



ANNEXES

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 (NLO)
3. Analysis of proposed rod and net fishing byelaws consultation responses
4. Recommendations made for alternative proposals
5. Conclusions – proposed amendments to measures
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. Dates of net and rod fishing seasons
8. Equality impact assessment

Annex 1

Background to development of proposed new fishing controls for salmon and sea trout

BACKGROUND – SALMON

STOCK STATUS

The status of our salmon stocks in Wales is very poor with 20 of our 23 principal salmon river stocks failing to achieve their management targets and likely to stay in this condition until at least 2021. All but 5 are assessed to be in ongoing decline. The 3 exceptions are 2 of the 3 cross-border rivers (Severn and Wye) and the Usk. Six rivers (including the 2 cross-border rivers Dee and Wye) are designated as N2K rivers, with salmon contributing to this designation, and 4 of these are deemed to be in unfavourable condition (the other 2 being un-classified).

SALMON STOCK MANAGEMENT – THE DECISION STRUCTURE

A Ministerial Direction in 1998 resulted in the implementation of the current salmon stock management regime in Wales and England. This followed advice from NASCO to use a system of conservation limits, management targets and annual assessment to assess stock status each year. An associated Decision Structure provides the management advice for managing fisheries exploitation. This now requires us to “urgently achieve zero exploitation by both rods and nets (include 100% C&R) whilst seeking to maintain socio-economic benefits where possible”.

NRW's predecessor body the National Rivers Authority introduced national byelaws requiring statutory C&R fishing for spring salmon (prior to June) in rod and net fisheries in 1999 and these controls were renewed by the EA in 2009. EA Wales followed the principles of the Decision Structure in implementing statutory C&R fishing on the Wye and Taff/Ely in 2012. These measures followed a period of no less than 20 years in which the need for uptake of voluntary C&R was impressed upon anglers. This was well received and rates of C&R increased however they have now generally stalled and with variable uptake:

Salmon (combined statutory and voluntary): 33% - 100% (mean 72%)

sea trout: 28% to 100% (mean 76%)

BACKGROUND - SEA TROUT

STOCK STATUS

There are 33 recognised sea trout rivers in Wales, including the 3 cross-border rivers, and our current assessment is that 21 of these are either 'At Risk' (11 rivers) or 'probably at Risk' (10 rivers) of failing to achieve their targets.

STOCK MANAGEMENT: A NEW APPROACH (BUILDING ON THAT FOR SALMON)

NRW has devised and now, as part of the current consultation, proposes to implement our new methodology for assessing sea trout stocks. This has been recognised by key NGOs and

endorsed by Cefas as a great improvement on past assessments, as it uses a procedure similar to that for salmon and avoids the use of simple catch trends. This marks NRW as a technically progressive body.

Using this approach, 21 of our 33 main sea trout rivers are assessed as currently failing to achieve their targets.

We have encouraged increased uptake of C&R for sea trout in vulnerable stocks on the same timescale as that for salmon. Uptake has been generally good, and often better than that achieved for salmon.

JUVENILE SALMON AND TROUT POPULATIONS

Recent observations on an unprecedented reduction in juvenile salmon populations, and some trout populations, across most of Wales indicate a wide-scale failure of spawning success in the winter of 2015/2016, and this has been tracked-through into 2017. This has substantial implications for the abundance of salmon in 2019 and 2020 for several rivers including the Usk, Tywi, Teifi and Clwyd amongst others. It appears that extreme weather, with localised high flows but wide scale high temperatures at critical stages are implicated.

The scarcity of 1SW fish has also led to the near-absence of juvenile salmon in those areas habitually used by this age group for spawning.

TECHNCIAL CASE

The background technical information is set out in full in our Technical Case that supported our current fishing controls proposals: -

<https://naturalresources.wales/media/682258/technical-case-structure-final.pdf>

The poor status of our salmon and some sea trout stocks requires our urgent attention and although this paper briefs on the current fishing controls debate, action is required under a much broader set of initiatives.

Annex 2

Proposals advertised for new rod and net fishing byelaws and a new Net Limitation Order (NLO)

Proposals for C&R fishing by nets and rods

The essence of our proposals, that were the subject of our statutory consultation (22nd August - 14th November) was for salmon, statutory C&R in the rod and net fisheries along with commensurate method restrictions to maximise the success of rod C&R fishing, and season amendments to net fisheries to reduce the risk of capture of salmon and large sea trout. For sea trout, we proposed targeted C&R fishing, appropriate method restrictions and a maximum size limit for rod caught sea trout to save large fecund female fish.

In developing our C&R proposals we noted that: -

- a) anglers will continue to fish for salmon within a statutory C&R regime. They do so now everywhere prior to June 16th,
- b) anglers continue to fish for salmon on the River Wye where statutory C&R fishing has been in place for 6 years now, and indeed the uptake of fishing there has increased (for a range of reasons),
- c) anglers continue to fish on rivers where local club rules require full C&R fishing (e.g. the River Ogmore),
- d) anglers continue to fish where clubs require full C&R in the autumn,
- e) anglers continue to fish where clubs require full C&R of sea trout that exceed a specified slot length.

A simple analysis of C&R by voluntary and statutory regime (Box 1 below) demonstrates why we believe mandatory measures are required, and why we have proposed this.

BOX 1

Voluntary C&R approach

Pros.....

- Preferred approach of majority of anglers and netsmen
- No change to current enforcement issues
- Resolves issue of how to deal with moribund fish as a result of capture

Cons....

- Will not achieve full saving of fish
- Continued kill of fish from unsustainable stocks
- Calls for voluntary approach have been in place for >10 years with variable uptake – some excellent, others not
- Urgent calls over last 2 years have not achieved higher rates of C&R (with only a few notable exceptions)
- Some reports suggest C&R rates are much lower than reported on some fisheries
- Uncertainty amongst fishermen about who is implementing and at what scale.
- Can require considerable resource to promote and maintain
- Required equity between rod and net fisheries
- Any failure to achieve high C&R rates would delay achievement of conservation objectives
- Uncertainty amongst anglers whether all adhere to voluntary code
- Increased risk of future fisheries closures because of a failure to act now.

Compulsory C&R approach

Pros....

- Achieves objective to maximise spawning escapement
- No uncertainty about C&R requirement – all must do it (creating a level playing field)
- Some clubs/associations have expressed generally that voluntary measures have been taken as far as they believe they can, and that further measures should be brought in by ourselves
- Maintains many of the socio and economic benefits without closing fisheries
- Reduces risk of fishery closures

Cons....

- Unpopular with a large proportion of fishermen
- Wounded, moribund and dead fish must be returned – reputational issue
- Claims that NRW does not trust anglers to voluntarily return fish
- Enforcement burden – many do not believe we can deliver.
- Reputational issues around anglers being 'easy' targets, whilst not tackling the harder issues

We further note that similar C&R requirements are in place on targeted rivers in Ireland, Northern Ireland and Scotland, and are currently at an advanced stage of consideration in England (Annex 6). Other countries have introduced similar controls (e.g. Norway and Canada).

Proposals: rod fishing method controls

We proposed byelaws to restrict fishing methods to those that are commensurate with effective C&R rod fishing: no treble hooks and barbless hooks only to be used, no bait fishing.

Proposals: sea trout slot limits

We proposed to set an upper size limit for sea trout caught in the rod fishery, to ensure that large fecund female fish, which have demonstrated their fitness, would be returned alive to continue to support the spawning populations.

Proposals: net fishing seasons

We proposed to rationalise the sea trout netting seasons to set consistent start and end dates wherever possible. This means postponing some start dates, and an earlier end to the season in other net fisheries, thereby saving early-running salmon and sea trout and later-running salmon in August.

The background technical information is set out in full in our Technical Case that supported our current fishing controls proposals: -

<https://naturalresources.wales/media/682258/technical-case-structure-final.pdf>

Proposed new NLO

A renewed NLO is crucial to regulate the number of net fishing licences issued for fishing in the public net fisheries around the Welsh coastline and estuaries.

Salmon and sea trout are caught in a variety of nets and instruments in the estuaries of Wales, comprising coracle, compass, seine, wade and hand-held lave nets. Some of these may be unique to Wales and are regarded by some to have cultural and heritage significance.

NLOs are set under the Salmon and Freshwater Fisheries Act (1975) and last for a period of up to 10 years. The 'All Wales NLO' comprises 13 different fisheries fish in 10 river estuaries, and caps the total number of licences at 45.

We advertised the new proposed order for a 12-week period (from 1 August, 2017 until 24 October, 2017).

[The Natural Resources Body For Wales \(Limitation Of Net Fishing Licences\) Order 2017](#)

The draft Order was advertised and promoted on our web site and communicated in writing to all existing netsmen. Additionally, meetings were held in Dolgellau (for netsmen in North Wales) and at Wolfs Castle (for netsmen in South West Wales).

The draft NLO proposed no changes to the number of licences available in each of the net fisheries.

It did however: -

- change the 'qualification' period from 2 to 1 years in the Tywi coracle and Teifi seine net fisheries. This is the period for which the NRW net licencing officer must give preference when allocating licences. This will bring these fisheries in line with all the other net fisheries in Wales.
- Clarify boundaries on the Tywi seine net, Dyfi seine net and Cleddau compass net fisheries (there were no changes to the physical extent of the fisheries, which replaced simple descriptions, that included marker posts, with 10 figure grid references)

Receiving no objections, we applied to WG on 1st November 2017 for confirmation of the new Order.

Annex 3

Analysis of proposed rod and net fishing byelaws consultation responses

We received 549 representations to the byelaws consultation.

Their stated fishing locations were: -

North Wales	384	69.9%
Mid Wales	20	3.6%
SW Wales	78	14.2%
SE Wales	48	8.7%
All Wales	16	2.9%
All UK	2	0.4%
Scotland	1	0.2%

These were contributed by:

Anglers	461	84%
Anglers' representatives (clubs)	39	7.3%
Netsmen	22	4%
Fishery owners	12	2%
Representatives of tourism	6	1.1%
Fishing tackle trade	4	0.7%
NGOs	3	0.6%
Other (including DCWW)	2	0.4%

The responses to our 3 core questions were: -

Do you agree with NRW stock assessments?

Yes	49	16%
No	225	72%
Don't know	37	12%
No response	0	0

Do you agree with the proposed net byelaws?

Yes	66	18%
Yes (in part)	2	0.5%
No	121	33%
Don't know	160	44%
No response	16	4%

Do you agree with the proposed rod byelaws?

Yes	49	11%
Yes (in part)	1	0.2%
No	378	83%
Don't know	12	3%
No response	17	4%

The key themes raised were: -

	Themes raised	Number of times each theme raised	Percentage
1	Predation by FEBs (piscivorous birds)	234	42.7%
2	Enforcement Resources – NRW would not be able to enforce new rules	216	39.4%
3	Should ban all nets	200	36.5%
4	Technical and evidence not adequate (should have broader engagement with Ireland and Scotland, and NASCO)	166	31.0%
5	Bag Limits (with or without a tagging scheme)	153	27.9%
6	Proposals would result in closure of clubs and/or loss of members	141	25.7%
7	Spring Salmon byelaws haven't made a difference	127	23.2%
8	Proposals would result in a reduction in economic Value	117	21.8%
9	Why have you not taken account of the 2017 survey results % catches	118	21.5%
10	Agricultural pollution damaging water quality	115	21.0%
11	Hatcheries are needed	113	20.6%
12	Reliance on catch statistics result in flawed assessments	76	13.9%
13	It should be voluntary, and not statutory C&R	73	13.3%
14	Predation by marine mammals	62	11.3%
15	Marine survival issues: include 'mega trawlers', fish farms, sea lice, predation	55	10.1%
16	Enforcement – NRW can't enforce new regulations	53	9.7%
17	Fishermen's presence on the river bank is a deterrent	46	8.4%
18	Proposals would result in a loss of visitors	37	6.8%
19	C&R from nets is not possible	34	6.2%
20	Comments on hooks - barbless	33	6.0%
22	Habitat restoration	28	5.1%
23	Proposals would result in a reduction in licence sales	26	4.7%
25	Proposals would discriminate against disabled anglers	25	4.6%
26	Comments on hooks - trebles	24	4.4%
27	Enforcement	23	4.2%
29	Use of juvenile data	22	4.0%
30	Proposed adoption of 60cm sea trout slot limit – alternative required	20	3.6%
31	A blanket approach (applied to all rivers) is wrong	18	3.3%
32	Stocking is required	16	2.9%
33	Predation – generally	15	2.7%

34	Water quality – generally	14	2.6%
35	Forestry and water – generally	14	2.6%
36	Abstraction – generally	13	2.4%
37	River Restoration Plans (are required)	12	2.2%
38	A fundamental right to catch (and keep) fish	12	2.2%
39	Ongoing project spend (e.g. not achieving commitments given)	8	1.5%
40	Rod fishing issues – generally	8	1.5%
41	Nets fishing issues - generally	7	1.3%
42	Duration of measures – 10 years is wrong	7	1.3%
43	NRW does not respond to incidents and intelligence reports	7	1.3%
44	NRW's new sea trout methodology questioned	7	1.3%
45	Acidification / liming – generally	6	1.1%
46	Heritage value of some netting operations	6	1.1%
	NRWs consultation is flawed: not listening to representations	6	1.1%
47	Why let nets continue when rods must adopt full C&R	5	0.9%
48	Proposals will lead to an Inquiry/Judicial Review	5	0.9%
49	NRWs proposals will effectively lose fisheries by making the season so short	5	0.9%
51	HEP – generally	4	0.7%
52	The Environment Agency approach is better	4	0.7%
53	Black Rock Lave Net Fishery – should be closed	4	0.7%
54	NRW VIRES is questioned	4	0.7%
55	Voluntary Access Agreements raised	3	0.5%
56	Proposals would lead to a loss of jobs	3	0.5%
57	Issue of canoes (not paying for access to rivers); voluntary access agreements	3	0.5%
58	Legal query re payment of compensation	3	0.5%
59	NRW relationships with stakeholders	3	0.5%
60	Stock modelling questioned	3	0.5%
61	Would proposals lead to a reduction in licence fees	3	0.5%
62	Water Quantity	2	0.4%
63	Net fishermen would prefer voluntary C&R	1	0.2%
64	Enforcement - illegal fishing is a major issue	1	0.2%
65	Compensation issue - other	1	0.2%
67	Compensation/legal – other	1	0.2%
68	Illegal fishing is a major issue - other	1	0.2%
	Total	2520	

Annex 4

Recommendations made in consultation responses for alternative proposals

There was a wide range of different suggestions for alternatives to the proposals made by NRW. These are summarised here, together with a brief comment by NRW.

Subject	Issue	Consultation Response	Adopt? Comment by NRW
RODS		Support rod proposals: 11% Oppose rod proposals: 83% Don't know/ no response: 7%	
C&R proposal	statutory or voluntary	<p>Alternative suggestions: -</p> <ul style="list-style-type: none"> - Seasonal C&R (after 30 August) - Statutory C&R only in SW and NW Wales where voluntary uptake is lowest - Statutory C&R only on spate rivers - extend full C&R to sea trout - Extend full C&R to all sea trout stocks assessed 'AR' and 'PAR' - statutory C&R for all rods and nets only to 30 May - statutory for rod only after 15 Sept - owners and clubs should decide on measures and manage 	<p>NO</p> <p>These various alternatives would not save fish as required. Salmon stocks and some sea trout stocks cannot sustain kill and harvest.</p> <p>Full C&R for sea trout is not justified, as some stocks are sustainable</p> <p>Our sea trout methodology is new and currently more tentative than that for salmon.</p> <p>We have pursued voluntary C&R fishing for 15 years with increased emphasis over the past 2 years.</p>
Seasonal variations to relax C&R proposals for both species would not save depleted fish stocks in order to respond to current unsustainable stock status.			

Bag limits (often with carcass tagging)	Proposed arrangement to constrain the kill of fish	<p>Bag limits for both species managed through the issue of carcass tags. Suggestions: -</p> <p>1, 3, 4 or 6 fish may be killed per season.</p> <p>Allow to kill each 'alternate' fish</p>	<p>NO</p> <p>All salmon stocks bar the cross-border River Severn and the Usk (where different issues apply) are unsustainable.</p> <p>Most sea trout stocks are unsustainable. Bag limits imply sustainability.</p>
Sea trout slot limit	Current proposal to set limit at 60cm	<ul style="list-style-type: none"> - minimum size limit 30cm - slot limit 40 – 45cm - upper slot limit 20" (51cm) - apply slot limit to nets also 	<p>NO. Existing lower slot limits already in place (variable to protect different age at maturity of brown trout).</p> <p>Too small, and would have unnecessary impact on many stocks; also too complex.</p> <p>Too small in some rivers, and would have unnecessary impact on sustainable stocks, e.g. the Dyfi</p> <p>Not needed, as early season proposals would save sufficient fish (to be kept under review).</p>
Salmon slot limit	No current proposal	- apply a salmon upper slot limit of 30"	NO. Salmon stocks are unsustainable
Timescales	implementation date	Delay until 2019	NO. We seek to implement ASAP with urgency associated with stock unsustainability

	duration of measures	Shorter duration than 10 years (5 suggested)	<p>10 years (2 cohorts) allows time for amplification of benefits, but 5-year interim review will provide an opportunity to relax or enhance measures in response to stock status (NB note proposal for Usk, below).</p> <p>NRW is committed to a full review and decision paper after 5 years</p>
Management issues	<p>alternative seasonal arrangements</p> <p>issues for SAC rivers</p>	<p>If statutory C&R: -</p> <p>Extend season to end of October</p> <p>Extend season to end of January</p> <p>End seasons on 30 Sept</p> <p>Salmon features are in unfavourable condition, so close fisheries on Dee, Gwyrfai, Mawddach, Teifi, Usk and Wye.</p>	<p>NO</p> <p>Some seasons in NW Wales currently extend to the end of October (or even into November for Anglesey).</p> <p>However there is little evidence of a late season run. These dates are close to, or within, the spawning season and we are seeking to maximise survival and spawning.</p> <p>NO. We do not believe there is evidence to require this, and note socio-economic issues.</p> <p>NO. Many benefits from keeping fisheries open. We believe we can achieve the outcomes we require through statutory C&R and associated controls.</p>

	Fisheries closure	Consider for all failing ('AR' and 'PAR') rivers	NO. We believe we need to retain benefits of keeping rivers open, and that objectives can be met through statutory C&R and associated controls.
Methods	Hook patterns	<p>Allow small barbed hooks</p> <p>Allow barbed hooks on flies</p> <p>Voluntary use of barbless hooks</p> <p>Allow trebles at night</p> <p>Allow only single barbless hooks</p> <p>Specify barbless hooks for bait after 1 May</p> <p>Allow barbless trebles</p> <p>Ban trebles larger than size 12</p> <p>Specify maximum hook size of 8</p> <p>Restrict trebles to smaller than size 8</p> <p>Ban all trebles</p> <p>Allow doubles on flies</p> <p>Only permit a single hook on spinners</p> <p>Only permit single barbless hooks</p> <p>Ban 'multi hook rigs'</p> <p>Clarify current byelaw that allows '9 hooks'</p> <p>Hook controls are unenforceable</p>	<p>Multiple suggestions received.</p> <p>We conclude that variations to proposals are required as follows: -</p> <p>Single barbless or de-barbed hooks (<13mm gape) only on lures (spinners and spoons and plugs)</p> <p>Single or double barbless or de-barbed hooks on flies (hook size > 7mm gape, approximately size 12).</p> <p>Barbless or de-barbed single, double or treble hooks on flies smaller than 7mm gape (approximately size 12).</p> <p>Addressed through proposed repeal of this 1995 byelaw</p>
	Flying C's	Restrict use to a single barbless hook (<13mm gape)	See above
	Bait	Regarding bait – multiple advice received	We conclude that a variation to

		<ul style="list-style-type: none"> - allow shrimp and prawn - allow worm - allow worm but only with circle hooks - allow bait if registered disabled ban worm - ban bait for sea trout) as for salmon) 	<p>proposals is required as follows:</p> <p>Shrimp and prawn fishing with barbless or de-barbed hooks (including trebles < 7mm gape) from 1st September.</p>
	<p>We have considered a total ban on worm fishing, but have concluded this is excessive when we have some sustainable sea trout stocks and in recognising the use of worm for brown trout in most rivers.</p> <p>We believe that permitting the use of shrimp or prawn towards the end of the season is acceptable, following advice received on typical hooking in the mouth.</p> <p>Both of these partly addresses issues for elderly and disabled anglers. See EQIA re elderly and disabled</p>		
River specific USK	Duration of a statutory C&R byelaw	Usk is 'PNAR' (proposed measures extended to the Usk due to juvenile salmon issue) so 10 years is considered unreasonable. Suggest align to Wye timeframe (i.e. 4 years, ending after 2021 season	YES
River specific TEIFI	Sea trout slot limit	<ul style="list-style-type: none"> - set slot limit at 50cm - explore options to maintain a fishery at Cenarth - revoke byelaw banning spinning and fly-fishing at Cenarth Falls Cenarth Falls fishery open 	<p>Discussed above</p> <p>YES</p> <p>TO BE REVIEWED</p>

	Black Rock lave net fishery	Mandatory C&R fishing Restrict catch limit from 15 to 5 per season	NRW is compliant with overall salmon net fishing controls in the Severn Estuary in permitting an ongoing catch based on residual mortality in the Wye rod fishery (or other relevant weakest SAC stock). This is capped as a condition of the current lease.
--	-----------------------------	---	--

Annex 5

Conclusions – proposed amendments to measures

Byelaw reference	Subject	Original Proposal	Revised Proposal
RODS			
Byelaw 1	Title		AMEND date to 2018
Byelaw 2	Application		NO CHANGE
Byelaw 3	Interpretation		AMEND TO ADD DEFINITIONS: “salmon” means salmon of the species <i>Salmo salar</i> and includes part of a salmon. “artificial lure” means any device, including spoons, spinners, wobblers and plugs, or artificial imitation fish baits made of any material which is designed to attract fish and which incorporates a fishing hook. “artificial fly” means a fishing fly that is primarily constructed from natural or synthetic fur and feather materials and which is designed to attract fish and which incorporates a fishing hook.
Byelaw 4	C&R salmon	Full C&R	NO CHANGE
Byelaw 5	C&R sea trout	C&R on specified rivers pre-1st May	NO CHANGE
Byelaw 6	Size limit sea trout	Slot limit 60cm	NO CHANGE
Byelaw 7 (1)(1)	Bait	No bait fishing for salmon	AMEND: Permit fishing with shrimp and prawn (with hook controls) from 1 st September
Byelaw 7 (1)(2)	Bait	No bait fishing for sea trout on specified rivers prior to 1 st May	NO CHANGE

Byelaw 7 (2,3,4,5 &6)	Bait	As drafted: – (1) no bait fishing for salmon, (2)no bait fishing for sea trout prior to the 1 st May on defined rivers (3) no use of float in Wye Fisheries District (4) revocation of paragraph (a)(5)(iii) of Byelaw 9 (5) specifying fly fishing only for salmon or migratory trout prior to 1 st June in the Usk	NO CHANGE
Byelaw 8 (1)(a)(1)	Hooks	Only barbless or de-barbed hooks may be used in fishing for salmon or sea trout	NO CHANGE
Byelaw 8 (1)(a)(2)	Hooks	No person shall use a bait or lure furnished with more than one hook unless the gape thereof measured from the shank to the point does not exceed 10 millimetres (0.375 of an inch) save and except that the gape of hooks attached to a plug bait may be as great as 13 millimetres (0.5 of an inch) provided that the said plug bait is used without any weight and in no case, shall any bait or hook be furnished with more than nine hooks and no weight or sinker shall be attached below the lure or bait.	AMEND TO ACHIEVE: On lures (spinners, spoons and plugs), single barbless hooks (<13mm gape) only. On artificial flies, hooks >7mm gape, to be single or double (both barbless / de-barbed) and On artificial flies, hooks <7mm gape, to be single, double or treble (all to be barbless / de- barbed hooks)
Byelaw 8 (1)(aa)	Hook and bait	Fishing for sea trout with a single barbless or de-barbed hook, no more than 8mm from shank to point and with a single worm	NO CHANGE
Byelaw 8 (2)(c)	Hook	“(c) Treble hooks No person shall fish for, take or attempt to fish for or take any salmon or sea trout with rod and line from any river in Wales excluding the River Dee; River Severn; and River Wye using a bait or fishing	AMEND TO: No person shall fish for, take or attempt to fish for or take any salmon or sea trout with rod and line from any river in Wales excluding the River Dee; River Severn; and River Wye using an artificial fly

		lure furnished with one or more treble hooks.”.	furnished with more than one treble hook.
Byelaw 9	Limits on catch	Byelaw 12A of the Rod and Line Byelaws 1995 (Limits on Catch) is revoked.	NO CHANGE

Byelaw reference	Subject	Original Proposal	Revised Proposal
NETS			
Byelaw 1	Title		NO CHANGE
Byelaw 2	Application		NO CHANGE
Byelaw 3	Interpretation		AMEND TO ADD: “salmon” means salmon of the species <i>Salmo salar</i> and includes part of a salmon.”
Byelaw 4 –	Annual close season: Rivers Tywi; Taf (coracle); Clwyd; Cleddau; Nevern; Teifi; Dyfi; Mawddach; Dysynni; Conwy.	The annual close season for net fishing for salmon and sea trout shall be the period between the 31 st day of July and the 1 st day of May.	NO CHANGE
Byelaw 5 –	Annual close season exceptions: Tywi; coastal waters adjacent to West Wales; Nevern; Teifi (Seine); Dyfi; Tywi (coracles); Taf (coracle); Teifi (coracles).	The annual close season for net fishing for salmon and sea trout shall be the period between the 31 st day of July and the 30 th day of April	NO CHANGE
Byelaw 6 -	Catch and release with nets (salmon): All rivers/fisheries	As drafted	NO CHANGE

SUMMARY – FINAL PROPOSALS TO THE BOARD

We propose to amend our original byelaw proposals in the following way.

NOTE – “No change” indicates that we do not intend to amend the advertised proposals

RODS

SALMON

C&R	statutory C&R on all AR & PAR rivers	NO CHANGE
Method controls	<p>amendments: On lures (spinners , spoons and plugs), single barbless or de-barbed hooks (<13mm gape) only.</p> <p>On flies hooks >7mm gape to be single or double only (both barbless or de-barbed) and hooks <7mm gape to be single, double or treble (all barbless or de-barbed hooks)</p> <p>Hooks byelaw 8 (1)(a)(2) (as proposed) to be amended to end anomalous reference to “nine hooks”</p>	
Revocation:	byelaw 12 (a) – daily and weekly limits on retaining catch of salmon (and sea trout)	NO CHANGE
Bait	<p>amendments: Shrimp and prawn permitted from 1st September, with single, double or treble hooks <7mm gape (barbless or de-barbed)</p>	

SEA TROUT

C&R	defined rivers, pre 1st May	NO CHANGE
Methods	<p>bait: single worm only on single hook <8mm gape (barbless or de-barbed)</p> <p>amendments: On lures (spinners , spoons and plugs), single barbless or de-barbed hooks (<13mm gape) only.</p>	NO CHANGE

On flies hooks >7mm gape to be single or double only (both barbless or de-barbed) and hooks <7mm gape to be single, double or treble (all barbless or de-barbed hooks)

Revocation: byelaw 12 (a) – daily and weekly limits on retaining catch of salmon (and sea trout) **NO CHANGE**

Bait **amendments:**
Shrimp and prawn permitted from 1st September, with single, double or treble hooks <7mm gape (barbless or de-barbed).

Slot limit **upper size limit of 60cm** **NO CHANGE**

OTHER

amendment:
Hooks byelaw 8 (1)(a)(2) (as proposed) to be amended to end anomalous reference to “nine hooks”

River specific proposal **Usk C&R.**
amendment:
statutory C&R to end on 31st December 2021.

Cenarth (Teifi) **to urgently review with intent to revoke existing method control byelaws**

NETS

Salmon	C&R	full C&R in all NLO rivers	NO CHANGE
Sea trout	Season amendments		NO CHANGE

Synopsis of net season changes

Fishery	Method	Opening date	Closing date	Reduction in duration of season
Cleddau	Compass	1 st June	31 st July	1 month, August removed
NeVERN	Seine	1 st May	31 st July	2 months, April and August removed
Taf	Coracle	1 st May	31 st July	2 months, April and August removed
	Wade	1 st June	31 st July	1 month, August removed
Teifi	Coracle	1 st May	31 st July	2 months, April and August removed
	Seine	1 st May	31 st July	2 months, April and August removed
Tywi	Coracle	1 st May	31 st July	2 months, March and April
	Seine	1 st May	31 st July	2 months, March and April
Conwy	Seine	1 st June	31 st July	1 month, August removed
Dyfi	Seine	1 st May	31 st July	2 months, April and August removed
Dysynni	Seine	1 st June	31 st July	1 month, August removed
Mawddach	Seine	1 st June	31 st July	1 month, August removed

NOTE

The National Spring Salmon Byelaws (2009) (NSSB) will be replaced in all rivers in Wales (excluding the cross—border rivers Dee, Severn and Wye) if the proposals presented here are confirmed.

Arrangements for cross-border rivers are:-

Dee	measures that might replace the NSSB in the Dee catchment are currently under consideration in the cross-border rivers statutory consultation
Severn	NRW is in discussion with the Environment Agency on arrangements for this river.
Wye	NSSB already replaced by the River Wye Rod and Line (salmon and migratory trout) Byelaws 2011.

Annex 6

MANAGEMENT ARRANGEMENTS IN OTHER JURISDICTIONS

This is provided to contextualise the proposals made by NRW.

Environment Agency (EA): decision on statutory consultation for new fishing controls for salmon and sea trout

The EA follows the same management procedures for salmon, and they have now reached the end of their pre-statutory consultation preparations. They will now launch a statutory consultation on: -

Nets:

- Closure of drift net fisheries in 2018 (the focus is on the very large mixed-stock fishery in the North East of England, but also those on the rivers Lune and Ribble)
- All other net fisheries on 'At Risk' and 'Probably at Risk' rivers that take salmon to close in 2019. (This will exclude the River Severn as this stock is currently 'Probably Not at Risk')
- Fisheries targeting some sea trout stocks will continue, but with statutory C&R of salmon

Rods

- statutory C&R of salmon in all rivers deemed 'At Risk' (10 of the 42 rivers) in 2018
- Voluntary C&R in 28 'Probably at Risk' rivers at levels to exceed 90% from 2018 or, if targets are not met, a byelaw for statutory measures to be introduced)
- Renewal of national spring salmon byelaws (requiring statutory C&R in all rivers from start of season to 15th June)
- Angling method restrictions.

NRW's position regarding the EA is: -

- The status of salmon stocks is generally worse in Wales: -

CLASSIFICATION	NUMBER OF STOCKS (RIVERS)	
	WALES*	ENGLAND
'At Risk'	8 (36%)	10 (24%)
'Probably at Risk' (stocks in decline)	12 (55%) 10	27 (64%) 23)
'Probably not At Risk'	2 (9%)**	5 (12%)
'Not at Risk'	0	0

* excludes River Severn

** rivers Wye and Usk

- NRW follows a different legislative regime following the principles of SMNR and adopting the wellbeing goals. They require greater precaution in managing our natural resources.
- We have appealed for full C&R rod fishing through voluntary means for many years with very variable results. Analysis of C&R data taking account of figures for the existing statutory period (prior to June 16th in each year) demonstrates that current voluntary C&R rate is sometimes as low as 60%.
- Feedback from some fishing organisations is that no further improvement can be made through voluntary means.

When stocks are sustainable and can support exploitation, we seek an appropriate equity of approach between net and rod fisheries.

Inland Fisheries Ireland (IFI): management of the wild salmon fishery 2018

IFI management and regulation of fishing for salmon and sea trout has been significantly amended over the past 5 years. Fishing for salmon is managed through a system of stock assessment that determines stock status and triggers management decisions for each river. Crucially this is done at the end of each annual season in time to influence the determination of management rules for the following year. This is overseen by an independent Standing Scientific Committee on Salmon, comprising scientists from a range of organisations.

On 29th December 2017 the Irish Minister with responsibility for the inland fisheries sector announced new byelaws to be implemented on 1st January 2018.

Of their 146 salmon rivers: -

- 78 rivers open for angling, of which

42 fully open for catch-and-kill
36 open with statutory C&R fishing
- 68 rivers closed for salmon angling as there is no surplus of fish

Further regulation of salmon fishing, and fishing for sea trout, is achieved through a system of bag limits and carcass tagging. Under this scheme: -

- There is an annual limit of 10 salmon or sea trout, under which there are daily and seasonal apportionments of the limit
- Tags and logbooks are issued to anglers to regulate the bag limit
- Where C&R fishing is permitted, anglers may not use worms and must use only single barbless hooks

- A prohibition on sale of rod-caught salmon

Full details may be seen here: -

<http://www.fisheriesireland.ie/Salmon-Regulations/salmon-regulations.html#angling-regulations>

Scottish Government: conservation measures to control the killing of wild salmon

The Conservation of Salmon (Scotland) Regulations 2016: -

- Prohibits the retention of salmon caught in coastal waters
- Permits the retention of salmon caught in rivers where the stocks are above a defined conservation limit
- Requires mandatory C&R fishing where stocks fall below their conservation limit

Details are available here: -

<http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence>

The Department of Agriculture, Environment and Rural Affairs (DAERA): angling regulations for salmon and sea trout

DAERAS states that: “As salmon stocks are declining across all North Atlantic countries there are limits on the number of salmon that may be retained.”

Management advice is based on the probability of each river meeting its conservation limit in 3 out of 5 years. If the probability of this is below a specified level, then statutory C&R fishing is imposed until stock status improves.

There is therefore a requirement for C&R to apply to all salmon and sea trout caught at any time in the DAERA licensing area (except in Lough Melvin, and in rivers where there is a surplus of fish above the conservation limit).

Bag limits (5 fish per year in rivers, 2 in Lough Melvin) is regulated through a carcass tagging scheme (fishing may continue after the limit is reached but on a statutory C&R basis).

Details are available here: -

<https://www.nidirect.gov.uk/articles/angling-regulations-rules>

Annex 7

Key dates of current net and rod seasons

As noted in the risk assessment, the timing of any announcement of byelaw confirmation must be considered alongside these key dates in the Welsh fishing calendar.

NETS

1 st March	Net season opens on rivers Tywi (coracles and seines) and Taf (coracle only) with exemption from National Spring Salmon Byelaws (2009) allowing fishing for sea trout, but statutory C&R for salmon.
1 st April	Net season opens on rivers Nevern, Teifi, Dyfi, with same exemption.
1 st June	Net season opens on rivers Taf (wade net), Cleddau, Dysinni, Mawddach, Conwy. National Spring Salmon Byelaw (2009) restrictions end for exempted net fisheries (mandatory C&R for nets). Salmon can now be harvested/killed in the net fisheries
31 st July	Net seasons closes on rivers Tywi and Taf
31 st August	All other net seasons close

RODS

3 rd March	Rod season opens on rivers Wye, Usk and Dee (salmon only). Statutory C&R only for salmon under National Spring Salmon byelaws (2009). Specific C&R for salmon and sea trout on the Wye.
20 th March	Rod season opens for salmon and sea trout on 19 rivers around Wales (Taff, Ogmere, Afan, Neath, Tawe, Loughor, Dyfi, Dysinni, Mawddach, Artro, Dwryd, Glaslyn, Dwyfawr, Llyfni, Gwyrfai, Seiont, Ogwen, Conwy, Clwyd). Rod season opens on River Dee (for sea trout). Specific C&R for salmon and sea trout on the Taff/Ely.

1 st April	Rod season opens on 8 rivers around Wales (Tywi, Taf, Cleddau, Nevern, Teifi, Aeron, Ystwyth, Rheidol).
16 th June	National Spring Salmon Byelaw (2009) restrictions end for rod fisheries (mandatory C&R and bait restrictions). Salmon can now be harvested/killed in the rod fisheries (with the exception of the Wye and Taff/Ely).
17 th October	All rod seasons close (some minor difference on Wye, Ogwen and Conwy).
25 th October	Rod season on River Wye (upstream of Llanwrthwl Bridge) closes.
31 st October	Gwynedd fisheries district rod seasons close (Dyfi, Dysynni, Mawddach, Dwyrdd, Artro, Glaslyn, Dwyfor, Seiont, Ogwen, Conwy)
17 th November	Rod season on rivers on Anglesey close.

Annex 8

Equality Impact Assessment in relation to proposed new net and rod fishing byelaws

PJG, 28.12.17

Our equality duties are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 which came into force in April 2011.

Welsh Government states that: -

“The Act aims to ensure public authorities and those carrying out a public function consider how they can positively contribute to a fairer society in their day-to-day activities through paying due regard to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations.

The Regulations place duties on the devolved public sector, including Welsh Government, covering equality impact assessments, publishing and reviewing Strategic Equality Plans, engagement, pay differences, procurement, reporting arrangements and equality and employment information.”

NRW requires an Equality Impact Assessment to be carried out for any subject that might impact upon any component of society.

<http://naturalresources.wales/about-us/equality-and-diversity/?lang=en#>

Equality Impact Assessment (EqIA)

This paper follows a commended structure for an EqIA.

Background

Name of function	Fisheries, Environment Policy and Permitting
Person responsible	Peter Gough
Timescale	January 2018, associated with Board consideration of proposed new fishing controls
Due date	tbc (submission to Welsh Government)

Summary of outcome of impact assessment:	adverse effects not found
Date due for review:	5 years after implementation of new measures
Person responsible for review:	Peter Gough

(1) NRW function and policy	NRW response
Purpose of the function	Implementation of statutory duties for fisheries and Welsh Government guidance.
Who benefits from the function	<ul style="list-style-type: none"> • People of Wales, in terms of environmental quality and sustainability • Rod and net fishermen in terms of access to fish stocks
How have they been involved with current policy (interpreted here as the proposed new fishing controls):	Liaison and engagement during development of proposals
How does it fit into broader corporate aims	Restoring stocks to sustainable levels, with respect to SMNR
What outcomes are intended from this policy	Maximising spawning escapements; arresting declines in stocks
What are the resource implications	<ul style="list-style-type: none"> • Routine annual stock assessments • Enforcement of new byelaws • Mid-term review after 5 years
(2) Rapid impact checklist	
Have potential negative impacts been identified for racial or other equality groups?	<ul style="list-style-type: none"> • Racial No • Disabled and elderly <ul style="list-style-type: none"> - Prohibition of bait fishing might reduce opportunity for both groups. - Proposal is only to prohibit bait fishing for one species (Atlantic salmon) and to postpone the bait fishing season for sea trout on some rivers. Subject to this, bait fishing may continue for sea trout and brown trout (and other non-salmonid species)
If yes, has a full Equality and Diversity impact assessment been recommended?	N/A

If no, are you satisfied that the conclusions of the RIC are accurate and comprehensive?	Yes (but see impacts assessment and modifications sections below)
--	--

(3) Impacts		
<p>(a) What is the likely impact (intended, or unintended; positive or negative) of the initiative on individual users or the public at large?</p> <p>Restriction of use of bait fishing might constrain previous lawful activity of some elderly and disabled anglers less able to use fly-fishing and spinning techniques.</p> <p>However, the proposed restrictions are partial as they: (i) propose bait fishing on all salmon stocks and (ii) propose early season (prior to 1st May) prohibition on bait fishing for sea trout in defined rivers (thereafter bait fishing for sea trout would be permitted).</p> <p>Overall therefore the proposals are for partial control and not full prohibition on bait fishing. We aim to amend the proposal for a bait ban (the use of shrimp and prawn) partly as a result of consideration in this equality assessment.</p>		
<p>(b) Is there likely to be a differential impact on any group? If yes, state if this impact may be adverse and give further details (e.g. which specific groups are affected, in what way, and why you believe this to be the case).</p> <p>A full bait ban might have a differential impact on anglers who may be elderly or disabled and potentially less able to practice other fishing techniques.</p> <p>However as noted above the proposed prohibitions are partial and therefore only restrict, and do not fully prohibit, this fishing technique.</p>		
Sector	Yes / No	Adverse? If so give further details
(i) Grounds of race, ethnicity, colour, nationality etc.	No	n/a
(ii) Grounds of sex or marital status	No	n/a
(iii) Grounds of gender: transgender; trans-sexual	No	n/a
(iv) Grounds of religion or belief	No	n/a (although we note that it has been expressed by one person that statutory C&R for some might be in conflict with certain religious and moral views,

		especially if a fish is moribund. However we note that more than 1 million coarse fishermen invariably release fish alive. Although we take this seriously, we see no workable alternative to the current proposals. Overall we do not believe this is an adverse factor.
(v) Grounds of physical or sensory impairment or mental disability: disabled people	No - noting points (a) and (b) above	n/a
(vi) Grounds of age: older and younger people	No - noting points (a) and (b) above	n/a
(vii) Grounds of sexual orientation: LGBT	No	n/a
(viii) Grounds of offending past	No	n/a
(ix) Grounds of mental health	No	n/a
(x) Other grounds: e.g. poverty, homelessness, immigration status, language, social origin	No	n/a
(c) Is the policy directly discriminatory? No	(d)(i) Is the policy indirectly discriminatory? No (ii) If “yes”, is this objectively justifiable or proportionate in meeting a legitimate aim?	(e) Is the policy intended to improve equality of opportunity? No
If you answered Yes to QC and No to QE, this is unlawful discrimination		
If you answered Yes to QD(i) and No to QD(ii), this is unlawful discrimination		
If the policy is unlawfully discriminatory, you must decide how to ensure the organisation acts lawfully N/A		
(f) If the policy is not directly or indirectly discriminatory, does it still have an adverse impact? Yes / No Yes Please give details		

We are advised that the proposals could potentially reduce access to fishing for some elderly and disabled anglers

(4) MODIFICATIONS

If you answered **Yes** to QF, and the policy could have an effect on any group, how could you modify the initiative to reduce or eliminate and identified negative impacts or to create or accentuate positive parts of the development?

We have considered: -

Dispensation for groups affected. This could be through the licencing system or via the 'blue badge' local authority regulated scheme.

Holders of migratory salmonid concessionary licences (excluding minor in-season upgrades) in 2015/16: -

Senior licence holders	1,639	= 29% of licence sales
Disabled licence holders	342	= 6% of licence sales
Other licence sales	3,681	= 65% of licence sales
TOTAL		35% of licence sales and 32% of revenue (~£95k of ~£292k)

Considerations:

A large proportion of licence sales are concessionary sales to senior citizens and disabled citizens.

They are all currently able to use bait fishing for sea trout (and brown trout and non-salmonid fish) either all-season or after the 1st May (for sea trout) on specified rivers.

Allowing bait fishing to continue for salmon is not sustainable.

Conclusion:

We have considered potential alteration of proposals using data from our rod licence sales system, but not currently by analysis of 'blue badge' holders amongst the angling community.

We are unaware of any groups amongst the net fishing community who might be affected by any of our proposals.

The proposals seek to control the use of tactics available to concessionary licence holders (the use of bait) and not to deprive the opportunity to continue fishing. We therefore see no reason to offer a dispensation for an extended use of bait over and above that which would be offered under the proposals.

If you make these modifications, would there be impacts on other groups in society or on the ability of the initiative to achieve its purpose?

n/a	
(5) FURTHER RESEARCH	
(a) Given the analysis so far, what additional research or consultation is desirable to investigate the impacts of the proposals on diverse groups?	
(i) New primary data? Yes / no No Describe:	(ii) Secondary analyses of existing data? Yes / no No Describe:
(6) REVIEW	
We propose to review the situation via our Local Fisheries groups, from whom we shall seek evidence of unsatisfactory outcomes for any specific groups of participants.	