

## **Addendum to the Stage 1 Habitats Risk Assessment and CRoW Appendix 4 for the proposed Salmon and Sea Trout Protection Byelaws**

The proposed Byelaws were advertised from the 7 March until the 12 April 2018, supported by a comprehensive technical case with full background evidence. A Stage 1 Habitat Risk Assessment (HRA) and CRoW Appendix 4 were completed for the advertising of the proposed Byelaws.

These byelaws were due to come into force during 2018. As a result of delays in the original consultation, due to the General Election, and the very substantial levels of interest and volume of responses to the statutory advertising of the proposed byelaws, we will not be seeking implementation of the Byelaws until 2019. To proceed this year would have meant bringing in new byelaws mid-season which would be unacceptable to the Environment Agency (EA), licensed netmen and rod anglers in respect to licence duties, clarity in rules and the uncertainty of individuals' and business' income.

The byelaw package is in the process of being submitted to Defra for consideration with an expectation to be confirmed in time for the 2019 salmon fishing seasons. There will be 2 amendments that should be noted in reference to the Stage 1 HRA and CRoW Appendix 4.

### **1. Changes to Schedule 1 as a result of using 2017 stock assessment data.**

Due to the delay of the proposed byelaw package, we will be using 2017 stock assessment data, which provides the projected status of river salmon stocks in 2022, to determine the 'At Risk' rivers included in Schedule 1. This 5 year projection of status is based on the trend and variability of stock performance over the 10 year period up to and including the current year, in this case 2017. These rivers will have mandatory catch and release applied for rod caught salmon, post 16 June. The rivers are the Dorset Stour, Calder and Yealm. The River Axe has also moved to 'At Risk' status in the 2017 stock assessment, however it will not be included in Schedule 1 at this time as these measures did not form part of the proposed Byelaws when they were advertised.

The rivers that will now not be included in Schedule 1 due to their change in status from 'At Risk' to 'Probably at Risk' are the Crake, Cumbrian Derwent, Lune, Plym, Ribble, Tees and Wyre. The complete list of rivers that were classified as either 'At Risk' or 'Probably at Risk' in 2016 that have changed status in the 2017 stock assessment are provided in Appendix 1.

The River Derwent is an SAC and SSSI river, failing for salmon. The 2017 assessment has indicated an improvement from 'At Risk' to 'Probably at Risk'. Despite this change in status we still consider that the Derwent's salmon stock does not have any harvestable surplus. However under the decisions approved by our Board and stated within the case that supported the advertisement of the proposed Byelaws, this now means that the release of salmon by the Derwent rod fishery will be delivered by the voluntary approach rather than by byelaw. This was unforeseen by the Environment Agency, and due to how the proposed byelaws were advertised the Derwent cannot be put forward for mandatory catch and release as it is no longer has 'At Risk' status.

The outcome we would seek for the Derwent will be voluntary catch and release rates of 100%, as this reflects the SAC/SSSI status of the river and vulnerability of salmon stocks. Although it is important to remember that this voluntary catch and release of salmon will be for the period post 16 June. Prior to this date the mandatory return of all salmon caught by rod and line will be required as a result of the renewal of the existing measures to protect spring salmon stocks.

Catch returns reported to the EA, and those submitted to the Derwent Angling Association, all indicate an upwards trend on catch and release. Based on 2016 catch return data made to the EA, catch and release rates for the whole season are 78%. As very few salmon are caught pre 16 June (during the mandatory catch and release period) this catch and release rate is being delivered by voluntarily. Data supplied directly to the Derwent Angling Association indicates slightly better release rates, and they have reported the 2017 total catch and release rate at 89%. The EA catch return data for individual rivers is yet to be

reported, however the regional catch and release rates, as reported in Salmon Stocks and Fisheries in England and Wales in 2017, show an increase in catch and release rates for the North West from 78% in 2016 to 82% in 2017. This supports the increase in 2017 catch rates that the Derwent Angling Association has reported.

The delivery of voluntary catch and release rates 100% will be undertaken with the Derwent Angling Association. This association represents angling clubs and fishery owners throughout the Derwent catchment and provides a mechanism for delivery of these catch and release rates. The Angling Association, individual angling clubs and fishery owners provided strong representation to the advertising of the proposed Byelaws, with these representations expressing the desire to, and benefits of, delivering higher catch and release rates by voluntary means. We are therefore satisfied that there is an established route and desire for delivery of voluntary catch and release at 100% in the Derwent SAC / SSSI.

We will be monitoring the catch and release rates on an annual basis for all rivers that are delivering these improvements voluntarily, with the expectation that the required levels of catch and release will be delivered by 2020. If these levels have not been achieved at this point then a catch and release byelaw will be considered on a river-by-river basis.

## **2. Removal of Byelaw 13 (rod and line method byelaws)**

As a result of analysis of the specific responses to Byelaw 13 (rod and line method restrictions), further analysis of the evidence supporting best practice angling methods has been undertaken. It is now considered that the outcomes that Byelaw 13 is seeking to achieve will be better delivered at a local level, initially through codes of practice than they can be through a national byelaw. This will allow the measures for maximising survival of salmon post release to be specifically tailored to an individual river's conditions and incorporate other elements of angling best practice that could not be delivered by national byelaws.

We now consider that we are more likely to get buy-in and uptake of the whole suite of best practice techniques by delivering them all as codes of practice than we are by bringing in some of them by byelaw.

We are therefore recommending to Defra that Byelaw 13 is removed in its entirety from the proposed Salmon and Sea Trout Protection Byelaws prior to their confirmation. The principal reasons for this are:

- Recognises the responses received to the advertising of proposed Byelaw 13, particularly those received from angling clubs and angling representative organisations.
- A single set of national byelaws is now felt to be too blunt an approach. Where specific concerns are found, they are better served by existing local byelaws or making new ones at a local and not at a national level.
- Many angling clubs and river representatives already have well developed salmon angling codes of practice, which are appropriate for their waters. These would be undermined by Byelaw 13, either as it was proposed or the amended version (Option 1).
- The protections that are sought are likely to be better served by river specific codes of practice that can deliver best practice that reflect the type of fishing on that river.
- There are several regional byelaws that are already in place to deal with specific angling method issues, and these will remain.

The removal of national Byelaw 13 will affect the River Derwent & Bassenthwaite Lake SAC, River Eden SAC, River (Hampshire) Avon SAC, River Camel SAC, Dartmoor SAC, River Eden SAC, River Ehen SAC, River Itchen SAC and Severn Estuary SAC and those SSSIs set out in the CRoW Appendix 4 (except those of the Tweed Catchment Rivers). These, and all other designated rivers either AT or PAR of failing their management objectives will have comparable local byelaws implemented.

We will monitor the development and take up of codes practice delivering best practice angling techniques and consider additional local byelaws, or revised national ones, if these are required. Priority will be given to designated sites.

## **3. Delivery of these measures**

The Environment Agency has committed resource to deliver these outcomes through non-legislative means as part of its delivery of the Salmon Five Point Approach. The addition of an extra (EA) post and support from partner organisations such as the Angling Trust and NGOs should give assurance and accountability in keeping these measures in scope and on track.

#### 4. Conclusion

The conclusions of the Stage 1 HRA state that no likely significant effect either alone or in combination for the River Derwent & Bassenthwaite Lake SAC and River Eden SAC will occur. These conclusions are still considered valid.

CRoW Appendix 4 conclusions stated that it was not likely to damage the features that are of special interest. The conclusion of no likely damage would remain valid.

#### 5. Sign off

On behalf of the Environment Agency on August 9 2018



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On behalf of Natural England on 15 August 2018



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### Appendix 1: Proposed National Salmon Measures – 2017 salmon stock classification

The following table sets out which fisheries would have a different measure applied with the provisional 2017 salmon stock classification data being used - thereby providing the predicted status in 2022.

River (geographic area)	2021 Classification (2016 - stock assessment)	2022 Classification (2017 – stock assessment)	Change in Rod Measures?	Change in Net Measures?
Tees (NE)	At Risk (AR)	Probably at Risk (PaR) - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 93%.	NO – NE Coast fishery is coastal MSF, and still exploiting stocks that are PaR.
Axe (SW)	PaR	AR - DECLINE	Yes. Change from voluntary (better than 90%) C&R, to voluntary 100% C&R. 2016 C&R level 67%.	N/A – no net fishery.
Plym (SW)	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 50%.	N/A – no net fishery.
Lynher (SW)	PaR	Probably Not at Risk (PNaR) – IMPROVEMENT	Yes. Change from voluntary (better than 90%) C&R to voluntary C&R at current levels. 2016 C&R level 94%.	NO – Lynher is part of Tavy/Tamar/Lynher net fishery and Tavy and Tamar stocks have not changed status (still PaR). So Tavy/Tamar/Lynher fisheries would still have closure byelaw from 2019 (Lynher net fishery already at zero licences).
Taw (SW)	PaR	PNaR - IMPROVEMENT	Yes. Change from voluntary (better than 90%) C&R to voluntary C&R at current levels. 2016 C&R level 79%.	NO – Taw is part of Taw & Torridge net fishery and Torridge stocks have not changed status (still PaR). So Taw & Torridge fishery would still have closure byelaw from 2019 (1 net licence issued).

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River (geographic area)	2021 Classification (2016 - stock assessment)	2022 Classification (2017 – stock assessment)	Change in Rod Measures?	Change in Net Measures?
Ribble (NW)	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 89%.	NO – drift net fishery still exploiting a PaR stock.
Wyre (NW)	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 0% (only 1 salmon caught).	N/A – no net fishery.
Lune (NW)	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 69%.	NO – drift and haaf net fisheries still exploiting a PaR stock.
Crake (NW)	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 100%.	N/A – no net fishery.
Esk – Cumbria (NW)	PaR	PNaR - IMPROVEMENT	Yes. Change from voluntary (better than 90%) C&R to voluntary C&R at current levels. 2016 C&R level 72%.	N/A – no net fishery.
Derwent (NW) – SAC River	AR	PaR - IMPROVEMENT	Yes. Change from mandatory (100% C&R) to voluntary (better than 90%) C&R. 2016 C&R level 79%.	N/A – no net fishery.