

Appendix 3

Byelaw Consultations – Phase 2 National eel byelaws

1.0 Summary of Responses to Consultation

- 1.1 We have received over 211 responses to the eel byelaw consultation. The vast majority of these have been from the commercial eel fishery but there have also been significant responses from people who are not directly involved in the industry. These have included the advisory committees, British Waterways, the Anguilla Club, Anglers Trust and Natural England and more.
- 1.2 The over-riding message from all correspondence is that the eel matters to everyone and must be protected, whether for commercial exploitation, future generations, other species or simply because it is an icon of the natural environment.

Table 1: Summary of the main questions asked in the consultation (to 30/09/09)

Question	Total Yes	Total No	Total Don't Know
Close seasons for elver	167	23	9
Close seasons for eel	123	36	19
Agree withhold licence for no catch return	187	7	11
Agree to limit yellow & silver fishery location	148	20	37
Agree to limit silver fishery to existing sites/structures	112	39	54
Agree to ban elver fishing below certain weirs etc	161	22	22
Agree to limit equip & method for elver fishing	124	42	39
Agree ban on eel trawling	175	7	23
Other measures we should pursue	119	22	28

- 1.3 The principal messages received from the consultation have been:
- All respondents wanted to see the eel protected to a higher degree than is currently the case.
 - A large proportion have asked that all commercial eel fishing be banned and, if this was not the case then a reduction should be implemented.
 - Most respondents were in favour of close seasons, method restrictions and extra restrictions imposed below natural obstructions or weirs.

- Almost all respondents agreed that trawling should be banned.
- Within the comments made on specific circumstances, the majority of respondents did not consider that the Sharpness fishery should be singled out for special treatment and there should be no change in method or techniques allowed at this location.

2.0 Our proposed plan

- 2.1 We propose a phased introduction of increased controls on eel and elver netting and trapping. These will be introduced over the next two years according to urgency and our available powers.
- 2.2 We have agreed with the Governments that the first stage will be to introduce close seasons for fishing under a Statutory Instrument that is now being developed. Our powers to apply close seasons for eel will not be available until the implementation of measures in the Marine and Coastal Access Bill. We judge for conservation reasons and for compliance with the European Eel Regulation that these controls on fishing are needed soon and so intend to implement a close season to commence in 2010 for eel and elver.
- 2.3 Unless otherwise authorised, the fishing season for elver will be from February 15th until April 15th inclusive. For eel, unless otherwise authorised, the fishing season for eel will be from April 30th – 30th September inclusive.
- 2.4 These controls in the Statutory Instrument will be limited to operate for one year only. In 2010, we will develop and formally advertise national byelaw proposals to continue the application of close seasons from 2011 although we will consider the potential for some regional variations.
- 2.5 We will be implementing a more rigorous system for catch returns and reporting of eel and elver catches. With respect to the elver catches, this will be needed to comply with the need to offer up to 60% of those caught for restocking. This will need to be in place for 2010 to comply with the European Eel Regulation and so is being included as part of the statutory instrument.
- 2.6 In early 2010, we will also undertake statutory advertisement and consultation on a range of other measures for eel with the aim that these will all apply from 2011. These are as follows:
 - a. Further fishing method restrictions;
 - b. A ban on all trawling for eel;
 - c. Further restrictions on fishing for eel near obstructions. We propose that this will apply at Sharpness Dock on the River Severn as at other appropriate locations;
 - d. Setting geographic limits on the extent of fisheries for eel and elver
- 2.7 In addition, in 2011 using new powers, we propose to introduce limits on the numbers of instruments that may be used for eel and elver in the different fisheries.

2.8 Over this period, whilst we take forward these further controls, we will continue to collate and review latest data on the status of eel. We will review if any additional controls may be required including to the extent, potentially of a total closure of all eel and elver net and trap fisheries.

3.0 Future decision making

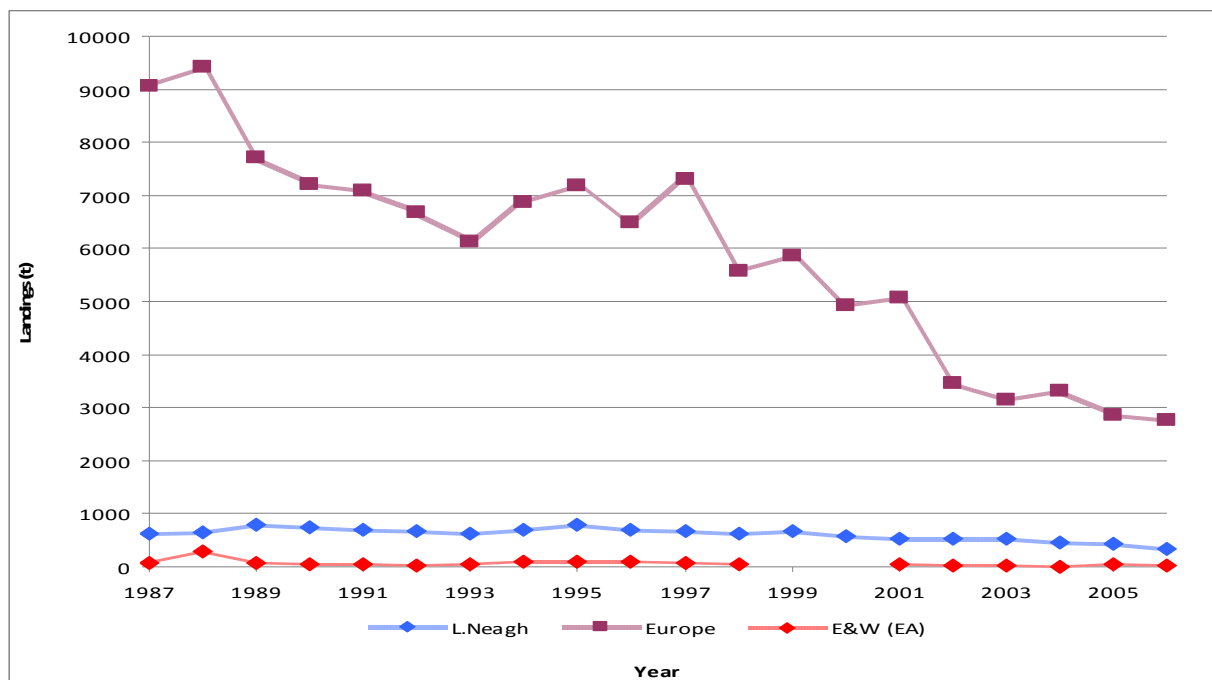
3.1 It is important that our ongoing decisions on the levels of control required for eel and elver net and trap fishing can be seen to be rational, justified and based on the right evidence. Most importantly, against the current evidence of an ongoing decline in stocks, we need to ensure that our actions will help stocks to re-stabilise and, hopefully recover.

3.2 We will need to take a number of factors into account, including:

- The need to take a precautionary approach and to limit the risks to remaining stocks;
- Balancing controls on fishing and improvements to the habitat for eel, including better access for eel to more waters;
- The need to be able to monitor the status and trends in stocks – currently largely supported by returns from fishers;
- The relative size and impact of our eel and elver fisheries (see Figure 1 below) and the potential benefits – in maintaining a commitment to the future of the eel and attracting funds (including from the EU) – of continued fisheries.

3.3 Some member states have already closed their eel fisheries. This remains an option for us if we deem it necessary and the best course of action. Amongst other considerations, we will be carefully assessing the next season's elver run, both in the UK and across Europe.

Figure 1: Commercial Eel Landings (Tonnes) England and Wales, Loch Neagh against total European catch (All life stages)



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