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Close seasons for salmon and brown trout in stillwaters

National fisheries byelaw consultation

Starting Date: 22 June 2009

Closing Date: 14 September 2009

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Published by:

Environment Agency
Rio House
Waterside Drive, Aztec West
Almondsbury, Bristol BS32 4UD
Tel: 0870 8506506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

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Open season on close season

Close seasons exist to protect fish during vulnerable spawning times or to limit exploitation. Where brown trout or salmon are stocked into stillwaters, they are usually not expected to spawn. Rainbow trout rarely spawn and so current law allows us to remove the rainbow trout close season on stillwaters, which we did several years ago. But, we have not been able to do this for salmon or brown trout in stillwaters as current law does not allow this.

The Marine and Coastal Access Bill will improve our fisheries byelaw powers. In particular, it will allow us to remove the close seasons for salmon and brown trout on stillwaters. We believe that a brown trout close season is an unnecessary restriction on stillwaters that have no wild trout stocks and rely on stocking. Lifting this restriction will benefit fishery owners, clubs and anglers, who will be able to enjoy year-round stillwater brown trout fishing.

The same applies where farmed salmon are stocked into enclosed stillwaters for angling. Salmon do not breed in these waters and, in our opinion, a close season is not needed.

These byelaws rely on changes to current fisheries legislation that government is proposing through the Marine and Coastal Access Bill. We will not be able to bring the new byelaws in until this Bill is in place.

We are also consulting on new byelaws to regulate the removal of fish by rod and line and commercial eel and elver fisheries. You can view these consultations at:

<http://www.environment-agency.gov.uk/research/library/consultations/36989.aspx>.

Together, these form part of a wider reform of fisheries legislation that we are calling '*Fish for the Future*'. This covers improvements to our licensing regimes, how we manage fishing effort, fish passage regulation, how we regulate live fish movements and specific measures to protect eel, salmon sea trout. You can find out more about '*Fish for the Future*' at www.environment-agency.gov.uk/fish.

Adrian Taylor

Fisheries Policy Manager

Introduction

What this consultation covers

This consultation covers only the rod and line close seasons for salmon and brown trout in stillwaters.

Why are we consulting?

We believe there is good reason to remove the brown trout close season from many stillwaters that rely on stocking. Occasionally, farmed salmon are stocked into stillwaters for angling. In these situations, we think that a close season serves no purpose and should be removed. But, we would like to get the views of trout fishery owners, angling clubs, individual anglers and any other interested groups.

Why do we need new byelaws?

Brown trout

In 1997 we removed the rod and line close season for rainbow trout in stillwaters. We did this because rainbow trout are non-native and rarely breed in our waters, and so a close season for them serves no purpose. While there was also a strong case for removing the close season for brown trout in stillwaters, the legislation at that time did not allow us to do this.

The Marine and Coastal Access Bill will amend our powers to set or remove close seasons. Once this is in place, we will have the option to remove the close season for brown trout in stillwaters.

Brown trout are stocked into many stillwaters for angling. In most of these waters, there is no expectation or possibility that the fish will breed. In addition to this, there is an increasing trend towards stocking triploid (sterile) brown trout, which can't breed. The advantage of this is that they are less prone to lose condition in winter.

Removing the close season for rainbow trout in stillwaters has caused some inconvenience for fisheries that stock both browns and rainbows. During the close season rainbows may be taken, but any browns caught must be returned.

So for most stillwaters, the close season for brown trout serves no purpose in protecting fish stocks and we propose that it is removed. This will benefit many stillwater trout fisheries, allowing year-round fishing for brown trout.

Salmon

Occasionally, farmed Atlantic salmon are stocked into enclosed stillwaters for angling. We apply very strict rules to this to ensure that they do not present any risk to wild salmon stocks by escaping. The sub-species of Atlantic salmon known as 'land-locked Atlantic salmon' are regarded as non-native and are subject to even stricter rules and special licence under the Import of Live Fish Act (ILFA). No other species of salmon are permitted. Currently, a close season must apply to salmon in these situations, but clearly has no benefit, as there is no possibility of breeding taking place.

The Marine Bill will give us the flexibility to remove the close season in these circumstances. This will benefit stillwater fisheries that stock salmon for angling.

How to respond to this consultation

We would prefer you to respond online. This will help us to gather and summarise responses quickly and accurately. You can respond on-line at www.environment-agency.gov.uk/research/library/consultations/consultations.aspx.

However, if you would prefer to send your response by post, please send it to:

Adrian Taylor, Fisheries Policy Manager
Environment Agency
Rio House
Waterside Drive, Aztec West
Almondsbury, Bristol BS32 4UD

How we will use your information

We will use your information to help shape new fisheries byelaws.

We will publish all responses after the consultation has closed, unless you have specifically requested that we keep your response confidential. We will not publish names of individuals who respond. We will publish the name of the organisation for those responses made on behalf of organisations. Please indicate on your response if you want us to treat it as confidential.

If you respond online or provide us with an email address, we will acknowledge your response and send you a summary of responses after the consultation has closed. We will also publish the summary of responses on our website.

Confidential responses

We may publish or disclose information you provide in your response to this consultation, including personal information, in accordance with the Freedom of Information Act 2000 (FOIA). If you want us to treat your information as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request to disclose the information, we will take full account of your explanation, but we cannot give an assurance that we can maintain confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be regarded as binding on the Environment Agency.

Code of Practice on Consultation

We are running this consultation in accordance with the criteria set out in the Government's Code of Practice on Consultation.

If you have any queries or complaints about the way this consultation has been carried out, please contact:

Cath Beaver, Consultation Co-ordinator
Environment Agency, Rio House
Waterside Drive, Aztec West
Almondsbury, Bristol BS32 4UD.
Email: cath.beaver@environment-agency.gov.uk

2. Protecting wild stocks

Brown trout

We know that some large natural stillwaters, such as Lake Windermere, support wild stocks of brown trout. Spawning usually takes place in inflowing or outflowing rivers and streams where a close season will still apply. But, we propose that the close season should continue to apply to these stillwaters. This will continue to protect important stocks of wild stillwater brown trout. Even if supplementary stocking takes place, the close season should remain to protect wild stocks in these lakes.

We also know that in many reservoirs and smaller stillwaters, brown trout may run up feeder streams to spawn. These may be stocked fish or wild fish native to the feeder stream. Do these fish need the protection of a close season while in the stillwater? We think that generally stillwaters that rely mainly on stocking should not be subject to a brown trout close season. If wild fish are present, they will be protected by a close season while spawning in feeder streams.

Salmon

We intend that all wild salmon stocks will continue to be protected by a close season. Removing the close season on stocked enclosed stillwaters presents no risk to wild salmon stocks.

3. Summary and options

Brown trout

We propose to remove the brown trout close season on stillwaters. In doing so, we should continue to protect wild brown trout in some lakes. At the same time, we do not intend that the presence of occasional wild brown trout in reservoirs and lakes should mean that a close season must apply. We need to strike a balance between protecting important wild trout stocks and opening up stocked waters for year-round fishing. There are two possible ways of doing this, set out in below.

Brown trout option 1 – List stillwaters where a close season will apply

We would identify and list stillwaters with significant wild brown trout stocks. We expect most of these to be natural lakes. The byelaw would then remove the close season on all stillwaters except those listed separately. This mirrors our approach to the coarse fish close season on stillwaters, which has worked well.

The advantage of this approach is that it makes it absolutely clear to anglers and fishery owners where a close season applies. The disadvantage is that adding or removing stillwaters to the list in the future would require a change in the byelaw.

Brown trout option 2 – Remove close season on stocked stillwaters

Stillwaters that are stocked with brown trout could be exempt from a close season. This approach is worth considering, particularly where sterile (triploid) fish are stocked. The byelaw would remove the statutory close season on waters stocked with farmed brown trout, possibly even specifying triploid fish.

This approach means the close season can be flexible depending on whether a fishery is stocked or not. We would need to link this to our stocking authorisations, which would provide the basis for deciding where a close season applies.

But, this option also has several disadvantages. There would not be a clear-cut approach for anglers and fishery owners. It would make our enforcement more difficult. Enforcement staff would need to know which waters have been stocked and this would change from year to year. It would increase our administrative work, as we would need to issue exemptions as part of the authorisation process for stocking. It would also mean that stocking could be used to secure year-round fishing in stillwaters with wild stocks.

Salmon

We would like to see the close season only removed for enclosed waters stocked with farmed salmon. We suggest that the best way to do this is by giving a special close season dispensation together with a stocking consent. This will allow us to keep tight control over the salmon close season and give fishery owners a clear approach. We expect there will only be a few dispensations, which are unlikely to make enforcement difficult.

4. YOUR RESPONSE

Please respond online by going to –

www.environment-agency.gov.uk/research/library/consultations/consultations.aspx

If you prefer to respond by post, please complete the following form and return it to –

Adrian Taylor
 Fisheries Policy Manager
 Close season consultation
 Environment Agency
 Rio House
 Waterside Drive
 Aztec West
 Almondsbury
 Bristol BS32 4UD

Personal details

| | |
|---------------------------------------|-------------------------------|
| Name – | |
| Organisation (if applicable) – | |
| Address – | |
| E-mail – | |
| Your area of interest* – | Please tick (one only) |
| Angling – individual | |
| Angling – club | |
| Angling – representative organisation | |
| Fishery owner (non-club) | |
| Other fisheries organisation | |
| Conservation organisation | |
| Other NGO | |
| General public | |
| Other (please specify) | |

Questions

| | | |
|----------|--|----------------------|
| 1 | Trout | |
| 1.a | Do you agree in principle with removing the brown trout close season on stillwaters? | Yes/No |
| 1.b | Please explain your answer. | |
| 1.c | Do you agree that we should keep the close season on stillwaters where there are significant stocks of wild brown trout? | Yes/No |
| 1.d | Please explain your answer. | |
| 1e | Which option do you prefer? Option 1 or 2? | Option 1 Option 2 |
| 1.f | Please explain your answer. | |
| 1.g | Please tell us about any stillwaters with stocks of wild brown trout where you think the close season should be kept. | |
| 1.h | Please provide any further comments. | |

| | | |
|----------|--|--------|
| 2 | Salmon | |
| 2.a | Do you agree in principle with removing the salmon close season on enclosed stocked stillwaters? | Yes/No |
| 2.b | Please explain your answer. | |
| 2.c | Do you agree that this should be achieved through special dispensation linked to stocking consent? | Yes/No |
| 2.d | Please explain your answer? | |
| 2.e | Please provide any further comments. | |

7. What happens next?

We will publish a summary of responses to this consultation. Responses will help to shape our final byelaw proposals. After the Marine and Coastal Access Bill is passed in autumn 2009, we will advertise the proposed byelaws. Any objections can be made in writing. Following this, we expect to introduce the new byelaws early in 2010.

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