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9th July 2019

Dear David

Draft Habitats Regulations Assessment of the Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017 – byelaws 4, 7 and 8

Thank you for consulting the Strategic Assessment Team in Natural Resources Wales on the draft Habitats Regulations Assessment (HRA) of the Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017, byelaws 4, 7 and 8. Our comments are made in the context of our role as the Appropriate Nature Conservation Body (ANCB) under the Conservation of Habitats and Species Regulations 2017. It is also our understanding that you intend to forward our comments alongside your draft HRA to Welsh Government to inform the Welsh Ministers' consideration of whether to confirm the byelaws.

The Strategic Assessment Team is in receipt of legal advice on the basis of which we advise that, should the byelaws be expected to result in an improvement over the current situation with regard to the achievement of the conservation objectives of all relevant European sites, then it can be determined either that the confirmation of the byelaws is not likely to have a significant effect on any relevant European site, or that it will not adversely affect the integrity of any relevant European site.

We provide additional comments below:-

1. We note that the byelaws apply to rivers that lie entirely within Wales. The geographical area covered by these new byelaws encompasses seven Special Areas of Conservation (SACs), namely Afon Tywi/ River Tywi SAC, Afonydd Cleddau/ Cleddau Rivers SAC, River Usk/ Afon Wysg SAC, Afon Teifi/ River Teifi SAC, Afon Eden – Cors Goch Trawsfynydd SAC, River Usk/ Afon Wysg, and Afon Gwyrfai a Llyn Cwellyn SAC. Many of these have Atlantic salmon *Salmo salar* as an interest feature, amongst a number of other fish and other riverine related features.

2. We note that the purpose of the byelaws is, *inter alia*, to reduce salmon and sea trout mortality from rod and line fishing in Welsh rivers, and thereby increase the number of adult fish that are subsequently able to breed. We understand that the byelaws are a regulatory response to a continuing decline in salmon and sea trout stocks in these rivers. The reduction in mortality is intended to be achieved through a statutory requirement to release all salmon and sea trout caught, and by prohibiting the use of certain fishing methods. As such, in our opinion, these new byelaws should lead to an improvement in mortality rates as compared to current mortality rates from rod and line fishing, since if the new byelaws are not confirmed, mortality rates would be expected to be higher than if the new byelaws are confirmed. On that basis, the introduction of the byelaws should help to reduce one of the pressures on Atlantic salmon populations as designated features of a number of SACs.
3. We note that the mortality rates of sea trout and Twaite and Allis shad are also expected to be reduced.
4. We also note that the mortality rate of salmon (and sea trout), caught by rod and line and then released, is up to 15% of the number caught. Therefore, while the introduction of these byelaws would clearly represent an improvement in comparison with the situation pertaining if the byelaws are not confirmed, it will not remove all the pressure that mortality from rod and line fishing presents to a number of declining SAC Atlantic salmon populations.

We hope that you find these comments useful, but if you would like to discuss any of these points further please do not hesitate to contact Roger Matthews via the Strategic Assessment mailbox at strategic.assessment@cyfoethnaturiolcymru.gov.uk

Yours sincerely



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