

# Consultation on proposed conservation measures to introduce a licensing system for killing wild salmon in Scotland



## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

#### Organisation Name

River Annan District Salmon Fishery Board & River Annan Trust

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### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate  
 Yes

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**/Yes**

## CONSULTATION QUESTIONS – RESPONSE TEMPLATE

**Q1** Do you agree with the proposal that Scottish Ministers introduce, for conservation reasons, a ban on killing wild salmon by all methods except under licence? If you disagree, please provide suggestions for alternative measures which, within the context set out in the consultation paper, would deliver the objective of a more robust regulatory framework to control killing of salmon to enable conservation objectives to be met.

The River Annan District Salmon Fishery Board and the River Annan Trust supports a proposal in principle to control the exploitation of salmon. We are concerned however that the method chosen may be impossible to operate. The element which we strongly agree with is a mechanism in which all wild salmon killed are carcass tagged. Whilst the consultation is about salmon we do think it is a shame that measures only refer to salmon, in 2013 the lowest ever catch of sea trout was recorded in Scotland. The over exploitation of these fish is also a concern. It should also be noted that catch and release by anglers is now widespread and it seems unlikely that angling, in most river systems, is having a significant effect on the number of spawning fish. Great care must be taken to ensure that the system chosen does not inadvertently create a scenario where more fish are killed.

**Q2** Do you agree with the basic outline of how the licensing system would operate? Please provide suggestions, and rationale, if you consider it should operate in a fundamentally different way.

We remain to be convinced that the method chosen is workable. We believe that the principles for operation are correct however we would like to see it clearly stated that an option is available for a number of proprietors in one district to compile a single application that covers a whole catchment. The onus would be on that group of proprietors to ensure that the requisite number of tags are distributed equitably across the fishery, perhaps the rateable value of the fishery could be used as a tool for this. If this was encouraged it would reduce the number of licence applications being made and make the system easier and less costly to implement.

Paragraph 20 proposes that the proprietor of a fishery should be the person to apply for a licence, but what is a "proprietor" and how appropriate is this? For example, legal title to the timeshares is often vested in management organisation, and it is not uncommon for fisheries to be let for a year or several years; some have been let for decades. Where a fishery has been let on a long lease it may be inappropriate for the proprietor to decide whether or not to apply for a licence. At the very least the proprietor should be able to authorise/mandate what one might call the operator of the fishery to apply for a licence. Some fisheries are jointly owned; would all the owners have to agree to apply for the licence? Many fisheries have alternate day or half day or rotating beats arrangements so that one may technically be fishing water that belongs to a fishery other than the one that issued one's permission to fish- and not all such arrangements are legally documented, even if they have been operated for very many years.

As well as types of proprietors there are various ways in which fish are caught. Some of these ways would be regarded as culturally important to certain jurisdictions. In England and Wales putcher and coracle fishermen

have certain protections (as long as it can be seen to be sustainable). In the Solway we believe that the practice of Haaf netting is a longstanding tradition that is unique to our area and as such should have some heritage protection. Whilst this fishing has to be sustainable we would like to see it recognised that even 100% catch and release on the rod and line fishery will result in a small mortality. It may be possible to relate that mortality to a modest amount of fish that could be retained in a heritage fishery.

In the preamble much is made of the obligations the Scottish Government has to SACs etc. within Scotland but it should be noted that should the Scottish Government be issuing licences that may impact upon salmon destined to spawn in other nations that an assessment of what is appropriate in terms of exploitation must bear this in mind. This is particularly important in the Solway region where mixed stock fisheries may impact stocks from an English SAC river, such as the Eden.

Currently in Scotland we have not developed conservation limits. It is essential that Marine Science Scotland develops the tools that can be used by local managers that are appropriate for Scotland so that appropriate assessments on the stock status of rivers can be made. In Scotland we currently have a fairly weak set of fish counters that are not spread particularly well. Part of the evidence needed for setting quotas must come from the counter network so there needs to be a significant investment in this. On the Solway, for example there is not a single counter on a major salmon producing river. The precautionary approach can be used in the meanwhile but this may be a weak mechanism to decide on a sustainable harvest for any given catchment/District.

We would hope that District Salmon Fisheries Boards (and any fishery management group that succeeds them) will be consulted on any applications made within their District and that the Board will be able to indicate whether or not they believe there is a harvestable surplus.

In Border areas there may be some difficulties in enforcement as fish may be claimed as caught from another jurisdiction. The order should make it clear that it will be the responsibility of the person carrying the fish that they can clearly demonstrate where it came from should the fish not carry a carcass tag. It should also be implicit that having killed a fish a tag must be fixed onto the fish as soon as is practically possible after it is killed. i.e. the tags must be carried on the person if the intention is to take a fish. Taking a fish or a number of fish home (or to a vehicle) and then tagging them should not be allowed.

As well as introducing a licencing system a facility should be put in place where part or all of a licence quota can be revoked under certain circumstances. It is often fairly clear part way through a salmon season that stock abundance is low or high. In these circumstances there should be an ability to reduce the number of tags that can be used (or in a more positive scenario make more tags available).

**Q3** Do you agree that the ban on killing and associated licensing system for Atlantic Salmon should be accompanied by regulations prohibiting use of certain fishing equipment which is liable to cause greater harm to the fish? What other equipment, other than that set

out at paragraph 24, do you consider should be included and for what reason (please provide evidence for your suggestions if possible)?

The type of equipment that is used when fishing without a licence to kill must be such as is likely to afford the highest chance of survival for the fish. We believe that debarbed hooks should be allowed and not just barbless as there are insufficient barbless hooks on the market. We also believe that only a single hook should be used on lures (be that an individual single or double hook, trebles do seem to be particularly problematic).

Bait fishing can be seen as incongruous to this as it may result in deep hooked fish in which the survival of the fish is compromised. However for many anglers bait fishing is all that they can do by force of circumstances so banning any method outright may be deemed unfair. Non bait methods can also result in deep hooked fish (a lure called the flying C is notorious for deep hooking fish) but it would be difficult to outlaw such a piece of equipment without it being slightly modified and 'rebadged under a different name. It would be better to try and educate anglers about ways in which they can minimise damage, coarse anglers have been releasing fish caught on bait and other methods for years without causing high mortality.

With certain types of net fishing in places where a salmon is likely to be caught if the nets men do not have a licence to catch and kill salmon that netting must be ceased as salmon will inevitably get hung and die. If the net fisherman can demonstrate that they can continue to fish and release salmon accidentally caught unharmed clearly they should be allowed to continue. This should apply to all types of fishing even when the salmon is not a target, i.e. in fisheries which have not traditionally targeted salmon in the past but inevitably catch a significant bi catch.

**Q4** Do you agree that a carcass tagging scheme be made as an integral part of the licensing system to aid compliance? If not, please provide suggestions for methods of ensuring compliance with licences and their conditions.

Carcass tagging is an essential part of this process. All carcass tags should be individually numbered and dated so that they cannot be carried over to another season. The details of any fish caught where a tag is used should be entered into a log book. The log book must then be sent in at the end of a season (complete with unused tags) and failure to do so will automatically ban that proprietor from receiving a book in following years. The tags must be of such a nature that they can only be used once. An attempt to use pre-used tags in a fish should be regarded as an offence. Lost tags must be reported but it should be the responsibility of the proprietor to account for them and no tags should be issued to replace them.

**Q5** What do you consider the main impacts of the package of measures to be? Where you are commenting on the proposed ban and associated licensing scheme, please identify whether the potential impact is a result of the principle of having a more robust regulatory system in place or is more connected to the potential decisions that might be made by the licensing system. Please provide any evidence that you consider should be included within the Business and Regulatory Impact Assessments that will be completed alongside the legislation required to deliver the package of measures. The BRIA helps us to use available evidence to find proposals that best achieve the policy objectives while minimising costs and

burdens. It also ensures that any impact on businesses, particularly small enterprises, is fully considered before regulations are made.

Currently there is no way of assessing the validity of declared salmon catch, whether it be from the rod fishery or the net fishery. The Scottish Government relies upon the honesty of proprietors when reporting to the government and the proprietors rely upon the honesty of fisherman who are their 'tenants'. There has always been an understanding that this has resulted in an under declaration of the number of fish actually caught whether these fish were released or not. As a start this will enable us to determine how many fish are actually killed in Scotland. It will not help tell us any more accurately how many fish are actually caught.

At the moment the conservation regulations are available to control exploitation on a case by case basis but this is quite clunky. This system, once in place, should allow for a more streamlined regulatory process that ensures that each year fisheries can operate in a sustainable manner. Properly scoped the licencing scheme can be a proactive tool to assist stock recovery in places where salmon numbers are in trouble and a reactive tool when things go awry elsewhere.

At the moment Scotland struggles to meet its international obligations regarding SAC rivers and mixed stock fisheries. This tool will be able to help to deliver a significant amount of these obligations.

There will, inevitably, be a financial cost to all of this. It could be argued that as the salmon resource is '*a valuable natural resource belonging to the people of Scotland*' (section 9 of the consultation) it could be argued that the cost of licences should be absorbed by the Government. This appears unlikely but it should be possible to deliver a system that is not too unwieldy and costly. Salmon fishing in Scotland is a highly inclusive activity where people from all parts of society can participate. Costs of licences should reflect this and not in themselves act as a deterrent to people on smaller incomes. The number of licences issued alone should be sufficient to ensure conservation regulations are met.

Thought could also be given to refunding or crediting people who apply for licences but do not use them.

**Q6** Do you have any other observations about the proposals as conservation measures to help regulate exploitation of Atlantic Salmon? In the context of the legal framework in Scotland, do you have any suggestions or options for how they might operate in practice?

Whilst, as we have said, we agree with the broad principles of what is being said we do have a number of concerns about policing the system. It will be critical that the order is drafted in such a way that there cannot be any doubt whatsoever that retention of fish, receiving fish or selling fish without a carcass tag is illegal. It is currently illegal to sell a rod caught fish in Scotland but we are not aware of any prosecutions, principally because it is very hard to prove. Carcass tagging will solve this.