Mr Mat Mander
Devon and Severn IFCA.
Brixham Laboratory,
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TQ5 8BA

Dear Mat,

ENVIRONMENT AGENCY RESPONSE TO THE DEVON AND SEVERN IFCA NETTING CONSULTATION

Please consider this to be a formal response from the Environment Agency to the netting consultation being conducted by Devon and Severn IFCA.

Background

We note that the review of netting activity within the Devon and Severn IFCA District has the intention to be evidence based and will consider the economic benefits and impacts associated with any decision regarding the extent of future netting activity both in estuary limits and open coastal areas out to 6 miles. We would like to ensure that any consideration of socio economic costs and benefits whilst developing netting byelaws includes those of salmon and sea trout fisheries within Cornwall, Devon, Dorset and Hampshire, the River Severn and some Welsh rivers bordering the River Severn, particularly the Rivers Wye and Usk. This reflects the fact that stocks of migratory salmonids from these areas are likely to be present within the water managed by Devon and Severn IFCA during the marine phase of their lifecycle.

Please see **Appendix 1** below for a list of the principal migratory salmonid rivers in Devon, their current salmon stock status and an assessment of salmon fishery value. These valuations do not include the valuation of sea trout fisheries which in some cases will be worth as much if not more than the salmon fishery.

In developing byelaws for the River Severn, we recommend that you also consult with Natural Resources Wales (NRW) and the Welsh Government owing to the potential impact of netting activity in the Severn estuary upon migratory salmonid and other migratory fish species (such as Allis and Tawite shad) in rivers which they are responsible for.

The risks associated with netting in inshore areas and estuaries needs to consider the risk and impact of potential losses of salmon and sea trout upon achievement of Water Framework Directive objectives within the South West River Basin District. There has been significant investment by the UK Government, NGOs and stakeholders in freshwater to maintain and protect salmon and sea trout stocks as they are key indicator species for the health of the environment. The level of Investment being made therefore needs to be

factored into any assessment of netting byelaw economic impact assessment to protect these fish from both deliberate and accidental capture in sea fish netting activities.

The Environment Agency is the competent authority for the Water Framework Directive (WFD) and we work with partner organisations, including IFCAs, to deliver this on behalf of the UK Government. This requires the maintenance and or recovery of freshwater, transitional and inshore Coastal waters (out to 1 mile from land) with environmental health defined by both physical, chemical and ecological quality of which fish species, are a key component of the ecological assessment. In many rivers within the South West River Basin District, salmon and sea trout represent a key component of the riverine fish population assemblage and are very often key to the achievement of favourable WFD status. The loss of these fish at sea in inshore coastal areas therefore represents a risk to future WFD compliance. Measures are therefore required to reduce this risk to a minimum with the objective of seeking to maximise the return of adult migratory salmonids into estuaries and freshwater.

The Environment Agency has a statutory duty to maintain, improve and develop salmon and freshwater fisheries under the Salmon and Freswhater Fisheries Act (1975) (as amended) and the Environment Act (1995) out to 6 miles. Whilst we have the necessary powers to manage netting activity specifically targeted at migratory salmonids within estuaries and inshore coastal areas, the implementation of the Marine Act (2009) removed our statutory powers to prohibit or restrict the capture, either intentionally or accidentally, of nets which have been set to principally target marine fish species within estuaries and inshore coastal areas.

Clarification of the role of IFCAs with respect to migratory salmonids

You will be aware that Defra has clarified the role of IFCAs (**Appendix 2**) with respect to the protection of migratory salmonids, This confirmed that IFCAs have the necessary powers and duty to prohibit the netting of sea fish resources where this poses a risk to other marine fauna, which includes migratory salmonids whilst in the marine phase of their lifecycle. We are pleased that Devon and Severn IFCA agreed to accept this principle and duty at an early stage in these discussions.

Furthermore, IFCAs, like all public bodies, have a wider statutory duty to protect and enhance the conservation status of migratory salmonid species which are listed species within the UK Biodiversity Action Plan. Atlantic salmon are also a designated and qualifying interest feature of a number of Special Areas of Conservation (SACs) and SSSIs on a number of Rivers in Devon, and in rivers which drain to the Severn estuary. We are of the opinion that the use of nets to capture sea fish species within estuary limits and inshore coastal areas within the Devon and Severn District are likely to intercept salmon and sea trout if nets are set inappropriately or in areas likely to be frequented by migratory salmonids. We have provided evidence which indicates with a high degree of confidence that migratory salmon fish are likely to be encountered in all waters throughout the Devon and Severn IFCA District and as such, protective measures should be implemented to protect these species whilst migrating through inshore coastal areas and, in the case of sea trout, whilst feeding.

Presentation of evidence

The general evidence to support the need for greater protection of migratory salmonid stocks is set out within our document “Review of protection measures for Atlantic salmon

and sea trout in inshore waters" (Sumner, 2015) (**Appendix 3**). The information presented is based upon a detailed review of the scientific, peer reviewed literature and locally derived evidence which has set out to assess the behaviour and ecology of Atlantic salmon and sea trout within inshore coastal areas prior to entry to freshwater. This document presents detailed information on the lifecycle, ecology and behaviour of salmon and sea trout together with the risks posed to these fish species by netting activity.

The following evidence presented to this consultation process supports the need to prohibit all netting activity targeted at sea fish within estuaries and limit certain forms of netting within 1 mile of the coast within inshore coastal areas. Whist there is good evidence that migratory salmonids are likely to be present out to and beyond 6 miles, we consider that a distance of 1 mile from land provides a fair and reasonably pragmatic seaward limit/ boundary that would protect the majority of migratory salmonids whilst migrating and feeding (in the case of sea trout) within inshore coastal areas. Within this one mile limit, we have provided evidence to support the need to prohibit the use of fixed nets within 5 metres of the surface. We note that the IFCA has an intention to utilise VMS systems in future and this could provide an ideal mechanism to manage and restrict sea fish netting activity to a defined coastal boundary.

We have also presented evidence from sea trout tagging work on the River Axe (**Appendix 4**) conducted by Cefas which demonstrates the extent of sea trout migration in the South West based upon mark-recapture studies.

We consider the River Taw and Torridge to be a good example of an estuary subject to intensive netting pressure with high potential to seriously compromise and reduce the potential of a migratory salmonid fishery. We have therefore presented specific information related to the Taw / Torridge which we hope justifies the need to stop sea fish netting activities in the lower estuary (**Appendix 5**). We will be happy to provide further economic data to justify the need to prohibit sea fish netting in due course. In combination with the pressures facing bass stocks, it seems both pragmatic and necessary to significantly reduce exploitation for the benefit of bass and migratory salmonids within this and other estuaries.

The risk of sea fish netting to migratory salmonids within river estuaries is very significant and exacerbated by environmental conditions which delay the timing of river entry. We are of the opinion that all river estuaries within Devon are likely to support a population of migratory salmonids. Many rivers support substantial fisheries for salmon and sea trout which have significant socio-economic benefits to the local community and data and evidence is presented to show the extent and importance of these fisheries which are in need of protection. We are extremely concerned at the high incidence of illegal fishing activity both in protected inshore coastal areas and estuaries. Despite significant efforts to influence and inform those involved, it is clear that this has not been successful and we are of the opinion that closing all sea fish netting exploitation in estuaries by byelaw (with the exception of small sandeel seine nets and landing nets as used with rod and line) represents the only logical and pragmatic means to manage this issue in the longer term. The two maps presented below **(Appendix 6**) indicate the extent of reported illegal fishing activity within Devon. Whilst much of this activity is targeted at marine fish species, it is very likely that salmonids will also be captured, damaged and killed in the process.

This response sets out our strategic intention to protect migratory salmonids within inshore coastal areas and estuaries. We will be happy to provide more detailed information to the

IFCA to assist in the development of suitable netting byelaws over the next few months and we look forward to assisting you with this.

Yours sincerely,

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Appendix 1 - General Information on principle migratory salmonid rivers in Devon

Rivers	Principal Salmon/ Sea trout river?	SAC (salmon as interest feature)	SSSI	SAP	Conservation Status	Predicted conservation status	Economic Value £ millions
Taw/Torridge	✓	✓(Taw)		✓	PaR	PaR	6.6 / 1.74
Lyn	✓			✓	PaR	PaR	3.8
Axe	✓			✓	PaR	PaR	0.4
Otter	✓				PaR	PaR	unknown
Exe	✓		✓(Barle)	✓	PaR	PaR	8.81
Teign	✓	✓		✓	PaR	PaR	2.02
Dart	✓	✓		✓	AR	AR	2.02
Avon	✓	✓		✓	PaR	PaR	0.58
Erme	✓	✓		✓	PaR	PaR	0.16
Tavy	✓	✓		✓	AR	PaR	2
Plym	✓			✓	PaR	PaR	0.4
Yealm	✓	✓		✓	AR	AR	0.14
Tamar	✓		✓(Shad)	✓	PaR	PaR	12
						Totals	40.67

PaR Probably at Risk **AR** At Risk

Appendix 6 - Maps showing the extent of illegal netting activity throughout Devon.