

P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance - Correspondence from the petitioner to Committee, 18.09.18

Dear Sirs,

Thank you for the opportunity to respond to Clare Pillman's letter of the 4th September 2018 on behalf of over 1700 petitioners.

Petition P-05-810 Give Welsh Fishing Clubs and Salmon and Seatrout a Chance

I must firstly personally apologise that due to a technical issue with my email account and inability to attach documents to emails, I am currently forced to include my response document within the body of the email. I hope this does not cause you administrative problems and I will in due course attempt to send you a word document containing the same text.

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Whilst we acknowledge a refreshing change for the good in the rhetoric used by the new Chief Executive Officer of NRW in comparison to her predecessor (we have been given visibility of a number of her responses to byelaw related communiques), it is hard to ignore that NRW, lead by the senior Fisheries managers cling to their defence of the byelaws and the process of byelaw formulation with unfailing resolve.

Given we have now been granted a 'Local Inquiry' before the Planning Inspectorate, our current efforts are very much in line with seeking a fair stage to present our case, however for a number of reasons, which I am aware colleagues have communicated to you - we remain cautious in our belief in this process, given all that has come before. In this vain we would be appreciative of the Petition Committees view of this opportunity and whether there are still parallel opportunities for 'inquiry' that should be sought.

With reference to Clare Pillman's letter, may I reinforce the context of the current situation. NRW have been in consultation with the angling community for the last 3 years. NRW have for 3 years, in an undemocratic, unfair and unprofessional manner bulldozed their own preconceived byelaw measures - one option - forwards with only a token gesture of adaption in line with consultees views and evidence. To state that they have given fair and objective consideration of alternative, valid options is simply not factual.

Word of law stands to make bold statements; to act as deterrent and to stimulate enforcement action for the common good. If anyone is in any doubt as to the inadequacies of law we only need consider the current problem of plastics in our environment (underpinned by legislation to prevent it). NRW's fisheries stock control byelaws seem by now a propagandist's soundbite and plastic policies that deny society a solution to a fisheries challenge that demands the requisite foundations for progressive and partnered progress are not the invention we deserve or desire.

NRW speak of a parallel strategy to restore habitats; to ensure fish migrate unimpeded; where water quality issues are resolved and where excessive natural predation rates are given ample consideration. We acknowledge NRW has valid evidence to illustrate 'activity' within these key areas, however the itinerary of progressive inactivity in relation to critical projects to improve river environments for fish, within most of Wales river catchments, makes a strong case for an organisation failing to substantiate its statutory duties.

1.

Claire Pilmann (CP) states in her letter that NRW 'seek to manage stocks sustainably, and thereby to ensure that there is no contribution to any decline in our biodiversity'; and yet, whilst we have no doubt, this is a true reflection of NRW's aspirations, the reality of the current situation is inconsistent catchment specific actions and a progressive malaise to act in tune with institutional resource demise.

With reference to CP's comment in relation to two sea winter salmon; the imposition of the pre June 16th C&R byelaw 20 years ago, curbed the active salmon season for many fishermen and has led to very low participation rates on most rivers during early season. Given on most rivers we are reliant on catch return data submitted by active fishermen to assess monthly stock levels, in reality, catchment specific data is extremely weak for the pre June 16th period forcing EAW and then NRW to be reliant on index rivers with automated fish counters, such as the Welsh Dee to extrapolate early season data. This leaves the variability of individual rivers unaccounted for. It is also important to note that in the absence of local data sets for this period, EAW, NRW's legacy body without consultation, extended these byelaws by an additional 10 years – a period which CP rightly states ends in December of this year. On the face of the data that is available to assess early season stocks, mandatory 100% C&R has proven ineffective in stimulating any recovery in the numbers of these fish. Angling clubs receive no recognition of their tolerance of an ineffective management response in this respect, that not only seems self-perpetuating as a policy under NRW's remit, but restricts the fishing pursuit and data acquisition. Fishermen have been exceptionally tolerant of this 'damp squib', however, ultimately that tolerance has provided the evidence that C&R is not a

solution to improving fish numbers and acts as a deterrent to angling participation and little more.

The angling fraternity acknowledge it is evident climatic variables imposed additional pressures upon spawning salmon and juvenile salmon survival in the winter of 2015/16. We also note that some catchments fared better than others raising the importance of local variables in considering both local resilience and vulnerability to changes in climate. What NRW have been hesitant to report is that reported adult salmon stock numbers, particularly 2 sea winter fish were good in 2017 resulting in improved juvenile numbers in 2018. There is no hesitance on the part of the angling community to play a significant part in instigating and stimulating behaviours within fishing practices that ensure conservation aims are achieved. It goes without saying, that all clubs now operate an agenda whereby the sustainability of their fisheries is of primary concern and precautionary principles are accepted; C&R is practiced by the majority of anglers and method restrictions are applied proportionally in line with the unique characteristics of individual rivers and historical adaptations to the challenges faced within those environments. There is method and wisdom in what we do. The balance between conservation and amenity however has to be struck to ensure our survival as an angling community.

CP refers to 'robust action', however, NRW have streamlined their approach to target anglers above and beyond the need for they themselves to take essential action to tackle catchment specific problems. In Wales, these failings have become points of neglect within a regulatory environment stifled by resource deficit and an ingrained acceptance of often being powerless to act without third party will and assistance.

If CP agrees with our aspiration to work constructively together, with Welsh Government and partner organisations, on a way forwards, we question why NRW have been so rigid in their pursuance of draconian policy that they know to be a) incapable of restoring fish stocks b) of high risk to the socio-economic benefits of fishing in Wales c) un-enforceable policies without the assistance of the very social group they have alienated d) Only willing to up their game on tackling the causes of stock variability when scrutiny of their ineffective strategy is publicised as part of this process.

It was stated very clearly at NRW's Board meeting in January 2018, by a Board Member, that there was a 'giant chasm' between the views of NRW Fisheries personnel and their primary stakeholders, Angling Representatives. A divergence of opinion that other Board members confirmed could not serve either party well in the pursuance of a system of management to support sustainable principles. NRW's neglect to operate in a democratic manner and abhorrent refusal to compromise on

their preconceived measures resulted in the fisheries stock control byelaws being presented unfit for purpose. We must be clear that these measures are being sold as a false promise to instigate positive change when primarily they have the potential to instigate multiple levels of risk and hardship to environment and social groups involved in fisheries and stimulate an operational environment where criminality can thrive. The byelaws represent a disproportional response to a situation that is far from clear cut and one which will become increasingly based on institutional beliefs and taste if NRW choose to ignore the criticality of the relationship with partners. The byelaw measures and the consequences linked to them stand as the core component of NRW's failure to partner with stakeholders in this process.

NRW fail to recognise that the subsidiary forums for which they now seek recognition and cooperation fail to bridge the 'chasm' referred to in January's Board meeting. As long as the byelaw proposals remain set in stone, an irreversible blight has been knowingly instigated by NRW and the consequence to current and future generations hangs in the balance.

2.

We understand that valid evidence must underpin our shared approach to management of Wales fisheries and that management measures need to be proportionate to the evidence and to residual consequence of those management measures.

In Wales we have commissioned independent statisticians to review the river classification model (assigns level of risk to individual river salmon stocks). The resulting report concluded the model utilised an incorrect methodology in addition to missing variable corrections to spawning stocks. We have provided the petitions committee with a copy of the report in previous communications and kindly refer the committee to this evidence in response to CP's statement.

The very foundation of the current system sits on rocky ground and yet, the management response from NRW is to defend its integrity and to prioritise mandatory control of fishermen over taking urgent action within catchments to ensure access and suitability of the receiving environment is optimal for spawning and migrating fish. We note CP stipulates the "continued importance of ensuring that conditions in freshwater are optimised", and yet it is clear to us all that these conditions are far from optimal. Fundamental concerns remain that NRW have based their management objectives on spurious data whilst the EA in England have received parallel criticism of their approach in a more positive light and made some adaptations.

Whilst we acknowledge Local Fishery Group provision across Wales has been a useful means of engaging with NRW and its legacy organisations, during the byelaw consultation process, this conduit was essentially utilised by NRW Fisheries Managers to dictate their terms. The failure of senior Fisheries Managers to listen and act on our views places the benefit of this mechanism in doubt. Whilst there is reason to also welcome the initiation of the 'Wales Fisheries Group' to which NRW state key stakeholders have been invited, LFG representation remains conspicuous in its absence, given this seems the opportune means of ensuring continuity between the aspirations of regional and national angling stakeholders. We (LFG members) have sought permission for representation on this group, however our understanding is that this has been denied. Never the less, we do appreciate that anglers will gain some representation through this forum.

3.

With NRW's refusal to consider the flaws in their stock assessment we must stipulate that their position in comparison with the situation in England lacks credence. We are of the understanding that in addition the EA recognise the futile nature of attempting to enforce method restrictions and propose to promote adoption of conservation biased methods through voluntary means.

Prior to the EA's revisions, NRW utilised its counterparts position to substantiate the legitimacy of their draconian proposals. NRW now stand in isolation, defending their non-adaptive and anti-fishing community stance.

In terms of the legislative requirements of the Wellbeing of Future Generations (Wales) Act 2015 (WoFGA) it is not clear how these requirements have been considered in NRW's proposals. It is our suspicion that NRW have primarily focussed their attentions on a future scenario without due attention to the present and transitional considerations which is a requirement of the Act. NRW have also applied unrealistic confidence in their ability to manage measures knowing their resource allocation is restricted and residual consequences of the resultant mismanagement likely to impact upon 'wellbeing goals' as stipulated under the WoFGA. In doing this, they have failed to acknowledge and quantify the impact of their proposals on Wales communities today and the consequential impact upon future generations and thus appear delinquent in their duties. It is evident NRW have considered their role in a myopic way, with adherence only to their interpretation that sustainability considerations apply to their management of the fish stock rather than the community environment within which this issue resides. Both the Environment (Wales) Act and the Wellbeing of Future Generations (Wales) Act place communities at the heart of their considerations. We perceive there is a severe deficit in NRW's consideration of the following elements as listed within the WoFGA.

Ineffectual consideration of requirements to establish future sustainability:

- Failure to recognise the long term risks to Salmon Angling; angling clubs and to the socio-economic benefits to communities.
- Failure to acknowledge and manage the immediate risks to Angling; Angling clubs and to the socioeconomic benefits of angling.
- Failure to quantify the consequential (residual) risks to fish stocks as a result of unenforced byelaw measures.
- Failure to instigate effectual partnership collaboration in formulating the byelaws and establishing stakeholder empowerment and resource allocation to sustain measures.
- Failure to incorporate legitimate mechanisms within policy development process to establish meaningful decision making.
- As a consequence of the above, we believe the following wellbeing goals have been neglected:
- Prosperous Wales (Scenario: Net export angling tourism; Lost community revenue)
- Resilient Wales (Scenario: Angling Clubs at risk; Fish stocks vulnerable to increased poaching)
- More Equal Wales (Scenario: Loss of community fishing clubs; Loss of amenity; loss of method choice for specific social groups)
- A Healthier Wales (Scenario: Loss of participants; Lowered participation; Criminalisation of inert behaviours; Over regulation of pursuit; forced supplementation (Salmon/Sea Trout) Anti-social hours; Regulatory avoidance of alternative measures (intentionally antagonistic).
- Cohesive Communities (Scenario: amenity value threatened; community clubs at risk; reliance on self policing of mandatory measures; disempowerment of community)
- A Wales of vibrant Culture and thriving Welsh Language. (Scenario: Innate elements of angling threatened; Traditional methods at risk; Welsh speaking clubs and committees; risk of disparate syndicate takeover of local waters)

We note NRW's reference here to C&R being a solution to stock recovery. Firstly may we re-iterate that salmon exploitation by anglers is not the cause of stock decline, nor has it been shown that mandatory 100% C&R leads to recovery of fish stocks. Please see our earlier comment on this. This runs counter to NRW's own stance elsewhere in CP's letter, referring to C&R as a precautionary measure to ease pressure on stocks. NRW have also stated on numerous occasions that angling and anglers is/are not the source of the problem. As we have already stated, we are all happy to play our part in practicing proportionate conservation measures and most

anglers at present return all or most of their fish on a voluntary basis and an optimal response is still being pursued. NRW's demands on this front have been a rapidly moving target, primarily on the basis of stand alone objective setting on the basis of institutional preference and yet we have accommodated a step change in promoting widespread conservation practices. The fact remains, NRW's record of success in tackling the causal factors of stock decline remains poor. We are faced with the paradox of an organisation pointing a finger of blame at anglers when its own resources and willingness to tackle even long standing barriers to habitat and river restoration optimisation remain pitifully low. The primary pressure on Salmon stocks is created by the combined impact of lower sea survival rates; disease due to exposure to coastal fish farm ecosystems; river habitats suffering from a legacy of mis-management; water quality issues; barriers to fish migration and ineffectual fish passes; prioritisation of small scale hydroelectric projects and the regulators legacy position that natural predation of fish stocks is sacrosanct, even when predator populations are proven to be excessive and causing a high risk to salmon. This is not a level playing field and NRW adheres to a variable moral compass. Not only does NRW attempt to place itself in a position beyond scrutiny, it places the fishing community at the forefront of its own judgement system. Chastised and at worst victimised by NRW, stimulating positivity and an all encompassing environment of co-operation and partnership working in the future is going to be impossible unless NRW change their tact.

Illegal fishing and selling of poached fish continues to fly under the radar and clubs remain effectively powerless to prevent such practices given NRW's stretched enforcement resource which seem near to incapacity. Laws already exist to tackle criminality linked to fishing. Overburdening the fishing environment with more is not the means to create the effective partnerships we all desire and to ensure the sustainability of fish stocks. We must get this right and not be influenced by NRW's misleading rhetoric on this.

We draw attention to CPs statement that suggests our aspirations are divergent. This epitomises the challenge our communities face in this situation. NRW have throughout this process nurtured an environment of 'us and them' and fail to acknowledge that our primary intent is to ensure we all develop the requisite operating environment in which to stand the best chance of establishing progressive sustainable fisheries. We do not hold a myopic viewpoint as CP suggests, our desire is for sustained wellbeing of community angling institutions and interests and the sustainability of fish stocks. We have never wavered from this joint aim. NRW's failure to recognise the risk posed to environment and societal wellbeing through misplaced reliance on these draconian byelaws leaves fisheries potentially inadvertently hung by the haste of a short term rescue operation (which it is clear it is not) that denies the existence of 'real world' consequence.

NRW cannot deny they refuse to debate any further in relation to the byelaws. For those of us from the angling community with our varied professional backgrounds in environment management, who have been involved in this process intensely from the start, the greatest disappointment is that in the time period NRW have spent defending their draconian stance, we could have created a productive and progressive way forwards that is fit for purpose. Yet, here we stand wasting time, effort and money because of NRW's myopic approach.

4.

We acknowledge NRW's establishment of recent initiatives to promote sustained co-operative partnerships into the future and welcome these; however the positivity of such action pales into relative insignificance when we consider NRW's failure to act in a timely manner, actions that would have demonstrated their real commitment to restoring fish stocks. An inexcusable amount of fisheries staff time in NRW has been utilised considering how to regulate anglers which could and should have been spent restoring fisheries. NRW's inability to recognise the destructive nature of their byelaw proposals leaves us all in a vulnerable position and future management of our fisheries at risk.

As CP states, 'the Wye is somewhat different to other rivers' particularly in relation to the robust and holistic focus it has received to stimulate some recovery in stocks. That recovery is primarily due to the level of investment placed in habitat restoration and accounts for a large portion of that provided under the specific initiative in Wales. It is not the 'difficult nature of decisions' that has created the perceived outcomes in this instance, but the fact that critical wide ranging action has been taken to re-establish river habitat that is conducive in character to the requirements of adult and juvenile fish.

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We recognise that a number of individuals and groups have presented evidence to the Petitions Committee in preparation for the forthcoming meeting. We remain exceptionally appreciative of the committees kind attention to this information and our shared challenge.

Best Wishes,

Reuben Woodford
(On behalf of all petitioners – Petition P-05-810)