

## **EXPLANATORY MEMORANDUM TO**

### **Salmon Netting Regulations (NI) 2014**

#### **SR 2014 No 15**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 26(1) of the Fisheries Act (NI) 1966 and section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 These Regulations prohibit the use of bag nets, draft nets and tidal draft nets to catch and kill salmon in tidal waters and Lough Neagh. The Regulations also outline the criteria under which such salmon netting may resume.

#### **3. Background**

- 3.1 International scientists have confirmed that wild Atlantic salmon are dying at sea in significant numbers. Southern stocks, including some in North America and Europe are threatened with extinction. Data generated by Bushmills Salmon Station shows a decline in salmon returning to the River Bush from around 30% prior to 1997 to less than 5% today. There is scientific evidence that salmon fishing off the North Coast is catching fish from areas protected under the EC Habitats Directive; other monitored rivers across the North have failed to achieve their conservation limits in most years since 2002.
- 3.2 Continuing to authorise such exploitation is unsustainable and would be inconsistent with DCAL's obligations under the EC Habitats Directive and commitments to the North Atlantic Salmon Conservation Organisation. This could lead to infraction fines being imposed by the EC.

#### **4. Consultation**

- 4.1 A public consultation on salmon fishing closed in July 2012 resulting in over 370 responses. The views of individuals accounted for 90% of responses, while 10% were from organizations purporting to represent the views of some 17,000 individuals. The key messages that emerged were that 83% of respondents supported a total cessation of commercial salmon fishing and a total of 74% supported the introduction of mandatory catch and release for recreational angling.

- 4.2 Following further engagement with stakeholders, a further consultation issued seeking comments on a wide range of proposals regulating the implementation of catch and release and a ban on salmon netting. This closed on the 27<sup>th</sup> September 2013 - a total of 210 responses were received from a wide range of interested parties.

## **5. Equality Impact**

- 5.1 Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. While salmon netting will be prohibited, the implementation will not have a disproportionate effect on any particular Section 75 grouping other than gender due to the nature of the activity.

## **6. Regulatory Impact**

- 6.1 The introduction of a mandatory cessation of salmon netting may impact on netsmen who may suffer loss of income as a consequence. The Salmon Netting Regulations (NI) 2014 will provide for compensation in these circumstances.

## **7. Financial Implications**

- 7.1 The Department is satisfied that the balance between cost and benefit in introducing these Regulations is justified.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 It is not expected that any of the provisions set out in the Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law.

## **9. EU Implications**

- 9.1 These Regulations are part of a suite of salmon conservation measures aimed at the conservation of the wild Atlantic Salmon. Salmon netting can only resume if it is determined that such activity is not likely to adversely impact on a Special Area of Conservation as defined under the Habitats Directive. In addition AFBI advise that commercial netting could only occur when Management Targets have been achieved consistently for all monitored salmon populations intercepted by a fishery in the DCAL jurisdiction. This is also consistent with NASCO advice on the management of mixed stock fisheries.

## **10. Parity or Replicatory Measures**

- 10.1 In England and Wales, salmon netting is still permitted under a carcass tagging scheme.
- 10.2 In Scotland, net fisheries still exist although there is now little commercial exploitation of freshwater and migratory fish.
- 10.3 There are no active nets in the Loughs Agency area.

## **11. Additional Information**

- 11.1 Not applicable