

Gareth Harvey Esq
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

16th December 2018

Dear Mr Harvey

The Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017
The Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017

I write in connection with the above, having already contacted you to say we would like to give further evidence to the Inquiry. Please would you pass this note to the inspector.

About myself

I am a riparian owner of two beats on the upper Wye, Powys. I founded and set up the [Wye and Usk Foundation](#) in response to a crash in the salmon population in 1996. I directed the trust for 22 years and continue as an Advisory Director. Through a series of partnership projects these two rivers are most likely to achieve the category of “Probably Not at Risk”, the only two in Wales. Currently, I am CEO of **Afonydd Cymru**, the umbrella group for all six rivers trusts in Wales, on whose behalf I write. I have fished many of the rivers of Wales for over 50 years.

We think it is important to take into account the effect historic byelaw changes have had on the restoration of these two rivers and crucially the effects of other actions, as they have been carried out on a scale large enough to bring about change. We also think it is important to put in perspective the very modest control that rod and net byelaws can have on a very small part of what is a complex four, five or even six year life cycle.

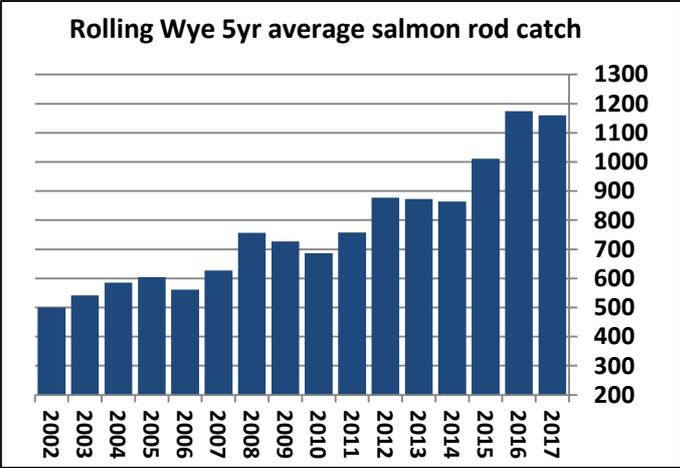
About Byelaws

Where we share common ground with Natural Resources Wales (NRW) is the need for further exploitation controls in the current circumstances. We agree that their method of determining how many fish should be left to secure the next generation (conservation target) goes some way to guiding the actual process of managing exploitation but failure to tackle certain “Sacred Cows” and take into account the direction of travel that the sport of angling for migratory fish is heading has left them open to challenge from both ends of the conservation spectrum. We refer again to this in our conclusion.

It is seen as inevitable that byelaws are made long after the need for them has been recognised and the catch statistics recorded in NRW’s consultation document supports this view. The situation has

Ffon: 07812118065 ebost: stephen@afonyddcumru.org www.afonyddcymru.org

deteriorated further since the proposals were made and this aspect should be also be taken into account.



Byelaws relating to fish exploitation come in two forms: Those that make fishing less productive by proscribing certain techniques while allowing fishing activity to continue and those that reduce the fishing opportunities and hence effort, via curtailment of season or days. It is self-evident that any proposed byelaw that makes a saving of fish early in the season is not diminished in effectiveness by subsequent fishing effort.

Catch and Release (C&R) by rods and nets of all salmon and (for rod fishers) method controls such as banning worm shrimp and prawn fall into the former group. While the reduction in the netting season is an example of the latter.

There is a trend to homogenise byelaws that doesn't take into account the individual characteristics and vulnerability of each river. Wales' rivers and migratory fish stocks demonstrate a significant degree of complexity and the features of each should be considered when making regulations to control exploitation.

It is universally accepted that given the continuing reduction in bailiffing (with more cuts expected) unless there is buy-in to the proposals by both net and rod fishers, any new byelaws are unlikely to be effective or even honoured by some individuals.

Environmental Considerations

NRW have made it quite clear that the cause of the decline in both salmon and sea trout is not, paradoxically, caused by rod fishing but by a range of other environmental factors. These include sea survival (salmon) climate change as well as local factors in river habitat. We ask you to note the work done by the Wye and Usk Foundation as an example of where local, negative environmental factors have been largely removed.

River Wye and Usk Fisheries Restoration

Catches on the Wye reached their nadir in 2002 and have steadily risen since that date. The Wye and Usk Foundation has carried out the following works:

- 2000 buy off of estuary drift nets, putcher removals (a method of fish catching unique to the Severn estuary) from mouths of Usk and Wye
- 2003 – 2013 Acid rain amelioration from 62km of headwaters and tributaries (Wye)
- 65+ fish passage schemes: fish passes, easements weir removals (both rivers)
- 372km double bank fencing of tributaries (both rivers)
- Gravel introductions to aid spawning (Wye)
- Abstraction programme in combination with Welsh Water (DCWW) NRW Canal and Rivers Trust to improve migration opportunities and protect against low flows (both rivers)
- Farm advisory visits over 1000 farms have been given farm plans to reduce diffuse pollution (mainly Wye)
- Voluntary Catch and release of salmon scheme
- The [“Passport”](#) a scheme to allow visitors to get fishing and benefit the rural economy.

In **1995** and **1999**, **2003** and **2012** byelaws were made ostensibly to protect salmon. We have tracked the lengthy, drawn out progress, which in some cases did little to bring about change:

- 1995 local Wye byelaws delayed the start of worm shrimp and prawn from April 16th to 1st June, **fly only from 1st September**.
- 1999 National byelaws: mandatory catch and release of salmon until 16th June; curtailment of worming, prawn and shrimp until 16th June (2 weeks); Netting start delayed until June 1st (NB not for many of the west Wales and other sea trout rivers which were permitted to start sea trout netting in March) fly only start to 1st May (Wye) and 1st June (Usk)
- 2002 It was clear that the benefits of C&R were lost as fish progressed upstream to be caught later on bait. We successfully pressed for the ban on **worm, shrimp and prawn** as these methods ‘un picked’ the savings of earlier months of catch and release.
- 2012 Mandatory byelaw extending C&R from 16th June to end of season. Please note the best year on the Wye since its recovery, 2016, was achieved from a parents when fish were released voluntarily (ie one generation of salmon takes five to six years)

The mandatory catch and release byelaw was put in after recovery had taken place.

It is argued that the full season, mandatory catch and release byelaw on the Wye has not put off salmon anglers and we can confirm that this is the case. Numbers fishing have risen when conditions are favourable (summer 2018 was an example of unfavourable conditions). We think it more likely that anglers are attracted to catching more fish, which currently the Wye is better placed to offer. However, we can see that there will be economic damage from the proposed byelaws when they are not accompanied by greater abundance of fish.

Returning to the environmental conditions of our rivers: in west Wales and other areas of dairy farming, intensification has brought the problem of too much manure or slurry to be safely disposed of on the available land, coupled with a lack of enforcement by NRW. Slurry is now purposely spread before rainfall or piped directly into streams and rivers from October onwards throughout the winter. Ammonia

is found in some of the sensitive spawning areas and it is **toxic to fish eggs**. It is in these rivers that the greater declines in both salmon and sea trout have taken place.

Although there is legislation promised to deal with agricultural pollution, it is late in the day for our fisheries and may not take effect for some time yet.

So in effect, it could be considered that the proposed byelaws are being made as a response to dealing with symptoms of reduced fish numbers rather than tackling the cause of the problem at source.

Even more concerning is that the cost of making byelaws and this inquiry: if these funds were put to the fundamental problem of fishery enhancement it would have made significant progress in mitigating the problem. Nonetheless, we have the following suggestions to make to the proposals which in our view are needlessly complicated:

1. **Sea Trout:** netting restrictions: Currently, it is proposed to reduce netting to a 1st May start and C&R of salmon. This will be of considerable value in allowing sea trout escapement. Early running fish tend to be large and female. They are also of least culinary value having spawned many times. It would be better to extend this to 15th May or even 1st June in line with the current National Byelaws. It has been established that net catches have much less value to the economy than rod caught fish.

Greater escapement could also be achieved by having an extended period in the week of one or more extra days where no netting takes place. This would redress the balance between the economic benefit of netting compared with a fish caught by rod and line.

The proposal to have mandatory catch and release of sea trout before the start of the netting season defies logic. They will continue to be available for capture after 1st May and a better and simpler conservation measure would be to have a single maximum size of 50cm throughout the year (down from 60cms) and no C&R period.

More worrying is the belief by NRW that salmon can be safely released from nets. While this may be possible in daylight from the shore or large boat, however great the skill of coracle fishers, disentangling and returning a salmon without removing its protective scales and slime will be difficult. Damage inflicted this way may not be noticeable until much later in the year. The later the nets start and fewer days fished, the better.

2. Rod fishing methods: NRW have gone a long way towards banning the worm, shrimp or prawn but curiously are proposing to allow shrimping from 1st September. For the Usk, this gives just two weeks of shrimp fishing for what will be coloured fish. No satisfactory explanation has been given for this, given the success in banning of worm, shrimp and prawn from the Wye.

However, we cannot comprehend why worming will be allowed for sea trout in rivers with both species. We do not think salmon will appreciate the difference! Salmon caught worming take the hook into their stomach and some will die later as a consequence if returned. Sea trout not caught on worm will be available for capture on fly

We suggest a total ban on worm, shrimp and prawn. This will favour fly fishers, a group more likely to participate in C&R and is much easier to enforce if no one carries the bait fishing apparatus at any time of year.

Notwithstanding all that, it may be agreed that certain (smaller) rivers require individual concessions to allow worming as other methods are impractical. This would be an example of recognising specific catchment differences but should not detract from bait bans generally.

3. The various proposals for hook size etc seem sensible but rely heavily on buy-in from anglers, club officials and riparian owners to achieve compliance and should therefore not be too complicated or prescriptive.
4. Catch and Release can be a useful tool in fish conservation: the issue here is whether it should be mandatory or voluntary. It is difficult for those of us involved with the management of the fisheries to imagine that taking even one fish when stocks are low is anything other than wholly inappropriate. We have the benefit of all the available evidence and an understanding of the biology and science involved.

Figure 30 (Page 112) and Table 17 (Page 110) of the ***Technical Case Supporting a Public Consultation for New Fishing Controls*** demonstrates that there is an ongoing and continuous rise in the voluntary practice of C&R which, together with mandatory C&R, now exceeds 80% across Wales

Compared to education and better engagement with our fishers, this exercise in “Rearranging the Deckchairs on the Titanic” has been massively and disproportionately costly. In any event, can any improvement be achieved without refocussing all our efforts on the root causes of the problem?

Dr S J Marsh – Smith OBE
For Afonydd Cymru