

# Environment Agency Salmon Byelaw Consultation

Response by the

**Institute of Fisheries Management**



Institute of Fisheries Management

[www.ifm.org.uk](http://www.ifm.org.uk)

## Questions on the salmon byelaw consultation

### ***7. Please tell us if you object to, or support, the renewal of the byelaws to protect spring salmon stocks and provide your reason why.***

We broadly support the continuation of this measure. While MSW stocks have recovered somewhat, stocks overall remain low and it is reasonable to protect the most valued part of the spawning stock. However, we only support in part the means by which these might be achieved. Management of salmon stocks should be more dynamic and responsive to the state of stocks and environmental conditions each year that affect catch rates in different fisheries. Such a management philosophy would also be more socially and economically acceptable. It would be more readily justified to those businesses that might feel unnecessarily constrained if salmon reappeared in abundance locally, particularly if they had been forced to give up fishing.

### ***8. Please tell us if you object to, or support, the proposed byelaws for net and fixed engine fisheries and provide your reason why.***

Support in part. Again it depends on how the fish are captured and the presence of other species alongside salmon. This is recognised to a large extent in the approach taken in the different fisheries.

Specification of closed season periods is a blunt instrument that does not recognise the economic and social problems that it may cause. It takes no account of the abundance of stocks and it takes no account of between year and within year variations in run timing. It would have been of value to see evidence of these in the Technical Case. Nor does a fixed closed season allow for other adverse socioeconomic effects on fishing activity during the open season, such as bad weather.

There is also the question of diversion of fishing effort from salmon fisheries onto other species and localities, which may make these unsustainable. Mandatory catch-and-release or other restrictions will place pressure on other fisheries that do not have these restrictions.

Retaining some fishing effort locally brings the benefit of self-policing of regulations. Quotas on catches in set periods would give a more dynamic approach yet still allow some fishing to continue.

The measures taken also need to be appropriate for the capture method employed, for example few fish caught in gill nets survive in comparison with capture by angling. Byelaw 9, which requires the release of any salmon caught by lare nets on the Kent and Leven and seine or draft nets in Poole Harbour is sensible, as the likelihood of survival of salmon released from these nets is high. We therefore support this part of the byelaw. However, the situation with T or J nets in the North East area is more complicated. The specifications in the byelaws would appear to allow capture of fish by acting as gill nets, and this is certainly true of J nets. This means that varying proportions of salmon returned to the water will be dead or will die subsequently. Allowing catch-and-release of salmon from T nets largely operating as gill nets or J nets is therefore only appropriate if they form a very small proportion of the catches. If this is not the case, this will negate the effects of the byelaw and could cause bad publicity for the measure, as it did in marine fisheries. We do not, therefore, support the application of Byelaw 9 (1) to J nets and would have liked to have seen the evidence relating to the method of capture and numbers of salmon captured in T nets.

The justification for starting the closed season on different dates in the Districts 1 to 7 is not clear, and it would have been helpful if this had been supported by evidence in the Technical Case on the numbers of salmon and sea trout caught. It would have been useful to see how the date was estimated at which the level of bycatch on salmon becomes too great. This particularly applies to effects on fishermen in District 5, where the nightly close period has also been extended.

Although suitable byelaws may be formulated, they need to be enforced and, in tidal waters, this requires co-ordination with the IFCAs. Co-ordination with the IFCAs is also required to ensure that these marine fisheries have similar byelaws and fishery restrictions requiring the release of salmon and reporting of catches and that their officers are cross-warranted to allow enforcement of these Environment Agency byelaws. In some cases, the imposition of a closed season for salmon does not preclude fishing with the same equipment, only targeting marine species.

It should be a condition on the users of all fishing methods that they make a catch return of all salmon released and whether live or dead.

Revocation of the existing NE Byelaw 4 and introduction of a total ban on night fishing by T and J nets is desirable, and may assist in ensuring that more salmon can be released alive. However, the J nets in Districts 6 and 7 are often set by laying them along the ground at low water off the beach, so are difficult to remove each night and are difficult to access safely during rough weather in order to release captured fish. If salmon numbers are low in the catches in these Districts, then is a total ban on night fishing in these Districts necessary? These same nets are used for marine fisheries after October, so restrictions should remain consistent with NEIFCA byelaws.

Rather than amending NE Byelaw 14 and revoking NE Byelaw 16 (a) Schedule 2, it might have been better to use a quota system for salmon catches in these Conservation Areas, as the salmon in these areas are more likely to have been from stocks ascending the local rivers.

***9. Please tell us if you object to, or support, the proposed byelaw requiring the catch and release of salmon caught by rod and line on specified rivers and provide your reason why.***

The IFM supports the proposed byelaw and the proposed amendments to Schedules 1 and 2. Since the lower end of the Yorkshire Ouse is poorly defined, we would hope that all the tributaries of the Yorkshire Ouse would be included in this definition, namely the Don, Aire, Calder, Wharfe, Nidd, Ure, Swale and Derwent.

Catch-and-release has been shown to benefit spawning escapement. However, we note in passing the potential assessment errors that C&R introduces into reported rod catch due to repeat capture of released fish. Given the desirable increase in release rates promoted by the byelaws, such errors will increase and could usefully be incorporated into adjustments to EA annual reported catches

***10. Please tell us if you object to, or support, the proposed byelaw restricting rod angling methods and provide your reason why.***

The IFM supports the proposed byelaw on the basis of the supporting case provided by the Environment Agency.

***11. If you would like to provide us with any further comments then please do so here.***

It might be appropriate to bring in restrictions on fishing near specified obstructions, like those in Byelaw 6 for North East region, confirmed on 11 May 2001. This would reduce both legal and illegal take of salmon and would be particularly helpful when applied to recovering rivers.

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