Salmon and Sea Trout Protection Byelaws

BIT Assessment for Byelaws The catch and release of salmon by rod and line (Byelaw 11)

De minimis Non- Qualifying Regulatory Provision BIT Assessment

August 2018

SALMON AND SEA TROUT PROTECTION BYELAWS: BYELAW 11

During 2017, the Environment Agency sought views on a range of regulatory options to reduce exploitation of salmon stocks by rod, net and fixed engine fisheries in England and on the Border Esk. We have now proposed new regulations to help achieve this. These regulations form part of the commitment to restore salmon stocks in England that is integral to the Salmon Five Point Approach, and seek to maximise the opportunity for salmon stock recovery and longer term sustainability.

We manage salmon stocks in England advised by the guiding principles set out by the North Atlantic Salmon Conservation Organisation (NASCO). These guidelines indicate that conserving the productive capacity of individual salmon stocks should be given priority over allowing exploitation. The guidelines further state that exploitation should not be permitted on stocks which are below their Conservation Limits.

Without action we risk the collapse of our salmon stocks. We have taken into account the latest evidence available relating to the status of salmon populations in English rivers, the impact of the various fisheries, and also the timescales and impacts upon those engaged in salmon fishing as part of their livelihood.

The byelaws requiring the return of all salmon caught on our most vulnerable rivers are considered necessary as stocks are so fragile that every salmon able to spawn will further improve numbers of salmon that could grow on to maturity. These regulations form part of the commitment to restore salmon stocks in England that is integral to the Salmon Five Point Approach, and seek to maximise the opportunity for salmon stock recovery and longer term sustainability.

Of the 42 principal salmon rivers, the most perilous state are classed as ‘At Risk’. It is these rivers where anglers will be required to return any salmon caught. Information gathered during the informal consultation in 2017 indicated that if salmon could not be kept, between 8 and 20% of all anglers said they would stop fishing, The North West was the most vocal with 20% stating they would stop fishing for salmon. The initial consultation responses were produced using the 2016 stock assessments as the baseline. With a delay to the byelaw, we will now use the 2017 data which reduces the number of rivers that will require all fish to be returned (from 10 to 4).

The BIT assessment seeks to explore the cost of implementing this byelaw. This is not straightforward as it does not prevent a person from fishing but it does require any salmon to be returned. We are therefore making a judgement on likely impacts.

Regulator Assessment: Qualifying Regulatory Provisions

Title of proposal	National Sea Trout and Salmon Protection Byelaws 2018, Byelaws
Lead Regulator	**Environment Agency**
Contact for enquiries	Jon Shelley jonathan.shelley@environment-agency.gov.uk

Date of assessment	31/07/2018
Commencement date	01/01/2019
Origin	Domestic
Does this include implementation of a Cutting Red Tape review?	No
Which areas of the UK will be affected?	England

Section 1: Brief outline of proposed new or amended regulatory activity

The Environment Agency has a statutory duty, cited in the Environment Act (1995), to "maintain, improve and develop fisheries". In addition, we have a statutory duty to operate a licensing system for fishing under the Salmon and Freshwater Fisheries Act (1975).

Many of the salmon stocks in England have declined over the last 10 years, with catches and counts of adult salmon being amongst the lowest on record in the 4 most recent annual stock assessments, 2014 to 2017.

These declines are not simply a direct feature of reduced fishing effort. They reflect genuine declines in adult salmon stocks as evidenced by fish counters and traps, and in fixed effort fisheries, as well as being recorded in other European countries across the salmon's North Atlantic range.

We use Management Targets to provide an objective assessment of the performance of salmon populations, and to assess the risk status of each of those stocks. This is a well-established, nationally consistent approach, based on internationally accepted methods and is reviewed to ensure we have the most accurate estimates of stock performance possible.

Our 2016 assessment of England's salmon stocks, used in a recent consultation, as the latest available assessment at that time, indicated the 42 principal salmon rivers in England were classified as follows:

- 14 rivers were assessed as being 'At Risk'
- 24 rivers were assessed as being 'Probably at Risk'
- 4 rivers were assessed as being 'Probably not at Risk'
- No rivers were categorised as being 'Not at Risk'

Projecting those stock trends forwards provides slightly improved classifications of 10 principal salmon rivers being ‘At Risk’ with a further 27 rivers ‘Probably at Risk’ and 5 rivers being ‘Probably Not at Risk’ in 2021. We forecast that no rivers will fall into the ‘Not at Risk’ category by 2021.

Note that proposed regulatory change is based on the predicted salmon stock status in 2021, not the current stock status.

Our guidance for the management of salmon stocks directs us to reduce rod fishery exploitation to zero for ‘At Risk’ and ‘Probably at Risk’ salmon stocks as quickly as possible.

The evidence shows that improved protection of salmon stocks supporting rod fisheries is best achieved by increasing rates of catch and release in those fisheries. Studies show that the survival of rod caught and released salmon can exceed 90% when best practice techniques are used.

From August to October 2017 we consulted on a range of regulatory options to help achieve this aim and formally advertised our proposals from 7 March until 12 April 2018, supported by a comprehensive technical case with full background evidence on the government consultations website[5].

Proposals

We are not proposing the closure of rod fisheries on any rivers, but are proposing to prohibit the killing of salmon by anglers in those rivers where salmon stocks are most under threat. This will be achieved by introducing mandatory catch and release requirements for those most vulnerable rivers where salmon stocks are assessed as being ‘At Risk’, with new mandatory catch and release restrictions being introduced for the 2019 fishing season and beyond.

This approach provides the highest level of protection from exploitation for the most threatened salmon stocks.

Having carefully considered the responses to our initial consultation on the regulation of salmon rod fisheries, we recognise that a more precautionary regulation could have an unnecessarily adverse impact on angling.

Therefore, our approach for rivers with ‘Probably at Risk’ salmon stocks from 2019 will be to require these ‘Probably at Risk’ rivers to achieve high levels of catch and release - of over 90% (or to maintain the existing rate of catch and release where this already exceeds 90%) on a voluntary basis 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 catch and release should be introduced.

Salmon stocks in rivers that are ‘Probably not at Risk’ will continue to be managed on a voluntary catch and release basis.

We are also proposing minor changes to the permitted methods for fishing for salmon using rod and line to facilitate the effective and speedy catch and release of salmon by anglers.

Section 2: Which type of business will be affected? How many are estimated to be affected?

Our assessment of the business impacts of new regulations is based on responses from just under 800 salmon anglers to our 2017 consultation. This consultation was public, and respondents are therefore self-selected.

Anglers incur expenditure in order to participate in salmon fishing, which provides a source of finance to angling suppliers and the wider economy. This expenditure falls into two broad categories:

Trip Related Expenditure (TRE) - expenditure related to individual fishing trips and would include the cost of day tickets to access salmon fishing.

Non Trip Related Expenditure (NTRE) - more general expenditure on equipment and clothing for salmon fishing.

Businesses affected include fishing tackle and equipment manufacturers, riparian owners, syndicates and clubs.

It is difficult to quantify the number of businesses that are likely to be affected, due to the very large number of businesses comprising the hospitality sector that may provide services to salmon anglers and the wide holding of riparian fishing rights by landowners, fishing clubs and syndicates.

Section 3a: Summary of costs and benefits

The total reduced TRE has been estimated, based on anglers consultation responses, calculated by the proportion of those respondents who indicated they would no longer continue to fish for salmon under the proposed new regulatory regime, and the resultant reduction in angler days fished. Similarly, NTRE expenditure has been calculated based on the estimated reduction in angler days spent fishing multiplied by the current expenditure per angler. High, low and central cost estimates have been calculated.[1]

The projected economic impacts are proportional to the number of anglers who indicated in their consultation responses that the introduction of mandatory catch and release for salmon would cause them to cease fishing.

In our consultation pack, we presented evidence from the 2016 salmon stock assessment. This indicated that mandatory catch and release would be introduced on 10 principal salmon rivers in Yorkshire and the North East, the North West and the South West, as these rivers were at that time forecast as being 'At Risk' in 2021. The costs of the angler response to this scenario is given in the first table below in Section 3a.

Costs based on 2016 salmon stock assessment (for information only)

Rod fishery related costs – based on 2016 Salmon stock performance						
Price base year	**Implementation date**	**Duration of policy (years)**	**Net Present Value**	**Business Net Present Value**	**Net cost to business (EANDCB)**	**BIT score**
2017	**2019**	**10**	**-37.87**	**-37.87**	**3.7**	**18.5**

Changes in costs resulting from the latest 2017 stock assessment

Since the consultation concluded, the 2017 stock assessment for salmon has been completed. This latest assessment shows a modest improvement in some of the most threatened rivers, such that we now forecast only 3 rivers are expected to fall into the 'At Risk' category by 2022.

This means that our proposals for mandatory catch and release only affect three rivers, in the South West and North West regions, rather than the ten rivers predicted at the time of the consultation.

Compared to our earlier forecast of 10 principal salmon rivers falling into the 'At Risk' category in 2021, this represents a significant reduction of the impact of new regulations on salmon anglers.

By removing the costs associated with salmon anglers in North East and Yorkshire, who would no longer be affected by our revised catch and release proposals, and using the lower estimated level of reduction in NTRE to reflect the reduction in numbers of impacted anglers, a revised summary of costs and benefits has been produced and is given below:

Costs based on 2017 salmon stock assessment

Rod fishery related costs – based on 2017 Salmon stock performance						
Price base year	**Implementation date**	**Duration of policy (years)**	**Net Present Value**	**Business Net Present Value**	**Net cost to business (EANDCB)**	**BIT score**
2017	**2019**	**10**	**-17.47**	**-17.47**	**1.7**	**8.5**

Section 3b: Please set out the impact to business clearly with a breakdown of costs and benefits

Based on the above assessment of impacts, estimated annual costs are given below:

Trip Related Expenditure is estimated to reduce nationally by **£0.43M per annum**[1] Table 4.3 Change in annual TRE for Option 3 – central estimate, North West + South West = £0.267M + £0.165M)

Non Trip Related Expenditure is estimated to reduce nationally by **£1.6M per annum**[1] Table C, Aggregate reduction in Trip rerated, Non-trip related and total expenditure by rod and line anglers, Case 3 (Option 3, based on consultation responses, low estimate)

Total expenditure by salmon anglers in England is therefore estimated to reduce by £2.03M per annum, representing a fall of 6.4% of current total expenditure on salmon angling. See section 4 below.

Section 4: Please provide any additional information (if required) that may assist the RPC to validate the BIT Score

Salmon anglers are currently estimated to spend £8.5M on TRE and £23.2M on NTRE annually, a total of £31.7M.[1]

Estimates of the reduction in expenditure on salmon angling resulting from the proposed new byelaws are based on the stated preferences of anglers who responded to the consultation. Surveys of stated

preferences are suitable for investigating hypothetical scenarios such as changes to regulations, but may be subject to strategic bias and protest response. This possibility has not been accounted for.

The estimated costs derived from angler response to the proposed new byelaws are likely to be at least partially offset by improvements to salmon populations arising from better protection of salmon stocks. This is likely to improve the quality of salmon angling and thereby increase future participation, and expenditure, in salmon rod fisheries.

The new proposals relate to salmon angling only. It is likely that a proportion of anglers holding a migratory salmonid rod licence who advise they would no longer participate in salmon angling under a mandatory catch and release regime would continue to fish for sea trout, which would reduce the economic impact of these proposals on riparian interests, the hospitality sector and those involved in the manufacture, distribution and sale of angling equipment.

To provide a wider context, an indicative assessment of the benefits associated with protecting salmon stocks can be calculated using willingness to pay (WTP) values, estimating the value of salmon stocks to the general public. A 2007 study[4] found the average sum households were willing to pay to prevent a 'severe decline in salmon populations' was £15.80 (2007 prices) equating to £18.96 in current prices.

This provides a WTP by the general public to preserve the general salmon stock of £453M nationally.

Lastly, no allowance has been made for the fact that if no new regulations are introduced to better protect salmon stocks from exploitation in rod fisheries, and salmon stocks further decline then salmon fishing activity will also decline, with resultant economic impacts, regardless of any new regulations.

References

[1]Amec Foster Wheeler (2018) Economic Impact of Salmon Fishing Measures

Environment Agency (2018) Status of salmon in England 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/709614/SalmonAssessmentReport-2017-final.pdf

Environment Agency (2017) Impact of catch and release angling practices on survival of salmon
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/637157/Impact_of_catch_and_release_angling_practices_on_survival_of_salmon_-_report.pdf

[4]Environment Agency (2007) Economic Evaluation of Inland Fisheries. Science Report SC050026/SR2
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291117/scho1207bnnw-e-e.pdf

[5]Initial salmon consultation summary October 2017. https://consult.environment-agency.gov.uk/fisheries/proposed-national-salmon-byelaws/supporting_documents/Consultation%20Summary_Final_280218b.pdf