



Paper Title:	New fishing controls for the cross-border rivers Dee and Wye: proposed application to Welsh Government for confirmation of new fishing byelaws for salmon and sea trout
Paper Reference:	Paper NRW B B 29.18
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Purpose of Paper:	Decision
Recommendation:	<p>Noting the requirement for an integrated catchment approach in the cross-border rivers Dee and Wye, and the need for consistency with the EA: -</p> <ol style="list-style-type: none"> 1. To comment on proposed amendments to previously advertised byelaws, 2. To consider and agree final proposals for new fishing byelaws 3. To give approval for an application to Welsh Government for confirmation of new byelaws for rod fishing for salmon and sea trout on the Dee (of 10 years' duration with a full review after 5 years). and Wye (3 years' duration).

Impact: To note – all headings might not be applicable to the topic	<p>How do the proposals in this paper help NRW achieve the Well-Being of Future Generations Act principles in terms of:</p> <p>Looking at the <u>long term</u>: protecting stocks of salmon and sea trout from further decline and promoting recovery towards sustainable status.</p> <p>Taking an <u>integrated approach</u>: fishing controls are only part of the story – we will continue work to promote river habitat quality restoration.</p> <p>Involving a <u>diversity of the population</u>: fishing is a popular pastime for a wide range of participants including the elderly and disabled.</p>
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	<p>Working in a <u>collaborative</u> way: we have able partners in the rivers trusts and need to maintain a productive relationship with them.</p> <p><u>Preventing issues from occurring:</u> we must act to protect our fish stocks, and catalyse stock recovery whilst NRW and partners' initiatives deliver river quality restoration.</p>
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1. Issue

Salmon and sea trout are iconic species in Wales, and yet stocks in many rivers have declined substantially in recent decades and are currently deemed unsustainable. We are therefore not securing the potential benefits for Wales that would result from healthy fish populations and the fisheries they can support.

Poor status also contributes to failures under the Water Framework Directive and the Habitats Directive.

NRW is in the process of securing new fishing regulations across Wales: -

- (i) A new Net Limitation Order was confirmed by the Cabinet Secretary in January 2018 for a 10-year period
- (ii) An application was made on the 20th February, following approval by the Board in January, for new rod and net fishing byelaws for rivers wholly in Wales
- (iii) Approval is now sought for an application to the Cabinet Secretary for confirmation of new rod fishing byelaws for the cross-border rivers Dee and Wye
- (iv) We will shortly launch a new statutory consultation for new rod fishing byelaws in the cross-border River Severn (Wales).

This paper therefore sets out proposed action to address one pressure, the effects of fishing on unsustainable stocks, on the cross-border rivers Dee and Wye, whilst recognising that continued work on other pressures is required.

2. Background

Our overall objective for migratory salmon and sea trout stocks in Wales is: -

“To protect, through the application of best-practice science and management, the sustainability of our natural resource of wild salmon and sea trout stocks in Wales.”

In addressing the objective, we consider the Sustainable Management of Natural Resources (SMNR) as defined in the Environment (Wales) Act (2016), together with our statutory duties and associated Government guidance. We are also mindful of UK's international commitments to NASCO (North Atlantic Salmon Conservation Organisation).

In delivering these objectives we will secure sustainable fisheries.

The status of our stocks of salmon and some sea trout has given serious and growing cause for concern. The Board has previously agreed the consideration and development of further fishing controls to respond to this, culminating in June 2017 with Board approval to launch statutory consultations on proposals for new rod and net fishing controls.

Byelaws provide the mechanism to control rod and net fishing activity, including the means for imposition of statutory Catch-and-Release (C&R) fishing, whilst a renewed Net Limitation Order (NLO) provides the statutory means to limit the number of net fishing licences that may be issued each year for fishing within the public net fisheries in estuaries around much of the coast of Wales.

New fishing controls are essential alongside ongoing priorities, initiatives and action by NRW, together with partners, to address other factors in freshwater and the marine environment that are contributing to stock decline such as habitat degradation, incidents of poor water quality, and predation.

Action to Date

We applied to Welsh Government for confirmation of a new NLO, and this was secured in January 2018.

Following Board approval in January, we submitted our application for confirmation of new 'All Wales' byelaws (excluding the cross-border rivers Dee, Wye and Severn) on the 20th February.

The Board is asked to note that, on the 23rd April, NRW issued a press release and simultaneously, a briefing to AMs, Welsh MPs, Local Fishery Groups and netsmen in which it was stated that: -

“at the moment, timescales for a decision are uncertain, so we are proposing that introduction of any new measures should not happen until the beginning of the 2019 rod and net seasons. We hope this will help clarify the situation for anglers, netsmen, fishery owners and clubs and associations”.

Action Proposed Now

This paper sets out the third of four stages in the process to amend fishing controls, by seeking Board approval to proceed to an application to the Cabinet Secretary to confirm new rod fishing byelaws for the cross-border rivers Dee and Wye.

2.1 Proposals for fishing controls

Cross border fishing controls are more complex than others as they require consideration by another jurisdiction.

However, it has previously been agreed with the Environment Agency (EA) that Natural Resources Wales takes the catchment lead for migratory fisheries matters on the Dee and Wye catchments, whilst the Environment Agency takes a lead for the River Severn.

We have analysed stock performance and trends and considered options to achieve our objectives for salmon and sea trout stocks. Further background information including the status of stocks is summarised in Annex 1.

Throughout this process we liaised extensively with fishing stakeholders and Welsh Government and, where appropriate, the EA. We compiled a comprehensive technical case in which options were assessed and a final proposal for new byelaws was identified (Annex 2).

To ensure an integrated catchment approach both NRW and the EA have independently consulted on identical byelaw measures for the rivers Dee and Wye (with future consultation planned for the River Severn). NRW advertised and carried out its consultation on byelaws for the Welsh jurisdictional areas of the Dee and Wye between the 13 November 2017 and February 5 2018, and the EA carried out a concomitant consultation, with identical proposals, for their jurisdictional area.

The proposals for the cross-border Dee and Wye are in line with the proposed 'All Wales' byelaws. The proposal is for a package of measures lasting for 10 years on the Dee, with a mid-term review, and for a shorter 3-year package on the Wye to expire on the 31st December 2021 which would be synchronous with existing Wye C&R byelaws.

The Board are asked to note that a submission to Welsh Government for approval of the proposed cross-border Dee and Wye byelaws would not be made prior to confirmation of the 'All Wales' Byelaws. This is because both sets of cross-border byelaws would be dependent on amendments made within the 'all Wales byelaws' proposals to the earlier and substantive 1995 Welsh fishing byelaws.

3. Consultation responses

The Board approved the launch of a formal consultation process lasting for 12 weeks, and this was advertised, promoted on our website, and presented to local fisheries stakeholders and to both our Wye and Dee & Clwyd Local Fisheries Groups. NRW took the lead role in stakeholder engagement.

NRW received 35 responses to the consultation, mostly from anglers and fishery owners and fishing associations, but also from NGOs. Additionally, 12 respondents requested that their earlier representations to the 'All Wales' byelaw consultation should also be considered as responses to the cross-border Dee and Wye consultation.

In England, the Executive of the EA approved its own statutory consultation, and this was run for a period of 4 weeks. They received 13 representations.

An analysis of representations made in Wales is presented in Annex 3, and a full report on the consultation will be prepared to accompany a future application for confirmation of new byelaws. A similar approach will be followed in England by the EA.

3.1 Alternatives suggested in consultation responses

NRW and the EA received suggestions for variations to the proposed control measures, amongst comments on specific pressures acting on stocks. These are summarised in Annex 4, and we have given very careful consideration to these.

3.2 Responses to Representations

NRW responded to all representations in Wales, and EA did so to all representations made in England. An analysis of consultation responses can be found in Annex 3, and recommendations made for alternative proposals in Annex 4.

4. Proposed amendments to byelaws

After scrutiny of the responses and consideration of the changes made to the All Wales byelaws, we have made amendments to the original proposals. These have been agreed with the EA and are summarised in Annex 5.

5. Addressing pressures

Similar themes and pressures to those raised in the 'all Wales' consultation have been highlighted in representations received, namely: -

- (i) Enforcement (resources, illegal fishing and enforcing new regulations),
- (ii) Predation (fish eating birds),
- (iii) Agricultural pollution,
- (iv) Hatcheries and stocking, and
- (v) Evidence and data.

NRW is actively addressing each of the pressures that affect fish stocks. We have new work underway on River Restoration Plans that, together with area statements and other priorities, we will use to continue to pursue environmental improvements, the Sustainable Management of Natural Resources, and delivery of our purpose.

6. Socio-economic considerations

Salmon and sea trout fisheries in Wales contribute many millions of pounds to local rural economies and also have an associated social value. We have recently reviewed evidence to provide appropriate metrics for this, so that interested parties have a shared view on the scale of economic benefit. This is because there have been different and sometimes old valuations quoted and we need to bring these valuations up to date where possible.

The existence of salmon and sea trout in our rivers is also an indicator of a healthy environment. Our aim is to maintain and improve social and economic benefits that sustainable recreational rod fisheries and net fisheries provide whilst conserving the fish that represent such an important part of our wildlife diversity.

In developing our approach, we have been mindful of the goals set within the Well-being of Future Generations (Wales) Act (2015): (A prosperous Wales; A resilient Wales; A globally responsible Wales). The Act requires us to improve the social, economic, environmental and cultural well-being of Wales.

We believe that the best way to maximise wellbeing and economic benefits for the medium to long term is through restoring our salmon and sea trout stocks, so that they return to levels able to support larger catches, sustainably. Our management proposals are intended to achieve this. We are aware that there is a risk of a short-term reduction in fishing activity however we believe this is offset by the prospect of continued access to fishing for both rods and nets into the future.

Considering the scale of recent net catches of salmon and sea trout, most of these fisheries cannot continue to be sustained by economic return. It is recognised by some that the cultural value of the fishery should be considered, but it is not clear that demonstration of cultural value must be dependent on being able to kill fish.

The measures being proposed for rods and nets would not ban fishing, merely the killing of salmon and, in some locations and times, sea trout. The overall impact would be less than many perceive, and it is difficult to avoid the conclusion that the conservation of valuable stocks outweighs any short-term impact on economic activity.

7. Habitats Directive (HD) and the Habitats Regulations Assessment

Salmon are a feature of both the Dee and Wye SACs (Special Areas of Conservation designated under the Habitats Directive), with populations in both classified as 'unfavourable'.

The Directive requires the UK to report on the conservation status of designated species every six years. The last report in 2013, set out the [status of Atlantic salmon](#) as 'Unfavourable-Inadequate'. Recent recruitment failures mean that it is now likely that we will see further decline in salmon stocks, and a deterioration in status to 'Unfavourable-Bad' in the 2019 report. It is therefore important that we implement all available management actions to prevent further deterioration and where possible reverse it.

Habitat Risk Assessments (HRAs) of the byelaw proposals have been prepared and will be provided to Welsh Government for their decision-making process.

8. Recommendations

Noting the requirement for an integrated catchment approach in the cross-border rivers Dee and Wye, and the need for consistency with the EA: -

1. To comment on proposed amendments to previously advertised byelaws,
2. To consider and agree final proposals for new fishing byelaws
3. To give approval for an application to Welsh Government for confirmation of new byelaws for rod fishing for salmon and sea trout on the Dee (of 10 years' duration with a full review after 5 years). and Wye (4 years' duration).

We recommend that the Board adopts the amended proposals set out in Annex 5 and approves an application to be made to Welsh Government for confirmation of new cross-border rivers Dee and Wye byelaws, once the 'All Wales' byelaws have been confirmed by the Cabinet Secretary.

9. Communication

We will communicate the Board's decision via: -

- Email communications to all migratory salmonid licence holders for whom we have contact details
- A paper to Local Fisheries Groups
- Letters to angling retail outlets
- News and documents placed on our website.

We will follow up these communications with ongoing dialogue with stakeholders so that we work together to implement any legal changes.

10. Key Risks

Protection of vulnerable fisheries:

The cross-border rivers Dee and Wye byelaws in Wales are dependent on amendments to the 1995 Welsh fisheries byelaws which would be enacted as part of the 'All Wales' proposals submitted to Welsh Government in February. We therefore cannot submit the cross-border Dee and Wye byelaws to Welsh Government for confirmation until we have a conclusion.

The National Salmon Byelaws (the spring salmon byelaws) that have been in place for 19 years, expire on 31st December 2018. These byelaws have prohibited the

killing of any salmon by nets before 1st June, and by rods prior to 16th June. Some Welsh net fisheries were exempted from some of the proposals allowing them to continue to fish for sea trout prior to 1st June whilst returning safely any salmon caught. In addition, the same byelaws have prohibited the use of bait (worm and shrimp/prawn) within these periods to reduce the risks of post rod-capture mortality.

If the new byelaws now proposed are not confirmed, the current fishing controls will lapse, and rod and net fisheries would therefore be able to legally exploit these early-running fish, representing unsustainable pressure on stocks.

Ongoing opposition:

We recognise that most responses have been in objection to these proposals.

We also acknowledge that some stakeholders have expressed concern about previous decisions that NRW has taken, most notably with regard to hatcheries on the Dee and the much reduced fisheries enforcement resources and presence on the Wye. We need to recognise these opinions and improve dialogue with stakeholders and demonstrate other work of NRW in response to other pressures affecting fish stocks.

Legal challenges:

We are aware of, and have assessed the likelihood of these risks. We have concluded that our proposed action is appropriate, is based on a sound framework of indicators and evidence and is in line with endorsed management procedures.

Technical concerns:

We recognise there is a need to better explain technical matters to our stakeholders, and will seek better ways to do this. There has been a recent challenge to our technical assessment methods however we remain confident that it is for purpose.

The progressive work on sea trout stock dynamics, targets and compliance is a good example of technical development.

Our ability to assess stocks and implement measures in response to declining abundance is resource-intensive, as well as being slow to respond in a timely manner. We need a system that allows us to assess and respond to changes in stock abundance more quickly.

We note more prompt action is now taken in other jurisdictions (notably Scotland and Ireland), and we have committed to ongoing work with the EA and Cefas to

design and implement a new annual assessment and response cycle by the time of a 5-year review. We reiterate that commitment here.

We reach different conclusions to the EA:

The EA has now completed a statutory consultation for all their rivers and are considering their responses.

It should be noted however that the EA have agreed with our proposals for the cross-border rivers Dee and Wye, and have advertised and consulted on commensurate byelaws for their jurisdictional areas of the Dee and Wye, where we take a catchment lead.

Our approach differs from that in other jurisdictions

Procedures are resulting in broadly similar outcomes in Scotland, Ireland and Northern Ireland (Annex 6).

Timescale and risk of delayed progress:

Resource constraints in both NRW and WG restrict our ability to move more quickly towards resolution. However, this matter is recognised by both organisations as a very high priority.

Concerns around action on other pressures

A rank order of pressures and issues identified in consultation responses is provided (Annex 3). These were broadly similar to those expressed in the all-Wales consultation.

Many of these are recognised by NRW and action is already underway on most. We will ensure clearer communications on these plans.

Board concerns:

We are committed to further work with the Board, should concerns be raised about any of the matters in relation to our proposals.

11. Financial Implications

We refer to the Board paper from May 2017. Technical and enforcement resources remain highly challenging. These are recognised by stakeholders and are highlighted in some of the responses received.

Actions required on pressures constraining stocks already feature in existing work plans across NRW.

Our organisational design work currently underway is seeking to ensure that we work in different ways, in more integrated teams and more effectively with partners so that we can deliver the sustainable management of natural resources.

12. Equality impact assessment (EIAS)

An EqlA has been carried out (Annex 7).

List of Annexes

1. Background to development of proposed new fishing controls for salmon and sea trout
2. Proposals advertised for new rod and net fishing byelaws and a new Net Limitation Order
3. Analysis of proposed rod and net fishing byelaws consultation responses
4. Recommendations made for alternative proposals
5. Conclusions – proposed amendments to byelaws
6. Arrangements in other jurisdictions:
 - Environment Agency: decision on statutory consultation for new fishing controls for salmon and sea trout
 - Inland Fisheries Ireland – regulation of salmon and sea trout fishing in 2018
 - Scottish Government: conservation measures to control the killing of wild salmon
 - Department of Agriculture, Environment and Rural Affairs (Northern Ireland) – angling regulations
7. Equality impact assessment