on angling. So our approach for Probably at Risk stocks (PaR) from 2018 will now require PaR rivers to achieve high voluntary catch and release rates of 90% or above in the first instance. Where the 90% catch and release target is not met, we will take decisions on a river-by-river basis whether or not mandatory 100% catch and release should be applied by byelaw. If the current catch and release rate is higher than the proposed rate, then the current rate will be required to be maintained. Fishermen will still be allowed to pursue their sport and the local economies will still benefit from their activity.

***Object: want the freedom to take a fish that would die without being penalised***

**Response:** We note your point about taking bleeding and dying fish. However, allowing anglers to take such fish makes catch and release unenforceable – some, I expect only a minority of anglers, might use this as an excuse for taking fish that might otherwise survive on being returned.

***Object: all salmon should be released all year by any method***

**Response:** We have taken the decision that salmon stocks on rivers that are classified as At Risk or Probably at Risk should have the take of salmon from them reduced further. Where a river's salmon stock has been classified as Not at Risk or Probably Not at Risk we consider it to have some level of harvestable surplus, and these rivers are therefore not subject to the further controls on the take of salmon that are proposed by the new byelaws.

***Object: loss of goodwill leading to less habitat improvements and angling support***

**Response:** Many rivers already practice 100% catch and release and there is productive partnerships that benefit the river and anglers. We accept that there will need to be a change of culture and approach for some angling associations and individuals to respond to returning all salmon caught. We are committed to support this wherever possible.

When salmon stocks are below their minimum safe spawning levels, further reducing their numbers is likely to result in fewer salmon in future generations. Thereby stopping or slowing their recovery to sustainable levels. Although we know that anglers typically catch between 10 – 30% of a rivers annual returning salmon stock, it is still likely that, when stocks are below their minimum safe levels for that river, the take of a proportion of these fish would affect the sustainability of that salmon stock in the future.

Successful fisheries need to have healthy populations of salmon. Mandatory catch and

release is only on At Risk rivers and allows anglers to continue to fish, while reducing the impact of angling mortality on stocks. We believe this strikes the right balance.

***Object: are you going to reduce the cost of a rod licence if you cannot keep salmon?***

**Response:** There are currently no plans to review the cost of a salmon and sea trout rod licence on the basis of not allowing salmon to be taken. Many rivers already practice 100% catch and release.

The salmon and sea trout rod licence does not fully cover the costs associated with managing these fisheries. The licence itself only covers the angler to fish with rod and line taking account of the rules and regulations in place on each river to ensure that the salmon stock remains sustainable.

***Object: reject the proposed byelaw as disagree with the evidence presented***

**Response:** Among the 80 or so principal salmon and sea trout rivers in England and Wales, nine (Tyne, Test, Itchen, Hants Avon, Frome, Tamar, Fowey, Dee, Lune) are currently 'monitored rivers' managed by the Environment Agency or Natural Resources Wales (NRW). As such, they operate counters/traps to provide estimates of the number of salmon (and in some cases sea trout) returning each year. Four of these rivers – Tyne, Tamar, Dee and Lune are classed as 'Index Rivers' because of the additional biological information they collect on the stock (e.g. age, length, weight, sex, etc.) Ideally, fishery independent measures of the salmon (and sea trout) run would be available on all rivers, but resources limit such extensive monitoring. We do, however, have catch data for all principal salmon and sea trout rivers. On these we use figures on angling exploitation rate obtained from our network of monitored rivers to estimate, from rod catches, the numbers of adult spawners and their egg contribution to assess compliance with Conservation Limits (CLs).

We remain of the view that the current assessment procedures, alongside other independent measures of stock status such as adult counts and juvenile surveys, provide a reliable basis for evaluating the status of salmon stocks in England. However, as with any model no catch recording system is perfect it is clear that catch statistics provide some of the most valuable indicators of stock and fishery performance available. This is evident from (i) the common patterns present in sometimes disparate catch records collected over many years and (ii) the strong relationships that exist between rod catches and the fishery-independent estimates of run size obtained on our monitored rivers. As such, catch records can and do provide a unique historical insight into the abundance and composition of salmon and sea trout stocks (e.g. required to explore and understand the effects of long-term processes, such as climate change, which may play out over decades) but are also clearly vital to current stock assessment procedures. It is thus essential that catch recording systems remain as consistent and effective as possible in order to maintain the quality of data collected and ensure that the accuracy of associated assessments is not compromised.

Maintaining the quality of catch records is not only the responsibility of the organisations charged with collecting catch data but also of fishermen who have a statutory duty to provide accurate catch information. It is also important to add that we work with a number of local angling associations and clubs, to cross reference Environment Agency rod licence returns with club's own records. Wherever possible we will seek to use the best available data in our stock assessment work.

It is our intention to continue to improve our stock assessment methodology and this will include using data from others wherever possible. Juvenile monitoring would be an excellent

example where other organisations can support this assessment and we would also commit to a more open and transparent system of communicating the outcomes from these annual

***Object: fishing is not the problem, pollution and / or loss of habitat should be dealt with first***

**Response:** We agree with and support your view that habitat loss and degradation is an important element to improving salmon populations. There is ongoing and continual work on all of our rivers to improved habitat through planning mitigation within our permitting process, habitat improvement projects with our partners and angling clubs as well as bigger fish pass schemes such as the Opening up of the River Severn project that will bring over 20 million pounds to remove the lowest obstacles on the Severn. Agricultural pollution is another area where we continue to make progress and with the new farming payments scheme being developed, we are front and centre in influencing how future payments to farmers will need to take account of agricultural activities that cause silt run off and pollution. There is still a lot to do and why are not complacent in these matters.

***Object: predation is the problem, not the fisherman***

**Response:** obligation to appropriately regulate fisheries.

Fishery Management Advisors (FMAs), employed by the Angling Trust, and Environment Agency Fisheries Officers both provide advice to angling clubs and landowners on cormorant and goosander control. The FMAs have helped many fishery managers with licence applications to control cormorants and goosanders, advice on safe shooting, practical advice about measures to protect fish using innovative techniques to deter birds, such as the use of lasers and lifelike mannequins, exclusion tactics and fish refuges.

The Angling Trust set up [www.cormorantwatch.com](http://www.cormorantwatch.com) for anglers to record sightings of cormorants, goosanders and mergansers. Along with new evidence from the Atlantic Salmon Trust, it will use these sightings data to campaign for greater controls on avian predation. The Atlantic Salmon Trust evidence shows that on some rivers, up to 50% of salmon smolts don't survive the migration to the estuaries. It is thought that predation by birds plays a large part in this figure.

The Environment Agency and its wider River Restoration partnership have invested hundreds of thousands of pounds in delivering improvements to fish passage on the Eden through weir removal and habitat works. This investment will reduce the potential accumulation of both young and adult salmon and sea trout at these locations and consequently vulnerability to piscivorous birds.

We recognise that seals can be a problem where there are barriers to fish migration. These obstacles can allow fish to be corralled, and eaten in large numbers. Generally, the actual number of salmon as a composition of most seals' diet is thought to be low. However, some specific seals have learnt strategies that do focus on salmon, especially at such barriers. Scaring deterrents are currently being researched for locations such as the Tees Barrage to combat this problem.

The Environment Agency has no powers to regulate the number of birds, seals or other marine mammals. While there are multiple issues which impact on salmon, including those from piscivorous birds, that does not preclude the Environment Agency from fulfilling our obligation to appropriately regulate fisheries.

***Object: Predation at the Tees Barrage is an example of where the problem lies***

**Response:** There are five routes by which returning salmon and sea trout can ascend the Tees Barrage. The primary route is over the radial gates at certain states of tide. Other

routes that are also used by returning salmon and sea trout are through the navigation lock on the south bank, by using the original fish pass at the barrage, through the canoe slalom course, and by using the newer denil pass between the two hydropower turbines.

We are continuing to work closely with our partners at CRT, AT and S&TC UK to better understand and further improve routes for fish passage at the barrage including amendment to the operation of the radial gates.

We are also working to reduce predation by seals, and are currently trialling an acoustic seal scarer in the navigation lock.

***Object: why are we not stopping offshore and high seas fisheries from over fishing species which salmon prey on, such as prawn and sandeels?***

**Response:** The Environment Agency has no role in managing the quotas for species such as prawns and sandeels in the offshore and high seas fisheries. However, we have raised the issue with relevant departments within Defra.

The International Council for the Exploration of the Sea (ICES) based in Copenhagen, Denmark, comprises of 20 member nations including: Belgium, Canada, Estonia, France, Iceland, Ireland, Latvia, Lithuania, Poland, Portugal, Spain, and the United States. It also has affiliate institutes with observer status from: Australia, Chile, Greece, Peru, and South Africa. Formal observer status has been given to two non-governmental organisations: Worldwide Fund for Nature and Birdlife International.

ICES provides unbiased scientific advice to member nation governments and international regulatory commissions in support of the management and conservation of coastal and ocean resources and ecosystems. Advice on the management of 135 separate finfish and shellfish stocks is provided to the North-East Atlantic Fisheries Commission (NEAFC), North Atlantic Salmon Conservation Organisation (NASCO) and the European Commission (EC).

The response to this advice and subsequent management of the exploitation of these stocks falls to relevant individual national governments or international regulatory commissions e.g. EU Common Fisheries Policy depending on the nature and location of the fishery.

***Object: marine survival is the problem, not the fisherman***

**Response:** The strong evidence of grilse and multi-sea-winter (MSW) salmon population cycles should not be viewed in isolation from other key facts about salmon population biology.

At the last period of MSW salmon dominance in the 1960's, the survival of salmon at sea was in the region of 20% or more. Nowadays we are seeing sea survival of around 5%. Over this time there has also been a continual decline in the average size of same aged fish. There are also an estimated 5 million less salmon in the North Atlantic countries now, compared to 30 to 40 years ago. All this information together, does not afford the likelihood of salmon returning to previous levels of abundance in the years to come, despite the grilse/multi sea winter salmon cycle.

Since the launch of the Salmon Five Point Approach there have also been some notable successes in these work areas, these include being part of a £4 million pound investigation into salmon migration pathways along the south coast as part of the European funded SAMARCH project. This work should give us a greater understanding of how salmon move out of our rivers and into sea. This could help inform future management and planning decisions in our coasts and estuaries.

***Object: you need just need to invest in more hatcheries***

**Response:** Recent scientific evidence demonstrates that large scale stocking of hatchery-reared salmon can potentially result in adverse impacts on the long-term fitness, and consequently the numbers, of wild salmon populations. We consider that it is better to support natural production in the river and maximise wild smolt output as the primary way of aiding the recovery of salmon populations.

There is very good evidence which demonstrates that wild reared salmon have a much higher level of marine survival when compared to hatchery reared salmon (Between three and ten times the differences being recorded).

We will consider authorising appropriately sized salmon hatchery schemes if these are fully funded by external interests, and supported by a comprehensive hatchery stocking plan. The stocking plan will seek to ensure that the inherent risks associated with hatchery schemes are adequately managed and controlled.

At the current time, we will not be able to consent any salmon stocking schemes that are proposed on rivers designated as Special Areas of Conservation (SACs) or Sites of Special Scientific Interest (SSSI), and which include salmon as an interest feature. This reflects the fact that we are not able to confidently conclude that hatchery schemes will not have potentially negative consequences for wild reared salmon. In such cases, in agreement with Natural England, we believe that it is necessary to protect the unique genetic traits of these stocks for as long as possible.

The stocking that we currently carry out is principally for the mitigation of previous infrastructure developments (building of reservoirs) that have impacted on salmon productivity over a long term and funded by third parties.

***Object: commercial salmon farming is the problem, not the fisherman***

**Response:** There is evidence that salmon farms can affect local wild salmon and sea trout stocks, however there have been no studies on the impacts of aquaculture on distant salmon or sea trout stocks.

At present we don't know if North West coast post-smolts migrate near, or close enough to, salmon farms to potentially be impacted. However, we recognise it as a potential issue and are looking to work with Marine Scotland, Atlantic Salmon Trust and other possible partners to specifically track the early stage sea migrations of North West smolts.

Though there are no open cage marine salmon farms in English waters, we fully support North Atlantic Salmon Conservation Organisation's (NASCO) efforts to ensure that regulatory regimes protect wild salmon and sea trout stocks. In highlighting current practice, NASCO held a Theme Based Special Session on salmon farming in 2016, which resulted in the following report: [Addressing impacts of salmon farming on wild Atlantic salmon: Challenges to, and developments supporting, achievement of NASCO's international goals](#). The UK Government has signed up to NASCO's international goals for the protection of wild Atlantic salmon, including the 'Williamsburg Resolution'.

***Object: you will not have enough Environment Agency resource to enforce these measures***

**Response:** Where salmon are present, the Environment Agency has dedicated enforcement resources to use in protecting stocks, such as targeted patrols. We are also increasing the use of intelligence-led work, and improved technology and surveillance, on identified hot spots, which is improving our ability to prevent and deter illegal activity. We work alongside angling clubs, landowners and partner organisations to maximise our resources on the

ground. In particular, the intelligence that we use to target our enforcement activity relies on the close relationship that we have with our customers and partner organisations, such as the Angling Trust and the Inshore Fisheries and Conservation Authorities. This gives our enforcement officers, who are fully trained and compliant under the Police and Criminal Evidence Act, time to tackle illegal activity that has been identified.

### Summary of support

- *No fish should be kept, stocks are too low*
- *Continued exploitation at current levels is not sustainable*
- *All fishing on all rivers should be catch and release*
- *salmon stocks must be preserved for future generations*
- *We practise catch and release on our fishery - this can and should be achieved*

## 5.0 Responses to new angling method Byelaw

**Number of responses**      **1,053**

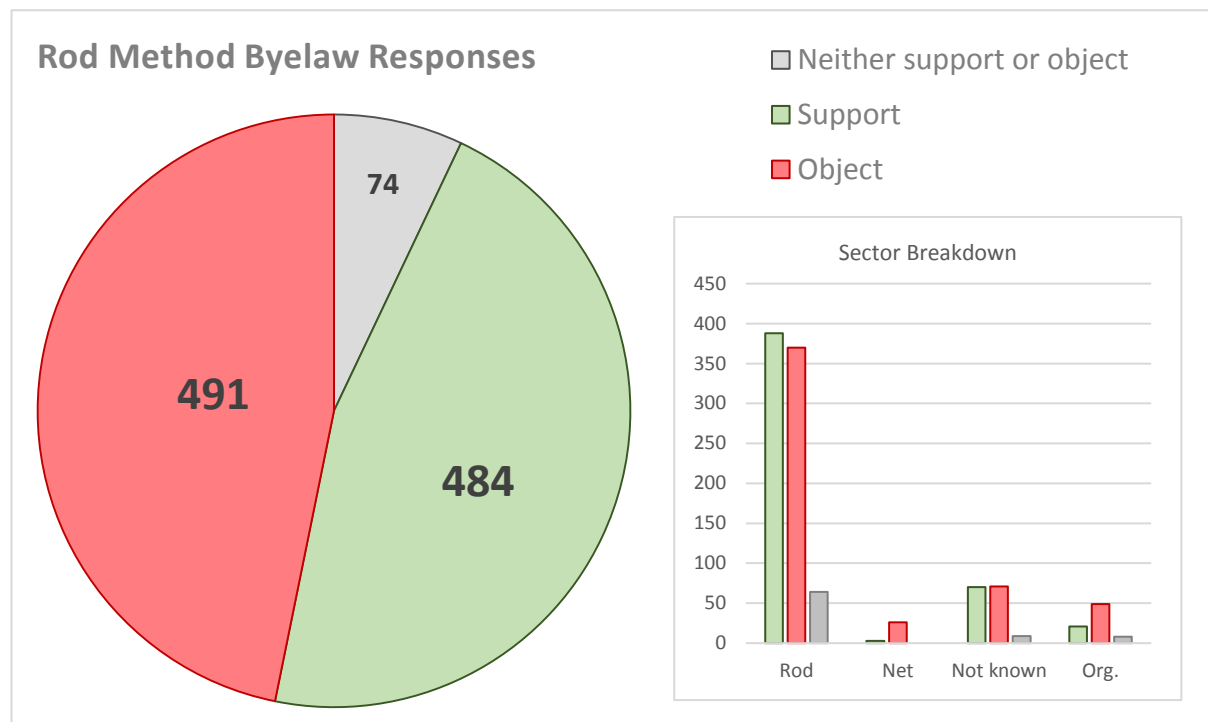
### **Byelaw 13    Method Restrictions for Taking Salmon or Sea Trout with Rod and Line**

*(1) From 1 January 2019 no person shall fish for, take or attempt to fish for or take any salmon or migratory trout with rod and line using prawn or shrimp as a bait other than by means of a single, double or treble hook with a gape (measured from shank to hook point) of 7 millimetres or less.*

*(2) From 1 January 2019 no person shall fish for, take or attempt to fish for or take any salmon or migratory trout with rod and line by means of an artificial lure other than using a single hook with a gape (measured from shank to hook point) of 13 millimetres or less.*

*(3) From 1 January 2019 no person shall fish for, take or attempt to fish for or take any salmon or migratory trout with rod and line by means of an artificial fly with a treble hook with a gape (measured from shank to hook point) greater than 7 millimetres.*

The overall response to the angling method Byelaw was balanced. Rod respondents were split 53% to 47%, support and object. However the majority of angling organisations objected to the angling method Byelaw. Net respondents overall objected to the byelaw (26 object and 3 support). However, 80% of net respondents didn't answer this question at all.



The main themes that responses contained are detailed below along with the associated reply that we provided for those responses that contained objections.

#### Summary of Objections

1. ***Prohibited methods that had no evidence of harm***
2. ***Prohibited easier (spinning, lures) methods of catching salmon often preferred by beginners / youngsters***
3. ***Too prescriptive***
4. ***Too complicated and hard to enforce***
5. ***Did not go far enough - ban methods considered more damaging e.g. any barbed hooks***
6. ***Did not go far enough – all bait should be banned***
7. ***This will cause a complete breakdown in our relationship with the EA - the work of riparian owners, angling clubs to support the riverine environment is not being recognised. Any loss of anglers will impact upon the voluntary efforts, be it through habitat work, maintenance working parties, enforcement support, pollution watch etc., made to support the work of the E.A.***
8. ***We do not believe there has been any consideration of the impact upon the tackle trade as there are very few lures (spinners) available that comply with the proposals.***
9. ***The inclusion of sea trout is discriminatory as we feel there is not a problem with sea trout on our river. Further this inclusion diminishes the opportunity to offer fishing opportunities for a species that doesn't require such restrictions - further penalising our business.***
10. ***The proposals are also discriminatory in that they seek to prevent anglers having the choice of method available to them to catch salmon, which is at best, is a very illusive fish. This is particularly the case when baits have to be***

*modified to render them useless - so that, on beats where spinning is really the only option, or in high coloured water, realistic opportunities are withdrawn.*

- 11. There is a real lack of consistency across the method and bait proposals which make them discriminatory to less agile and disabled anglers in that there will be anglers who will be prevented from fishing, despite the fact such restriction on methods have previously not been necessary to bring about increased conservation through increased catch and release.*
- 12. The introduction of the method and hook restrictions is almost unenforceable in that it does not apply to anyone trout or coarse fishing for predatory fish such as Pike, Chub, Perch, or Trout etc. - again a total lack of consistency and discriminatory on waters that also have Salmon and Sea Trout.*
- 13. It has been suggested that worm fishing because of the time anglers' allow for fish to take the bait is more destructive than any other method and yet bigger hooks and trebles are to be allowed - again a lack of consistency and discriminatory.*

**Overarching Response:** We are looking very closely at the angling method byelaws and are further considering what can be usefully put forward as a national byelaw and what may sit better within a code of practice. This consultation has been very helpful in flushing out the pros and cons for various courses of action.

**Summary of support:**

- Did not go far enough, all trebles should be banned*
- Injury to fish should be minimised to improve survival rates*
- The measures make releasing a fish back to the river much easier and less stressful*
- Any action towards protecting these fish should be taken*