

# Response ID ANON-QT2B-MQQR-T

Submitted to Review of North East Coast (Limitation of Net Licences) Order 2012  
Submitted on 2022-06-17 15:07:07

## About you

1 Are you responding as an individual or on behalf of an organisation or group?

Responding on behalf of an organisation or group

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of.:  
Fisheries Management Scotland

If you selected other please specify.:

2 What is your email address?

Email:  
general@fms.scot

3 Can we publish parts of your response that are not personally identifiable?

Yes

If you do not want us to publish your response, you need to tell us why.:

## Give us your views

4 Please provide your comments on the potential options to manage the Yorkshire and North East coastal fishery after December 2022.

Please enter your comments here:

Fisheries Management Scotland is the representative body for the District Salmon Fishery Boards, the River Tweed Commission and the Rivers and Fisheries Trusts in Scotland. We work to promote and ensure the best, evidence-based fisheries management for the protection and preservation of Scotland's wild salmon and freshwater fish, along with developing their fisheries and protecting their wider environment. District Salmon Fishery Boards have a statutory responsibility to protect and improve salmon and sea trout fisheries in their district, but their remit does not extend to other freshwater species. The statutory remit of the River Tweed Commission is broader and covers salmon and all freshwater fish. Rivers and Fisheries Trusts charitable objectives extend to all fish species and the wider aquatic environment.

Fisheries Management Scotland is a member of the Missing Salmon Alliance. The Missing Salmon Alliance is working to reverse the devastating collapse of wild Atlantic salmon and sea trout. By combining expertise, coordinating activities, and advocating for effective management solutions to help wild Atlantic salmon and sea trout survive and thrive in our rivers and seas for the next generation.

We welcome the opportunity to comment on the Yorkshire and North East Net Limitation Order. We have responded to previous consultations on these fisheries, on the basis that they are mixed-stock in nature and are highly likely to be exploiting fish which are destined for Scottish rivers. We emphasise that the sea trout is a species of conservation importance in its own right. In Scotland, the marine phase of sea trout is included on the list of Priority Marine Features - the species and habitats of greatest conservation importance in Scotland. Under the Conservation of Salmon (Scotland) Regulations 2016, the killing of Atlantic salmon in inland waters is managed on an annual basis by categorising the conservation status of their stocks. These regulations prohibit the retention of salmon caught in coastal waters and require mandatory catch and release of salmon in areas which fall below their defined conservation limit following the assessment of salmon stocks. The Environment Agency is aware that a number of Category 3 rivers are potentially impacted by the fisheries in question.

In addition, Marine Scotland have provided advice in respect of the continuing right to retain sea trout in coastal waters in which they state the following:

"Our view, from evidence submitted to Marine Scotland recently by a coastal netting operation retaining sea trout for personal consumption, is that the method used did not permit the immediate ("at once") return of salmon caught in the net and that salmon caught sustained injuries, such as from attacks by seals, which does not meet the requirement of release with the least possible injury."

The above quote is taken from a letter from Marine Scotland to the Salmon Net Fishing Association of Scotland, dated 19 June 2019. Whilst we recognise that this relates to bag nets, rather than T&J nets, we consider that similar issues would also apply which will mark and damage wild Atlantic salmon.

There are therefore no coastal nets currently operating in Scotland for either salmon or sea trout.

In response to the four options presented in this consultation:

Options 1 and 3, would not be acceptable. Both would see an increase in netting effort and would result in unsustainable pressure on the stock. Both would mean the Environment Agency would be failing in its duty under the Environment Act 1995 and the Conservation of Habitats and Species Regulations 2017.

Option 2, in effect a continuation of the current NLO would also not be acceptable in its current form. While we welcome the “grandfathering” of the current licences, the consultation shows the reduction in effort required to preserve and enhance stocks is too slow. This does not follow the precautionary principle given the lack of adequate assessments for many sea trout rivers, and does not comply with the Environment Agencies own Salmon Five Point Approach, which advocates “only allowing exploitation where there is a harvestable surplus, and of ending coastal mixed stock fisheries for sea trout where these cannot be demonstrated to be sustainable.”

If option 2 were to be adopted by the Environment Agency we believe it should be amended. There are currently 36 licences issued under the NLO. We note that 11 of the 36 licence holders did not fish in 2021. Therefore, the holding of these licences was not material to those 11 individual’s livelihoods, they should be removed. Moving forward, there should be an acceleration of the removal of the remaining nets through, for example, a requirement that nets are used for a minimum of 20 days per-year (averaged over two years). A failure to do so will mean the licence is removed. We note that the remaining licence holders caught 5,000 sea trout in 2021. The 2021 figure should be used to set a strict quota for the coming year, reviewed on an annual basis in line with robust stock assessments and reduction in the number of licences issued, reducing where necessary.

Option 4 is our preferred option. This is the best option for the conservation of sea trout and removed the threat of potential illegal retention of Atlantic salmon. This would support the need to ensure stocks are able to recover in line with our commitments to NASCO and best practice guidance from both NASCO and ICES.

In recommending option 4, we wish to highlight the importance of avoiding unintended consequences. It will be important to ensure that the NE IFCA does not seek to compensate for the removal of sea trout netting, and other netting restrictions that may arise from the new fisheries management plans currently under development by DEFRA, by allowing for an expansion in other shore based netting activity, such as for seabass. Research – both in the UK (SAMARCH) and in Europe (e.g. Finland) - has shown that migratory salmonids are extremely vulnerable to inshore nets and therefore significant numbers could be exploited as by-catch in an extended coastal net fishery targeting other marine species. This is especially concerning, as recent consultations involving IFCA’s (e.g. along the English south coast) has highlighted a reluctance on their part to conserve migratory salmonids and protect them from by-catch, as required under NASCO guidelines, instead favouring the promotion of commercial, coastal marine fisheries. This must be avoided.

5 If you have any documents or images to attach to your response please upload them below

Please upload your file here:

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