

As a keen angler fishing on the upper beats of the Annan for over 40 years I believe a total ban is wrong more effort should be put into ensuring that beats stick to the 2 fish limit, would the haff netters support a ban ? I don't think so living in the Gretna area I hear many tales of how many sea trout they TAKE from every tide before any fish even reach the river, I also think the tourist trade would suffer as many anglers travel to our area for sea trout and salmon fishing, many fish are returned safely and most anglers I believe would like to see the 2 fish limit remain in place. Restrictions YES total ban No.

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catch and release brown trout why you are breeding cannibal fish which feed on small fish etc. rainbow trout a total menace eat everything as for a total ban for five years that's suicidal for sea trout no one will fish your water anymore it is bad enough traveling a lot of miles to fish even if people do i doubt if they are returning fish ,fishing is a sport also a food supply not for some pathetic person just to injure fish just for the fun of it.I fish myself take a bag limit according to club rules you will let the poachers have a field day drop of by car no one knows they are there pick up again later we used to fish this river but no longer do so because of the brown trout rule sea trout was a bonus if you ever happened to catch one the first fish you should have been allowed to keep it make you own decision it may be the only one you ever get As for ban on sea trout i would say no or consider fishing for salmon only starting from beginning of September to end of November that would let any sea trout brown trout get total peace to recover but i think that would upset many, I would like to think how much revenue the Annan has lost through permits over the last few years even so the ones who are buying them are they actually returning the fish.

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I think it would be the wrong decision to impose compulsory release on sea trout. I believe there are more sea trout in the system than the catch figures show. Because of the wet summers over the last few years neither the nets or the rods have been catching sea trout in any numbers because the conditions do not allow their capture. This year there has been more herling than for many years. Therefore next year should be an excellent sea trout year.

The river has far too many goosanders , last week I counted seventeen below the caul at Annan. It stands to reason that they must eat a lot of sea trout parr. I also believe that the large brown trout that have appeared in the Annan over the last few years must also eat a lot of both salmon and sea trout parr.If it takes one goosander 33kg to reach adulthood, can you imagine how many young sea trout and salmon parr are being taken by goosanders over the whole river?  
They don't belong on the river , they are an american bird and only arrived in this country in the 1800s.  
Lots of other rivers shoot them.

<http://blx1.bto.org/birdfacts/results/bob2230.htm>

It could well be that sea trout are changing the times at which they run. I have caught and released sea trout whilst fishing for salmon in August and September this year, in September, I caught five sea trout in one day whilst fishing for salmon.And i know of numerous beats which have also reported catching sea trout the last few months.

If this is enforced I think it would drive fishermen away from the Annan as most fishermen like to fish for the pot. I think those fishermen would go the other river nearby. If there are very few people fishing the Annan and no netting how will sea trout statistics be gathered for future years?

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Clerk to the Annan River Board

After reading the report and proposals to catch and return all sea trout and fishing the Newbie beat this week and catching fresh run hurling I carried out a simple calculation on the number of nets now fishing compared to twenty years ago and the number of fish now caught is similar and the report to be flawed.

Before any decision to carry out the proposals a proper scientific study by an qualified independent consultant should be carried out.

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Dear Annan Fishery Board,

**I have considered the proposed ban to retain any sea-trout and I oppose for the following reasons:**

1. I can justify angling for game fish by the very fact of eating some of what I catch. The catching, cooking and eating of sea-trout gives the fish a high value and a justifiable reason to catch it.
2. Remove the opportunity to retain a fish for the table and we reduce it to a mere plaything. Hooking and releasing any fish is obviously detrimental to the fish in terms of stress and physical damage and if this were to become compulsory, would play into the hands of the anti blood-sport brigade who would wish to see our sport banned completely. I can see their point of view.
3. I only have a short period each year when I can fish the Annan. My opportunity to catch a fish, let alone keep one, is therefore very limited. This makes any fish that I retain of great personal value to me and those I care to share it with.
4. I feel that my commitment to fishing the Annan helps the local economy and provides funds to maintain the river for everyone's enjoyment. If the proposal were to go ahead, I would seriously reconsider my options.
5. I believe that the number of fish retained by anglers has a limited impact on fish population. This is especially relevant when so many anglers are voluntarily returning all their fish or, as in my and the majority of cases, restricting the number of fish retained.
6. If sea-trout are so endangered, then perhaps a complete ban on fishing for them should be considered.

**Rather than a complete ban, please consider the following:**

1. Introduce a tag system, that allows anglers to retain a brace of sea-trout per season. A similar system is in operation for some salmon fisheries and could be copied, at minimum expense, for the Annan. Anglers who wish to release all their fish can continue with their preference, and anglers who wish to retain fish can do so in a controlled, sustainable and quantifiable manner. ( Assuming, of course, that conditions are suitable to catch any fish in the first place.)
2. I am sure that there are wider more relevant issues affecting sea-trout numbers. My instincts tell me that the problems are more to do with uncontrolled predation in the river by birds such as herons and cormorants and out at sea and in the estuaries, by all types of net fishing. Seal, mink and increased otter numbers must also be included in the equation. The effects of commercial sand-eel fishing, which provide the staple diet of salmon and sea-trout, should be investigated more closely.

3. The use of fish hatcheries is not considered effective in the report. My only comment regarding this is - look at the success of the North Tyne, which has considerable numbers of both salmon and sea-trout, many of which are hatchery bred.

4. To use the Scottish Dee as a good example of a successful 'catch and release' fishery is not, in my opinion, a good analogy. The two river systems are utterly different and appeal to a vastly different type of angler. i.e. those that wish to catch large salmon in highly organised and prestigious fisheries.

5. I believe many anglers will not fish the Annan during the sea-trout season if the ban goes ahead. This may allow a few more fish to achieve spawning but will not provide a significant improvement to the problem. The commercial consequences of this should be considered and hopefully a compromise, based on my points and those of the other dissenters, be reached.

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take you pick brown trout, rainbow trout, grayling, mink, otters ,herons etc. all feed on fish eggs young fish etc. also people who slip on to fish the river after dark with possibly no permit this would increase illegal fishing if this ban was imposed for sea trout,why encourage catch and release of brown trout,grayling etc. these fish feed on eggs young fish also rainbow trout fish farms always seem to have escapees into the system eat everything in sight the Annan seems to have to much gravel and not enough boulders and large flat stones to encourage more fly life etc. compared to most rivers i know as for to ban sea trout to a catch and release system the same as brown trout don't know if the grayling are catch and release on your river as well ,fishing is a sport also a food chain where does this idea come from do you wish the animal rights people to ban our sport as well that would be right up there street and i could see why putting stress on a fish a living creature just for the fun of it,taking into account how much tourism that would take away from your river,shops hotels ,fishing tackle shops a very big loss in revenue and i am certain that it has already happening clubs living of the money they have collected over the years in the bank how long will that last,yes there are people who will buy day and season permits but are they really returning the brown trout that they say they are,if the ban gets the go-ahead then god help you poachers paradise bailiffs would need to work 24/7 there is no way you could do that checking everybody's bag etc. crown bailiffs only can do that so please think again before you even consider going ahead with this even though people agree with your proposal if i was a poacher i would agree to a ban think about it

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Dear Sir

## **RESPONSE TO THE RIVER ANNAN DISTRICT SALMON FISHERY BOARD'S CONSULTATION ON THE COMPULSORY RELEASE OF SEA TROUT IN THE ANNAN DISTRICT**

The Annan Common Good Fund Sub Committee of Dumfries and Galloway Council administers the operation of Poke Nets, Haaf Nets and Stake Net on the North side of the Solway Firth between Sand Rigg and Gowesk Rigg and met on 25 September 2013 to consider a response to the River Annan District Salmon Fishery Board's (RADSFB) Consultation on the Compulsory Release of Sea Trout in the Annan District and the Committee's response is set out below.

### Range of Previous Conservation Measures

The Annan Common Good Fund Sub Committee acknowledged that there may be a need to reduce exploitation, for conservation reasons and has reviewed conservation measures annually based on local and national advice and data.

The Committee has positively responded to requests from the RADSFB to put in place conservation measures for both Salmon and Sea Trout consistently in the past and details of the conservation measures are detailed below.

The Lower Annandale Area Committee (Committee previously responsible for the administration of the Annan Common Good fishing activities) on 26 March 2007 agreed to adopt a catch and release scheme for Sea Trout for Haaf and Poke Nets for the 2007 season and continued during 2008 fishing season. On 4 February 2009, the Annan Common Good Fund Sub Committee agreed that Poke and Haaf netsmen would not take and kill Sea Trout before 1 June for the 2009 fishing season.

It was agreed on 3 February 2010 that Sea Trout caught by Poke and Haaf netsmen before 1 May must be returned and this policy continued during the 2011 fishing season. At the meeting of 1 February 2012, Members agreed to implement a voluntary catch and release scheme and fishermen have voluntarily released around half of the fish caught during the 2012 season. On 6 February, 2013 Members agreed to continue the voluntary catch and release scheme for Sea Trout throughout the 2013 season for Poke and Haaf Nets. Further, the Stake Net tenant has been releasing large Sea Trout at the request of the RADSFB for the last 4 years.

The RADSFB introduced a catch and release scheme for the 2007 and 2008 fishing seasons but not all of the Riparian Owners adhered to the scheme.

### Questions around Data Analysis and Assumptions behind the Proposal to apply to Scottish Ministers for Regulation

The Annan Common Good Fund Sub Committee questioned whether the figures contained within the consultation paper in *Fig i Annan District Net Fishery for Sea Trout Unrecified for Effort* fairly reflected the direct correlation to the reduction in effort and did not illustrate the figures for fish released by the netsmen. The Committee questioned the assumption that

'all of the fisheries will have been operating at broadly the same effort' when a previous Conservation Order for Salmon on the River Annan inadvertently included a ban on the taking and killing of Sea Trout before 1<sup>st</sup> June each year which could account for lower catch figures as fishermen have been discouraged from fishing for Sea Trout.

The Committee challenged the basis upon which the proposal was based in that year on year changes in catch figures are not a simple reflection of changes in the underlying numbers of fish returning to the River. Both catch size and the allocation of catch among fishing methods may be influenced by many factors, the most common related to fishing effort or environmental factors. None of the environmental factors, the most obvious of which is weather, had been taken into account in the presentation of evidence in the consultation document. Further, Sea Trout have been observed running much later in the season and have not been fished for at all.

The Committee noted that Sea Trout catches had decreased since records began in 1952 but that there was a significant difference in Sea Trout Catches between the East Coast and West Coast of Scotland Fishery and catches in the East and North regions in 2011 were both among the top two catches recorded within their respective regions over the same period and would wish the Board to explore the reasons behind this and address the underlying issues before any application to Scottish Ministers was made.

There was a lack of scientific data in the Consultation document as to stock levels in the River Annan and, without baseline data and analysis of stock levels, catch figures alone cannot be relied upon to judge the abundance of fish. The question arose as to how Sea Trout abundance would be measured accurately as Sea Trout released could be counted more than once. In addition, the management of natural predators to Sea Trout (other than Mink) or measures to enhance the habitat in tributaries was not evidenced.

#### Alternative Conservation Measures

It was understood that no other River Board in Scotland is proposing to apply for a ban on the killing of Sea Trout although it was recognised that there are conservation measures in place. The Committee noted that the Environment Agency currently does not have any plans to prohibit the killing of Sea Trout but do have conservation measures in place in the form of byelaws and a net limitation order, daily bag limits and a ban on the killing of Salmon and Sea Trout in the rod Fishery from 10 September to the end of the season.

The Committee were of the view that alternative conservation measures could be adopted by the netsmen but the RADSFB had not approached our Council to consider any alternative conservation measures other than applying for a change in legislation.

#### Effect on Annan Common Good Fund, Traditions and Community

The introduction of a regulation for the compulsory release of Sea Trout would have financial consequences to the Annan Common Good Fund. Most of the income to the Fund stems from the sale of Haaf and Poke net licences and rental income for the Stake Nets. This income is distributed in the form of grants to community organisations for projects that benefit the community and the resulting drop in income would mean many community projects would not be funded. There are also the ancient traditions and skills of net fishing to be considered. If take up of licences reduces or ceases, the ancient skills and knowledge of these fishing methods could be eradicated.

## Summary

In summary the Annan Common Good Fund Sub Committee agreed to oppose, in the strongest terms, the proposal to apply to Scottish Ministers to make a regulation to make the release of Sea Trout compulsory in the Annan district on the grounds that sufficient data was not produced as to stock levels in the River Annan and catch figures alone could not be relied upon to judge the abundance of fish; that there was lack of evidence of the management of natural predators to Sea Trout or measures to enhance the habitat and that alternative conservation measures could be explored; and that should take up of licenses reduce or cease, the ancient skills and knowledge of these fishing methods could be eradicated.

The Annan Common Good Fund Sub Committee requests that its views are fully considered before applying to Scottish Ministers for regulation.

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## Response to Consultation on Compulsory Release of all Sea Trout in the Annan District.

My first reaction on hearing about this proposal was that some new empirical research specific to the Annan had emerged and that this research had revealed evidence of sea trout stock collapse so grave that the RADSFB had been driven to an action that none of the other Solway rivers, north and south of the Firth, had under consideration.

I and a number of concerned anglers and netmen then wrote to the RADSFB some weeks ago questioning several matters relating to the empirical science behind the proposal, none of which were addressed in a satisfactory manner, if at all, other than the belated promise of a statutory consultation document as required by law.

I awaited publication of the Consultation document with great anticipation to see what it might contain as a search of the internet and the recently completed paper from the EU funded, 2M Euro, 3 year duration Celtic Sea Trout Project, of which the Annan was a part, revealed no heightened concern nor any calls for such urgent draconian action. I assumed therefore that recent field research in the Annan catchment area or a catastrophic pollution incident must be responsible for so sudden a reaction.

The Consultation paper is now to hand and shows none of the evidence that one might expect to be advanced in order to support a unilateral proposal that will diminish the numbers of visiting anglers to the Annan, whilst benefiting the adjacent rivers, none of whom when questioned saw any need, nor had any intention, to instigate such a ban.

For example, I would have expected to see in this consultation an up to date graph of the electro fishing results for nought, one and two year trout parr at the sites for which the Board has records back to the early nineties when BNFL commissioned an independent research company to measure the productivity of the Annan system as part of their environmental study prior to the defunct project to build a new PWR at that time at Chapelcross.

Equally, the suddenness with which this proposal was promulgated also led me to expect that a smolt count/assessment had been undertaken this year and that this might have prompted the proposal, yet no such figures or reason is put forward.

Just as well perhaps, since the Herling (sea trout smolts returning after only a few weeks at sea) run this year was, and continues to be today as I write this on 17.09.13, prolific and well documented in the lower river beats, whilst the Celtic Sea Trout Project on their website identify the Herling as an important factor in the sea trout survival strategy.

Sea trout to 3lb have also been caught in numbers in August/September no doubt arriving late as the river cooled just as they have done in past years after a warm early summer.

Instead of such empirical evidence we have eight pages of contrived argument that can be summarised as follows:-

page 1. Offers for consideration graphs of netting catches back to 1952 which do not identify the many closure of nets and decrease in effort over time and which the author quite rightly describes as irrelevant to the argument but includes it anyway. Had he spoken with Lower Proprietors he would have discovered that of 87 pockets fished in the 1970's only 7 have been in operation for the past few years and that of 35 poke nets only one operates today. Why were they not consulted?

page 2. Graph of the rod catches to which the author ascribes great relevance but fails to show for each year the number of rods and their effort, the weather and water height variations, etc., etc.. The request by The Board in 2006 for all sea trout to be returned in that season resulted in a mass exodus of rods to other sea trout rivers throughout the UK, none of which had made such proposals, and the outcome of that was a loss of visitors at sea trout time from which the Annan has never recovered. Add to that on the timeshare, the number of owners attending to fish their rods has been decimated over the years due to age, a lack of outside interest in purchasing sea trout rods that are no longer actively fished but were blighted by the 2006 action, and a now justified fear that the ban might be reinstated. This renders the rod catch graph as suspect as the preceding net graphs and therefore just as irrelevant.

page 3 Brown trout catch and release has little to do with the sea trout proposal other than vaguely to seek in an evangelistic way to justify a belief system which the author has never attempted to hide. We have however, a graph of rapidly increasing numbers of brown trout in the Annan from 2004, but no



mention of any contemporaneous research or impact statement to demonstrate that the policy of catch and release, leading to increasing numbers of brown trout growing on to weights of 3 to 9lbs would not threaten the sea trout parr and smolts which must to some greater or lesser extent feature on the menu of these leviathans.

Correlation may not reflect causation, but allowing for pertinent time lags, the increase in large brown trout catches marries quite well with the 2006 and onwards reduction in sea trout catches, enough, I would contend, to warrant some investigation.

page 4. I am sure that this tool is quite useful for those sitting at PCs but is it enough in itself to trigger a proposal such as we have here today? Should not this trigger a field response such as electro fishing to determine parr numbers and density and a physical river wide investigation so as to identify other contributing causes?

Is that not how science is done these days? This cut and paste, out of context, from a Marine Scotland paper on salmon stocks appears to have more to do with painting by numbers than the scientific method.

page 5/6. Here again we have no figures on the number of sea trout that escape both nets and anglers to spawn naturally in the river system and no observations of redd counts for any of the past six years for which the author belatedly now expresses concern. 1M ova, we are told by those who are against hatcheries, produces an uneconomic return of mature fish, and those naturally deposited in redds just two per spawning pair.

Perhaps empirical evidence should be provided as to the numerical benefit that might be expected as a result of the proposal to ban the keeping of sea trout?

page 7 We now come to the quid pro quo - what will the Board be doing in the ensuing five years? Sadly, reading between the lines, very little.

Habitat improvement if there is money, which there is not for the foreseeable future, with no realistic proposal as to how over the five years money might be raised to do even token work.

I understand that the Board efforts on fund raising at this time are directed towards the Heritage Lottery Fund for an eye watering sum of money to build a hubristic "Angling Centre of Excellence" rather than the workaday remit of it's core responsibility, the salmon and sea trout of the Annan catchment area. If true, that is a sad indictment of a Board that appears to have lost it's way, unless of course, a concurrent funding effort is being actively pursued from realistic sources for Annan specific sea trout research and consequent identified improvements.

In an email sent by Fishpal, after the publication of the Consultation paper, to anglers that had booked fishing in the past two years, we are told that this proposal is just a minimum response to the decline and that the Board is actively seeking partners to implement a habitat program aimed at improving the productivity of the catchment nursery areas.

Perhaps the author would care to elaborate as to what form the enhanced response might take and whether the actively sought partners are being sought for funding, a physical work program or both? When will it start, and which sea trout nursery areas have been identified as in need of improvement? When and how were they identified, in what way do they need improving, and why, having been identified, do they not form part of the consultation paper?

A Hatchery is not even under consideration because a "consensus" of fishery biologists knows better. Since when was science conducted by consensus? Was that consensus present on the Tyne, now enjoying a phenomenal renaissance of both salmon and sea trout due to a far sighted restocking program? Does the river Dovey in Wales with it's comprehensive sea trout hatchery program and renowned catch records know that?

Why is there no detailed improvement plan with costings and firm funding proposals appended to this proposal?

Again there is no impact or risk assessment of the aftermath if this poorly considered proposal were to succeed. Most importantly of all, who will police the river and tributaries to protect the putative increased numbers of sea trout in the system from the poachers to whom the Annan will be a magnet when the word gets around that few if any anglers will be out fishing at night. Do you truly believe that two River Board staff can police the entire river system for five years?

Has any attempt been made to quantify the expected losses to increased poaching and to offset those losses against an as yet unquantified gain from the ban?

What this Board should do is to open a dialogue with the Boards responsible for the adjacent rivers, jointly consider the findings of the Celtic Sea Trout Project, to which it contributed £5000 in each of the three investigative years, and if necessary, develop a sea trout strategy for the whole of the Solway whereby a common scientific methodology, monitoring parameters that best reveal any annual and cumulative anomalies, can be compared and adopted.

In the event that such a partnership as a whole deemed it necessary to enact a proposal such as this, then joint action, funding appeals and mutual assistance are far more likely to succeed than unilateral action by a Board that is woefully lacking in funds and the desire to provide them, critically short of the necessary manpower to monitor the science and provide the extensive river watching that the proposal requires, and for these reasons totally lacking in local confidence in its ability to deliver a satisfactory outcome.

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To Ms Mary Colville  
Clerk to the R. Annan District Salmon Fisheries Board  
Lockerbie. DG11 1HQ

30/9/13

Dear Sirs

**Ref: Proposed Compulsory Catch & Release of all Sea Trout on the R. Annan.**

I am a Timeshare owner at Newbie and also Chairman of the Frome Piddle & West Dorset Fishery Association (which forms part of the Westcountry Rivers Trust). I am therefore very aware of some of the issues that you are trying to address.

I wish to formally object to the above proposal.

I have carefully read the above Proposal and the R. Annan catchment management plan, trying to understand how and why such drastic measures might be required, but I have failed.

In the proposal, the decline in sea-trout numbers is well documented and has taken place over the last 20 years, therefore their decline is nothing new, but there seems to have been only very minor attempts made to resolve and or rectify the problems. This is a hugely wasted opportunity. I could not find any information about where sea trout spawn in the catchment, what the smolt run numbers have been during the period of the management plan (which is now in its final 5<sup>th</sup> year). This back ground information should have formed the foundation of a comprehensive and coherent sea trout / salmonid conservation project. The Proposal mentions on page 1 that 'the Inner Solway must have been producing a phenomenal number of smolts', but without any smolt counts for the Annan, it is very difficult to see if and where the problems lie. It could be that the river is producing large numbers of sea trout smolts, which are then being heavily predated by sawbills and mink on their way to the sea. It could also be the case that the smolt are starving to death in the Firth or are being heavily affected by the ever changing ocean currents. To simply issue a compulsory C & R will achieve nothing without finding out and understanding the root cause of the problem, indeed this proposal smacks of desperation.

The proposal might have some credibility if in the management plan, it formed an integral part of the restoration project, however the plan, now in its fifth year is unclear about where and how many in-stream barriers there are, where spawning habitat needs to be restored and enhanced. The lack of information about where the barriers are which need removing is of real concern as this is list under the EU Water Framework Directive, their removal is listed to be underway by 2015. In addition, there is no research about the increasing numbers of sawbills on the river and what they eat when the smolt are running in late spring.

The problems on the Annan I suspect are not unique, it would therefore be both useful and sensible to see both in the Proposal and the Management plan how the conservation measures on the Annan fit into a Solway wide catchment management plan, after all the smolting sea trout may not return to the Annan as the Celtic Sea Sea Trout project has found. Therefore, there is a huge need for **all** the Solway river boards, both sides of the border to, at the very least, have an accord about conservation measures for salmon & sea-trout. To simply impose a C & R rule in one river is being blind to the overall picture and shows a serious lack of understanding of all the issues and how they interact.

I am also concerned that the visiting angler will be heavily hit by such a proposal. There is clear evidence from all over the country that when a C & R rule is imposed, visiting angler numbers will dramatically drop, you can see this on the Eden in Cumbria and the Dorset Frome. It may not be of any concern to the board that visiting anglers stop coming to the Annan for sea trout fishing, but the area suffers from very low business opportunities and tourism could form a vital local industry. At Newbie, we estimate that each visiting angler pumps about £1000 per week into the local economy in one way or another. It is not just the river angler who we should be concerned about, the local netmen all make a living from the river and their livelihoods should also be considered when making such a Proposal.

I do not agree with the rather off-hand way the idea of a river hatchery is simply dismissed. River hatcheries have been used throughout the British Isle and overseas and there is a great deal of information available to help the Board both from England and Ireland form a workable policy. To simply say they don't work is quite untrue; the hatchery at Kielder has been a wonderful success and demonstrated just what can be achieved with a little dedication and hard work by a small team of dedicated people.

In summary, I totally object to this proposal on the grounds that after 4 years, there is still no supporting research into the numbers of smolt produced by the river, where the in-river problems are, what measures are being taken to reduce pollution from run-off from the windfarm construction sites, there is no catchment management co-operation with neighbouring river boards and the wider Solway. It is simply not acceptable to follow the current vogue about C & R without having a credible Catchment Plan in place, where C & R may form part of an overall conservation plan. I urge the Annan Board to re-think its overall policy and I suggest that the board carries out more careful scientific investigations on which to base their future conservation policies on and future regulation.

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There is no doubt that, in common with many west coast rivers, the sea trout runs on the Annan River have decreased greatly. The main contributory factors are probably changes in the climate, changes to the marine environment and deterioration to the spawning habitat. However, we believe that the collapse in reported sea trout catches does not reflect the true number of this species in the fishery owing to the fact that sea trout **fishing effort** on the river has reduced to almost negligible levels. There are a number of reasons for this.

Firstly, when the Fishery Board applied for a Conservation Order banning the killing of spring salmon before the 1<sup>st</sup> of June each year, a mistake was made in wording of the bill which also banned the taking of sea trout before this date. As a consequence, very few sea trout anglers began fishing before the above date.

In addition, the six summers prior to 2013 have been exceptionally wet and cold. Conditions have thus been very poor for sea trout fishing and many local anglers have simply ceased their pursuit of sea trout and have concentrated their efforts on salmon fishing instead. The sea trout fishing which has occurred has often been carried out by visiting anglers who, because of lack of local knowledge, tend to have fished in daylight hours when few sea trout are taken.

Further, in some years, sea trout have been observed running much later in the season, almost at the same time as salmon. These runs have not been fished for at all. These facts are not disputed by the fishery board; indeed the board has cited the above reasons for poorer sea trout catches on a number of occasions. For example in his address to the board in 2010, fishery manager Mr Chisholm stated that there are a 'huge number of unlet (sea trout) rods available on all beats'. He went on to assert that there had been a 'change in the timing of sea trout runs-moving from May, June and July to August, September and even October'.

The board has made no accurate count of the number of sea trout returning to the river over a number of years, nor of the optimum number of sea trout that the river and its tributaries can sustain.

Instead, the board has used Marine Scotland's 'Rod Catch Tool' to justify the proposed ban. However, the tool can only be used with any confidence if the figures which 'prove' such a ban necessary are absolutely accurate. In fact, the figures used are extremely suspect, not only because of the reasons outlined above, but also because catch returns are, in any case, notoriously unreliable. The board itself acknowledges that the method is 'imperfect' but has used a flawed mechanism to support a five year compulsory release order and appears to be determined to press ahead with the application to Scottish ministers. It should also be noted that the netting returns provided by the fishery board do not separate haaf net catches from stake net catches. The haaf net component is a hobby fishery and is small compared to the catch of the commercial stake nets. The figures provided by the board do not show that the haaf net fishery practised catch and release for the years 2007 and 2008. Moreover, voluntary catch and release figures are not included in the netting statistics, yet voluntary release, of some sea trout has been practised both by the stake net tenant and Annan haafnetters over recent years. The figures are as follows: Haaf nets, released sea trout: 2007- 29; 2008-103; 2009-90; 2010-0; 2011-57; 2012-112. The stake net tenant released the following numbers of large sea trout at the request of the board: 2010-39; 2011-11; 2012-27; 2013-48.

The board's case for a compulsory release policy would be supported if it could provide indisputable empirical evidence that such a policy was necessary in order to protect the viability of future sea trout stocks. They have failed to make this case.

We believe that a complete ban on the taking of sea trout fishing for five years is an unnecessarily draconian measure. Returns from the net fishery show an increase in sea trout numbers for 2012 (despite the wet summer and the consequent short period of the run) and this year trout numbers in the estuary have been good. Crucially, this year, herling numbers have been exceptionally high which should indicate an excellent run of sea trout in 2014. The board's website 'Fishannan' describes the Annan river as 'one of the best sea trout rivers in the UK'. Why then is it necessary to become the only river in the country to seek application for a compulsory sea trout release order?

In any case, compulsory release is not without its problems. Estimates vary as to the levels of mortality suffered by fish which are caught and subsequently released. Whatever the true figure is, substantial numbers of released fish die from injuries sustained during capture, especially if they are caught on multiple occasions. Therefore the rod fishery would continue to exact a toll on sea trout stocks.

Annan haaf netsmen have, over several years, shown ourselves to be conservation minded. We led the way in identifying a problem with spring salmon numbers and put voluntary restrictions in place long before the conservation measures on the river. We operated a complete ban on the taking of sea trout for two years in succession and have since operated voluntary restrictions on the number of fish we have taken, releasing in particular large fish because of the greater number of eggs they carry. It is disappointing therefore, to be penalised by a complete five year ban, simply because some anglers on some beats refused to co-operate with the board.

We have other concerns with the fishery board's consultation paper. For example, what exactly is a 'sunset clause'? Is it a 'sunset clause' simply because the order runs for five years and then ceases? How is the effectiveness of the five year compulsory release policy to be evaluated? What level of fish stocks would trigger another five year moratorium on taking sea trout? What level of stocks after the five years would signal a return to taking sea trout? How are stock levels to be accurately measured if there are no net returns, angling effort continues to be poor and fishing returns are as unreliable as they are now?

Haaf netsmen previously supported and practised compulsory release on the assumption that the policy would be reviewed on a year to year basis. We do not support the introduction of legislation which has the distinct possibility of becoming permanent and is not flexible enough to take account of fluctuations in sea trout stocks.

The fishery board cites the improvement in the brown trout population as being due to the compulsory release policy for this type of trout. However no causal link can possibly be established on the basis of a few years' rod returns. Improved catch figures for brown trout are just as likely due to the increased fishing effort as a result of the increased marketing of this type of fishing. In any case, since brown trout and sea trout are the same species it could simply be the case that, for whatever reason, fewer fish are migrating to sea and are simply choosing to stay in the river instead.

If it were true that simply increasing the number of released fish would lead to greater egg deposition, which in turn will lead to increased numbers of adult fish then, the rivers should abound with fish. When the Stake nets at Loch and Dornoch and at Newbie Fisheries ceased to fish, thousands upon thousands of 'extra' fish should have led to far greater egg deposition in local rivers, but the dramatic improvement in stocks not only failed to materialise, they continued to fall.

We are of the firm opinion that an important factor in the failure of stocks to increase and thrive is that the spawning and nursery habitat for sea trout has become increasingly denuded, almost certainly as a result of poor agricultural and forestry practices. The board do not dispute this assertion. However, we believe that if an extensive survey was undertaken of all historical and potential sea trout spawning areas, followed by a structured improvement programme for the identified problem areas, a huge improvement in stocks would result. Monies paid by the net fishery in rates should be directed to this end. We also believe that there should be more rigorous control of birds of the sawbill genus. These birds are increasing at an exponential rate and have no place in the ecosystem of the river. The fishery board has made good progress in mink control and in habitat improvement for salmon, it now needs, in our view, to urgently prioritise sea trout habitat.

A major area of concern for Annan Royal Burgh Fishermen's Association is the lack of fairness contained within the consultation paper. It is not acceptable to state that there will be 'negative financial consequences' for some but not make clear what those financial consequences would be. The facts are that sea trout compulsory release would probably not affect most riparian owners in the slightest. The majority of those board members who voted for compulsory release are land owners, for whom fishing income makes up only a small proportion of their overall income. The commercial stake net tenant would, however, suffer a dramatic loss of income for which no compensation would be offered by the board. Sea trout, particularly those caught early in the season can be sold at a premium. If this source of income is taken away, the viability of the stake nets, which already operate on very tight margins, would be seriously jeopardised. Moreover, if a total ban on the taking of sea trout were to be introduced, the stake net tenant would need to be physically present at his nets most of the day and night to ensure complete compliance with the new legislation. This would be totally impractical. Some would say that the board's proposals are a backdoor method of decommissioning the stake nets entirely. Certainly, the effect of the board's proposals contains an inherent unfairness which they must address.

The stake net tenant has two years to run of his tenancy and entered into his present agreement assuming the sale of sea trout would make up a proportion of his income. It is grossly unfair for the board to effectively tear up this agreement and have the tenant seek compensation from the Scottish government. Assuming that the stake nets did survive for another two years and were put out to tender, then any bids received would be much lower than those of previous years, if indeed anybody would be willing to take the stake nets on. This might allow the fishery board, perhaps in collaboration with others, to bid for the nets and then decommission them. In effect they would be acquiring the nets 'on the cheap'. Whatever happens to the stake nets, their reduction in value will impact severely on the sum of money available for the Annan Common Good Fund: - a fund which primarily benefits the community of Annan. Is the board aware that all net licence fees are directed to the Annan Common Good fund and that currently revenue from net licence fees stands at circa ten thousands per annum? In this era of austerity the fund is vital to many community groups within the Annan area. (Please view the addendum listing the associations given grants from the Common

Good Fund over the last few years.) Any reduction in the fund's income would be felt by local people many years into the future. Annan's motto: 'ut flumen sic oppidum' (as the river so the town) underlines how the fortunes of the river and the community are intertwined-then as now. Decisions about the river must take into consideration the wellbeing of the Annan community. The board must also consider that it receives an annual income derived from the rateable value of the Annan fishings. At present this income stands at almost four thousands per annum. In our opinion the board needs to maximise its income in order to direct monies to the pressing problem of sea trout habitat, not reduce its income and thus hamper its activities.

The Common Good Fund would suffer a further blow to its income since haaf netters too would, quite rightly, seek a reduction to their licence fees since, effectively, for the most part, they would not start fishing until the middle of July. With an absence of sea trout to catch, it would not be worth fishing until salmon and grilse arrived in the estuary later in the summer. Many haaf netsmen may simply leave the fishery. Again this would reduce the money available to the Common Good Fund. Dumfries and Galloway has a very low wage economy and the majority of haaf netsmen men cannot afford to switch to the river and purchase a season ticket to fish. In fact the Solway estuary is the only public fishing available to Annan residents; we are unique in that we are the only Scottish Royal Burgh which does not own the river fishings within its boundaries.

It would therefore be highly regrettable for the board to severely compromise publicly owned methods of fishing which are culturally, historically and financially important to Annan and its history.

Our association has a track record second to none in supporting conservation measures designed to improve the Annan River. Further, we are prepared to enter into negotiations with the board alongside officers of Dumfries and Galloway Council to discuss sea trout conservation measures. For our part we would ensure any such negotiations would be carried out in a positive manner. However, we feel that the board's proposals as they currently stand are a step too far, threaten our heritable rights, are politically divisive and threaten the very existence of forms of fishing which were granted by Royal Charter in 1538.

#### **In Summary:**

**A rigorous, empirically based case for a five year compulsory release policy for sea trout has not been established by the board. No assessment of the number of sea trout returning to the river on a yearly basis has been made. No assessment of the optimum number of sea trout that the river can sustain has been published.**

**We believe there are insufficient guarantees that the five year catch and release policy would not become permanent.**

**Sea trout spawning areas must be identified, and efforts made to mitigate the damaging effects of agricultural and forestry industries.**

**The fishery board has not considered the impact of a five year compulsory release policy of sea trout on the Annan Common Good fund:- a vitally important community resource. The viability of the current and future stake net tenancy would be severely compromised. There has been no offer of negotiation by the board on this issue.**



**The fishery board's proposals threaten ancient forms of fishing which are a heritable right, and a vital component of Annan's cultural and historical heritage.**

**We believe the fishery board should approach the relevant officers of Dumfries and Galloway Council with a view to negotiating an outcome which would both satisfy the fishery board's desire for extra sea trout conservation measures and, concomitantly, preserve the viability of the Common Good Fund.**

|                                       |   |        |
|---------------------------------------|---|--------|
| 2013/14                               |   |        |
| Annan Riding of the Marches Committee | The Pipe Band Contest                                       | £1,500 |
| Lockerbie and District Music Society  | Concert Season 2013-14                                      | £400   |
| St Brides Church (Dumfries) LTD       | Dumfries and Galloway International Musicians Platform 2013 | £300   |

## 2012/13

|   |   |            |
|---|---|------------|
| Annan Rugby Football Club               | Wet Weather/Winter Training Area          | 1,600      |
| Annan High Jinks & Rotary Club of Annan | H.R.H. Queen Elizabeth II Diamond Jubilee | £ 1,000.00 |
| Annan Riding of the Marches             | The Pipe Band Contest                     | £ 1,500.00 |
| Annan Initiative                        | British Pipe Band Championships           | £ 2,500.00 |
| Annan Academy                           | Piano Purchase for Performing Arts Centre | £ 2,000.00 |
| St Brides Trust Ltd                     | D&G International Musicians Platform 2012 | £ 100.00   |
| Annan Rugby Football Club               | Training and Travel Costs Dec to May      | £1,000.00  |
| Community News TV                       | Annandale TV                              | £500.00    |
| DG Design/Contractor                    | Repairs to Moat Wall                      | £ 3,800.00 |

## 2011/12

|  |                               |            |
|--|-------------------------------|------------|
| Annan Riding of the Marches            | The Pipe Band Contest         | £ 1,500.00 |
| Annan Harbour Action Group             | Improvements to Annan Harbour | £ 3,200.00 |
| St Columba's RC Primary Parent Council | Golden Jubilee Celebrations   | £ 566.00   |
| Annan High Jinks                       | Christmas Lights              | £ 2,000.00 |

|                          |                                      |          |
|--------------------------|--------------------------------------|----------|
| Wallacehill Cycling Club | Support for Tour DoonHame Cycle Race | £1,000   |
| Annan Harbour Signage    | No overnight Parking Signs           | £ 502.06 |

I sent this E-mail to Keith Snow in the summer following the best sea trout week I have ever experienced on the Annan. I would like it to be forwarded as evidence that there is no issue with keeping seatrout. There are plenty, and if you want a sea-trout ban – then start with the netsmen – they take for profit and need plenty to cover their overheads. Don't punish the angler for the commercial fisher's crime. If you ban seatrout it will devalue my asset and I won't come anymore, won't hire a holiday cottage, spend money in local bakers and shops, won't eat out with my family for 7 nights. Why should I? I might as well go fishing for other species nearer to home since a seatrout then becomes only as much value to catch as a chub or a perch! – If that's what you want (and this will affect all the other summer beats – then go ahead....ruin angling tourism

Hi Keith  
 I'd post this on the Newbie page only I can't get into it  
 Not only did I have a wonderful night at the Island on Wednesday night August 14 – it started late on and fish came on around 11.15 pm through to 1.20am Thursday (when I came off the river having just caught a good seatrout because I was tired and it was raining hard). But Thursday and Friday I saw more seatrout (and caught a fair few too) than I have ever seen running the beat. Both afternoons saw a run of 1-3lb fish like I haven't seen since the 80s and there were stacks already in the Cauld & Island pools. Most fish were returned though on both days I took a couple for the pot.  
 See my catch return – best week ever and that's from 2 days and one night as it took me until Wednesday to go out at night. I lost an awesome fish on the fly at the Island that Wednesday (and remember I had a 4lb one!)  
 Mr. Chisholm is barking up the wrong tree trying to stop us taking the odd seatrout. There are masses of them this year and plenty of herling to replace them. However one thing that is a misguided is the herling and seatrout issue. It is misguided thinking that a rod can take a load of herling but "hell mend him taking a big seatrout". Herling are seatrout – and that 4lb fish was once a herling – and sometimes you'd think from the way people talk they were different species!  
 But anglers fishing to a reasonable catch limit cannot be doing any more than scratching the surface of fish stocks. And we put a load of money into the local economy bringing our families up for holidays. If you want to improve fish stocks and minimise economic impact then take the nets off.

29<sup>th</sup> September 2013

Dear Sirs,

**Re; Proposed Compulsory Release of all Sea Trout**

I wish to object to the above proposal.

I have carefully read the consultation document and I cannot agree with its recommendations. The River Eden in Cumbria has many similar problems to the Annan catchment with many spawning becks subject to pollution of different types. However, the scientific work carried out by the Eden Rivers Trust has clearly identified the problem areas and they have sought to address these issues. In the Annan report there does not appear to be the same degree of scientific input to warrant or justify the compulsory catch and release of sea trout.

Since the introduction of compulsory catch and release of spring salmon on the River Eden I would suggest that the fishing effort has reduced by about 80%. The worrying thing about this policy is that we have seen no significant increase in the numbers of returning spring fish. I feel the Annan River Board proposal will have a similar detrimental effect on the number of visiting anglers and a substantial loss of income to both riparian owners and the tourism trade in general.

I would also like to take issue with the report regarding a hatchery. For many years on the River Eden we had two hatcheries to make up for the loss of headwater streams caused by the damming of the Haweswater valley. Some years ago these were sold off by water authorities and since then there has been a gradual decline in the numbers of returning salmon. I would not disagree that work of these hatcheries may have masked the problems in the Eden catchment but at least they gave nature a helping hand. By contrast, the River Tyne retained a hatchery at Kielder and this river has improved and has become the principal Salmon and Sea Trout river in England and Wales. There can be no better evidence than this that these measures can improve angling whilst the necessary ongoing improvements are made to natural habitats.

I feel that the Annan River Board is heading in the wrong direction with these proposals and respectfully suggest that more careful scientific investigation be carried out before these draconian measures are implemented.

Yours faithfully,

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Mary Colville  
Clerk to the River Annan District Salmon Fisheries Board  
Fisheries Office  
St Ann's  
Lockerbie  
DG11 1HQ

22 September 2013

Dear Ms Colville,

As a fisherman on the Annan, I have read the consultation document issued by your Board on the proposal for compulsory release of all sea trout caught on the Annan.

Let me say at the outset that I would support a proper action plan to increase the runs of sea trout (and other anadromous fish species) to their former levels, but sadly your Board's proposal is far from such an action plan. In fact, what is proposed may be worse, since by taking the action proposed, it runs the risk of convincing decision-makers that active conservation measures for sea-trout are underway, yet those measures may be wholly ineffective and serve only to delay implementation of the actions needed to mitigate the real causes of the decline, which is most unlikely to be recreational fishing. As you say in the consultation paper "Given the number of fish being killed every year [in the 50s and 60s] the rivers of the inner Solway must have been producing a phenomenal number of smolts to sustain everything". Your own data demonstrates that healthy stocks of sea trout were maintained despite a much higher fishing pressure than is exerted today. This demonstrates what healthy rivers can do and also that it is extremely unlikely that the current much reduced recreational fishing pressure has caused the decline. It follows from this that that it is equally extremely unlikely that reducing that fishing pressure will alter future population dynamics, which are almost certainly being driven by other factors.

Looking at the consultation paper you produced, it seems to rely for its sea-trout population statistics on data on catches that is uncorrected for effort (Figs 1, 2 and 3). These data simply do not give you the conclusion you draw from them, namely that sea-trout populations have declined. That is only one of several possible explanations; others might be that there are less nets men and recreational fishermen, and/or that modern nets men and fishermen are less expert at their task than their predecessors, or even that the accuracy of the returns which were made has changed over time for some reason. Probably all of these factors are mixed together in your data.

Likewise the graph purporting to demonstrate the link between increases in brown trout populations and catch and release, only demonstrates an increase in brown trout catches. The reasons for this could be multifarious and certainly cannot be linked automatically as you do, to catch and release as is implied. The population could have increased for environmental reasons or even because of the fall in sea-trout numbers. The conclusion you draw is an example of pseudo science aiming to justify the proposal.

In the consultation paper the detrimental effects on the Annan economy from your proposal in loss of tourism revenue from fishermen and loss of netter's income is acknowledged but then dismissed. How can you justify that? To inflict these losses for benefits that are at best unproven and may well make no difference at all to sea-trout populations, is irresponsible and cannot be justified.


Likewise a hatchery is dismissed as ineffective in increasing populations. This ineffectiveness is you say because whilst it appears a hatchery would be of significant assistance to populations, it is not because it does not treat the root cause of the decline, and that root cause continues to exert its malign effect. Whilst you oppose a hatchery on these grounds, you are quite content to promote catch and release, despite the argument against catch and release being precisely the same as you have used against a hatchery, ie that though it appears as if it should be of significant assistance to the population, but it is unlikely to be so, because the real problems for the sea trout remain untreated and continue to exert their overwhelming effect. However in the case of the imposition of catch and release, whilst it will probably have no positive benefit on the sea trout population, it will have a significant negative effect on fishermen and the local economy. A hatchery might or might not be equally ineffective as catch and release (because in both cases the real problems for sea trout lie elsewhere), but at least the hatchery wouldn't inflict economic damage on individuals and the Annan economy as a whole!

So what the Board should be doing if it genuinely has the interests of sea trout, anglers and the Annan economy in mind is to:

- Scientifically investigate what are the real problems that are bearing down on the sea trout population and seek to remove these; and
- Investigate what actions have been taken by the most successful sea-trout rivers (such as those in Wales?) and seek to replicate these.

In the meantime it should not take any steps to enforce catch and release as a compulsory measure since this will certainly damage angling and the local economy for no demonstrable benefit.

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2nd October 2013.

Dear Mrs Colville.

I write as Chairman on behalf of the Owners Committee of Newbie and Distillery Beat, River Annan concerning the proposed legal restriction on the taking of sea trout.

Had the Board produced a sound argument to the proposal then we as a committee would have supported the Board. Instead, a series of documents have been hurriedly produced which are fatally flawed, lacking scientific method and are misleading in the extreme. The effect of introducing a further ban on the taking of sea trout will ultimately be a disastrous decision and will only further the demise of the fishery.

It is interesting to note that week commencing the 16<sup>th</sup> September 2013 a total of twenty sea trout (all returned) were caught on our beat together with numerous herling. All were bright silver and healthy. We have monitored the catch of herling and in addition over a 20 day period a total of 261 herling were caught on Newbie and Distillery beat.. The late running of these fish is simply due to environmental issues i.e. bright warm sunny weather and high water temperature. This is after all the first "summer" we have experienced in the last six years. Multiply this catch by the number of beats and you have approximately half of the Board's predicted run of sea trout for the entire year, and all in one week. To impose a statutory ban on the taking of sea trout is simply a knee jerk reaction due to the lack of any form of scientific evidence being available.

The data produced by the Board in support of its application to ban the taking of sea trout is fatally flawed: ref. figs 1, 2, and 3 in the consultation document. The available data bears no correlation to the conclusion drawn by the author Mr Chisholm. Even Mr Chisholm admits the data is inaccurate so why include it? Or is it to try and simply justify his proposal? It is painfully obvious that the volume of fishing pressure is now significantly less due in part to the appalling decision to include sea trout in the 2006 ban on taking salmon before the 1<sup>st</sup> June. As owners we expect a fair greater level of professionalism from the Board and the Board's employee's. There is clearly no scientific evidence to support the proposal because little work has not been carried out.

Mr Chisholm's argument fails to take into consideration the fact that in the 1970's there were 87 pockets fishing in the Annan box. In the last five years this number has reduced to just 7. In the 1970's there were 35 Poke nets operating. In the last five years this number has reduced to 1. To attempt to identify any form of correlation between the figures offered by Mr Chisholm is completely and utterly wrong and has no scientific basis at all.

Why has data concerning brown trout been included? Scientific Methodology clearly identifies that this cannot be used as a means of a correlation between catch and release for sea trout. Misleading, or simply pseudo science?

At the risk of repeating ourselves, if the Board produces empirical evidence produced by qualified personnel then we as a committee will support the Board. However, this consultation document is amateurish in the extreme, scientifically lacking and grossly inaccurate.

We would ask the Board to consider the following areas before rushing into a decision which they will be unable to change for five years.

- 1). The board must ask itself the question as to who is responsible for permitting the top sea trout river in Scotland to become a broken wreck of its former self.
- 2). The Board should also ask itself why it has taken so long to identify the potential problems. After all, they employ a Director of Fishing who should have corrected any foreseen issues in 2005/2006 if his arguments are to be believed and if the required work had been completed in a timely fashion. Of particular note should be the complete lack of any hatchery work.

The following issues should also be addressed by the Board and we would welcome a response to them.

#### **Local Economy**

In 2005/2006 when the Board "accidentally" banned the taking of sea trout, the anglers voted with their feet and stayed away. Cleughead, the top sea trout beat, has after seven years failed to recover. During the main sea trout fishing period you could obtain a rod on Cleughead at any time. Compare this with the fact that the same fishermen used to book the same week year after year. Not anymore. Those absent rods have been lost to other rivers. It is estimated that a rod angler is worth £1000 per week to the local economy. The cumulative effect of this will be felt by every restaurant, guest house, hotel, café, supermarket, licensed premises and petrol station in Annan. Using the rods available on Newbie and Distillery beat that is a potential loss of £360,000.00p per annum. In an area severely deprived of employment this will have a catastrophic effect on the local economy. Fishermen will simply vote with their feet as they did in 2006 and fish elsewhere.

#### **Policing**

The introduction of the proposed ban will require policing. Has anyone thought who will enforce the new legislation? Please do not expect Police Scotland to be involved as they have far more pressing matters requiring their attention. One full time bailiff and several unpaid volunteers will not provide effective policing. Sea trout will still be taken and to believe otherwise borders on the foolhardy. The current structure of enforcing current legislation hasn't stopped the poachers

#### **Hatchery**

The Director of Fishing is well known for his stand against hatchery reared fish. Why, when it has been so successful on the Tyne in Northumbria and the sewin rivers in Wales and many other Scottish rivers. Can these rivers all be completely wrong in



operating successful hatcheries? The use of a hatchery will allow the river to kick-start itself. The use of a hatchery would allow habitat improvements to commence whilst still ensuring juvenile fish were to be present in the catchment. It would of course require staffing by a competent individual, and therein may lie the problem.

### **Catchment Management Plan**

We are approaching the end of the current CMP and yet the consultation documents show no proposals from the Board. Do the Board intend taking any other measures to conserve stocks? What measures have they already taken? We would suggest that walk over surveys should be the absolute minimum that should be undertaken. What is being done with identified barriers, damage to spawning grounds etc?

### **Smolt Surveys**

Our neighbouring rivers the Nith and Tweed both conduct annual smolt surveys by electro fishing. Indeed most of the rivers in South West England do the same. Why have the members of the Board's staff not undertaken such work. We have received a reply that it is impossible to distinguish brown trout/sea trout parr. This is a very poor argument for not undertaking such important work. You simply treat all parr as trout and allow a percentage normally between 80-85% to potentially smolt. Had this work been complete on an annual basis the Board would have been able to rectify any perceived problems long before it reached the point of compulsory catch and release. The correlation between smolts going to sea and those sea trout returning is the most important data missing from the data supplied.

A training course was proposed for May this year to identify individuals willing to volunteer to support the Boards electro fishing surveys. The course was due to be held at the Barony College and we are aware of two individuals who agreed to attend. One of those individuals was asked to finance the course himself and then no further contact was made. Not an ideal scenario to encourage volunteers to work free of charge and indeed at a financial loss for undertaking to assist the board. Is this the truth behind the lack of smolt electro fishing data.

### **Avian Predation**

We regularly see upwards of thirty goosanders below the Cauld on Newbie and Distillery Beat. They eat salmon and trout parr as our owners have witnessed. To falsely claim they only eat sticklebacks can be openly refuted by a short visit. Why has no avian predator control been undertaken in the last five years? Indeed why has no authority from S.N.H. been sought to cull these predators along with cormorants? Scottish National Heritage state that no application for a licence to cull has been received from the Board.

### **Neighbouring Boards**

Having checked with all of our neighbouring catchments it is only the Annan Board supporting this change. There is no support from any neighbouring Board; commonsense dictates that this should sound alarm bells. We have met with the Chair and Fishing Manager of the river Nith Board and they are content to continue with a two fish daily limit and the returning of all fish over 3lbs. The argument in the consultation document regarding a two fish daily limit is pathetic and unworthy of comment. All of our neighbours cannot be wrong surely.

### **Fly Life Monitoring**

The purpose of the volunteer fly life monitors is to highlight problems in small burns and tributaries within the catchment. These small burns were always used by the sea trout to spawn. The loss of spawning sites has a catastrophic effect on the numbers available to smolt. Milnby Burn, Butchers Beck Burn and Northfield Stream have all been identified as three of the worst polluted burns in the catchment. These three burns used to be prime sea trout spawning sites. What has been done by the board, absolutely nothing. The author knows only too well as he is the fly life monitor for these three burns. Multiply these burns with all of the remaining burns within the catchment and it is fairly easy to identify a potential problem. The lack of action on the part of the Board is indicative of the general demise associated with the pro-activeness of the Board.

All of the above only shows to the board that there is absolutely no properly researched scientific evidence of Mr Chisholm proposals and further independent qualified scientific advice should be taken before any further action is taken.

We have also taken advice from the Atlantic Salmon Trust who state that the data offered in support of the proposal lacks scientific basis and is inadequate to support the proposal.

The Board has a responsibility to our owners to provide a suitable environment for the fish stocks. After all we do pay the second highest precept charge. The Board has clearly failed in this simple requirement. We also have absolutely no confidence in the ability of Mr Chisholm to provide a suitable environment or to safeguard the future fish stocks.

In the event of this proposal being approved we will be seeking a considerable reduction in our precept payment to the Board as the value of our fishery will be considerably reduced. The Board are effectively making our sea trout rods worthless and ultimately the river as a viable fishery.

The Board should be actively seeking funding to enhance fish stocks and not towards a "Fishing Centre of Excellence". After all if there are no fish you will not need a "Fishing Centre of Excellence". The Board do not appear to have the river and fish stocks as their primary centre of focus which is their core responsibility.



## A response to the proposal on compulsory release of all sea trout in the Annan district.

### **Background**

I find that the suggestion of the introduction of compulsory release of all sea trout in the Annan District is a poorly thought out decision, and is based on completely biased and unsupported evidence.

I am completely against the compulsory release of all sea trout in the Annan District and offer some reasonable argument for this view.

I find that the introduction of statistical graphs and charts interesting. Of course the information can be interpreted in a number of ways, and I find it significant that, for example it is evident from fig ii that Annan Burgh net catches have been rising in 2011 and 2012. I find it laudable with this obvious and significant increase in fish caught numbers that this increase is not identified in the text. It appears to me that the increase in fish caught between 2010 and 2012 is in the region of 50%.

There appears to be a deliberate non scientific approach to try to strengthen the argument in favour of the introduction of the proposal and I find I cannot accept the reasoning or findings because of this.

I note that Fig ii Annan Burgh net catch supplied by Scottish Government has a number of addended information added and arrowed to specific years catches. I am unsure on why these have been added, except to extoll the virtuous nature of the board. What agreement broke down? If the board offered advice that is fine; it is not an agreement. It seems to me that an arrow pointing to the numbers of fish net catch in the year arrowed does not support any argument in favour of compulsory release.

I find it extremely distasteful that this proposal, on the one hand offers what is assumed to be empirical evidence, by the introduction of tables showing years and numbers of fish caught and then it would appear quite randomly, to purport to intuition. This is absolutely preposterous. So why has it been introduced.

I accept that the numbers of rod caught sea trout is shown to be decreasing from the bars shown in the chart Figiii Scottish Government rod catch statistics for Annan District. However, the conclusion I reach from the statement ' The proportion of fish retained has been reduced substantially in recent years through the increasing practice of catch and release(although this was only recorded from 1994) is that rod caught pressure is not responsible for the overall decline in numbers of fish of fish being caught.

I must reiterate concerns over an admission by the board of its failings in relation to actions introduced in 2006;The voluntary code of Practice I completely do not accept any inferences made by the author in relation to fish killed on rod and line and consider the notion that the Haaf net fishery could be commended because they did not take any fish in that year laughable. What are the; " mixed successes with the policy in terms of increasing the number of fish left to spawn"

I do not accept that it is impossible to broker an agreement with the net fishery if anglers are allowed to retain some of their fish. I find it significant that, on the one hand the board praises the commendable haaf fishery which they say took no fish when this was not even compulsory, and on the other find no way to broker an agreement with them.

I find that the historical evidence of high fish catches is compelling. I would not dispute high fish catches historically. However, I would argue that the proposal for the compulsory release of seatrout in the Annan District is flawed in a number of significant ways.

I cannot see any argument in the decline of seatrout in the river Annan as being caused by rod and line fishing pressure. The relative stability of seatrout catches between 1952 and 1988 might support this hypothesis. I do not accept that the board has evaluated seatrout numbers properly and that the conclusion that a period of zero killing will boost stocks is not based on scientific evidence.

I would argue that seatrout numbers in the river Annan is hardly impacted upon by rod and line fishing. I suggest that the numbers of seatrout entering the river is in significant decline, but that the decline is not caused by rod and line fishing and that straightforward and simple research on seatrout numbers both in the river, leaving the river and return would help significantly in understanding the reason for declining stocks.

I offer concern that table Fig iv Brown trout catch return from Annandale estate only shows the number of brown trout caught on Annandale estate, and not the number of fish per ticket. It might for example be construed that more fish were caught in 1995 in comparison to 2006 if all of the fish were kept in 1995, and some of the fish caught in 2006 were caught more than once. Why are the bars between the years 1990 and 2003 shown in red? To me this smacks of corruption of the information, and suggests a negative view of the information within these years.

I find it hard to accept the suggestion that the brown trout fishery on the river Annan is “**slightly easier to manage**”, and that creating a 100% catch and release policy with seatrout will not have the same impact on seatrout numbers. It could be argued for example that the policy with brown trout, could in some significant way be having a detrimental impact on the migratory fish.

### **Evidence that Significant Action is Needed**

I accept that significant action is needed, but that this action is not to introduce a policy on the compulsory release of all seatrout in the Annan district.

Fig v Marine Scotland rod catch tool ( Extracted from EU-UK(SCOTLAND): FOCUS AREA REPORT ON MANAGEMENT OF SALMON FISHERIES. I note that the rod catch assessment tool does no more than identify the already known decrease in seatrout numbers, and offers no solution except in supporting a notion that action is needed.

I find it hard to come to the same conclusion as the board in relation to any of the scientific evidence.

For example in looking at the Fig vi Aggregated Scottish Government Data displaying results of Rod Catch Tool; there were significant catches of seatrout in the years 1997, 1998, 1999 and 2000. This is also shown in Fig iii. I would be concerned that the board does not consider the numbers of fish and the impact of rod and line fishing during these years as significant enough to require some discussion or explanation. How is it for example, that the number of rod caught seatrout was at a reasonable

level and then significantly dropped away from about 2000 in number down to 500. It seems to me that the explanation for this is not in fishing pressure. Surely if there was evidence of this the board would explore the matter to support their conviction.

I am extremely reluctant to accept the boards contention that the only way in to improve present fish numbers and to create a robust fishery is by introducing compulsory release of all seatrout in the Annan district.

I do not accept that the board would see any significant improvement in fish stocks as a result of the proposal being implemented.

I find the table 1 Potential egg deposition from fish caught in 2011 completely unacceptable as a tool to offer support for the boards proposal. In the first instance I would suggest that survivability of captured fish is not considered. Also the impact of rod and line fishing on the number of seatrout caught in the river Annan has not been shown by the evidence given to be impacting on egg production success. In the event the seatrout spawning redds become overpopulated by spawning fish, egg mortality can be significantly increased.

### **What would be the effect on the fishery**

I find it of serious concern that the proposal impact has not been thoroughly considered. I am deeply concerned that if the proposal is implemented it will be five years before seatrout can legally be taken by rod and line on the river Annan.

What is more I cannot understand why , in the knowledge and acceptance by the authors of this proposal, that fishing pressure is decreasing for seatrout, that seatrout numbers continue to fall. How can they in all honesty not realise that it not rod and line fishing pressure that is causing the decline.

I am sorely afraid that the board have underestimated the impact that adoption of their proposal will have. I am reticent in relation to an admission of a general decline in seatrout numbers in the Annan and in the Solway and in a lot of other river in the uk and abroad. I do not see that rod and line fishing is the cause, and that the introduction of the proposed legislation will have a detrimental effect on the river Annan fishery as a whole.

### **What else will the Fisheries Board be doing?**

It seems to me that the Annan fishery board are doing very little to improve the seatrout fishery in any real or significant way. It appears that resources are insufficient to bring forward hopes for an improvement in seatrout numbers. The authors supporting the proposal have identified a significant decline in number but have been unable to introduce any measures which have been successful.

The board has already suggested that the number of eggs laid by returning fish will impact upon the number of subsequent seatrout returning to the river. I do not accept that there is a general consensus that hatchery intervention would not help in accelerating numbers of seatrout in the river Annan. I am aware of a considerable number of locations where the introduction of more control over the breeding of seatrout by the introduction of hatchery reared fish has had significant impact on the river populations. The authors have already alluded to a hatchery being used by the board and I would offer an opinion that it is only resources which prevent more widespread use of this valuable resource.

However, my biggest concern of all is that the board has not accepted that the significant decline in seatrout numbers has not been caused by rod and line fishing. Seatrout numbers have been declining not as a result of angling pressure but despite of it. Why can the board not offer a more constructive response than legislation. I feel that we are a short jump to losing our fishing altogether.

I do not want to be prevented from taking a fish now and again. I don't want the seatrout to disappear altogether either.

My argument is that the legislative approach does not identify the real reason for the seatrouts decline. I am convinced that the proposal is being based on unsound reasoning and that seatrout numbers will not show significant improvement as a result.

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I wish to formally record my objection to the proposed compulsory catch and release proposal by the Fishery Board.

The proposal is wholly inappropriate, ill conceived and lacking factual / and independent scientific back up and more of a personal subjective view by the individual promoters of such a proposal.

What is clear from evidence given to the board in response to the proposal, is that there is no lack of returning sea trout and herling/finnock, as has particularly been witnessed this year. I would in particular refer to the evidence provided to the board, by various rod owning parties and the chair of the Newbie Timeshare, amongst others.

What has changed is the both timing of return of these and also the amount of early season fishing effort that has gone into sea trout fishing, partly as a result of the introduction of compulsory catch and release of salmon and sea trout before the end of June in any season, meaning fishers are less likely to consider the Annan.

There has also been no consideration given to the economic impact of the introduction of such policy on top of the existing pre June compulsory catch and release policy for Salmon. There is clear evidence, including surveys by the Scottish Government, to highlight the considerable economic benefit that rod fishers bring to local river catchments and surrounding areas. The compulsory introduction of catch and release has already reduced rod effort in the early season and consequently any economic benefit that is most certainly brought. To extend this further from an economic perspective is completely irrational, when the Annan area and Dumfries and Galloway is much in need of such visitor support. The Board has a duty to consider the impact of such measures, which it has not adequately done so.

Catch and release may have had some benefits to the likes of the Dee and Spey, but these are part of a larger more comprehensive set of measures on "Trophy " Rivers which can sustain such policy. The isolated introduction of such a compulsory policy on the River Annan, without more careful consideration to a more widespread policy is both premature and irresponsible.

The use/ invoking of a voluntary code such as perhaps allowing 2 fish max within a 24 hour period , as has been suggested on other rivers would be more appropriate, with a max size for fish killed.

In the meantime the Board should be giving more detailed consideration to :-

1. Consultation with other Rivers entering The Solway Firth for a comprehensive policy
2. Consideration of measures which includes Netting Rights
3. Measures to be taken to cull/ reduce the nos of Sawbills and Goosanders in particular within the river and the predation of parr and smolts by such birds.
4. A more fully considered plan for use of hatchery smolts as has been successfully used elsewhere and in particular on the Tyne/ Keilder Water, even to kick start a longer term natural regeneration. The current dismissive approach has not been fully considered.

Accordingly I would wish you to record my formal objection and look forward to receiving the boards responses.

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Mrs. M. Colville,  
Clerk to the River Annan District Salmon Fishery Board.

2<sup>nd</sup> October, 2013.

Dear Mrs Colville,

Response to the Proposed Compulsory Release of all Sea Trout

As an owner of fishing on the River Annan I am writing to express my concerns at the ill-founded decision to apply for an Order making it mandatory to return all sea trout.

The consultation paper in no way whatsoever provides scientific based research and does not deal with many other areas of river development which have been until now, largely ignored.

The hatchery has not been used for many years and the introduction of properly reared hatchery fry has proved to vastly increase fish stocks in many other Scottish and English rivers. Hatcheries are time consuming and work intensive. Is this why no action has been taken to re-introduce the hatchery?

Habitat improvement is also work intensive and again is this why very little has been done?

The Board must look to these questions being answered and ask why when they have employed a Fisheries Director for many years that these areas have been ignored.

The consultation paper makes no reference whatsoever to electro-fishing statistics. I have been told that these were requested by Mr Keith Snow who was told by Mr Chisholm that no statistics were available. This is arrant unqualified nonsense. Electro-fishing surveys are carried out by many other rivers thereby providing valuable factual evidence.

I am not against catch and release- and indeed would support the proposal - but only after the production of properly researched and qualified evidence. A total ban would have a serious effect on the local economy and in fishing rentals. The consultation paper mentions this but then dismisses it as irrelevant. The Board will continue to expect fishery owners to pay the annual precept and if a total ban is introduced then we will expect a considerable reduction in the annual precept to adjust for what will inevitably be reduced rental income.

Avian predation - particularly goosanders and cormorants - has been allowed to continue

for several years with no application having been made to obtain culling licences. This is another example of neglect and to give the reason that goosanders only eat sticklebacks is again arrant nonsense. I - and many other anglers - have seen them taking parr and smolts. Applications for licences and culling must be re-introduced.

It can be seen from the above that the Board has made a decision - not unanimously as has been claimed in print several times by Mr Chisholm (I know of three Board members who voted against it) - on the basis of scant, ill-prepared, insufficient unscientific so-called evidence and must reconsider its position and arrange for properly researched and prepared independent qualified scientific advice.

In regard to further evidence being taken this is strengthened by the opinion of the Atlantic Salmon Trust. I discussed the situation with them and they were of the opinion - after reading the consultation paper - that it did not present sufficient properly researched scientific evidence to merit a total ban until such time as alternative action was implemented and further independent advice produced.

Accordingly, I would recommend to the Board that no application for an Order is made and that the following actions are taken :-

- 1) Electro-fishing surveys carried out
- 2) Hatchery re-opened
- 3) Habitat improvement plan drawn up and work commenced
- 4) Avian predation controlled
- 5) Obtain independent advice
- 6) Temporarily restrict taking sea trout to one per visit under 3lbs

Funding for the above should be sought instead of the Fisheries Director spending time on lottery applications for a Fishing Centre of Excellence. If continuing draconian measures are introduced, there will be no fishery!