

P-05-810 Fisheries Management

Y Pwyllgor Deisebau | 01 Mai 2018
Petitions Committee | 01 May 2018

Research Briefing:

Petition number: P-05-810

Petition title: Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

Text of petition:

Prevent the excesses of catch and kill of Salmon by implementing bag limits for catch and keep on all Welsh Rivers for 4 years developed on the basis of catchment specific data in close consultation with fishing clubs.

Implement a comprehensive stocking programme of native fish on all rivers.

Tighten and enforce current legislation to eliminate the menace of farming pollution and industrial pollution.

Suspend all large scale commercial net fishing and factory ship operations around the Welsh coast for a minimum period of 10 years.

Prioritise resource allocation to assist in managing catchment specific issues linked to excessive natural predation rates and barriers to fish migration.

Background

Welsh inland fisheries management

There are 33 rivers in Wales that contain some [salmon stocks](#), and of these [23 are classified as principal salmon rivers \(PDF 155KB\)](#). Of these 23 rivers, four are designated as Special Areas of Conservation (SAC) under the [European Habitats Directive](#). Conservation limits and management targets are in place for the principal rivers, and these are set by Natural Resources Wales (NRW).

Responsibility for managing inland fisheries and salmon fisheries in Wales rests with NRW. NRW, like other fisheries authorities in the UK, has powers to create national and local bylaws to assist with the conservation of fish stocks in Welsh rivers. These bylaws put in place a number of effort control measures to ensure that the exploitation of stocks takes place at

sustainable levels. These can include measures such as restrictions on what gear can be used to fish different species, the times of year at which different species can be fished and the locations where different species can be fished. One such method of effort control is known as a 'bag limit', a requirement which limits the number of fish taken per person per day. This method is used by Inland Fisheries Ireland in the [Management of the Wild Salmon Fishery 2018](#) regulations. Another method is known as 'catch and release'; this is a requirement for all anglers to return any fish they catch to the river (without killing them).

Fish stocking

Fish stocking is the practice of raising fish in a hatchery and releasing them into the environment as a way of augmenting fish populations. This is practiced in [recreational fisheries](#) as a way of restoring fish populations. Some organisations have suggested stocking may not always be the best management option for a fishery or watercourse and can have negative impacts such as reduced genetic variation and the introduction of competition. The [Wild Trout Trust](#) have a wealth of resources on this subject, including a 2003 Scottish Executive, Fisheries Research Service paper [To Stock or Not to Stock?](#) (PDF 456KB) which discusses this in detail. It states:

Advice on stocking is contradictory. Proponents raise expectations of large additional catches if the stocked fish survive. Critics emphasise the heavy costs set against the modest, if any, gains shown from past stocking initiatives, as well as the potential threats to health and genetic integrity of existing fish. What is clear is that stocking should only be considered as one of a number of possible courses of action.

A number of angling clubs are taking the decision to stop restocking, including the [Denbigh and Clwyd Angling Club](#) (PDF 234KB) in Afon, Clwyd.

Fish predation

Various species predate on fish, including birds and mammals, however the effect on fisheries is relatively unknown. A Swansea University research paper, [Fisheries and predators In Wales: a preliminary consultation](#) found:

Fisheries perceived Great cormorant [*Phalacrocorax carbo*], Grey heron [*Ardea cinerea*], Eurasian otter [*Lutra lutra*], American mink [*Mustela vison*] and crows [*Corvus sp.*] to be the greatest threat to their business, with birds perceived as the biggest threat overall (54%).

The Wild Trout Trust has published an [Avian Predation Information Paper](#). It states:

We believe that the primary focus for fishery interests in tackling predation problems should be the creation and maintenance of complex and varied habitat that gives fish a much greater chance of avoiding predators.

Agricultural pollution

Preventing water pollution is essential to protecting water quality and subsequently the health of Wales' waters and fish populations. More intensive farming methods have led to an

[increase in overall loadings of nitrogen to land](#), and the loss of some of this nitrogen into the aquatic environment.

The EU [Nitrates Directive \(91/676/EC\)](#) aims to reduce and prevent the pollution of water by nitrates from agriculture. Under the Directive, Member States are [required to identify surface and groundwater bodies](#) that are, or could be, high in nitrates from agricultural sources. Once Member States have identified such a waterbody they are required to designate it as a Nitrate Vulnerable Zone (NVZ). Any farmers operating within an NVZ are required to follow certain rules and restrictions known collectively as an 'Action Programme'.

EU Member States are required to review their implementation of the Directive every four years. They are required to use the outcomes of the review to make any necessary changes to the NVZ designations and/or to the Action Programme. The Directive is transposed in Wales by The [Nitrate Pollution Prevention \(Wales\) Regulations 2013](#) which make provision for implementing and enforcing the Nitrates Directive in Wales and set out the mandatory Action Programme requirements for Welsh farmers operating in NVZ designated areas.

Commercial sea fisheries

Small-scale fishing vessels under 10 meters in length account for over 90% of the fishing fleet in Wales. According to the Marine Management Organisation's [annual sea fisheries statistics for the UK](#) (MMO's 2016 statistics) there were 451 boats registered at Welsh ports and 753 fishers employed in the sector in 2016 (320 or 42% of which were part-time). Of these, 419 boats were under 10 metres and only 32 boats were over 10 metres.

Vessels under 10 metres in length are generally classed as small scale as they lack the ability to fish for long periods in the offshore region or to fish on the high seas.

Management of fisheries is devolved to Wales through the [Wales Act 2017](#) and the [UK Fisheries Concordat](#). The Welsh Government is responsible for management and regulation of intertidal, commercial and recreational sea fisheries throughout Wales, including its territorial seas (0–12 nautical miles) and the Welsh Zone (as set out in [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010](#)).

The 2010 Order gives the Welsh Ministers functions connected with fishing, fisheries and fish health in the area outside Welsh territorial seas, but within British fishery limits previously exercisable solely by the UK Government. The [Sea Fish \(Conservation\) Act 1967](#) is the principal Act used for the regulation of commercial fishing. In addition, the [Sea Fisheries \(Shellfish\) Act 1967](#) (as amended) gives Welsh Ministers additional powers relating to shellfish. The [Fisheries Act 1981](#) provides for the regulation of sea fishing and the enforcement of European fisheries regulations in the UK, associated with the [Common Fisheries Policy \(CFP\)](#).

The Research Service has been unable to find evidence of large scale netting or factory ships operating around the Welsh coast, and this has been confirmed by the Welsh Government in its response to this petition.

Welsh Government action

The Cabinet Secretary has provided a letter in response to this petition (attached).

Welsh inland fisheries management

NRW has responsibility for managing salmon fisheries in Wales on behalf of the Welsh Government. NRW has been going through a process of considering what additional actions, if any, may be required to address declines in salmon stocks in Welsh rivers.

On 17 March 2016 a [paper](#) was presented to the NRW Board which provided an update on the action taken by NRW in the last year to address declines. It also outlines proposals for further action. The paper states that whilst NRW does not believe fishing by rods and nets is the main cause of stock decline it believes that increasing the numbers of fish surviving to spawn in Welsh rivers in the short term 'can only be achieved if rod and net fishermen stop killing altogether'. NRW has stated that catch and release is favourable to the complete closure of a fisheries as it enable many of the socio-economic benefits of the fisheries to be maintained.

NRW states that it has undertaken formal and informal consultation on possible actions to manage salmon stocks with anglers and local fisheries groups, including undertaking a questionnaire.

In 2017 NRW undertook a consultation, [Salmon and sea trout catch controls 2017](#). The consultation was in 3 parts:

- The application for a renewed 'all Wales' 2017 Net Limitation Order;
- Proposals for new net and rod fishing byelaws across the whole of Wales (with the exception of the cross-border rivers Dee, Severn and Wye); and
- Proposals for new 'Cross Borders (Wales) Byelaws' to address matters in those three rivers.

NRW published an [Executive Summary](#) which looks at the options considered. It concluded the following for a 10 year period:

a 'zero kill' policy for salmon and some identified sea trout stocks through statutory catch-and-release fishing with appropriate restrictions on fishing methods - regulation of exploitation through new byelaw.

Fish Stocking

Salmon and sea trout stocking has been previously used in Wales to augment fish populations. However in December 2013 NRW reviewed its salmon and sea trout stocking activities and associated hatchery operations:

The review concluded that on the basis of scientific evidence the use of salmon stocking for enhancement and mitigation by both NRW and 3rd parties delivers poor outcomes for salmon populations and may have negative impacts.

Following a [2014 public consultation](#) salmon and sea trout stocking was stopped.

Agricultural Pollution

On 29 September 2016 the Welsh Government published a [consultation](#) on the review of Nitrate Vulnerable Zones (NVZs) in Wales. The consultation sought views on proposals for future NVZ designations and changes to the existing Action Programme. In a [written statement](#) on 13 December 2017, the Cabinet Secretary for Energy, Planning and Rural Affairs stated:

..our waters need greater protection from agricultural pollution. I am minded to introduce a whole Wales approach to tackling nitrate pollution from agriculture.

On 22 March 2018, in [scrutiny by the Climate Change, Environment and Rural Affairs Committee](#), the Cabinet Secretary said in response to questioning around agricultural pollution and what is being done to “ensure...farmers don't carry on with the malpractice”:

The voluntary approach clearly hasn't worked on its own, so let's have a voluntary approach with some regulation.

National Assembly for Wales action

Ahead of the 2017 consultation by NRW, the Petitions Committee considered petition [P-05-703 Proposal to Postpone the Restrictions on Fishing in Welsh Rivers](#). The Committee considered the petition for the first time and agreed to close it. It also agreed to send the petitioner's comments to NRW in advance of their planned consultation on salmon stock control measures originally due to take place in late 2016/early 2017.

In a Plenary [question](#) on 14 February 2018, Neil Hamilton AM asked the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, to give views on the “proposals to introduce a 10-year mandatory catch and release policy”. The Cabinet Secretary responded that she is “waiting for Natural Resources Wales to supply their recommendations”.

Neil Hamilton AM also raised the issue of the “predation by fish-eating birds” and the “extent of river pollution”. The Cabinet Secretary recognised the “significant agricultural pollution of our river”, stating that she “will ask the Minister for Environment to raise it with NRW at her next regular meeting”.

On 15 February 2018, Janet Finch-Saunders AM asked a [written question](#) to the Cabinet Secretary for Energy, Planning and Rural Affairs asking her to “provide the justification for the recommendation...of a catch-and-release policy”. The Cabinet Secretary responded:

NRW will now make a formal application to me to determine the byelaws under the Water Resources Act 1991.

Once I receive the formal application from NRW, hopefully later this month, I will consider the range of issues in detail before making a determination in line with the process set out in the Act. However, until this process is completed I am unable to comment further on the proposals.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.