

North East Coast Review of the Net Limitation Order

Informal Consultation response on behalf of wild fishery interests

Dear Mr Shelley,

Thank you for the opportunity to submit a consolidated, agreed position to the informal consultation on the NLO review of behalf of the undersigned, as agreed when you met with Nick Yonge in November 2011. We make the following specific points and hope that they will be incorporated into the policy review:

1. Introduction

It is believed that the majority of Salmon taken in North East net fisheries are of Scottish origin because the fish are migrating north and most are taken by nets operating between the Tyne and Holy Island. The River Tweed Commission (RTC) and District Salmon Fishery Boards (DSFBs), who have a statutory responsibility to protect and improve Salmon and Sea Trout fisheries, therefore have a key interest in the outcome of the NLO review. Conservation of fish stocks, and the habitats on which they depend, is a key aspect of this work and the RTC and DSFBs operate riparian habitat enhancement schemes, fish passage improvements, enforcement and other fisheries management activities in order to ensure the health of fish stocks. RTC and DSFBs have also voluntarily adopted 'catch and release' practices, which in some cases are made mandatory by the introduction of Salmon Conservation Regulations. Given the significant investment in the management of the resource in Scotland, it is inherently inequitable that fish are harvested by those who made no such investment. This disparity is especially marked by the North East drift net fishery, where only 14 licensed netsmen receive a disproportionate benefit from such conservation measures.

2. International Policy on Mixed Stock Fisheries

The North-East Coast net fisheries (both the drift nets and T and J nets) are mixed stock fisheries and as such their continued operation is contrary to the ICES advice reflected in the NASCO guidelines:

Fisheries on mixed-stocks, particularly in coastal waters or on the high seas, pose particular difficulties for management, as they cannot target only stocks that are at full reproductive capacity if there are stocks below Conservation Levels within the mixed-stock being fished. Conservation would be best achieved if fisheries target stocks that have been demonstrated to be at full reproductive capacity¹.

NASCO's decision structure for the management of North Atlantic Salmon fisheries requires an assessment to be made of all stocks exploited by a mixed stock fishery to establish whether all river stocks are at full reproductive capacity: if any stocks fail to meet the criteria, the fishery should be suspended.

The European Commission has also considered the question of mixed stock fisheries. The Commission Staff Working Document "Report on Mixed Stock Fisheries for Salmon in Atlantic Community Waters" (SEC(2006) 590, 04.05.2006)², states:

"In the present conditions, MSFs for Salmon are widely considered to be inappropriate because the lack of information on the stocks being exploited make the conservation and rational management of individual river stocks very difficult. It is therefore widely agreed that there should be a general presumption against operating MSFs unless they can be shown not to contravene basic conservation policies".

¹ See: http://www.nasco.int/pdf/far_fisheries/Fisheries%20Guidelines%20Brochure.pdf

² See: http://ec.europa.eu/fisheries/legislation/reports_en.htm

However, we would also highlight that the management objective for river stocks is not simply to ensure sustainability, but also to maximise returns to the river in order to increase the quality of the fishery and to maximise the resulting economic benefits.

3. Habitats Directive

In addition, the Rivers Tweed, Teith, Tay, South Esk and Dee are SACs for Atlantic Salmon under the Habitats Directive, the main aim of which is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status. The conservation status for Atlantic Salmon in the Rivers Tweed, Teith and South Esk is currently '*unfavourable recovering*.' There is an obligation to restrict any activity which *is likely to* have a significant effect on the integrity of an SAC. We believe that the review of the NLO represents a new plan or project which is likely to have a significant impact on one or more of these SACs and therefore there is a requirement on the licensing body to ensure that an appropriate assessment is carried out. The recent review of migratory routes and behaviour of Atlantic Salmon, Sea Trout and European Eel in Scotland's coastal environment³ has demonstrated all of Scotland's east coast SACs for Atlantic Salmon should be included in this assessment.

4. T and J Net Licenses

We note that whilst the review appears to cover all licenses to fish with nets for Salmon and Sea Trout off the English North East coast, T and J nets are not limited by the existing NLO. Our understanding is that historically, these nets primarily exploited Sea Trout. However, these nets now take a large proportion of the total Salmon net catch for England and Wales – approximately 12,000 fish in 2010. We also understand that the EA granted extra T and J licenses after the last phase of buy-outs of drift nets. This was seen by many as a form of compensation for drift netmen. We do not believe, therefore, that there is any justification for the continued exemption of T and J nets from the NLO and that these should be phased out in the same way as drift nets.

5. Quotas

As highlighted above, the North East nets have the potential to take large numbers of fish under favourable conditions. Given the current high demand for wild Salmon and Sea Trout, following the closure of the Irish drift net fishery in 2007 and the ban on the sale of rod caught fish, and the resulting pressure on licensed netmen to maximise their catches, we believe that such catches must be limited. We note that the Environment Agency plans to introduce quotas to set a maximum limit on net catches in net fisheries in the South West and one option might be to do the same in the North East. However, a quota system does not get beyond the inherent issue that such fisheries are mixed stock and therefore it would be almost impossible to set meaningful quota targets within the timescale available. Should this approach be followed, the precautionary principle must be robustly applied.

6. Timescales

We are also concerned at the great level of uncertainty regarding the timescale for reduction in the drift nets. Our understanding, following discussion with the Environment Agency is that the age profile of the netmen, and the possibility of passing licences to registered partners could mean that the remaining nets could continue for a further 20-30 years. It would be preferable if a clear and timely end point could be identified and under such a scenario, if the end point was within a reasonable

³ Malcolm et al. (2010) Review of migratory routes and behaviour of Atlantic salmon, sea trout and European eel in Scotland's coastal environment: implications for the development of marine renewables. Scottish Marine and Freshwater Science Vol 1 No 14

period of time, some organisations would consider contributing to a compensation package or buy-out arrangement.

7. Genetic Studies

We welcome the genetic study highlighted in the consultation letter and we trust that this will provide a significant increase in our understanding of the stocks exploited by the fishery. However, we note that only Salmon are included in the study. We are also concerned that stocking on the Tyne system with fish from both Tweed and Shin origin, may make the analysis of the results problematic. It would be extremely helpful to have an early view of these results as soon as they are available, which we understand will be early 2012.

8. Distant Water Fisheries

We believe that any decisions on home water mixed stock fisheries must be viewed in the light of the recent increased pressure from Greenland, Iceland and The Faroe Islands to resume fishing on a commercial scale. We believe that exploiting these mixed stock fisheries is recognised as bad management practice and is hard to reconcile with the good management being applied elsewhere. The continued exploitation in these home water fisheries strengthens the case for the resumption of the interceptory fisheries in Greenland, Iceland and The Faroe Islands.

9. Aims of the NLO

In addressing the specific aims set out in the consultation letter:

- As we have stated above, a large proportion of the Salmon taken in these fisheries are of Scottish origin. We welcome your assurance that the first aim refers to rivers in both Scotland and England.
- The second aim is sensible, as clearly any exploitation should be sustainable. However, given the ICES advice and the NASCO guidelines, we do not believe that the North East net fisheries can currently be defined as sustainable.
- We do not see the justification for the third aim. Unless the risk from exploitation is low, the second aim (sustainable exploitation) cannot be met.
- As we have highlighted above, the fourth aim is crucial. We do not believe that the continued exploitation of Salmon in the North East net fisheries is consistent either with the conservation objectives of SACs for Atlantic Salmon or with the NASCO guidelines.

Please do not hesitate to contact us should you require any clarification on the points raised above. We would be very interested in taking part in further detailed discussions about the proposed measures.

Yours sincerely,

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