**WEAR ANGLERS ASSOCIATION: QUESTIONS ON ENVIRONMENT AGENCY’S NET LIMITATION ORDER AND THE OPERATIONS OF NORTH EAST COASTAL FISHERIES.**

***1. WAA Statement –* Apparently, the EA are totally responsible for management of the North East Coastal Fishery.**

***Question 1.1:* Who is the lead officer responsible for managing the process, setting policy and operational parameters and who do they report to in Government?**

The management of the north east coast net fishery is undertaken by the Environment Agency.

We have a duty under the Environment Act 1995 to maintain, improve and develop fisheries of salmon, trout, freshwater fish, eel, lamprey and smelt. We also have more general duties to:

* promote the conservation and enhancement of the amenity of inland and coastal waters;
* the conservation of flora and fauna dependant on the aquatic environment;
* have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.

We have powers under the Salmon and Freshwater Fisheries Act 1975 to make Net Limitation Orders (NLOs) which may be used to control the extent of fishing in support of these duties or to protect the marine or coastal environment from significant harm.

The process of making an order requires input from a number of officers who contribute expertise in fisheries, conservation, legal, socio-economic and policy areas. The overall process is controlled by a Project Manager accountable to the Area Manager, who approves the making of the order. Subject to any amendments, the order is confirmed by the Secretary of State for Environment, Food and Rural Affairs.

The Environment Agency does not determine fisheries policy, which is made by central government. Our role is to implement government policy advised by evidence. We report to Defra, who are our sponsoring department, ultimately to the Secretary of State for Environment, Food and Rural Affairs.

***Q1.2:* Who else is involved in setting policy and standards?**

Policy is set by central government, advised by the relevant national legislation (e.g. Salmon and Freshwater Fisheries Act) and european legislation (e.g. Water Framework Directive) and by guidelines from international bodies, for example North Atlantic Salmon Conservation Organisation (NASCO).

***Q1.3:* How many officers are involved in day/day enforcement?**

There are 8 Fisheries Enforcement Officers and a further two call-in Officers working under the direction of the Fisheries Enforcement Team Leader. These officers have responsibility for all aspects of fisheries enforcement, for both net and rod fisheries in the Northumberland, Durham and Tees area.

***Q1.4:* When the Net Limitation Order was first put in place, who was invited to make representations to the EA and who responded?**

There have been a number of NLOs regulating the north east net fishery.

In 1991 a Ministerial Review of salmon net fishing in north east England and eastern Scotland was undertaken (the Salmon Net Fisheries Review). The review concluded that “The net fisheries in (north east England) exploit several salmon and sea trout stocks and account for a substantial proportion of the catch from a number of different river systems. The dependence of the drift net fishery on a multiplicity of stocks makes the task of conservation and management more difficult”.

The review recognised the risk to management and conservation of stocks breeding in each of the rivers posed by the fishery, but concluded “This review has not produced evidence of an immediate threat to stocks and thus any justification for depriving existing licensees of their licences at a stroke. It would, however, aid and improve the management of individual east coast salmon and sea trout stocks if the drift net fishery were to come to an end. We consider therefore that it is desirable to phase out the drift net fishery, but gradually, so as not to cause unnecessary hardship”.

Following the 1991 review the National Rivers Authority, one of our predecessor organisations, was invited to consider how regulation of the north east net fishery could be changed.

As a result, in 1992 the National Rivers Authority replaced the existing NLOs with a single NLO which came into operation on 22 January 1993, for a period of 10 years. This NLO restricted the issue of drift net licences to applicants who had held a licence in the previous year and could demonstrate dependency for their livelihood on fishing. This began the on-going phase out of the drift net fishery as licensees left the fishery voluntarily.

We do not hold as list of all consultees for the 1992 NLO at this time. All those with an interest in the net fishery were formally consulted, and the Order was advertised to the general public as is legally required.

***Q1.5:* Were any of the representations included within the final order?**

All representations and submissions were carefully considered in making the order. There was also extensive consultation and discussion regarding the future management of the net fishery as part of the Salmon Net Fisheries Review (see above).

***2. WAA Statement* – When looking at relevant documentation it appears that the EA’s policy is to phase out netting, particularly T&J Licenses, *‘gradually.’* This raises a number of questions:-**

***Question 2.1:*  Will net licenses be phased out through the ‘natural decline in take up of licences’ or by other means?**

The current NLO will cause the number of licences held in the fishery to reduce as licensees retire, or otherwise voluntarily leave the fishery. Once a licensee leaves the fishery, their licence will no longer be available.

The drift net fishery will be closed at the end of the 2022 fishing season, which is the last year drift net licences will be issued.

The management of the net fishery will be formally reviewed in 2017.

***Q 2.2:* Is there a target reduction figure for the number of licences available for issue at the end of the Net Limitation Order period**?

There is no target for licence reductions. We determined in the review for the 2012 NLO that there is no immediate necessity to reduce exploitation below current levels based on our assessment of the impact of the net fishery on contributing stocks. However, we also recognise that further reductions in exploitation would provide greater protection for these stocks, and therefore introduced a reducing NLO, allowing the fishery to reduce naturally over time, so as to provide increased protection for fish stocks, without creating unnecessary hardship for licensees.

***Q 2.3:* If the number of operating licences decline slowly, or not at all, will buyout or other procedures be adopted?**

We have been working with licensed drift netsmen and representatives from the Salmon and Trout Association (SATA) to facilitate negotiations regarding a privately funded buyout. In these negotiations, we have taken the role of an ‘honest broker’ bringing the two parties together and sharing information, but with no direct involvement in buyout negotiations.

We understand from Defra that no government funds are likely to be made available to contribute to any future buyout.

The drift net fishery, which currently comprises 13 nets, will close in 2022.

***Q 2.4:*  On what basis is a licence issued? Can the EA deny or withdraw the issue of a licence or do netsmen have a statutory right to apply for a licence to net.**

In accordance with the 2012 NLO, a person has a statutory right to a licence if they held a licence in the preceding season. Upon conviction for a relevant fishing offence, the court has the power to ban a licensee from holding a licence for up to 5 years. Under the terms of the current NLO this would prevent that person from re-applying for a licence, since licences will only be issued to someone holding a licence in the previous year.

***3. WAA Statement* – An EA policy statement says that at the five year review period, due in 2017, all interested parties will be contacted for their views on the NLO:-**

***Question 3.1:* How extensive will this consultation be, will it include all local angling clubs?**

The details of the 2017 NLO review have yet to be confirmed, but we will hold an extensive and inclusive consultation with all interested parties, including angling interests.

***Q 3.2:* Will the findings of the review be binding?**

The 2017 review is a formal process, which will consider the performance of the stocks contributing to the net fishery, the impact of the fishery on those stocks, and the social and economic impacts on netsmen and the local economy.

A consideration of the impact of the net fishery on protected sites and species will also be made as required by the Habitats Regulations.

Our goal is for a sustainable net fishery for salmon and sea trout in the north east of England, which allows the development of healthy fish stocks in the rivers contributing to the fishery and provides a social and economic benefit to the region.

To achieve this goal, we have developed four aims. These are:

* Sustainable salmon and sea trout populations returning to east coast rivers, meeting salmon conservation objectives.
* Sustainable exploitation of salmon and sea trout stocks by fisheries that contribute to the local economy.
* A low and manageable risk from exploitation to the stocks of salmon and sea trout returning to individual east coast rivers.
* Management of salmon and sea trout stocks that takes account of commitments to international regulations, directives (e.g. Habitats Directive) and agreements (e.g. by the North Atlantic Salmon Conservation Organisation).

We recognise that there are a wide range of views regarding the management of the net fishery. We will involve and seek input from all interested parties in our consultation. All representations will be considered carefully in reviewing the NLO.

Based on a comprehensive and balanced assessment of all the available evidence, and with due regard for all the representations made during consultation, if we take the view that changes to the 2012 NLO are necessary, we will make an amended order that best achieves our aims for the fishery, and submit this to the Secretary of State for confirmation.

Once confirmed, the Order will be a legally binding document.

***Q 3.3:* Can operational changes or controls be implemented at the review stage or does the order restrict operational changes until after the completion of the NLO.**

If any changes in the number of net licences available are made as a result of the 2017 review, an amended NLO would need to be confirmed by the Secretary of State.

The NLO has only one function - to control the number of licences available in the fishery. All other regulation of the fishery, for example catch limits, closed times and seasons, fishing gear specifications and requirements to attend nets can be reviewed at any time, and would need to be made or amended under a fisheries byelaw.

***4. WAA Statement.* – It is generally accepted that migratory fish stocks are in decline, this raises *important questions:-***

Whilst the overall performance of salmon and sea trout populations in England and Wales is a cause for concern, the stocks in the north east are at historically high levels. Our monitoring does not indicate that any of the north east’s stocks are in decline, and the Tyne and the Wear in particular are substantially exceeding their spawning targets. The recent formal review of salmon stocks in Scotland which contribute to the net fishery also showed these populations were stable or improving. Fish counts on the Tyne and Wear so far this year are relatively high, and within the range of those recorded previously.

***Question 4.1:* Why are there no individual licence holder or area catchment based quotas?**

We are currently actively considering the case for further controls of exploitation, and future potential exploitation, of salmon and sea trout by the North East coast net fisheries by means of introducing catch limits and/or further effort controls in addition to the provisions of the NLO.

We are evaluating evidence on the status of contributing stocks and the mode of operation and impact of the net fisheries on those stocks which contribute to the catch, and will make our recommendation by the end of this year.

***Q 4.2:* As licences are issued on a yearly basis, can quotas be set at the 5 year review period for individual nets men and area catchments?**

We are considering if and how catch limits should be set at present. It would be possible to introduce a catch limit at any time by means of a fisheries byelaw. This is a separate process to the review of the NLO, which is solely for the purpose of limiting the number of licences available in the net fishery.

***Q 4.3:* As the supply of wild fish is in decline, the market price is being driven higher encouraging over exploitation. Are the EA aware of current market forces and the need to control the supply?**

We carefully consider the economic implications of any management action we propose, including the value of net caught salmon and sea trout. The market price, governed by supply and demand, can vary quite markedly based on local availability of fish within the season and between different ports in any season.

***5. WAA Statement* – It is generally believed that all netted fish are required to be tagged.**

It is a statutory requirement that all fish caught by nets and fixed engines in English waters must be tagged.

**Question 5.1: How many tags are issued annually and on what basis? How are they distributed?**

The number of tags issued to individual netsmen in the North East and Yorkshire is based on their average catch in the previous five years. When each netsman’s issue of tags is running low they may request further tags. A record of the number of tags issued to each licensee is made. There is no limit on the number of tags a licensee may request.

***Q 5.2:* Are tags colour coded for year of issue?**

Tags are coloured with a different colour each year and each tag has a unique number. Tags issued in one year cannot be used in the following year.

***Q 5.3:* Are unused tags returned?**

Unused tags are returned and cross referenced against those issued to each licensee, and against catch entries made in the log book.

**Q 5.4: If there are no quotas, why are migratory fish required to be tagged?**

In 2009, requirements for the carcass tagging of all net caught salmon and migratory trout, and for netsmen to complete a fishing logbook, came into effect through new byelaws.

This was to prevent the passing off of rod caught salmon as net caught fish, following the implementation of a ban on the sale of rod caught salmon and sea trout.

In the event that any catch limit were to be imposed on the fishery, the issue of a fixed number of tags would be a means of enforcing the regulation, but this is not the reason the requirement to tag fish was introduced.

***6. WAA Statement –* It is believed thatdrift net boats often unload their catches for collection in harbours other than where they are based.**

***Question 6.1:* When this happens how do EA officials check that fish are tagged.**

Licensees are entitled to land their catch at their preferred port, which is generally their home harbour, as to land elsewhere would incur additional fuel costs. Inspections are carried out at ports and at fish dealers, to check for any fish that are untagged. Officers cross-check catches against invoices and purchase notes, to establish if there are any discrepancies.

***Q 6.2:* Do officials visit processing plants?**

Processing plants are visited in addition to ports and fish dealers.

***Q 6.3:* Do officials visit local fish markets to check on the source of what is being sold?**

Fisheries Enforcement Officers conduct inspections at fish markets within the fishery.

***7. WAA Statement* – When nets men report catches how accurate are they?**

We believe the log book returns to be an close representation of the catch in the net fishery, and that under-reporting of catches takes place at a low level, if at all.

***Question 7.1:* How do they report totals?**

Logs books are maintained with a daily record of the catches made, detailed at an individual fish level – each fish has the species, weight and tag number recorded.

***Q 7.2:* Is there any distinction between Salmon and Sea Trout or to a nets man are they all just fish?**

All fish are recorded individually as salmon or sea trout, with an individual weight and tag number.

***Q 7.3:* How does the EA verify totals?**

The combination of daily logbooks to record catches and the requirement to tag each fish and record the tag number in the logbook, together with market and port inspections ensures that the reported totals closely reflect the actual landings.

***8. WAA Statement* – It is generally believed that that there are only 7 Fishery Enforcement Officers for the North Eastern Coastal area.**

There are 8 Fisheries Enforcement Officers and a further two call-in Officers working under the direction of the Fisheries Enforcement Team Leader. These officers have responsibility for all aspects of fisheries enforcement, for both net and rod fisheries in the Northumberland, Durham and Tees area.

***Question 8.1:* How is there time split between river enforcement and netting operations?**

Our fisheries enforcement work is intelligence led, which allows us to deploy our resources where they will be most effective.

In recent years approximately 35% to 40% of enforcement resource has been spent on coastal and estuary enforcement, both in monitoring the licensed fishery and gathering intelligence on illegal fisheries activities.

**Q 8.2: Has any nets man been convicted of fishing illegally, similar to recent high profile cases involving rod anglers?**

There have been several cases in the past of netsmen being convicted of fisheries offences.

There have been no recent convictions, which we believe is an indication that the fishery is well regulated, and of how effective our fisheries enforcement activities have been.

***Q 8.3:* Are the EA satisfied that they can carry out the successful monitoring with the resources available?**

We recognise that with limited resources to regulate both rod and net fisheries we face a challenge. Our response is to work as efficiently as we can, continuing to deliver intelligence led enforcement to ensure our available resources are directed to the areas where we can be most effective.

***9. WAA Statement* – Rod anglers believe that the difference between the numbers of fish exploited by the nets is out of balance with the number caught by rod anglers. In 2013 the net catch was 56850 migratory fish and the rod catch 8750 approx. The nets men killed 56850 fish (100%) rod anglers killed 2625 (30% of 8750) *less than 5% of the fish killed by the nets.***

***Question 9.1:* Do the EA believe that this catch/kill ratio is correct?**

We have considered the relationship between rod catches and net catches carefully, and this was presented as part of the evidence to support the 2012 NLO review.

The net catch is comprised of salmon and sea trout from a large number of rivers, not just those in the north east of England. We have commissioned genetic studies to better understand the contribution of fish from each individual catchment, and these studies are on-going.

Previous genetic work in 2010 and 2011, which we used to inform the 2012 NLO review indicated that approximately 65% of the total salmon catch originated from Scottish rivers, including the Tweed, Tay, Spey and Dee.

The total net catch for salmon in 2013 was 16643 salmon. Based on historic tagging studies and the most recent genetic investigations, we estimate that approximately 6050 of these fish originated from rivers in the North East and Yorkshire, with the remainder originating from Scottish rivers.

This compares to a Yorkshire and North East rod catch of 6469, of which 4180 fish were released. If we assume a survival rate for released fish of 90%, this gives a rod mortality of 2289 retained salmon and 418 released fish which subsequently did not survive to spawn, totalling 2707 salmon.

For the Yorkshire and North East rivers, this estimate suggests that 31% of the salmon killed in 2013 were taken in the rod fishery, and 69% in the net fishery.

On average between 2003 and 2012, the rod catch mortality from Yorkshire and North East rivers and the net catch of salmon originating from those rivers was similar, with the rod catch ranging from 34% of the total catch of Yorkshire and North East origin fish in 2011 to 60% of the total Yorkshire and North East catch in 2008.

When Scottish rod catches are considered, and the rod catch mortality and net catches in the fishery as a whole are compared, fish mortality in the rod fishery is on average around twice that of the nets.

The position for sea trout is understood less well, as there are fewer historic tagging studies and more limited genetic information. Further, the rod catch data for Scotland for sea trout are less complete than for salmon, making a robust assessment of the relative numbers of sea trout taken in the rod and net fisheries respectively difficult.

Our monitoring has established that the impact of the net fishery on both salmon and sea trout stocks is such that there is no immediate conservation need to further restrict the operation of the net fishery at this time. However, we are considering whether additional means of regulating the fishery would be beneficial in our current review of the need and benefits of introducing catch limits and/or further effort controls.

***Q 9.2:* Do the EA have any planned policy or operational changes that will improve the situation for rod anglers?**

The relationship between rod catches and net catches will be considered as part of the NLO review and in assessing the need for a catch limit for the net fishery. We undertake a wide range of activities to maintain, improve and develop salmon and sea trout stocks, all of which will benefit anglers. These include improvements to water quality, improving fish habitats, building fish passes and easements and restocking. We work with a wide range of partners to achieve these benefits. See below for further details.

***Q 9.3:* In the NE area how much income is generated by (a) Licence sales to nets men and (b) Licence sales to rod anglers?**

In 2013, the North East and Yorkshire income relating to salmon and sea trout licences was £60,363 from net licence sales and £305,500 from rod licence sales.

The total income received from sales of all licences in the North East and Yorkshire was therefore £365,863.

To provide some context to these figures, in the year April 2013 to March 2014, the Agency maintained a staff of 8 full time fisheries enforcement officers, 2 call-in officers and their team leader, 4 fisheries scientists, a hatchery manager and hatchery assistant, together with hatchery call-in staff - all working directly to protect and enhance fish stocks in the Northumberland Durham and Tees area.

Almost £400,000 pounds was invested in fisheries projects, including £225,000 on a fish pass at East Mill on the River Wansbeck. We also developed designs for several other passes we hope to install in 2014/15. Habitat improvements to the value of £30,000 were undertaken on the rivers Blyth and Pont, and a salmon restocking programme was delivered on the Tyne.

Much of our other project work, for example to reduce rural diffuse pollution from farms and to improve habitats and riverbanks will also have a beneficial effect on fish stocks. The total value of this programme of works was £1.47 million last financial year.

A comparable level of staffing and project investment is also undertaken in our Yorkshire area.

In addition to these activities, we also investigate and minimise the impact of water pollution incidents, and regulate all discharge consents and abstractions, thereby ensuring there is an adequate supply of clean water to support healthy fish populations.

***10. WAA Statement* – Several times in the last few years the number of Sea Trout exploited by the nets has been significantly above the long term average.**

***Question 10.1:* During these favourable periods of ‘plenty’ has the EA, in the interests of conservation do the EA have any mechanism in place to control over exploitation by nets men?**

We have the power under the Marine Act to introduce emergency byelaws at any time if we need to take immediate action to protect fish stocks.

Reports from net licensees suggests that some had recorded higher catches to early July. Since then, I understand that rougher sea conditions have made fishing more difficult.

Large numbers of salmon and sea trout have entered north east rivers this year. The sixth highest number of fish since counting began was recorded through the River Wear counter at Framwellgate to the beginning of July and 2,500 fish were recorded passing upstream in the first 2 weeks of July. I understand that River Wear anglers have been reporting large numbers of both salmon and sea trout in the river.

The fourth highest number of fish on record has been counted running up the River Tyne by the Riding Mill fish counter to the end of June.

This evidence has been taken into account in considering any need for immediate, additional short term fishing restrictions. We are keeping this position under review, and having examined the evidence we take the view that there is no immediate conservation need to further restrict the operation of the net fishery at this time.

**Wear Anglers Association**

**(Issue1. 13/07/2014)**