



# Salmon and Sea Trout Protection Byelaws

Supporting statement  
August 2018

We are the Environment Agency. We protect and improve the environment.

Acting to reduce the impacts of a changing climate on people and wildlife is at the heart of everything we do.

We reduce the risks to people, properties and businesses from flooding and coastal erosion.

We protect and improve the quality of water, making sure there is enough for people, businesses, agriculture and the environment. Our work helps to ensure people can enjoy the water environment through angling and navigation.

We look after land quality, promote sustainable land management and help protect and enhance wildlife habitats. And we work closely with businesses to help them comply with environmental regulations.

We can't do this alone. We work with government, local councils, businesses, civil society groups and communities to make our environment a better place for people and wildlife.

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# 1. Introduction

- 1.1 The 2014 salmon stock assessment for England was the worst on record with many rivers failing to achieve their minimum safe levels (the Conservation Limit). To address this situation, the Environment Agency (EA) convened a Salmon Summit in November 2015 which brought together government, salmon net and rod fishery organisations and salmon conservation organisations. The Summit recognised the need for concerted action, taking advantage of improved opportunities for working in partnership and working across all parts of the Environment Agency, Department for Environment, Food and Rural Affairs (DEFRA), its agencies and stakeholders.
- 1.2 Following the Summit, the EA and its partners<sup>1</sup> developed the Salmon Five Point Approach (S5PA) with the aim of stabilising and recovering salmon stocks to ensure their future sustainability. The Approach was launched in 2016 and sets out high level commitments to tackle the factors that affect salmon throughout their whole life cycle. This includes tackling water quality and water flow issues, barriers to migration and impacts in the marine environment, as well as further reducing exploitation by salmon fisheries. Further detail on the Approach, its commitments and the actions to achieve these is available at: <http://bit.ly/Salmon5PointApproach>
- 1.3 The Approach's specific actions relating to the commitment to further reduce exploitation of salmon by net and rod fisheries are:
- [For the EA to] review regulation of net fisheries to better protect salmon stocks with a presumption of only allowing exploitation where there is a harvestable surplus and ending coastal mixed stock fisheries.
  - [For the Angling Trust to] appraise options, make recommendations to the Environment Agency and assure implementation of approved measures to reduce the impact of angling on salmon stocks, focussing on protected rivers and those facing the highest risk.
- 1.4 Since 2016 the EA, with its S5PA partners, has developed a suit of measures to deliver on the S5PA commitment to further reduce exploitation of salmon by net and rod fisheries. This byelaw application forms part of these measures.

## 2. Purpose of the byelaws

- 2.1 The Salmon and Sea trout Protection Byelaws (hereafter referred to as the proposed Byelaws) are intended, in conjunction with very high levels (above 90%) of voluntary catch and release on rivers with salmon stocks assessed as Probably at Risk, to enable salmon stocks to recover to sustainable levels. They will stop the take of salmon from coastal mixed stock fisheries. The proposed Byelaws include the renewal of the current National Salmon Byelaws 2008 which expire on 31 December 2018.
- 2.2 The proposed Byelaws, as they were advertised, would:
- Maintain the existing measures aimed at protecting spring salmon for a further 10 years.
  - Close all drift net fisheries from 2018.
  - Require the release of all salmon caught in the River Lune Haaf Net Fishery and the Anglian Coastal and Southern Coastal Fisheries from 2018.
  - Close the seine and draft net fisheries on the Rivers Exe, Tamar, Tavy, Lynher, Camel, Taw and Torridge from 2019.

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<sup>1</sup> The Salmon Five Point Approach Partners: Environment Agency, Department for Environment, Food and Rural Affairs, Centre for Environment, Fisheries and Aquaculture Science, Angling Trust, The Rivers Trust, Atlantic Salmon Trust, Salmon and Trout Conservation UK, Wild Trout Trust and Institute of Fisheries Management.

- Shorten the fishing season and require the release of all salmon caught in the seine and draft net fisheries on the Rivers Teign, Dart, Fowey and Poole Harbour from 2019.
- Shorten the fishing season, amend fishing areas and require the release of all salmon caught in the North East Coast T and J Net Fishery from 2019.
- Require the release of all salmon caught from the lave net fisheries of the Rivers Kent and Leven from 2019.
- Require any salmon caught by rod and line from the Rivers Lune, Ribble, Tees, Crake, Dorset Stour, Yealm, Cumbrian Derwent, Plym, Wyre and Cumbrian Calder to be returned for the full salmon fishing season from 2018.
- Require the return of all salmon caught by rod and line for the full salmon fishing season from 2018 from rivers that have salmon populations that do not have minimum safe spawning levels set for them.
- Prohibition of some fishing hooks and trebles when fishing for salmon and sea trout in England and the Border Esk from 2019.

With these proposed Byelaws being in place for a 10 year period, and with a mid-term review being undertaken. Although earlier reviews may be triggered by changes in stock status and uptake of voluntary measures.

- 2.3 The rationale, justification and evidence to support the proposed Byelaws is provided in Appendix 6. As result of the objections received to the proposed Byelaws and the timing of seeking their confirmation, a number of amendments are requested prior to their confirmation. These amendments, and the justification for them, are set out in Section 6.

### 3. Development of the proposed Byelaws

- 3.1 This section provides an overview of the development of the byelaws, their approval and a copy of the made Byelaws and the documents that support them.

#### 3.2 Initial development and approval

- 3.2.1 During the summer of 2016 a group (the Exploitation Working Group) of EA staff involved in salmon management and key individuals from the S5PAs partner organisations<sup>2</sup> was formed to assist in developing measures to achieve the S5PAs actions for rod and net fisheries. This group held a number of meetings during the remainder of 2016 and these, in conjunction with internal EA advice, led to the development of options for further reducing the exploitation by net and rod fisheries by the beginning of 2017.
- 3.2.2 These options followed the same principals of the established Decision Structure for developing fishing controls for salmon fisheries (see Appendix 4), in that options for each fishery were based on the predicted status of the salmon stocks that they exploit. The options also followed the direction that the S5PA actions had set. The result was a set regulatory measures for net fisheries that would stop the take of salmon from all net fisheries (Option 1), those net fisheries taking salmon from rivers predicted to be 'At Risk' (AR) and 'Probably at Risk' (PaR) (Option 2), just those net fisheries taking salmon from rivers predicted to be 'AR' (Option 3) and a continuation of our Area based management of salmon net fisheries (Option 4). For rod fisheries the Angling Trust developed, through its Angling Advisory Group<sup>3</sup>, a proposal for increased levels of voluntary catch and release,

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<sup>2</sup> The Salmon Five Point Approach Partners: Environment Agency, Department for Environment, Food and Rural Affairs, Centre for Environment, Fisheries and Aquaculture Science, Angling Trust, The Rivers Trust, Atlantic Salmon Trust, Salmon and Trout Conservation UK, Wild Trout Trust and Institute of Fisheries Management.

<sup>3</sup> The Angling Trust's Angling Advisory Group is made up of key angling representative organisations covering the South West, North West and North East of England. Including the South West Rivers Association, the North West Angling Trust Fisheries Consultative Council and the North East Angling Trust Forum.

with the aim of achieving as close to possible to 100% catch and release for 'AR' salmon stocks, better than 90% catch and release for 'PaR' salmon stocks and improved levels of catch and release for rivers 'Probably Not at Risk' (PNaR).

- 3.2.3 These options were presented to EA senior management (on 12 and 31 January 2017) and to England Fisheries Group (on 20 January 2017). The views expressed at these three sets of meetings were that Option 2 for net fisheries and the voluntary catch and release proposal from the Angling Trust were preferred. England Fisheries Group also raised concerns about the impact of net exploitation on sea trout stocks. The options were then presented to EA Board on 7 February 2017.
- 3.2.4 The outcome of the EA Board meeting was a mandate to take all the options forward into an initial consultation with rod and net fisheries. The Board indicated that they were supportive of the voluntary rod catch and release proposal from the Angling Trust and Option 2 for net fisheries. They also supported the recommendation made by EA senior management at the 12 January meeting that exploitation controls for sea trout should not be accelerated in-line with those for salmon.
- 3.2.5 It was recognised early on in the development of the options that salmon and sea trout netmen were not represented by the S5PA partner organisations nor on England Fisheries Group. To ensure netmen representatives had the opportunity to provide their views on the options, EA and DEFRA staff met with salmon representatives from the National Federation of Fishermen's Organisations (NFFO) on 5 January 2017. At this meeting they were presented with the options, their views sought on them and were asked how best to consult with salmon and sea trout net licence holders. The NFFO advised that an approach based on our existing management of net fisheries, so that netmen could leave the fishery under their own terms, would be preferred. They also advised that each salmon and sea trout netmen in England should be written to individually when consulting on the options.

### 3.3 Initial consultation

- 3.3.1 Following EA Board approval in February 2017 an initial consultation of the options was developed, with the assistance of the Exploitation Working Group, during the spring and early summer of 2017. The objectives of the consultation were to:
- Describe the current status of salmon stocks in England and the Border Esk and the need for further exploitation control protection measures.
  - Present possible exploitation control options for rod and line, net and fixed engine fisheries.
  - Seek views on the range of options presented from those who would be affected by or have an interest in them.
  - Quantify and evaluate the extent of likely impacts or benefits of the presented options on the salmon stocks that you specifically have an interest in (both economically and socially).
  - Understand from your perspective the likely impacts and benefits to the wider environment of the options presented.
  - Provide an opportunity to suggest alternative options to those which are presented here to protect salmon stocks.
  - Ensure that we fully engage with stakeholders who have an interest or involvement in salmon fisheries management so that we have sufficient information to be able to meet our duties if bringing in any new set of regulations.

3.3.2 To achieve these objectives we asked a series of questions based around the following themes:

- The current state of salmon stocks and the need to protect both AR and PaR salmon stocks from exploitation by rod and net fisheries.
- Continuation of the existing National Salmon Byelaws.
- Options for stopping the take of salmon by net and fixed engine fisheries, with the North East Coast Net Fishery considered separately.
- Options for increasing the catch and release of salmon by rod and line fisheries.
- Best practice techniques to improve survival of rod caught and released salmon.

3.3.3 The initial consultation was launched on 24 August 2017 and it closed on 9 October 2017. The main consultation document is provided in Appendix 7. To inform individuals and groups of the launch of the initial consultation we sent 11,963 emails to:

- Salmon and sea trout rod licence holders.
- Local fisheries clubs.
- Relevant businesses.
- Fishery and salmon conservation organisations.

We also wrote to all salmon and sea trout net licence holders, as well as fishing clubs, anglers and businesses who had requested a paper copy of the consultation document. The initial consultation was also publicised through print and social media by both the Environment Agency and fishery and salmon conservation organisations.

3.3.4 We received over 1,110 response to the initial consultation with the majority (approximately 780) coming from individual salmon and sea trout rod licences holders. The document we produced to summarise these response is provided in Appendix 1. An overview of the responses to each of the parts in Section 3.3.2 is provided below (please note that the strong support provided to measures for net and fixed engine fisheries is biased by the majority of respondents being salmon and sea trout anglers):

- Roughly equal numbers of respondents agreeing either partially or wholly to our assessment of the current state of salmon stocks.
- Roughly equal numbers of respondents agreeing either partially or wholly to 'AR' and 'PaR' salmon stocks being subject to additional protection from net/fixed engine and rod exploitation.
- Strong support for the renewal, without amendments, to the existing National Salmon Byelaws.
- Strong support for either the complete end to the take of salmon by net and fixed engine fisheries (except the North East Coast Net Fishery) or for it to end for rivers with 'AR' or 'PaR' salmon stocks.
- Strong support for stopping the take of salmon by the North East Coast Net Fishery in 2018.
- Strong support for the voluntary catch and release of salmon after the 16 June as developed by the Angling Trust.
- Support for the best practice recommendations to maximise survival of rod caught and release salmon, with varying degrees of support to some of these recommendations being delivered by new national byelaws.

3.3.5 The responses to the initial consultation were fed into the development of the final byelaw package. The document summarising these responses (Appendix 1) was published on the consultation's online portal on 28 February 2018. We informed all those who responded, and who provided us with an email address, of its publication.

### 3.4 Final byelaw development and their approval

- 3.4.1 Once the summer consultation of views had been completed, the results were examined and used to further inform and request feedback from organisations and individuals. We also undertook further analysis of catch and release behaviours by rod anglers and set criteria for how we would determine which net fisheries could continue to take sea trout, with the release of all salmon caught, and which fisheries would close.
- 3.4.2 Our analysis of angler catch and release behaviour showed that the overall catch and release rate for a river is principally made up of the relative proportions of anglers on that river who release all the fish they catch and none of the fish they catch. For instance anglers on the river Derwent achieved a total of catch and release rate of 79% in 2016 (based on EA catch return data), with this total rate being made up of 62% of anglers releasing all the fish they catch and 21% of anglers releasing none of the fish they catch. The remaining 17% of anglers practiced catch and release rates between 21% and 99%. This data is provided for all the 2021 AR and PaR rivers in Appendix 6: Section 6. We were also able to understand from this analysis that 43% of anglers who caught a salmon in England in 2016 only caught one, with 19% and 11% of anglers catching two and three salmon respectively. From these data we concluded that to achieve catch and release rates of over 90% for the 'PaR' and as close to 100% as possible for the 'AR' rivers then the behaviour of anglers currently practicing 0% catch and release would need to change.
- 3.4.3 We based the criteria for determining which fisheries could continue to fish and take sea trout after the 1 June (with the release of all salmon caught) on the criteria used for the current National Salmon Byelaws. This resulted in the following criteria being set:
1. Where the method of capture is likely to lead to a high level of mortality of any salmon caught we will close the fishery e.g. drift net fisheries.
  2. Net fisheries can continue if the method of capture is likely to have minimal impact on salmon survival post release e.g. hand net (haaf and lave nets) fisheries.
  3. If the impact of survival is less certain e.g. seine net and North East T and J fisheries, we will consider allowing that fishery to continue to operate based on:
    - i. The number of salmon caught; and
    - ii. if the catch is dominated by sea trout (at a ratio of sea trout to salmon caught of greater than 4:1<sup>4</sup>).
- 3.4.4 The Exploitation Working Group and key EA staff England Fisheries Group assisted in the development of a decision paper on the future management of England's salmon rod and net fisheries for EA Executive Directors. This paper was presented to them on 23 November 2017. The key elements of the decisions sought from Executive Directors were:
1. For the renewal of the existing measures for spring salmon stocks that is provided by the existing National Salmon Byelaws.
  2. For net fisheries; byelaws to stop the take of salmon by all net fisheries that catch salmon from stocks that are either 'Probably at Risk' or 'At Risk' of failing to meet their management objectives. With byelaws enabling net fisheries to continue to operate and take sea trout were they meet the criteria set out in Section 3.4.3.
  3. For rod fisheries; byelaws for 100% catch and release of salmon on rivers that are 'recovering rivers' or either 'Probably at Risk' and 'At Risk' of failing to meet their

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<sup>4</sup> This is the ratio that was applied to determine which fisheries could fish prior to the 1 June when the byelaws to protect spring salmon were originally introduced in 1999. This same approach was used when these byelaws were renewed in 2008 and for their renewal in the proposed Byelaws.



management objectives. As a result of findings on anglers' catch and release behaviours.

4. For rod fisheries; byelaws for all rivers in England restricting the size and type of hooks used to catch salmon and sea trout.

3.4.5 No decision was reached by Executive Directors on the 23 November with discussion focusing on the balance between mandatory and voluntary controls for the rod fishery and the levels of control being recommended for salmon net fisheries, particularly those of the North East coast, and the impact of these. Further work was requested to help inform these key areas of discussion.

3.4.6 This work was carried out during the remainder of November and early December 2017. It included a meeting with North East coast netmen by our Environment and Business Director. A subsequent paper was presented to EA Executive Directors on 13 December 2017. This paper was approved at this meeting and the decision made by our Executive Directors is summarised below:

1. For the salmon net fisheries that are taking salmon from stocks that are 'At Risk' or 'Probably at Risk' (2021 predicted status)<sup>5</sup> by:

- i. Closing all drift net fisheries in 2018.
- ii. Closing all other net fisheries for the take of salmon in 2019.
- iii. Allowing sea trout only fisheries where the take of salmon can be reduced and returned with a strong likelihood of survival.

2. For catch and release by rod fisheries:

- i. Mandatory catch and release on the 10 rivers that are classed as 'At Risk' should be introduced in June 2018.
- ii. 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.

3. Approval was also given to progress the following:

- i. Renewal of existing National Salmon Byelaws.
- ii. All recovering salmon rivers will be mandatory 100% catch and release.
- iii. Angling method restrictions to improve survival of rod caught salmon.
- iii. To proceed with local byelaws to replace those which have expired.

3.4.7 In reaching these decisions our Executive Directors concluded that the conservation argument overrode the merits of delaying the closure of the drift net fisheries. They recognised that other nations have closed their net fisheries and that, reluctantly, the evidence shows we should too. The decisions for the rod fishery accepted that there was a need to hold rod anglers to rigorous standards of catch and release as impacts on reducing exploitation should be shared between net and rod fishermen. The economic and social impacts of making these decisions were recognised within the discussion held by Executive Directors, with information received from the responses to the initial public consultation used to inform these discussions.

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<sup>5</sup> The salmon fisheries on the River Severn take salmon from the Rivers Severn, Wye and Usk. These salmon stocks are classed as Probably Not at Risk (2021 predicted status) so the management of the River Severn salmon fisheries will continue in line with existing conditions for the River Severn NLO.

- 3.4.8 The direction provided by our Executive Directors' decision caused us to look at the distribution of catches within District 1 of the North East Coast Net Fishery in more detail. Concern had been raised by a number of respondents to the initial consultation that the catch of salmon and sea trout taken from within the Tyne and Coquet Conservation Areas of District 1 was significantly higher than the remainder of the fishery. Detailed analysis of net catches showed that the catch rate for T nets operating in the Tyne Conservation Area B is almost 10 times greater than that for T nets operating outside the Conservation Area. For T nets operating within the Coquet Conservation Area B part of District 1 their catches of salmon are around four times higher than outside this conservation area. Despite the reduction in the fishing season for District 1 that would be delivered by the proposed Byelaws, we consider that fishing within the Conservation Areas within District 1 during this shortened season would be contrary to S5PA objectives. Therefore the proposed Byelaws revoke the Regional Byelaw exemption that currently allows the netting of salmon and sea trout in these areas. Further detail on this is provided in Appendix 6: Section 5.2.13.
- 3.4.9 These decisions were set out for each part of the salmon fishery (see Appendix 8) during the beginning of 2018 and byelaws drafted to achieve these decisions.
- 3.4.10 Throughout the final development of the proposed Byelaws and their approval we kept key representative groups and organisations updated. This included regular updates to the Exploitation Working Group and England Fisheries Group, and direct contact with salmon representatives from the National Federation of Fishermen's Organisations. We also provided written updates to all salmon and sea trout net licence holders as a result of informing them of the net licence application process for 2018 and advertising of the 2018 net licence duties. This culminated in a letter to all salmon and sea trout net licence holders in January 2018 detailing the proposed measures for net and rod fisheries and when they would undergo their statutory advertising.

## 3.5 Made Byelaws and supporting documents

- 3.5.1 The Environment Agency's Director of Legal Services made the proposed Salmon and Sea Trout Protection Byelaws on the 5 March 2018. A sealed copy is provided in Appendix 9.
- 3.5.2 The making of these proposed Byelaws was supported by a Stage 1 Habitat Regulations Assessment (HRA) for relevant Special Areas of Conservation and a Countryside and Rights of Way (CRoW) Act Appendix 4 assessment for relevant Sights of Special Scientific Interest. Copies of these documents are provided in Appendix 2 and Appendix 3 respectively. Natural England were consulted, and they provided advice, throughout both the initial and the final stages of the proposed Byelaws development. This advice helped shape the proposed Byelaws and enabled rapid sign-off of both the Stage 1 HRA and CRoW App. 4.
- 3.5.3 The Technical Case that sets out the rational, justification and evidence for the proposed Byelaws and supporting measures is provided in Appendix 6.

## 4. Advertising of proposed Byelaws

### 4.1 Original advertising

- 4.1.1 The proposed Byelaws were advertised in the print media listed in Table 1 on the 7 March 2018 (or the nearest publication date). The advert contained details of the proposed Byelaws, how to provide a response, where the byelaws and supporting case could be viewed (online and at our Area officers) and when a response was required by (8 April 2018).

Table 1: print publications used for advertising of the proposed Byelaws

<b>Paper</b>	<b>Publication Date</b>
London Gazette	7 March
Edinburgh Gazette	9 March
Fishing News	8 March – weekly publication date
Times	7 March
Metro Group (to include all local versions): London and South East South West South Wales East Midlands Scotland: Glasgow and Edinburgh Liverpool: North West Newcastle: North East	All 7 March

- 4.1.2 We set up online pages using the Environment Agency’s consultation portal to host the proposed Byelaws, details of their advertising and their supporting case. A response to the proposed Byelaws could then be made using this portal. These online pages were launched on the 7 March to coincide with the advertising of the proposed Byelaws. However we were not able to publish the proposed Byelaws’ supporting case on the 7 March, we notified respondents of this on the front page of the online portal and when it would be made available (9 March).
- 4.1.3 To notify netsmen of the proposed Byelaws we wrote to all individuals who had been licenced to fish for salmon and sea trout by net or fixed engines in England in 2017. The letter was posted so that it would arrive by 7 March 2018. In the letter we set out how the proposed Byelaws would affect the fishery they held a licence for and included a copy of the advert. The letter also contained a full link to our online pages for the proposed Byelaws as well as details of how they could respond and when the response was required by.
- 4.1.4 We directly notified individuals and groups who may be affected or interested in the proposed Byelaws via email on the 7 March 2018, this email contained a direct link to the proposed Byelaws’ online pages. These groups were:
- Individual salmon and sea trout rod licence holders who held a licence in any year from 2014 – 2017 and who provided us with an email address.
  - Salmon and sea trout fishery owners and angling clubs.
  - Area and National organisations who represent netsmen and commercial fisheries, anglers, fishery owners, the angling tackle trade, river and salmon/sea trout conservation organisations.
  - Members of England Fisheries Group (Angling Trust, Atlantic Salmon Trust, Salmon & Trout Conservation UK, Wild Trout Trust, Rivers Trust).
  - Relevant Defra family members (NE, CEFAS, MMO, IFCAs).
  - Fishery management organisations in Scotland and Wales.
  - MPs who may have an interest in the proposed byelaws.
  - Area and National organisations that represent non-angling or fishery groups including; RSPB, CLA and Wildlife Trusts.

We sent 33,297 emails (the majority to individual rod licence holders) with a deliver rate of 96%. 53% of these emails were opened and 22% (7,192) of contacts clicked through to the proposed Byelaws’ online pages.

## 4.2 Revision of end date for responses

- 4.2.1 Following their advertising on 7 March we realised that four rivers had been missed off Schedule 2 to the proposed Byelaws. In addition the River Calder had been misidentified in Schedule 1 to the proposed Byelaws as the Calder in West Yorkshire rather than the Calder in Cumbria.
- 4.2.2 We updated the front page of the online portal to make respondents aware of our intention to seek amendments to the proposed Byelaws to correct these omissions and this error, and we extended the end date of the period for responses to be made to 12 April. To ensure that those that might be affected by these changes were aware of them we emailed the original email distribution list on the 12 March. We also took the opportunity to inform the email recipients that the supporting case for the proposed Byelaws had been published on 9 March. We did not write to individual netsmen again, as none of these corrections would affect net fisheries.
- 4.2.3 This second email send achieved an opening rate of 45% with 8% (2,708) of contacts clicking through to the proposed Byelaws' online pages.

## 4.3 Additional advertising

- 4.3.1 In addition to our direct advertising and notification of the proposed Byelaws a number of organisations actively promoted their advertising to their members and on their websites, these included; Angling Trust and Atlantic Salmon Trust. Articles were also included in Trout & Salmon magazine in the run up to, and during, the advertising of the byelaws.

## 5. Responses to advertising of the proposed Byelaws

- 5.1 At the close of the advertising period of the proposed Byelaws on 12 April 2018 we had received 1,374 responses. Of these responses 900 contained objections to one or more elements of the proposed Byelaws. There were 474 responses that were solely supportive of one or more elements of the proposed Byelaws. A detailed breakdown of the responses is provided in Appendix 10, with a summary for each element of the proposed Byelaws provided here:
- 1,026 responses were received to the renewal of the existing National Salmon Byelaws, these broke down as; 741 supporting, 204 objecting and 81 neither supporting nor objecting.
  - 1,139 responses were received to the new byelaws for net and fixed engine fisheries, these broke down as; 770 supporting, 331 objecting and 56 neither supporting nor objecting.
  - 1,112 responses were received to the new catch and release byelaws for rod fisheries on specified rivers, these broke down as; 562 supporting, 498 objecting and 53 neither supporting nor objecting.
  - 1,053 responses were received to the new angling method byelaws, these broke down as; 484 supporting, 491 objecting and 74 neither supporting nor objecting.
- 5.2 When providing a response each respondent was asked why they were either objecting to or supporting each element of the proposed Byelaws. A summary of these responses is provided in Appendix 10 for each element of the proposed Byelaws.
- 5.3 Following the close of the advertising period on 12 April 2018 we wrote to all respondents who had objected to one or more elements of the proposed Byelaws. We developed

standard paragraphs for each of the typical reasons for their objection and these were used to tailor our reply to each objection. These standard paragraphs are provided for each response that we have summarised in Appendix 10. The full set of standard paragraphs is provided in Appendix 11. Objectors were given a two week period to reply to our response saying whether their objection(s) could be withdrawn or if they wished them to remain. If objectors did not respond in this time we assumed that their objection(s) remained. A copy of the generic letter that we tailored for each response is provided in Appendix 12.

5.4 We had 20 objections withdrawn as a result of writing to each respondent who objected to one or more elements of the proposed Byelaws. This has left the number of objections remaining to each element of the proposed Byelaws as:

- 200 objections to the renewal of the existing National Salmon Byelaws.
- 327 objections to the new byelaws for net and fixed engine fisheries.
- 495 objections to the new catch and release byelaws for rod fisheries on specified rivers.
- 482 objections to the new angling method byelaws.

## 6. Amendments to the proposed Byelaws

### 6.1 Overview

6.1.1 Prior to confirmation of the proposed Byelaws the amendments set out in the following sections are requested:

- 6.2 Removal of reference to Southern area
- 6.3 Inclusion of start dates to Byelaws 6, 7 and 11
- 6.4 Recommendation to remove Byelaw 13
- 6.5 Schedule 1 amendments
- 6.6 Schedule 2 amendments
- 6.7 Schedule 4 (Revocations) amendments
- 6.8 Minor wording amendments

6.1.2 Following confirmation of the proposed Byelaws it is requested that the Net Limitation Orders that would be made redundant by the confirmation of the proposed Byelaws are revoked. The Net Limitation Orders that could be revoked are set out in Section 6.9.

### 6.2 Removal of reference to Southern area

6.2.1 A review of the Net Limitation Order covering the Southern area has been undertaken in 2018. As a result of this review amendments are proposed to the existing Southern Water Authority Byelaws (confirmed 1985) that will result, if confirmed, in the prohibition of using any net (except for a landing net used in conjunction with a rod and line) to take salmon, migratory trout or freshwater fish in Southern area. This byelaw will not apply to the sea trout net fishery in the Beaulieu Estuary, which will be licensed by the Environment Agency. As part of this license any salmon caught will be required to be released.

6.2.2 These proposed amendments of the Southern Water Authority Byelaws and the future authorisation of the Beaulieu Estuary sea trout net fishery will provide the same outcome for salmon as was proposed by the national Salmon and Sea Trout Protection Byelaws. To avoid having duplicating legislation it is requested that reference to Southern area is removed from the proposed Salmon and Sea Trout Protection Byelaws prior to their confirmation. This involves the following amendments:

- a. Remove from Byelaw 2 the whole description of Southern area.
- b. Remove from Byelaw 6(1) “Southern area”, so that Byelaw 6(1) reads: by means of any net in the waters of the Anglian area; or

### 6.3 Inclusion of start dates to Byelaws 6, 7 and 11

- 6.3.1 As the proposed Byelaws are likely to be confirmed during the 2018 net and rod fishing seasons, start dates are now required for certain byelaws as we do not wish the measures set out by these byelaws to affect fisheries immediately upon confirmation. Therefore “From the 1 January 2019” should be inserted to the beginning of the first sentence of Byelaws 6, 7 and 11 so that they read:

“From the 1 January 2019 no person shall ...”

### 6.4 Byelaw 13

- 6.4.1 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 byelaws.

- 6.4.2 It is therefore recommended that Byelaw 13 is removed in its entirety from the proposed national Salmon and Sea Trout Protection Byelaws prior to their confirmation. Full justification of this recommendation is provided in Appendix 13.

### 6.5 Schedule 1 amendments

- 6.5.1 The rivers included in Schedule 1 to the proposed Byelaws were done so on the basis of their “At Risk” salmon stock classification in 2021, as was published in the 2016 assessment of Salmon Stocks and Fisheries in England and Wales. Their inclusion in Schedule 1 would mean that all salmon caught by rod and line from these rivers, their tributaries and estuaries would be subject to mandatory catch and release.

- 6.5.2 The postponement of seeking confirmation until mid-2018 has meant that the 2017 assessment of Salmon Stocks and Fisheries in England and Wales now provides the most up to date status of salmon stocks covered by these measures. It is considered appropriate that the latest assessment of salmon stock status is used to derive fishery controls. The rivers with changed stock status, as a result of the 2017 stock assessment, that would result in amendments to Schedule 1 to the byelaws are set out in Table 2.

Table 2: Rivers with a change to their “At Risk” classification in either 2021 or 2022

River (geographic area)	2021 Classification (2016 - stock assessment)	2022 Classification (2017 – stock assessment)
Tees (NE)	At Risk (AR)	Probably at Risk (PaR) - IMPROVEMENT
Plym (SW)	AR	PaR - IMPROVEMENT
Ribble (NW)	AR	PaR - IMPROVEMENT
Wyre (NW)	AR	PaR - IMPROVEMENT
Lune (NW)	AR	PaR - IMPROVEMENT
Crake (NW)	AR	PaR - IMPROVEMENT
Derwent (NW)	AR	PaR - IMPROVEMENT
Axe (SW)	PaR	AR - DECLINE

- 6.5.3 It can be seen from Table 2 that the River Axe is the only river that has declined to At Risk status in 2022, from Probably at Risk in 2021. This decline in status would warrant the River Axe's inclusion in Schedule 1 and hence mandatory catch and release being applied. As including the River Axe in Schedule 1 would necessitate re-advertising the byelaws to those that would then be affected by them, and this would further delay seeking confirmation of the byelaws, we are not seeking the inclusion of the River Axe in Schedule 1 at this time. The River Axe has a small salmon rod catch (5 year average of 11 salmon caught per year) and we will work with the local angling interests to increase levels of catch and release. If sufficiently high levels of catch and release are not achieved then we will review whether mandatory catch and release of salmon is required.
- 6.5.4 Rivers coming out of Schedule 1 are the Tees, Plym, Ribble, Wyre, Lune, Crake and Derwent. These rivers will move into voluntary catch and release measures for salmon with the aim to achieve greater than 90% catch and release. Due to salmon forming part of the River Derwent's Special Area of Conservation designation 100% catch and release will be sought. If voluntary measures are not successful in achieving this level of catch and release then mandatory catch and release may be required.
- 6.5.5 The River Calder has been misidentified in Schedule 1 as the River Calder – West Yorkshire, it should be the River Calder – Cumbria. This error was identified at the start of the advertising process on 7 March 2018, this error was highlighted (on 7 March 2018) on the front page of the byelaws' webpage and to all those who requested a paper copy of the byelaws. It is requested that Schedule 1 is amended as follows:

<u>Name of River</u>	<u>County(ies)</u>
Calder	Cumbria
Stour	Dorset
Yealm	Devon

## 6.6 Schedule 2 amendments

- 6.6.1 As a result of a transposing error, 4 recovering river systems were left off Schedule 2 to the byelaws. The rivers (including their tributaries and estuaries) in Schedule 2 would be subject to mandatory catch and release of salmon following confirmation of the byelaws. These errors were identified after the start of the advertising process and this error was highlighted on the front page of the byelaws webpage and to all those who requested a paper copy of the byelaws from the 12 March 2018. To ensure all were aware who might be affected by an amendment request to rectify these errors, all the initial email contacts who were notified of the advertisement of the proposed Byelaws were emailed on 12 March 2018. The end date of the advertising period was extended to 12 April 2018 to allow sufficient time for responses to be received. It is requested that the following river systems are added to Schedule 2 prior to confirmation:

<u>Name of River</u>	<u>County</u>
Medway	Sussex and Kent
Stour	Kent
Trent	
Yorkshire Ouse	

6.6.2 There are also a couple of errors in the existing Schedule 2 which would be worthy of correction prior to confirmation, these are:

- a. The Derwent - Northumberland should be Derwent - Durham and Northumberland.
- b. The Warren Burn should be spelt Waren Burn
- c. The Rivers Alt (Merseyside), Wampool (Cumbria) and Waver (Cumbria) are now not considered to have, or ever likely, to hold a salmon and therefore can be removed from Schedule 2.



## 6.7 Schedule 4 amendments

6.7.1 As result of the amendments to Schedule 1 and the recommendation to remove Byelaw 13 the following amendments (Table 3) to Schedule 4 (Revocations) are requested.

Table 3: requested amendments to Schedule 4 (Revocations)

<b>Byelaw</b>	<b>Recommendation</b>	<b>Reason</b>
(2) River Derwent Salmon Byelaws 2013 (the whole Byelaws)	Remove from Schedule 4.	These byelaws limit the number of salmon that can be killed by rod anglers on the River Derwent. As the Derwent will not have mandatory catch and release applied (see Section 6.5), these Byelaws are still required to control the maximum number of salmon a rod angler can kill in a day.
(3) River Ribble Net Fishing Byelaws 2017 (the whole Byelaws)	Retain in Schedule 4 and amend number to (2).	Change in numbering needed due to removal of Byelaws from Schedule 4. Revocation of these Byelaws is still required as proposed Byelaws will render them unnecessary.
(4) River Ribble Rod and Line Byelaws 2017 (the whole Byelaws)	Remove from Schedule 4.	These byelaws limit the number of salmon that can be killed by rod anglers on the River Ribble. As the Ribble will not have mandatory catch and release applied (see Section 6.5), these Byelaws are still required to control the maximum number of salmon a rod angler can kill.
(5) River Lune Rod and Line Fishery Byelaws 2009 (the whole Byelaws)	Remove from Schedule 4.	These byelaws limit the number of salmon that can be killed by rod anglers on the River Lune. As the Lune will not have mandatory catch and release applied (see Section 6.5), these Byelaws are still required to control the maximum number of salmon a rod angler can kill.
(6) River Leven and Crake Fishery Byelaws 2016 (the whole Byelaws)	Remove from Schedule 4.	These byelaws limit the number of salmon that can be killed by rod anglers on the Rivers Leven and Crake. As the River Crake will not have mandatory catch and release applied (see Section 6.5), these Byelaws are still required to control the maximum number of salmon a rod angler can kill.
(7) Byelaw 5 of River Border Esk Fisheries Byelaws 2005	Retain in Schedule 4 and amend number to (3).	Change in numbering needed due to removal of Byelaws from Schedule 4. Revocation of these Byelaws is still required as proposed Byelaws will render them unnecessary.
(8) Byelaw 3B(ii)(c) of North and South Wessex Fishery Byelaws 1993	Retain in Schedule 4 and amend number to (4).	Change in numbering needed due to removal of Byelaws from Schedule 4. Revocation of these Byelaws is still required as proposed Byelaws will render them unnecessary.
(9) Byelaws 3(h) of River Camel Salmon Protection Emergency Byelaws 2017	Remove from Schedule 4.	The byelaw restricts the use of rod fishing tackle on the Camel until the 30 October 2018. As a result of recommendation to remove Byelaw 13 from the proposed Byelaws, these Byelaws are still required to protect the River Camel's salmon stock.
(10) Byelaw 16(a) of, and Schedule 2 to, North East Regional Fishery Byelaws 1995	Retain in Schedule 4 and amend number to (5).	Change in numbering needed due to removal of Byelaws for Schedule 4. Revocation of these Byelaws is still required to deliver measures for the North East Coast T and J net fishery that are set out in the proposed Byelaws Technical Case.

6.7.2 For completeness; the amendments requested in Table 3 would leave the following byelaws (Table 4) remaining in Schedule 4 (Revocations), these are listed with their amended numbering.

Table 4: Revised Schedule 4 (Revocations)

<b>Byelaw</b>	<b>Agency Area(s)</b>	<b>Date of Confirmation</b>
(1) National Salmon Byelaws 2009 (the whole Byelaws as they apply to England Only)	England	15 December 2008
(2) River Ribble Net Fishing Byelaws 2017 (the whole Byelaws)	Cumbria and Lancashire	20 June 2017
(3) Byelaw 5 of River Border Esk Fisheries Byelaws 2005	Cumbria and Lancashire	21 April 2005
(4) Byelaw 3B(ii)(c) of North and South Wessex Fishery Byelaws 1993	Wessex	8 November 1993
(5) Byelaw 16(a) of, and Schedule 2 to, North East Regional Fishery Byelaws 1995	North East and Yorkshire	8 June 1995 (Byelaw 16(a)) 21 February 1995 (Schedule 2)

## 6.8 Minor wording amendments

- 6.8.1 Byelaw 3(5) should be amended to include the word “season” after the word “close”, so that it reads: All net fisheries in waters situated within the Anglian area where the close season shall end on and include 31 March.

## 6.9 Revocation of existing NLOs

- 6.9.1 On confirmation the proposed Byelaws will prohibit net fishing for salmon and sea trout in certain areas. The Net Limitation Orders (NLOs) for these areas that currently control the number of licences issued will therefore be redundant. To remove unnecessary pieces of legislation it is requested that the NLOs in Table 5 are revoked following confirmation of the proposed Byelaws. The full rationale for requesting these NLO revocations is set out in Appendix 14.

Table 5: NLOs for revocation

<b>Net Limitation Order</b>	<b>Agency Area(s)</b>	<b>Date of Confirmation</b>
Environment Agency (Limitation of Exe Estuary Draft Net Fishing Licences) Order 2011	Devon and Cornwall	27 May 2011
Environment Agency (River Tavy) (Limitation of Salmon & Trout Netting Licences) Order 2014	Devon and Cornwall	1 April 2014
Environment Agency (River Tamar) (Limitation of Salmon & Trout Netting Licences) Order 2014	Devon and Cornwall	1 April 2014
Environment Agency (River Lynher) (Limitation of Salmon & Trout Netting Licences) Order 2014	Devon and Cornwall	1 April 2014
Environment Agency (Rivers Taw and Torridge) (Limitation of Salmon & Trout Netting Licences) Order 2012	Devon and Cornwall	28 May 2012
Environment Agency (Limitation of River Ribble Estuary Netting Licences) Order 2017	Cumbria and Lancashire	20 June 2017

## 7. Addendum to HRA & CRoW Appendix 4

- 7.1 As a result of the amendments requested in Section 6 the conclusions of the Stage 1 Habitat Regulations Assessment (HRA) for relevant Special Areas of Conservation (Appendix 2) and a Countryside and Rights of Way (CRoW) Act Appendix 4 assessment for relevant Sights of Special Scientific Interest (Appendix 3) require amendment. An addendum (Appendix 15) to these assessments has therefore been produced and signed off by Natural England, with their covering letter supporting this addendum provided in Appendix 16.

## 8. Effects of proposed Byelaws and associated measures

### 8.1 Assessments leading up to advertising of the proposed Byelaws

- 8.1.1 To understand the range of socio and economic effects that the different options for net and rod fisheries would have we asked a series of questions in the initial consultation. For net fisheries these questions focused on:

- The consequences of not be able to fish for salmon or sea trout.
- Opportunities to fish for other species.
- Viability of continuing to fish for sea trout with release of all salmon.

For rod fisheries these questions focused on:

- Which options (if any) would cause you to stop fishing.
- If you would consider moving to a river with lower levels of required catch and release.
- The impact of the options on owners/lessees of salmon rod fisheries.

The summary of responses to the initial consultation is provided in Appendix 1.

- 8.1.2 The responses to the initial consultation, as well as information from conversations with net and rod fisheries during the development of the options, was used to inform our Executive Directors of their impact during the approval process of the proposed Byelaws. We provided an assessment of the benefits and impacts of the proposed regulations in the Technical Case that supported the advertising of the proposed Byelaws (Appendix 6: Section 7).

- 8.1.3 To support the confirmation of the proposed Byelaws we commissioned Amec Foster Wheeler over the winter of 2017/18 to investigate the total societal impacts of the proposed Byelaws and associated measures and monetise these impacts were possible. Table A from the Amec Foster Wheeler report is reproduced here. However we cannot provide the whole report due to Data Protection reasons as it contains financial information that could be directly attributed to individuals. This commission was also used to inform the completion of a Business Impact Target assessment (see Section 8.4).

Table A – Estimated effects resulting from the introduction of measures currently proposed by the Environment Agency to reduce salmon decline from net and rod fishing (source: Amec Foster Wheeler - Economic Impact of Salmon Fishing Measures April 2018).

Type of effect	Effect from changes to rod and line angling	Effect from changes to net fishing	Overall effect
<b>Personal enjoyment of fishing/angling</b>	For anglers ceasing fishing, the effect is partially captured as change in Direct Expenditure (see below). For anglers continuing, effects are difficult to estimate but may be close to zero (for example, if they already practice C&R consistent with the proposed measures).	The effects on net fishermen are of the same type as on recreational anglers. The aggregate effects will be smaller as there are fewer net fishermen.	A reduction which is not quantified. The effects fall only on some recreational anglers and fishermen.
<b>Value of fish caught</b>	Not estimated but known to be small compared to both anglers' direct financial expenditure and ranges for assumptions in forecasts made here.	Reduction of about £1.38m of annual gross income, mainly from closure of drift net fisheries in the North East.	A reduction of £1.38m of annual gross income for net fishermen. Minor impact on rod anglers (using their current cost as a comparator) which is not quantified.
<b>Direct expenditure by anglers and net fishermen</b>	Reduction in aggregate expenditure of between £0.8m and £6.5m nationally (compared to a current total of £31.7m).	Reduction in expenditure which is uncertain but likely to be less than reduction in gross income. Conservatively assessed as equal to loss in gross income (£1.38m).	Total reduction of between £2.2m and £7.9m.
<b>Wider economic impacts</b>	Changes in expenditure imply a loss of FTE jobs of between 11 and 90 and a range in loss of Gross Value Added (GVA) of between £0.7m and £5.5m.	Difficult to estimate and distinguish from direct losses at fisheries but, assuming expenditure has the same effects as for angling, would lead to a loss of 21 FTE jobs and a loss in GVA of £1.18m.	Total reduction of between 32 and 111 FTE jobs, and between £1.9m and £6.7m in GVA.
<b>Social and cultural value of fishing</b>	Uncertain.	Uncertain.	Likely to be perceived as negative by fishermen, particularly in coastal areas with traditional fishing practices. Not considered as an effect on the wider community but potentially linked to environmental benefits (see below). Not estimated or considered further.
<b>Environmental benefits</b>	The benefits of the measures in terms of fish saved are difficult to link to a clear metric for environmental benefits. The proposed measures will contribute to the preservation of salmon stocks, but are not the only factor in maintaining these stocks. Estimates of the total value of these stocks is £453m based on willingness to pay estimates for the general public (all households). This provides an upper comparator for the value of maintaining stocks.		

## 8.2 Stated impacts from responses to advertising of the proposed Byelaws

8.2.1 We received responses from both rod and net fisheries, and groups who represent them, on the impact of the proposed Byelaws, with these impacts being expressed in both economic and social terms.

8.2.2 For net fisheries that will close as result of the proposed Byelaws net licence holders have told us:

- That there will be a loss of livelihood that cannot be readily replaced by alternative fishing opportunities. This was especially true from the NE fishermen and affirmed by the local marine management organisations. Mortgages on boats and equipment are outstanding and closure will mean financial hardship.
- The level of income being lost ranges from small (hobby) to full loss of income, the greatest being in the NE coastal fishery.

- The fishery has been in place for multiple generations and its closure will be a significant cultural loss, not only to the fishermen but to the local community and economy. This was particularly expressed by the SW and NW fishermen.

8.2.3 For net fisheries that will remain open with their catch limited to sea trout only as result of the proposed Byelaws net licence holders have told us:

- The loss of salmon to the Anglian coastal fishery is negligible and will have no impact
- The loss of salmon to the NE fishery in Districts 6 and 7 will still allow a viable sea trout fishery
- The loss of salmon and reduced season to the NE T net fishery will mean an unviable sea trout fishery but it could be viable if the season could be extended and salmon safely returned.
- The loss of salmon to the River Lune Haaf net fishery would not allow a viable fishery to continue and only encourage hobby fishermen.
- The remaining SW fisheries would not be viable but it would provide a continuation of heritage and cultural practices.

8.2.4 For rod fisheries that will be required to return salmon we have original responses from the proposed Byelaws which had 10 fisheries being subject to mandatory catch and release. This was particularly felt in the NW region as 5 of their more significant rivers were in this category. This has now reduced to one (Cumbrian Calder). However, summary of economic and cultural loss can be summarised as:

- Not having the opportunity to keep a salmon will drive anglers away and the loss in membership would mean we could not afford to lease the river
- Being made to return a fish will cause significant bad feeling and a loss of goodwill. This is likely to cause large reductions in work parties and effort to improve habitat which would mean less benefits to the environment as a whole.
- Less club run waters would mean higher levels of illegal activity /poaching reducing salmon stocks further.

In particular data was provided for the River Lune of the impact of mandatory catch and release on the value of the rod fisheries on this river. Similarly, evidence of reductions in anglers taking out angling club membership on the River Derwent in 2017 has been provided.

## 8.3 Effects of requested byelaw amendments

8.3.1 The effects of the proposed measures set out in the Amec Foster Wheeler report relate to the proposed Byelaws that were advertised in March/April 2018. As a result of the amendments that are requested to the proposed Byelaws (Section 6) we expect some of these effects to be reduced. This reduction of effects will centre on the rod fishery as it is this fishery that is affected by the requested amendments, with the principal change being the reduction in the number of rivers where mandatory catch and release is required.

8.3.2 The rivers that catch and release of salmon will no longer be required by byelaw, as a result of the request to remove them from Schedule 1 to the proposed Byelaws, are the Tees (North East), Plym (South West), Ribble, Wyre, Lune, Crake and Derwent (all North West). We know from the initial consultation responses that on a regional basis 13%, 12% and 29%, for the North East, South West and North West respectively, of anglers would stop fishing if the proposed Byelaws for mandatory catch and release were bought in. If the voluntary catch and release of salmon were required (as set out by the Angling Trust

proposal) this percentage of anglers stopping fishing falls to 4%, 6% and 8% respectively (data provided by initial consultation responses). It could therefore be assumed that the switch to voluntary catch and release measures for these rivers is likely to result in a reduced number of anglers stopping fishing. This would have a commensurate reduction in the direct and wider economic impacts stated in Table A, with these reductions focused on the North West of England.

- 8.3.3 The Amec Foster Wheeler report was not able to quantify the financial effect of the proposed Byelaw 13 (angling method byelaw) as the exact detail of this byelaw was not available at the time of the report's commission and responses to the initial consultation did not provide sufficient detail. It is likely though that Byelaw 13 would have resulted in anglers purchasing tackle for the 2019 season in order to meet the requirements of the proposed Byelaw, with the income generated by these being passed through the fishing tackle trade and into the wider economy. With elements of Byelaw 13 now to be delivered through codes of practice, it is still likely that anglers will purchase tackle over and above their normal expenditure. However these purchases will be more spread out over time and will be less pronounced than if the measures had been required by Byelaw.
- 8.3.4 The requested amendments will also result in a number of the objections received to the proposed Byelaws no longer being applicable. This particularly relevant to the impact of mandatory catch and release on the salmon fisheries in the North West and for the impact on Byelaw 13 on the value of anglers existing fishing tackle and the cost implication, to them, of purchasing new tackle. A loss of goodwill was cited as an unintended consequence of pursuing catch and release and method restrictions. 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.
- 8.3.5 The benefits of the measures, in terms of numbers of salmon saved, will be slightly reduced by the move to voluntary catch and release practices. However, we would expect these reductions to be minimal as a result of the small difference in numbers of salmon that may now not be returned as a result of voluntary catch and release as opposed to those that would have been returned through mandatory catch and release.

## 8.4 Business Impact Target assessment

- 8.4.1 The Small Business, Enterprise and Employment Act 2015 commits future Governments to publish, and then report on, their performance against a deregulation target – The Business Impact Target (BIT), which covers the economic impact of new or amended regulation on business and civil society organisations. The BIT concerns the regulatory activities of central government and relevant regulators, such as the Environment Agency.
- 8.4.2 As part of this duty we have carried BIT assessments for the regulatory activities that we are proposing for net fisheries and rod fisheries. The BIT assessment for the rod fishery is provide in Appendix 17. Due to Data Protection reasons we are not able to provide the BIT assessment for the net fishery as it contains financial information that could be directly attributed to individuals. The total impacts for each fishery are:
- For the English salmon net fishery a total annual cost to business of £2.7M.
  - For the English salmon rod fishery, 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.

## 9. Conclusion

- 9.1 We recognise that the exploitation of salmon by those fishing for them in England is not the main factor for the overall decline and continued poor state of salmon stocks. However, to enable failing salmon stocks to return to sustainable levels there is a clear need to maximise the numbers of adult salmon that are available to spawn. Stopping the take of salmon from failing salmon stocks by net and rod fisheries and maximising the survival of caught and release salmon will directly contribute to greater numbers of adult salmon being available to spawn each year.
- 9.2 We recognise the attention and gravity that these proposed measures will mean for both salmon rod and net fishery interests. This can be seen from the extent and numbers of considered and continuous correspondence that we have received both as part of the byelaw consultation and subsequent advertising, and reflected in the excess of 70 letters direct to the minister and / or Secretary for the Environment, Michael Gove.
- 9.3 We consider that the proposed Salmon and Sea Trout Protection Byelaws, their requested amendments and supporting measures, provide the correct balance between achieving this necessary reduction in the take of salmon and minimising the impact on net and rod fisheries. We recognise the impact that these proposed Byelaws will have, particularly on the net fisheries that will be prohibited from operating.
- 9.3 In formulating these proposed Byelaws and in seeking their confirmation we have ensured that the necessary statutory procedures have been followed and that the proposed byelaws (and requested amendments to them) are:
- *Intra vires* of the statutory duty of the Environment Agency and the specific byelaw making powers granted to it by statute.
  - Consistent with the Environment Agency's fisheries and wider conservation duties.
  - Comply with the guiding principles that are set out by NASCO for the management of salmon stocks.
  - Delivering the commitments of the Salmon Five Point Approach to reduce exploitation of net and rod fisheries.
  - Contributing to sustainable development; and
  - that we have had regard to the costs and benefits and the economic and social impact of them.
- 9.4 While there are multiple issues which impact on salmon that does not preclude the Environment Agency from fulfilling our obligation to appropriately regulate fisheries. There is still a lot to do and we are not complacent in these matters. We will continue with our efforts, and work with partners, to deliver all the commitments of the Salmon Five Point Approach.

# Appendices

## **The following appendices are provided as separate documents:**

- Appendix 1: Summary of responses to initial consultation - February 2018
- Appendix 2: Stage 1 Habitat Regulations Assessment – March 2018
- Appendix 3: CRoW Appendix 4 assessment – March 2018
- Appendix 4: Annex 7 ICES Assessment
- Appendix 5: The Current State of Salmon Stocks - March 2018
- Appendix 6: Proposed Byelaws Technical Case – March 2018.
- Appendix 7: Initial Consultation Document - August 2017.
- Appendix 9: advertised Salmon and Sea Trout Protection Byelaws – March 2018
- Appendix 10: Advertising Responses Summary Report – August 2018
- Appendix 11: standard replies to objectors – August 2018
- Appendix 15: Addendum to HRA & CRoW App4 – August 2018
- Appendix 16: NE addendum covering letter – August 2018
- Appendix 17: Rod Fishery BIT Assessment – August 2018

## **The remaining appendices are provided after this page, they are:**

- Appendix 8: summary of measures for net and rod fisheries – February 2018
- Appendix 12: copy of generic objection reply letter – August 2018
- Appendix 13: justification for removal of Byelaw 13 prior to confirmation – August 2018
- Appendix 14: rationale for revocation of existing NLOs – August 2018



## Appendix 8: summary of measures for net and rod fisheries – February 2018

### 1. National byelaws applying to all England and Border Esk

Existing National Salmon Byelaws	Decision	Notes
Netting season for salmon and sea trout starts 1 June (see notes for exempt fisheries).	Renewal	The following fisheries were provided with exceptions to this byelaw: <ul style="list-style-type: none"> <li>• T &amp; J net fisheries of the North East Coast (close season ends on 25 March)</li> <li>• Anglian coastal net fisheries (close season ends on 31 March)</li> <li>• Seine net fisheries on the River Teign and its estuary (close season ends on 14 March)</li> <li>• Seine net fisheries on the River Dart and its estuary (close season ends on 14 March)</li> <li>• Seine net fisheries on the River Fowey and its estuary (close season ends on 1 March)</li> </ul> <p>These exceptions will continue for the new national salmon byelaw package.</p>
No angling for salmon, other than with artificial fly or lure, prior to 16 June.	Renewal	Note additional restrictions on these methods that are set out below.
Return of all salmon by anglers before 16 June.	Renewal	Note effective extension of this byelaw for 'At Risk' rivers – see Section 3. Applies to all rivers in England and Border Esk. Proposed local C&R byelaws for Eden and Border Esk are for period post 16 June.
<b>Recovering salmon rivers</b>		<b>Notes</b>
New byelaw that requires the release of all salmon caught by rod and line from recovering salmon rivers (and their tributaries) at all times.		This measure and the measure for At Risk rivers will mean that mandatory C&R will be in place for the whole year for these rivers, rather than just up to the 16 June as is currently the case.
<b>Angling method restrictions from 2019 – for salmon and sea trout</b>		<b>Notes - All other good practice angling methods that were included in the initial consultation will be promoted on a voluntary basis.</b>
Only allowing single, double or treble hooks with a maximum gape of 7mm to be used when using prawn or shrimp as bait. No more than 1 single, double or treble hook to be used.		Hook size limit set to match that of treble hooks when using flies.
Only allowing single hooks to be used on lures with a maximum gape of 13mm.		No restriction on more than one single hook on a lure, so Rapala type lures can still have 2 or more sets of hooks.
Treble hooks used on flies limited to a maximum gape of 7mm.		Size limited to a maximum hook gape (shank to hook point) of 7mm.

## 2. National byelaws for net & fixed engine fisheries applying on a river basis

See rod fishery table for rivers and their respective stock status

### North East Coast Net Fishery

	Net fishery	Fishing District	Decision	Notes
NE	Drift Nets	N/A – covers all Y & NE drift nets	Close fishery from and including 2018 season.	Season currently starts on 1 June. Permanent closure as coastal mixed stock fishery.
	Beach Nets (T&J nets)	1	For 2019 season and thereafter: release of all salmon caught and modify netting season for sea trout to end on 31 May.	T – nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
		2	For 2019 season and thereafter: release of all salmon caught and modify netting season for sea trout to end on 31 May.	No beach net fishery in this district as the 1 Licence who fished this district left the fishery.
		3	For 2019 season and thereafter: release of all salmon caught and modify netting season for sea trout to end on 31 May.	J nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
		4	For 2019 season and thereafter: release of all salmon caught and modify netting season for sea trout to end on 30 June.	J nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
		5	For 2019 season and thereafter: release of all salmon caught and modify netting season for sea trout to end on 30 June.	J nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
		6	For 2019 season and thereafter: release of all salmon caught and netting season for sea trout ends on current date of 31 August.	J nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
		7	For 2019 season and thereafter: release of all salmon caught and netting season for sea trout ends on current date of 31 August.	J nets used. Decision meets S5PA and North Coast NLO mid-term review requirements.
<p>New/revised measures for whole fishery (repeated in Section 4) for 2019 season and thereafter:</p> <ul style="list-style-type: none"> <li>Amend the attendance at nets requirement for beach nets to require close attendance in a boat when fishing so that all salmon can be removed with least delay, for Districts 1 - 5. Not required for Districts 6 &amp; 7 due to the very low catch of salmon and disproportionate impact attendance by boat would have on these fishery districts. This will be as implemented via a licence condition.</li> <li>Remove the regional byelaw exemption allowing T nets to fish in the Tyne and the Coquet Conservation Areas (by revoking Regional Fishery Byelaw 16).</li> </ul> <p>Also - current reducing NLO to zero stays in place so that the remaining T and J net coastal mixed stock fishery for sea trout reduces and ultimately ends as fishermen leave the fishery. NLO expires in 2022.</p>				

## All other net fisheries

	Net fishery	Fishing Method	Decision	Notes
SW	Christchurch Harbour*	Seine or draft Net	No data from last five years – leave as is and reassess at next NLO review.	Fishery currently has zero NLO in place with no licences issued due to buy-out in 2012. NLO expires 2022.
	Poole Harbour	Seine or draft Net	Sea trout to salmon ratio (ST:SA) exceeds 4:1 in June only. Restrict season to June only and require release of all salmon, from 2019.	Current NLO is reducing to zero with 1 licence issued. NLO expires 2027.
	Exe	Draft Net	ST:SA ratio does not exceed 4:1. Fishery closes, from 2019.	Current NLO is set at 3 licences with renewal. NLO expires 2021.
	Teign	Draft or seine Net	Retain exemption to fish pre 1 June, season ends on this date, from 2019.	Current NLO is set at 3 licences with renewal. NLO expires 2020.
	Dart*	Draft or seine net	Retain exemption to fish pre 1 June, season ends on this date, from 2019.	Fishery currently has zero NLO in place with no licences issued due to buy-out in 2015. NLO expires 2025.
	Tavy, Tamar & Lynher*	Tavy* – draft or seine net	ST:SA ratio does not exceed 4:1. Fishery closes, from 2019.	Current NLO is reducing to zero with 3 licenses issued. A catch limit of 5 salmon (no sea trout limit) is in place. All salmon caught to be retained, fishing stops when limit is reached. NLO expires 2024.
		Tamar – draft or seine net	ST:SA ratio does not exceed 4:1. Fishery closes, from 2019.	Current NLO is reducing to zero with 3 licenses issued. A catch limit of 69 salmon (no sea trout limit) is in place, limit is shared equally by licenses. All salmon caught to be retained, fishing stops when limit is reached. NLO expires 2024.
		Lynher – draft or seine net	ST:SA ratio does not exceed 4:1. Fishery closes, from 2019.	Fishery currently has zero NLO in place with no licences issued. NLO expires 2024.
Fowey	Draft or seine	Retain exemption to fish pre 1 June, season ends on this date, from 2019.	Current NLO is set at 1 licence and existing licensee has been bought out for life of NLO not to fish. NLO expires 2018 and is currently under review.	

	Net fishery	Fishing Method	Decision	Notes
SW	Camel*	Draft, seine, drift or hang net.	From 2018 and for life of byelaw: fishery to close due to use of drift net.	Current NLO is set at 6 licences with renewal. NLO expires 2018. Emergency byelaw bought in 2017, which closes fishery for 2018 season.
	Rivers Taw and Torridge	Draft or seine net.	ST:SA ratio does not exceed 4:1. Fishery closes, from 2019.	Current NLO is set at 1 licence with renewal. NLO expires 2022.
Anglian	Anglian coastal fishery	Drift net and other nets	From 2018 and for the life of byelaw: require release of all salmon caught.	This fishery targets sea trout takes <10 salmon per year. Current reducing NLO will remain in place so that fishery reduces over time as existing licensees and their partners leave the fishery. NLO expires in 2022. A new requirement to release any salmon caught will have minimal impact on this fishery.
Southern	Southern Coastal	Any	From 2018 and for the life of byelaw: require release of all salmon caught	Current NLO of 1 licence, which is currently taken by Beaulieu Estates. NLO expires 2018 and is currently under review. Current fishery only catches sea trout so new requirement to release any salmon caught will have no impact on this fishery.
Midlands / Wales	Severn*	Putcher Rank	No new measures.	Current NLO of 6 licences with a total allowable catch of 136 salmon (in 2016). NLO expires 2019.
		Lave net	No new measures.	Current NLO of 26 licences with a total allowable catch of 26 salmon (in 2016). NLO expires 2019.
		Draft net	No new measures.	Current NLO of 1 licence with a total allowable catch of 3 salmon (in 2016). NLO expires 2019.
NW	Ribble	Drift net	From 2018 and for life of byelaw: fishery to close due to use of drift net.	Current NLO reducing to 1 Licence with 4 licenses currently issued. Salmon catch limited to 48 salmon per season (equal distribution). NLO expires 2027.
	Lune	Drift Net	From 2018 and for life of byelaw: fishery to close due to use of drift net.	Current NLO set at 7 licences (capped). NLO expires 2019.
		Haaf net	From 2018 and for the life of byelaw: require release of all salmon caught.	Current NLO set at 12 licences (capped). NLO expires 2019. Timing of this measures is 1 year earlier than for other fisheries so that it matches measures for drift net and rod anglers on Lune.

	<b>Net fishery</b>	<b>Fishing Method</b>	<b>Decision</b>	<b>Notes</b>
NW	Kent	Lave net	From 2019 and for life of byelaw: require release of all salmon caught.	Current NLO set at 6 licences (capped). NLO expires 2023.
	Leven	Lave net	From 2019 and for life of byelaw: require release of all salmon caught.	Current NLO set at 2 licences (capped). NLO expires 2023.
	Solway (England)*	Heave or Haaf net	Current NLO and byelaw package has expired and is being reviewed. Advertisement of proposed measures in Jan 2018. These will include release of all salmon caught by this fishery. New package of measures will be in place for 10 years. S5PA measures will therefore be delivered by NLO and local byelaw package, specific measures for this fishery won't therefore be included in new National Salmon Byelaws.	

\* Fisheries that take salmon form one or more SACs

**3. Proposed national catch and release byelaws approaches for rod fisheries applying on a river basis – 2021 predicted status is used to determine measure. If current catch and release rate is higher than the proposed then the current rate will be required to be maintained.**

Location	Net fishery	River	Compliance 2016	Predicted compliance 2021	100% mandatory C&R from 2018	Voluntary C&R @ > 90% from 2018 with review of success in 2019	Voluntary C&R at current from 2018	Notes – C&R data is declared data from 2016 (% C&R for whole season and post 16 June). Existing byelaws and voluntary measures restricting C&R and angling methods.
NE	North East Drift and Beach (Scottish rivers affected are not shown)	Coquet	Probably at risk	Probably at risk	-	X	-	C&R rate of 74% (tot) and 67% (post 16 June). No night fishing, except with natural or artificial bait and hook must pass a 10mm tube.
		Tyne	Probably not at risk	Probably not at risk	-	-	X	C&R rate of 75% (tot) and 74% (post 16 June). No night fishing, except with natural or artificial bait and hook must pass a 10mm tube.
		Wear	Probably not at risk	Probably not at risk	-	-	X	C&R rate of 81% (tot) and 80% (post 16 June). No night fishing, except with natural or artificial bait and hook must pass a 10mm tube.
		Tees	At risk	At risk	X	-	-	C&R rate of 93% (tot) and 93% (post 16 June). No night fishing, except with natural or artificial bait and hook must pass a 10mm tube.
		Esk (Yorks)	Probably at risk	Probably at risk	-	X	-	C&R rate of 87% (tot) and 85% (post 16 June).
Southern	-	Test	Probably at risk	Probably not at risk	-	-	X	C&R rate of 99% (tot) and 99% (post 16 June). Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Voluntary worm ban – whole season.
	-	Itchen*	Probably at risk	Probably at risk	-	X	-	C&R rate of 100% (tot) and 100% (post 16 June). Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Voluntary worm ban – whole season.
SW	Christchurch Harbour	Avon (Hants)*	Probably at risk	Probably at risk	-	X	-	C&R rate of 100% (tot) and 100% (post 16 June). Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Artificial fly only before 15 May.
		Stour	At risk	At risk	X	-	-	C&R rate of 100% (tot) and 100% (post 16 June). Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Artificial fly only before 15 May.
	Poole Harbour	Piddle	Probably at risk	Probably at risk	-	X	-	No catch of salmon in 2016. Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Artificial fly only before 15 May.
		Frome	Probably at risk	Probably at risk	-	X	-	C&R rate of 97% (tot) and 96% (post 16 June). Voluntary achievement of 100% catch and release already forms part of measures to protect salmon stocks. Artificial fly only before 15 May.
	-	Axe	Probably at risk	Probably at risk	-	X	-	C&R rate of 67% (tot) and 63% (post 16 June). No shrimp, prawn, worm or maggot. Fly only after 31 July below Axbridge.

Location	Net fishery	River	Compliance 2016	Predicted compliance 2021	100% mandatory C&R from 2018	Voluntary C&R @ > 90% from 2018 with review of success in 2019	Voluntary C&R at current from 2018	Notes – C&R data is declared data from 2016 (% C&R for whole season and post 16 June). Existing byelaws and voluntary measures restricting C&R and angling methods.
SW	Teign	Teign	Probably at risk	Probably at risk	-	X	-	C&R rate of 69% (tot) and 64% (post 16 June). Salmon: artificial fly or lure only after 31 August. Sea trout: no worm or maggot before 1 June. Angling rules apply to experimental season extension (1 Oct – 14 Oct 2016): fly only, with single barbless hook & mandatory C&R.
	Dart	Dart*	At risk	Probably at risk	-	X	-	C&R rate of 96% (tot) and 96% (post 16 June). Salmon: no worm or maggot. No shrimp or prawn except below Staverton Bridge. No spinning above Holne Bridge. Sea trout: fly only.
	Exe	Exe	Probably at risk	Probably at risk	-	X	-	C&R rate of 79% (tot) and 77% (post 16 June). Angling rules apply to experimental season extension (1 Oct – 14 Oct 2016): fly only, with single barbless hook & mandatory C&R. No worm or maggot.
	-	Avon (Devon)	Probably at risk	Probably at risk	-	X	-	C&R rate of 73% (tot) and 70% (post 16 June). No worm or maggot.
	-	Erme	At risk	Probably at risk	-	X	-	C&R rate of 100% (tot) and 100% (post 16 June). No worm or maggot.
	-	Yealm*	At risk	At risk	X	-	-	C&R rate of 100% (tot) and 100% (post 16 June).
	-	Plym	At risk	At risk	X	-	-	C&R rate of 50% (tot) and 50% (post 16 June).
	Tavy, Tamar & Lynher	Tavy*	At risk	Probably at risk	-	X	-	C&R rate of 80% (tot) and 82% (post 16 June).
		Tamar	Probably at risk	Probably at risk	-	X	-	C&R rate of 83% (tot) and 80% (post 16 June). No worm, maggot, shrimp or prawn after 31 August.
		Lynher	Probably at risk	Probably at risk	-	X	-	C&R rate of 94% (tot) and 93% (post 16 June).
	Fowey	Fowey	Probably at risk	Probably at risk	-	X	-	C&R rate of 74% (tot) and 74% (post 16 June).
Camel	Camel*	Probably at risk	Probably at risk	-	X	-	C&R rate of 67% (tot) and 67% (post 16 June). Emergency angling byelaws for 2018 season – 100% C&R and method restrictions.	

Location	Net fishery	River	Compliance 2016	Predicted compliance 2021	100% mandatory C&R from 2018	Voluntary C&R @ > 90% from 2018 with review of success in 2019	Voluntary C&R at current from 2018	Notes – C&R data is declared data from 2016 (% C&R for whole season and post 16 June). Existing byelaws and voluntary measures restricting C&R and angling methods.
SW	Rivers Taw and Torridge	Taw	Probably at risk	Probably at risk	-	X	-	C&R rate of 79% (tot) and 77% (post 16 June). No shrimp, prawn, worm or maggot. No spinning after 31 March. Salmon bag limits per angler of: 2 per day, 3 per week and 10 per season.
		Torridge	Probably at risk	Probably at risk	-	X	-	C&R rate of 83% (tot) and 79% (post 16 June). Salmon bag limits per angler of: 2 per day, 2 per week and 7 per season. No salmon >70cm retained after 1 August. No salmon >70cm retained after 1 August. Angling rules apply to experimental season extension (1 Oct – 14 Oct 2016): fly only, with single barbless hook & mandatory C&R.
	-	Lyn	At risk	Probably at risk	-	X	-	C&R rate of 100% (tot) and 100% (post 16 June). No worm or maggot before 1 June.
Midlands / Wales	Severn	Severn	Probably not at risk	Probably not at risk	-	-	X	C&R rate of 78% (tot) and 61% (post 16 June). No float fishing with lure or bait.
		Wye*	Probably at risk	Probably not at risk	-	-	-	Welsh river, already operates at 100% mandatory C&R.
		Usk	Probably not at risk	Probably not at risk	-	-	-	Welsh river, proposed new byelaw (currently under consultation) for 100% mandatory C&R.
NW	Ribble	Ribble	Probably at risk	At risk	X	-	-	C&R rate of 89% (tot) and 88% (post 16 June). For 2017 a local byelaw restricting anglers to 2 salmon per season post 1 June.
	-	Wyre	At risk	At risk	X	-	-	C&R rate of 0% (tot) and 0% (post 16 June) – only 1 salmon caught in 2016.
	Lune	Lune	At risk	At risk	X	-	-	C&R rate of 69% (tot) and 69% (post 16 June). Bag limit of 4 salmon per season.
	Kent	Kent	Probably at risk	Probably at risk	-	X	-	C&R rate of 68% (tot) and 67% (post 16 June).
	Leven	Leven	Probably at risk	Probably at risk	-	X	-	C&R rate of 100% (tot) and 100% (post 16 June). Salmon bag limit of 3 per season for whole fishery with carcass tagging scheme and mandatory C&R once limit is reached. Voluntary method restrictions also apply to improve survival of released fish.
	-	Crake	At risk	At risk	X	-	-	C&R rate of 100% (tot) and 100% (post 16 June). Salmon bag limit of 3 per season for whole fishery with carcass tagging scheme and mandatory C&R once limit is reached. Voluntary method restrictions also apply to improve survival of released fish.



-	Duddon (& Lickle)	Probably not at risk	Probably not at risk	-	-	X	C&R rate of 85% (tot) and 85% (post 16 June).
-	Esk (Cumbria)	Probably at risk	Probably at risk	-	X	-	C&R rate of 72% (tot) and 71% (post 16 June).
-	Irt	At risk	Probably at risk	-	X	-	C&R rate of 65% (tot) and 65% (post 16 June).
-	Ehen*	Probably at risk	Probably at risk	-	X	-	C&R rate of 47% (tot) and 48% (post 16 June).
-	Calder	At risk	At risk	X	-	-	C&R rate of 0% (tot) and 0% (post 16 June). 2 salmon caught in 2016.
-	Derwent*	At risk	At risk	X	-	-	C&R rate of 79% (tot) and 79% (post 16 June). Salmon bag limit of 2 per day. Release of all female salmon from 1 October. Voluntary lower bag limits are in place.
Solway (England)	Eden*	Probably at risk	Probably at risk	N/A – local byelaw package being applied for that will specify mandatory catch and release of all salmon caught from 2018. This is for 16 June onwards as renewal of national byelaws requires mandatory catch and release pre 16 June.			C&R rate of 87% (tot) and 79% (post 16 June). Current consultation on new local byelaws requiring release of all salmon from 2018 season. Salmon bag limit per angler of 2 per day has been in place for previous seasons.
	Esk (Border)	Probably at risk	Probably at risk				C&R rate of 72% (tot) and 71% (post 16 June). Current consultation on new local byelaws requiring release of all salmon from 2018 season. Salmon bag limit per angler of 2 per day has been in place for previous seasons.

\* Rivers where salmon form part of their SAC designation

# Appendix 12: generic objection reply letter – April 2018

**EMAIL HERE**

Our Reference: FILENAME (e.g. ANON-6YZT-XXXX-X)

**DATE** April 2018

Dear NAME,

## **OBJECTIONS AND REPRESENTATIONS MADE TO STATUTORY CONSULTATION: The Environment Agency salmon and sea trout protection byelaws**

Thank you for your response to the Environment Agency statutory advertising on proposed new salmon and sea trout protection byelaws for England and the Border Esk.

The proposed byelaws were advertised from the 7 March until the 12 April, supported by a comprehensive technical case with full background evidence [here](#).

We are now in the process of reviewing and responding to all those who have objected to one or more parts of the proposed byelaws. This letter now provides our response to your representation and seeks to cover the points that you have made.

**DELETE ALL IF NO SUPPORT or DELETE SECTIONS NOT SUPPORTED** Thank you for the support that you provided to the:

- renewal of byelaws to protect spring salmon stocks
- proposed byelaws for net and fixed engine fisheries
- proposed byelaws requiring the catch and release of salmon by rod fisheries
- proposed byelaws restricting certain rod angling methods

We believe you have raised an objection /s relating to:

**1. LIST OBJECTION TYPE HERE**

**2.**

If we have inadvertently omitted any matter you might have raised within your representation, please let us know.

Our response to the objection/s you have raised is as follows.

**1. Insert title here**

Overwrite here with standard paragraph text using cut/paste – merge formatting

**2. Insert title here**

Overwrite here with standard paragraph text using cut/paste – merge formatting

**We invite you to withdraw your objection on the basis of the information in this letter. If you feel that your objection should remain then please provide us with further evidence to support your case. Your reply must be received before DATE. If we do not hear from you by this date we will assume that your objection remains.**

We are currently responding to and collating all objection responses. These will then be sent onto Defra for consideration. Amendments to these proposed byelaws may be made and would reflect consultation responses or further points of clarification for the Minister.

We will then ask the Minister to confirm these byelaws.

Once we have a decision from Defra we will publicise this as soon as practicably possible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Stone', with a long horizontal flourish extending to the right.

**Heidi Stone**  
Salmon Programme Manager  
Environment and Business Directorate, Environment Agency  
[S5PA@environment-agency.gov.uk](mailto:S5PA@environment-agency.gov.uk)

Customer contact number: 0370 8506 506

## Appendix 13: justification for removal of Byelaw 13 prior to confirmation – August 2018

The following byelaw relating to angling methods was advertised as part of in the proposed Salmon and Sea Trout Protection Byelaws:

### **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 intention of the proposed Byelaw 13 was to prohibit the use of specific items of tackle (in an enforceable and clear way) that would reduce the survival of salmon post release. This element of the byelaw package received almost equal numbers of objections as it did support (487 responses and 483 responses respectively). Whilst a proportion of the objections were based on the measures not being restrictive enough (e.g. measures should ban worming/all bait fishing, use of treble hooks or use of barbed hooks) the majority of objectors consider these byelaws to be unnecessary, overly restrictive and will render some methods ineffective. This is particularly the case for the restrictions on artificial lures.

### **Reasoning for request to amend/remove Byelaw 13:**

The wording of the byelaw was not stated in the initial consultation (undertaken August – October 2017), but was derived from responses to a broad range of questions on best practice angling techniques. These questions were compiled from the Environment Agency (EA) commissioned report on the impact of catch and release angling practices on the survival of salmon. This report can be found here: <https://www.gov.uk/government/publications/impact-of-catch-and-release-angling-practices-on-survival-of-salmon>. As a result the advertising of the byelaws was the first opportunity that anglers, tackle manufactures and organisations had to comment on and feedback potential implications. Therefore there has been a wide range of responses that are specific to the byelaw which the initial consultation did not draw out.

Further examination of Byelaw 13 has been justified as a result of the responses to its advertising and the range of questions that this has raised. These have included the implementation of this byelaw from evidential, practical, reputational and an enforceability perspective. This has now been discussed and considered by a number of colleagues across the EA including those from national operations, national fisheries and area fisheries enforcement. It is now considered that Byelaw 13 as proposed is not fit for purpose and would be overly restrictive on certain angling methods where there is weak evidence to support prohibition.

## Published evidence of damaging methods:

The available evidence (from EA commissioned Evidence report) indicates that Flying 'Cs' can compromise survival of salmon due their tendency to deeply hook fish. The evidence also indicates that delays in unhooking fish or significant injury (especially where bleeding is caused) can also compromise survival. Lures with more than one set of hooks e.g. Rapalas are more likely to cause delay in unhooking or significant injury and therefore reduce survival of released fish. The commissioned report did not find evidence to suggest that other types of spinning bladed lures e.g. Mepps, spoons and Devon Minnows pose a similar risk to Flying 'Cs' or Rapalas. Other types of spinning bladed lures are typically used by sea trout fishermen, particularly in smaller sizes (with smaller trebles) and Devon Minnows are a key angling technique on the chalkstream rivers. Spinning also provides a relatively low cost and more easily mastered route into fishing for salmon and sea trout than fly fishing does.

The commissioned report did also look at the evidence of the effect of hook size on injury. It stated that hook size can have a significant influence on hooking depth and injury, with large hooks causing more damage but small hooks most likely to be hooked in the oesophagus or stomach. That report found that few studies have reported a significant influence of hook size on fish mortality.

## The issues:

It is not possible to write a clear and enforceable byelaw that would only cover Flying 'Cs' and Rapala type lures. Therefore the proposed Byelaw 13 has been written to encompass all types of lures to manage the risk pose by these lure types. The consequence of this is to affect methods where there is no strong evidence of impact.

From the response to the Byelaws' advertising it is clear that the proposed Byelaw 13 will impact on methods and fishing for sea trout with little evidence of risk to salmon. It is therefore considered that Byelaw 13, as it is currently written, is open to challenge and will cause reputational impact. It will also inhibit the delivery of other best practice angling techniques that could not be delivered through regulatory measures and that are equally important for maximising survival of fish post release e.g. water temperature cut-off limits and use of landing nets.

Two options (Table 1) have been developed to address these issues.

**Table 1: options to address issues with proposed Byelaw 13**

Option	Benefits	Evidence	Practicality	Reputational	Enforceability
<b>Option 1</b>  This keeps parts (1) and (3) and but changes part (2) to enable small treble hooks to be used (gape of 7mm or	Would allow the use of smaller spinning bladed lures without changing the hooks, likely to reduce the consequences of this byelaw for sea trout fishermen who typically use smaller lures.	This byelaw now makes the case that big treble hooks are bad for salmon survival whereas smaller trebles are good for future survival.	Reduces the amount of angling tackle that would need to be modified or replaced on implementation of the byelaw.	Keeping an amended byelaw would give legislative parity with NRW.  <b>This amendment keeps a method byelaw and improves the problems but does not fix them.</b>	There will be a need to measure gape sizes of hooks. There will be grey areas and consistency issues which we will need to resolve with clear

<p>less) on artificial lures.</p>	<p>Reduces the risk of injury from the two types of lures (Flying 'Cs' and Rapala type lures) that are likely to pose the greatest risk because these types use treble hooks exceeding the size specified.</p> <p>Protects salmon from use of bait through use of hook sizes.</p> <p>Protects salmon from inappropriate use of large trebles on flies.</p> <p>Should reduce the length of unhooking times and level of handling required.</p> <p>Still provides a level of consistency with approach put forward by NRW for Wales, our own cross border byelaws and other measures introduced locally.</p> <p>Is better aligned with available evidence presented in our commissioned report.</p>	<p>The evidence says that large hooks pose a different risk to small hooks but they can both result in damage.</p> <p>The published studies have not examined the full range of hook sizes and fishing methods and therefore it is little evidence to show the relative risks posed by different combinations of hook size and method.</p>	<p>This will still preclude the use of some fishing methods and where there is no strong evidence of impact.</p> <p>The "one size fits all" nature will mean it will be difficult to develop more specific river based measures that may be identified.</p> <p>Will require the additional purchase of suitable hooks and retro-fitting of these for the some lures on the market and make some existing tackle obsolete.</p>	<p>Unlikely to be receive wholesale support from the Angling Trust, members of their Angling Advisory Group and majority of angling organisations.</p> <p>Runs the risk of being accused of "fiddling around the edges but not solving the problem". As angling method byelaws will bring focus on these elements of best practice and risk reducing focus on other angling best practice that cannot be delivered through byelaws</p> <p>Southern chalk stream rivers will be impacted as this still prohibits a favourite method (Devon Minnow) with no evidence supporting the restriction.</p>	<p>guidance to anglers and our enforcement staff.</p> <p>Potentially hard to enforce for the majority of tackle covered by this byelaw due to difficulty in presenting compelling evidence for its support in court.</p>
<p><b>Option 2</b></p> <p>Remove byelaw 13 entirely.</p> <p>Jointly promote with AT codes of practice that will end up as club rules.</p> <p><b>But</b> keep in reserve for the mid-term review if codes of practice uptake is not satisfactory</p>	<p>Maximises ability of river based codes of practice to exist, or be developed, which are tailored to local angling techniques and the risk they pose.</p> <p>May enable greater buy-in from anglers to other best practice angling techniques that are not appropriate to deliver through byelaws, and which are likely to have the same or greater benefits for the maximising the survival of released fish.</p>	<p>We can use the published evidence to construct rules that will improve survival of salmon, but this evidence can have a lower level of certainty than would be needed to successfully prosecute a breach of a byelaw.</p>	<p>Will put England at odds with Wales from a legislative perspective. –</p> <p>This can be reduced as long as the desired outcomes are in line with the Welsh byelaw proposals. I.e. we will promote best practice / codes of conduct / club rules from a voluntary basis which is the same as the EA stance on PAR rivers as we feel</p>	<p>Will have wide reaching support and aligns better with the far wider implementation of improved levels of voluntary catch and release.</p> <p>Will need to develop very clear messaging and deadlines around desired outcomes and the mid-term review.</p> <p>Anglers' perception of overly restrictive angling</p>	<p>Will need to monitor the uptake of club rules.</p> <p>There are several regional byelaws that already in place to deal with specific angling method issues, and these will remain</p> <p>We can still bring in local angling method byelaws if required e.g. specific equipment</p>

	<p>Would have support of Angling Trust and members of their Angling Advisory Group.</p> <p>Likely be supported by angling clubs and river representatives who already have well developed salmon angling codes of practice.</p>		<p>this will give a better outcome than implementation of a byelaw.</p> <p>Equal focus can be given to best practice angling methods that could not be bought by byelaw e.g. not beaching salmon, use of landing net and angling water temperature cut-offs.</p>	<p>method byelaws whilst limited action on other elements of Salmon Five Point Approach will be removed.</p>	<p>restrictions as part of the SW River Camel NLO</p>
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**Recommended Option:**

It is recommended that Option 2 (removal of Byelaw 13) is taken forward, the 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.
- England's rivers are more diverse than Wales and 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.
- Better support from tackle manufacturers and anglers who felt that implementation of angling method byelaws in 2019 would have given anglers little time to adapt.
- Many aspects of good practice cannot be effectively delivered by national byelaws.
- Voluntary approach to be tried first, this in line with Government's red tape challenge.
- Keep amended Byelaw 13 in reserve, with potential to revise and implement at mid-term review if codes of practice approach has not seen a satisfactory take up.

## Appendix 14: rational for revocation of existing NLOs – August 2018

### Background:

The proposed national Salmon and Sea Trout Protection Byelaws (here after referred to as the “proposed Byelaws”) will, if confirmed, be closing a number of net fisheries in England. Those that are closing are predominantly salmon focussed, exploit a mixed stock and use methods that do not enable salmon to be caught and released with a high likelihood of survival.

Currently fishing effort is controlled by Net Limitation Orders (NLO), these Orders, confirmed by Secretary of State, enable each Area to limit fishing effort on a river’s salmon stock to sustainable levels, or to set fishing effort to enable recovery back to sustainable levels. The assessments of the level of fishing effort a salmon stock can sustain are typically carried out 1-2 years preceding the expiry of the current NLO, however if a salmon stock changes status rapidly then these reviews can take place sooner. There may also be rod fishing restrictions brought in to complement net fishing restrictions. Where required additional byelaw(s) may be introduced with the NLO to restrict the take of salmon in addition to limiting the number of licences issued.

There are a number of NLOs and associated byelaws which would be rendered unnecessary by the proposed Byelaws, these are set out in Table 1.

**Table 1: Net Limitation Orders (NLOs) and associated byelaws where fisheries will be closed by the proposed national byelaws.**

Net fishery	Net Limitation Order	End date	Associated byelaws made as part of current NLO	Other notes
NE Drift nets	Environment Agency North East Coast (Limitation of Net Licences) Order 2012	05-Dec-22	NA	Order covers both drift nets and T and J nets with Part II – Articles 3, 4 &5 covering issuing of drift net licences.
Exe	Environment Agency (Limitation of Exe Estuary Draft Net Fishing Licences) Order 2011	26-May-21	NA	-
Tavy	The Environment Agency (River Tavy) (Limitation of Salmon & Trout Netting Licences) Order 2014	01-Apr-24	NA	-
Tamar	The Environment Agency (River Tamar) (Limitation of Salmon & Trout Netting Licences) Order 2014	01-Apr-24	NA	-
Lynher	The Environment Agency (River Lynher) (Limitation of Salmon & Trout Netting Licences) Order 2014	01-Apr-24	NA	-



Camel	Environment Agency (River Camel) (Limitation of Salmon & Trout Netting Licences) Order 2013	NLO expired - under review	River Camel Salmon Protection Emergency Byelaw (expires 31/10/2018)	-
Taw & Torridge	The Environment Agency (Rivers Taw and Torridge) (Limitation of Salmon & Trout Netting Licences) Order 2012	27-May-22	NA	-
Ribble	Environment Agency (Limitation of River Ribble Estuary Netting Licences) Order 2017	19-Jun-27	River Ribble Net fishing byelaws (expire 20/06/2027)	Net Byelaw sets out the number of salmon that can be retained by the net fishery and how these are allocated.
			River Ribble rod and line byelaw (expire 20/06/2027)	These byelaws limit the number of salmon that can be killed by rod anglers on the River Ribble.
Lune Drift net	Environment Agency (Limitation of River Lune Net Fishing Licences) (No 2) Order 2009	25-Nov-19	River Lune, Rod and Line, Time limited fisheries byelaw (expires 25/11/2019)	Main parts of NLO do not differentiate between drift net licences (fishery to close) and haaf net licences (fishery to remain). They are only specified separately, in terms of the number of licences issued, in the Schedule to the Order.

### Issues:

Legal advice has recently been sought in relation to the Camel net fishery which is currently closed by emergency byelaw. Here the current netsmen have inquired about the need for them to pay for and be issued a licence (despite the fishery being closed) so that they retain the ability to be preferentially issued a licence in the following year. This inquiry has highlighted this situation for other net fisheries in England that the proposed Byelaws would close if confirmed.

Section 26(1)(b) SAFFA 1975 provides us with the power within a Net Limitation Order to “provide for the selection of the applicants to whom such licences are to be issued where the number of applications exceeds the number of licences which may be granted”. It is therefore the Order itself that states how this selection is made; typically applicants who held a licence in the year preceding the year of application are preferentially issued a licence. The allocation of licences in this way is also used where NLOs are reducing the number of licences available, so that existing netsmen can continue to receive a licence provided they apply and pay the duty for one each year.

Therefore if the NLOs that cover net fisheries that the proposed national byelaws will close remain in place the netsmen who currently are issued licences are likely to feel that they are being placed in a position where they have to pay for a licence, so that they can continue to retain the ability to be issued a licence for as long as the relevant NLO exists. As we can only issue licences on payment of the specified duty, there is no legally robust way of providing them with a licence, or reassurance of being preferentially issued with a licence, unless they pay the specified duty. Reputationally this could put us into a position for receiving money for a licence that cannot be used.

In addition, legal advice is that it is not a satisfactory situation to have byelaws that prohibit fishing in place where an NLO remains i.e. a netsman can apply, pay for and be issued a licence for a fishery where that licence cannot be used.

### Recommendations:

To resolve these issues the recommendation for each NLO and its associated Byelaw(s) (listed in Table 1) are set out in Table 2. The power to revoke a confirmed Net Limitation Order is provided by Section 26(7) SAFFA 1975.

**Table 2: recommendation for each NLO and associated Byelaw(s)**

Net fishery	Net Limitation Order	Recommendation	Reasoning	Notes
NE Drift nets	Environment Agency North East Coast (Limitation of Net Licences) Order 2012	Retain whole Order	Although proposed Byelaw 7(1) prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a drift net in North East area (comprising Districts 1-7), the way the NE Coast Order is worded would require us to amend/vary the Order to remove all parts covering issuing of drift net licences. As Section 26 SAFFA 1975 does not provide us with the power to amend/vary part of a confirmed Order then this cannot be done.	For the NE Coast drift net fishery there will therefore remain in place on Order which allows for the provision of drift net licences, whilst the use of drift nets for salmon and sea trout is prohibit. This overlap of legislation is likely to remain in place until the current NLO expires in 2022. Clear and consistent lines to take will be needed for drift netsmen to manage this.
Exe	Environment Agency (Limitation of Exe Estuary Draft Net Fishing Licences) Order 2011	Revoke whole Order.	Proposed Byelaw 8 prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a draft or seine net in the River Exe and its estuary.	-
Tavy	Environment Agency (River Tavy) (Limitation of Salmon & Trout Netting Licences) Order 2014	Revoke whole Order.	Proposed Byelaw 8 prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a draft or seine net in the River Tavy and its estuary.	-

Tamar	Environment Agency (River Tamar) (Limitation of Salmon & Trout Netting Licences) Order 2014	Revoke whole Order.	Proposed Byelaw 8 prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a draft or seine net in the River Tamar and its estuary.	-
Lynher	Environment Agency (River Lynher) (Limitation of Salmon & Trout Netting Licences) Order 2014	Revoke whole Order	Proposed Byelaw 8 prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a draft or seine net in the River Lynher and its estuary.	-
Camel	Environment Agency (River Camel) (Limitation of Salmon & Trout Netting Licences) Order 2013	Order already expired.	-	-
	River Camel Salmon Protection Emergency Byelaw (expires 31/10/2018)	Retain emergency byelaw.	Current emergency byelaw has closed Camel net fishery, this measure will be duplicated by proposed Byelaws 7(3) and 8. However this duplication will only last until expiry of emergency byelaw in October 2018 and elements of the emergency byelaw covering the rod fishery are still required up until this date. The proposed byelaws that we will now be seeking confirmation of will not conflict or duplicate the rod fishery measures in emergency byelaw. No issues of allocation of licences to netsmen exist for this fishery as NLO which set these out has now expired.	Camel NLO review is underway, which is considering measures for net and rod fisheries. It maybe that no new NLO for the Camel is sought as closure of fishery is provided by proposed Byelaws 7(3) and 8, but this will need to be considered carefully when we are clear on confirmation of proposed Byelaws. Measures bought in as local byelaws for the rod fishery may still be required though to provide sufficient protection of stock as there are now no specific rod fishery measures in the proposed Byelaws that affect the Camel that we will be seeking confirmation off (other than renewal of existing measures provided by the current National Salmon Byelaws).
Taw & Torridge	Environment Agency (Rivers Taw and Torridge) (Limitation of Salmon & Trout Netting Licences) Order 2012	Revoke whole Order	Proposed Byelaw 8 prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a draft or seine net in the Rivers Taw and Torridge and their estuaries.	-
Ribble	Environment Agency (Limitation of River Ribble Estuary Netting Licences) Order 2017	Revoke whole Order.	Proposed Byelaw 7(2) prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a drift, hang or whammel net in River Ribble and its estuary.	-

	River Ribble Net Fishing Byelaw (expire 20/06/2027)	Revoke whole Byelaw	Proposed Byelaw 7(2) prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a drift, hang or whammel net in River Ribble and its estuary.	River Ribble Net Fishing Byelaw to be retained in Schedule 4 (Revocations) to the proposed Byelaws.
	River Ribble Rod and Line Byelaw (expire 20/06/2027)	Retain whole Byelaw.	Rod and line byelaw provides limit on the number of salmon that can be caught and killed by the Ribble rod fishery. Ribble salmon stock has changed status in 2017 (PaR) from 2016 (AR), and as a result Ribble rod fishery will not now have mandatory catch and release applied. The River Ribble Rod and Line Byelaw will therefore still be required so that there is a limit to the number of salmon killed.	River Ribble Rod and Line Byelaw to be removed from Schedule 4 (Revocations) to the proposed Byelaws.
Lune Drift net	Environment Agency (Limitation of River Lune Net Fishing Licences) (No 2) Order 2009	Retain whole Order	Proposed Byelaw 7(2) prohibits fishing/taking or attempting to fish/take for salmon or migratory trout by means of a drift, hang or whammel net in River Lune and its estuary. However Lune NLO covers issuing of both drift and haaf nets, with these only specified separately in the Order's Schedule. As proposed Byelaws permit the Lune haaf net fishery to continue to operate with the catch and release of all salmon caught, the Order is needed to limit the number of haaf net licences issued. As Section 26 SAFFA 1975 does not provide us with the power to amend/vary part of a confirmed Order then reference to drift nets cannot be removed from the Order.	As Order expires in November 2019, there will only be contradictory legislation in place for the Lune drift fishery for the 2019 season. The review of the Lune NLO to be undertaken for completion next year will be able to consider how the future NLO is worded to remove reference to drift net licences. Any rod and line measures will also be considered within this review. Clear and consistent lines to take will be needed for drift netsmen to manage this overlap in legislation for the 2019 season.
	River Lune, Rod and Line, Time limited fisheries byelaw (expires 25/11/2019)	Retain whole Byelaw	Rod and line byelaw provides limit on the number of salmon that can be caught and killed by the Lune rod fishery. Lune salmon stock has changed status in 2017 (PaR) from 2016 (AR), and as a result Lune rod fishery will not now have mandatory catch and release applied. The River Lune Rod and Line Byelaw will therefore still be required so that there is a limit to the number of salmon killed.	River Lune Rod and Line Byelaw to be removed from Schedule 4 (Revocations) to the proposed Byelaws. As Lune Rod and Line Byelaw expires at same time as the NLO, future rod measures to support catch and release will be considered as part of the Lune NLO review.

**Potential risks:**

Future resource requirements:

The proposed Byelaws are expected to be in place for 10 years with an expiry of 10 December 2028, all the NLOs and their associated byelaws that are being recommended for revocation would have expired by then. As NLOs for different fisheries have different expiry dates there is therefore a risk of a 'bunching effect' of new NLOs covering these fisheries all being needed at the same time. The resource to undertake these NLO reviews is currently limited and is likely to continue to be so given GiA pressures for migratory salmonid work. However we would expect to be reviewing the Byelaws in the run up to their expiry and continuing similar measures to protect salmon stocks that have not recovered. Therefore it is unknown what resource would be required to develop new NLOs as some, or all, fisheries may not need them. In addition any new NLO that is required would be best developed in-conjunction with the byelaw review and therefore use the same resource and evidence.

It is also expected that the proposed Byelaws will be formally reviewed within 5 years of confirmation. Any net fisheries being removed from them at this point would require a new NLO, and this would reduce the resource requirement for new NLOs needed at the time of the Byelaws' expiry.

It is concluded that the resource requirement at the time of the proposed Byelaws' review would not be substantially greater by revoking the NLOs (as recommended in Table 6) than it would be if the NLOs were left in place and expired at their current end dates.

Expectation of provision of licences:

Netsmen who currently hold a licence for the fisheries in Table 5 may expect to be preferentially offered a licence if the fishery were to open in the future, presuming that the number of licences issued would still be limited. We may also want to issue licences to those that held them when the fishery closed. If desired, this can be achieved by writing a suitably worded provision into the new NLO as section 26(1)(b) SAFFA 1975 provides with the power to do this.

With the confirmation of the proposed Byelaws and revocation of NLOs there is a risk of expectation by netsmen who have preferentially been issued a licence as a result of the provision in the NLO that covers that fishery. This expectation will need to be managed at Area (with National support) with clear communications to netsmen and the recording of these so they can be referred at the time of considering any new NLO.

**Benefits of recommendations:**

The following benefits are expected by implementing the revocations set out in Table 2:

- Where we can we will remove the measure that provides for the allocation of net licences for a fishery where that fishery is closed by the proposed byelaws.
- Provides a clear and consistent message that these net fisheries are closed.

- Existing provision of net licences, and the expectation or desire that existing netsmen may have for maintaining this provision, will be removed.
- On an annual basis we will not need to deal with the applications for 14 licences across 6 fisheries, this is approximately 10% of net licenses that are currently issued annually.
- Removes reputational risk of receiving money, in the form of net licence duty, for a licence that cannot be used.

## Remaining NLOs

For completeness the NLOs in England that will remain in place are listed in Table 3 along with the reason for this.

**Table 3: remaining NLOs**

Net fishery	Net Limitation Order	Reasoning
Anglian Coast	Environment Agency (Anglian Coast) (Limitation of Net Licences) Order 2015	This fishery targets sea trout and takes <10 salmon per year. Proposed Byelaws will require release of all salmon caught by the fishery. Therefore NLO needs to remain in place to manage exploitation sea trout.
Severn Estuary	Environment Agency (Limitation of Severn Estuary Draft Net Fishing Licences) Order 2014	Fishery is exploitation salmon stocks that are Probably Not at Risk, so proposed Byelaws do not bring in any new measures for these fisheries. Therefore existing NLOs are still needed to manage exploitation of salmon by these fisheries.
	Environment Agency (Limitation of Severn Estuary Lave Net Fishing Licences) Order 2014	
North East Coast	Environment Agency North East Coast (Limitation of Net Licences) Order 2012	NLO covers both drift nets and T and J nets. Proposed Byelaws allow T and J nets to continue to fish and take sea trout (with some season modifications), therefore NLO is needed to limit exploitation of sea trout. See Table 6 for further details on the drift net element of this NLO.
Kent Lave Net	Environment Agency (Limitation of Kent Estuary Net Fishing Licences) Order 2012	Proposed Byelaws will require release of all salmon caught by the fishery. Therefore NLO needs to remain in place to manage exploitation sea trout.
Leven Lave Net	Environment Agency (Limitation of Leven Estuary Net Fishing Licences) Order 2012	Proposed Byelaws will require release of all salmon caught by the fishery. Therefore NLO needs to remain in place to manage exploitation sea trout.
Lune Estuary	Environment Agency (Limitation of River Lune Net Fishing Licences) (No 2) Order 2009	NLO covers both drift nets and haaf nets. Proposed Byelaws allow haaf nets to continue to fish and take sea trout, therefore NLO is needed to limit exploitation of sea trout. See Table 2 for further details on the drift net element of this NLO.
Solway Estuary	Environment Agency (Limitation of Solway Firth Heave or Haaf Net Fishing Licences) Order 2018	NLO review concluded in 2018 for this fishery which has delivered S5PA objectives. NLO (and its associated byelaws) is therefore needed to manage exploitation of both salmon and sea trout by this fishery.

Southern Coastal	The Environment Agency (Southern Region) (Limitation of Salmon and Trout Netting Licences) Order 2008	Review of NLO currently being undertaken and proposal to close this fishery by byelaw is currently being advertised.
Christchurch Harbour	Environment Agency (Christchurch Harbour) (Limitation of Salmon & Trout Netting Licences) Order 2012	Fishery currently has zero NLO in place with no licences issued due to buy-out in 2012. S5PA objectives are therefore already being delivered through the current NLO, and it therefore needs to remain in place to ensure these objectives are delivered (zero take of salmon due to status of contributing stocks (Stour = AR & Hants Avon = PaR)).
River Dart	Environment Agency (River Dart) (Limitation of Salmon & Trout Netting Licences) Order 2015	Proposed Byelaws will require release of all salmon caught by the fishery, with reduced season length. Therefore NLO needs to remain in place to manage exploitation sea trout.
River Fowey	Environment Agency (River Fowey) (Limitation of Salmon & Trout Netting Licences) Order 2007	Proposed Byelaws will require release of all salmon caught by the fishery, with reduced season length. Therefore NLO needs to remain in place to manage exploitation sea trout. NLO is also currently under review.
Poole Harbour	The Environment Agency (Poole Harbour) (Limitation of Salmon & Trout Netting Licences) Order 2017	Proposed Byelaws will require release of all salmon caught by the fishery, with reduced season length. Therefore NLO needs to remain in place to manage exploitation sea trout.
River Teign	The Environment Agency (River Teign) (Limitation of Salmon & Trout Netting Licences) Order 2015	Proposed Byelaws will require release of all salmon caught by the fishery, with reduced season length. Therefore NLO needs to remain in place to manage exploitation sea trout.

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