WATER RESOURCES ACT 1991

THE WALES ROD AND LINE (SALMON AND SEA TROUT) BYELAWS 2017

THE WALES NET FISHING (SALMON AND SEA TROUT) BYELAWS 2017

DOCUMENT NRW/4B

APPENDIX 1 TO THE PROOF OF IAN RUSSELL:

EMAIL FROM CEFAS TO WELSH GOVERNMENT IN RESPONSE TO WG REQUEST FOR REVIEW OF NRW TECHNICAL CASE

on behalf of

CEFAS and NATURAL RESOURCES WALES

NOVEMBER 2018

Jeremy

You asked for comments in relation to the draft proposals submitted by NRW in relation to possible new controls on the exploitation of salmon and sea trout in Wales. Three documents were provided initially:

- Draft technical case supporting a public consultation on proposals for new fishing controls (byelaws and a new Net Limitation Order) to protect salmon and sea trout stocks in Wales;

- Document containing supporting Annexes 1 to 13 (excluding Annex 3);

- Document containing supporting Annex 3.

Following the initial drafts (sent by you on 23 June), I subsequently received updated drafts of all three documents from NRW on 29 June. Following subsequent discussions with Pete Gough, I also received a further update of part of the technical case (executive summary, conclusions and next steps). This sought to clarify the final position in relation to the way forward on the proposed measures for the border rivers with England; this followed recent discussions between NRW and the Environment Agency. The latter revision was provided on 5 July.

I have reviewed each of the documents, but have focused my main attention on the draft technical case. I have made some suggested edits to this document (using track changes) and have added a number of comments for you and NRW to consider in updating this draft. These edits/comments range from minor typographical corrections to more substantive issues of fact or where the text could be improved to clarify things. If any further clarification is required on the points raised, I would be happy to discuss further with yourself or direct with NRW. Below, I have provided some more general comments on the technical case.

The Annex documents were provided as pdf files and could not be readily annotated. However, these documents largely contained tables and figures (N.B. I have taken the raw data provided in these documents at face value), so the few comments I have on these documents have also been listed below.

Technical Case

1. The decline in the status of salmon stocks in Wales (and England) is well documented and the most recent assessment of salmon stock status (for 2016) confirms that the majority of stocks remain in a depleted state. There was a marked downturn in stock status in 2014 and little appears to have changed since this time, with the vast majority of rivers in Wales currently categorised as being ‘at risk’ or ‘probably at risk’ - i.e. having a less than 50% probability of meeting conservation limits on a regular basis (in 4 years out of 5, on average - the defined management objective). In addition, juvenile surveys in freshwater indicate a downward trend in salmon fry abundance over the last 15 years in the majority of catchments for which suitable data are available.

2. Further, particular concerns have been raised about the very poor salmon fry levels observed in rivers across Wales (and England) in 2016. This appears to have been caused by a combination of abnormally high winter temperatures and, in some cases, elevated flows, alongside relatively low numbers of spawning fish. The unusual winter conditions experienced in 2015 are consistent with climate change predictions and highlight the increasing uncertainty that stocks are likely to face in the future. The low fry abundance in 2016 is likely to result in reduced smolt output and lower adult returns in coming years.

3. The status of sea trout in Wales appears to be a little better than salmon, but also gives cause for concern. The primary method for assessing the status of sea trout stocks in recent years has relied on examining trends in catch per unit effort. As such, this has substantial drawbacks compared to the assessment approach used for salmon and, while the same category descriptions are used, it should be recognised that these are not directly comparable. Based on the latest application of this approach, around one third of the principal sea trout rivers in Wales have been assessed as either ‘at risk’ or ‘probably at risk’.

4. NRW have, however, developed and applied a new approach for assessing sea trout stocks that is more biologically meaningful and provides reference points for assessing stock status that mirror the approach used for salmon. The application of this new approach is to be welcomed, although as with other approaches it relies on certain underlying assumptions which will ideally need to be verified further in the future. Using this new approach, closer to two thirds of Welsh sea trout stocks currently fall into the ‘at risk’ and ‘probably at risk’ categories.

5. Juvenile surveys for trout are more positive than those for salmon, with most catchments having relatively stable abundances or indicating positive trends over the last 15 years. However, trout fry densities in 2016 were also markedly below the recent 5-year averages in most catchments, indicating that they were also impacted by conditions in the winter of 2015.

6. The technical case thus makes a compelling case for further urgent conservation action to help arrest the decline in the status of salmon stocks, and to a slightly lesser extent sea trout, and to help restore stocks to healthier and more sustainable levels. The report recognises that both species are facing a wide range of environmental factors and stressors which are constraining productivity and stock status (and details some of the ongoing actions being made to address these). For salmon, the ongoing issues associated with poor survival at sea are a key concern, and highlight the continued importance of ensuring that conditions in freshwater are optimised.

7. NRW note that the current levels of exploitation are not the primary cause of the current low abundance and that the proposed measures will thus result in relatively modest increases in spawner numbers, although accumulated benefits would be expected over time. Nonetheless, it is entirely justifiable to aim to maximise spawner numbers in the short term and, while it is clearly important to continue to address the many other factors affecting stocks (e.g. water quality, habitat), it needs to be recognised that such improvements are only likely to be achieved over the longer term. As such, it clearly makes sense to implement appropriate fishery control measures in the short term to increase the numbers of fish surviving to spawn and to facilitate recovery.

8. The current technical case and supporting annexes are still in draft form and will require further editing. It is hoped that the various comments and suggestions included in the edited report attached will facilitate this process. In addition, there are some more general points that might help: (1) this may be a personal preference, but I believe it would help readability if the technical case was reordered somewhat, so that the assessment of stock status led directly into the options assessment with some of the other sections (e.g. wider issues, socio-economics) moved towards the back; (2) in the ‘wider issues’ section it might be useful to provide some additional examples of works being taken (e.g. as listed in the Annual Progress Report for NASCO), the current text is rather heavy on ‘process’ rather than actions; (3) it might be helpful to extend the useful analysis of potential benefits (additional eggs / spawners) that has been applied to some of the proposed measures across the whole package of measures; (4) there

is some duplication between text in the main report and annexes which could be addressed.

9. The measures proposed by NRW are varied and quite extensive in nature. In brief, these fall into three discrete strands:

- Renewal of the existing 'all Wales' NLO – this will provide ongoing restriction of net licence numbers at current levels for the majority of the fisheries (for which the current NLO expires in 2017). I understand that this will be pursued in the short term, with the expectation among net licensees that further conservation measures will follow. The net fisheries not included in the all Wales NLO are covered by alternative provisions (the fisheries on the River Dee are covered by a zero NLO, which doesn't expire until 2025; and small catch limits are imposed on the private lave net fishery on the River Wye).

- A new Byelaw covering net and rod fishing across Wales (excluding cross-border rivers). For nets, this will impose new unified opening and closing dates for the fishing season across all fisheries within the NLO. This will also impose statutory C&R fishing for salmon in all fisheries at all times (with the exception of the Wye lave net fishery where catch is capped at <2 fish per licence under terms of a lease). Netsmen will still be able to fish for sea trout during the season providing any salmon caught are released alive. For rods, the Byelaw will impose statutory C&R fishing for salmon in all rivers at all times, with the exception of the 3 cross-border rivers. There will also be a number of method controls. For sea trout, statutory C&R fishing will be required in those rivers in the period when net fishing is also constrained. A maximum landing size (slot length) will also be introduced for sea trout, along with a number of method controls. The Byelaw would apply for 10 years.

- New Byelaws covering the cross-border rivers (Dee & Wye). This will impose statutory C&R fishing at all times along with additional method controls. It is anticipated that complementary Byelaws will be issued by NRW and the Environment Agency to ensure that a consistent approach is applied for these catchments. The Byelaws would apply for 10 years.

10. The NRW Technical Case provides a comprehensive evidence base in support of these proposed measures, and these appear proportionate and reasonable. The measures have also clearly been designed to ensure proportionality in balancing the interests of both net and rod fishery sectors while addressing the underlying need to better protect Welsh salmon and sea trout stocks. I am therefore happy to endorse them.

11. In view of the detailed nature of the proposals, it seems likely that there will be a need for increased dialogue with stakeholders and enforcement effort once the measure come into force and become embedded.

Comments on separate report - Annex 1 – 13 (excluding Annex 3)

1. Annex 1 – principal salmon rivers. It would be useful to clarify that the 23 rivers include the Severn (along with the two other border rivers - Wye & Dee). The E & W Cleddau are usually reported as a single river (as they are in Annex 2 – principal sea trout rivers). The relevance of the asterisk on the SAC rivers listed in Annex 1 also needs to be specified.

2. N.B. There is a different Annex 1 included at the back of the technical case. Assuming this is also included, numbering will need to be clarified.

3. Annex 5 – this indicates that the sea trout stocks in Wales are assessed using just the CPUE method. No mention is made of the new approach. Much of the information (table, figures and decision structure plan) are repeated in the technical case or elsewhere, so seems to represent unnecessary duplication.

4. Annex 6 – again, much of this duplicates information in the technical case, so seems to represent unnecessary duplication. The headers on the scatterplots of CPUE (not included in the technical case) are incomplete.

5. Annex 7 – WFD compliance – this also duplicates the technical case. The introductory text to the figures (whether here or in the technical case) needs improving, as it is currently rather unclear.

6. Annex 8 – current projects and initiatives delivering fisheries outcomes. There was nothing in this annex, so it is unclear whether it is needed or is meant to be covered by the section in the technical case dealing with ‘challenges to stocks’.

7. Annex 9 – this is an extensive annex providing responses to an earlier questionnaire on exploitation controls. As far as I could see, there was no reference to this Annex in the technical case. It would seem to be appropriate to include a short section on the outcome of this survey in the report.

8. Annex 10 provides a further version of the decision structure plan, so is not needed.

9. Annex 11 – NRW Board Papers. These have not been reviewed in any detail as they have been assumed to reflect the more detailed technical case (and are already final documents presumably). They should, however, probably be referenced in the technical case. They also contain some points (e.g. on WFD compliance), which don't seem to have been included in the technical case and perhaps could be.

10. Annex 12 (NLO) & 13 (byelaws) don't seem to be referenced in the main body of the technical case report.

Comments on separate report - Annex 3

1. Annex 3 provides detailed catch and juvenile data for all the principal river catchments in Wales. As noted previously, these data have been taken at face value. Some minor corrections were noted: (1) legends on some of the early catch plots were incorrect (i.e. series 1 or series 2 rather than specifying 'rod killed' or 'rod released'); (2) given that counter data were provided for the Taff and Teifi, it was unclear why the returning stock estimates for the Dee were not included; and (3) unlike all the other plots, the net and fixed engine catch is missing the data for 2016.

Best regards

Ian

Ian Russell
Senior Advisor, Salmon & Freshwater
Science Directorate
Cefas Lowestoft Laboratory
Pakefield Road

Lowestoft
Suffolk NR33 0HT
UK
Phone: +44(0)1502 524330
Mobile: 07717 022949
Email: ian.russell@cefas.co.uk

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