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Dear Dave

Habitats Regulations Assessment of the annual allocation of salmon and sea trout net licences in Fisheries covered by the All Wales Net Limitation Order (NLO) 2021

Thank you for consulting the Strategic Assessment Team (SAT) on the Habitats Regulations Assessment (HRA) of the annual allocation of salmon and sea trout net licences in Fisheries covered by the All Wales Net Limitation Order (NLO) 2021. 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 (as amended).

In summary, we agree with the conclusion that the annual allocation of salmon and sea trout net licences in Fisheries covered by the All Wales Net Limitation Order (NLO) 2021 will not have adverse effects on the integrity of any National Site Network (NSN) sites when considered alone or in-combination with other plans or projects.

We provide our comments below:-

1. We note that the annual net licence allocations apply to rivers or lengths of rivers that lie within Wales. The geographical area covered by these allocations encompasses or has the potential to affect a number of Special Areas of Conservation (SACs) and Ramsar sites, namely:
Afon Tywi/ River Tywi, Afonydd Cleddau/ Cleddau Rivers SAC, Afon Teifi/ River Teifi SAC, Afon Eden – Cors Goch Trawsfynydd SAC, Pen Llyn a'r Sarnau/ Llyn Peninsula and the Sarnau SAC, Cors Fochno and Dyfi Ramsar site, Bae Caerfyrddin ac Aberoedd/ Carmarthen Bay and Estuaries

SAC, Y Fenai a Bae Conwy/ Menai Strait and Conwy Bay SAC and Sir Benfro Forol/ Pembrokeshire Marine SAC.

A number of these sites have Atlantic salmon *Salmo salar* as an interest feature, amongst a number of other fish species and other riverine related interest features.

2. We note that the purpose of the NLOs is to limit salmon mortality from net fishing in Welsh rivers. We note that salmon populations have continued to decline across Wales despite the previous regulatory regime being in place over the last 10 years. As a result of this we note that these licences place further restrictions on the net fisheries such that:
 - a. All salmon must be released with minimum injury and delay (i.e. mandatory catch and release);
 - b. The start of the season is delayed until 1st May on the Tywi, Taf coracles, Teifi, Nevern and Dyfi (effectively removing 1 or 2 months at the beginning of the season);
 - c. All net fisheries will close on 31st July (removing August from all net fisheries).
3. An HRA is an assessment of potential impacts that a proposal may have on National Site Network (NSN) sites, regardless of whether those impacts are intentional or unintentional. It is therefore important to consider both the impact of any salmon that are taken and intentionally killed, which in this case is zero due to the NLOs requirement that all salmon caught must be released, and also any residual mortality, i.e. salmon that are caught and released but subsequently die as a result of physical injuries and/or stress sustained during the catch and release process.
4. Because salmon stocks in the SAC rivers where salmon are an interest feature (Afon Teifi/ River Teifi SAC, Afon Eden – Cors Goch Trawsfynydd SAC) are currently below target levels and failing to meet their conservation limits, and because this is predicted to continue for at least five years in to the future, it is clear that the conservation objectives that the salmon populations are stable or increasing over the long term are not being met. Against this backdrop, we acknowledge the challenge of being able to determine an acceptable level of residual mortality of salmon as a result of catch and release that can be considered insignificant.
5. We note the evidence (published literature, grey literature and anecdotal) presented in the Appropriate Assessment of the HRA document that the residual mortality for salmon caught and released using seine nets in Wales is negligible, and therefore does not have an adverse effect on site integrity. We note that the evidence available in relation to residual mortality from coracle nets is more limited.



However, we note the Byelaw requirement for the coracle net mesh size and the seine net mesh size to be similar, the immediate retrieval and release of any fish caught, the guidance produced and promoted on best practice release, and the anecdotal evidence of negligible observed mortality or injury from coracle netting catch and release, hence the comparison of residual mortality rates with the published seine net studies. We understand from you that there are no other studies for coracle net fisheries that indicate higher residual mortality rates.

6. To continue to support this conclusion in future years, we would encourage you to undertake or facilitate the collection of additional robust evidence specifically in relation to residual mortality of salmon following catch and release from coracle nets.
7. With regard to the other interest features considered in the HRA document other than salmon, we agree with the conclusion of no adverse effects on integrity of any NSN sites alone or in combination with other plans or projects.

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

A handwritten signature in blue ink, appearing to read 'CHH'.

Caroline Hawkins
Corporate Planning, Performance & Strategic Assessment Manager