

## CONSULTATION QUESTIONS – RESPONSE TEMPLATE

### General comment:

The Forth District Salmon Fishery Board together with the River Forth Fisheries Trust covers an area of all the river catchments and coastal burns which discharge into the Forth Estuary and Firth of Forth. The District is 4,600km<sup>2</sup> in size and is the fourth largest District Board in Scotland. The District covers a wide range of land uses with multiple issues of historic industrial past, water supply, intensive farming and urbanization and continuing development. 25% of the population of Scotland live within the area.

Most of the major rivers have a run of salmon however due to the physical and flow impacts these are in some cases comparatively small. The majority of the anglers in the District fish association or club waters with the exception of those on the Teith and Forth. The area provides opportunity for salmon fishing at a low cost to a large percentage of the population of Scotland within a reasonable distance from where they live and work. The management of the District relies heavily on voluntary effort of clubs and association for enforcement and conservation improvements.

**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.

FDSFB/RFFT RESPONSE: We agree to the principle that more sound science is required on the reporting of the salmon stocks and conservation policies are required for the management of exploitation of salmon across our District. We have no objection in principle to there being a control method on the killing of wild salmon. We consider that there may be other methods of control by restricting retention of salmon to a shorter season eg. July and August.

We are concerned that currently there is insufficient data to provide robust scientific analysis of the status of and therefore the limits which may be applicable to a licensing regime. Most data is that which has been collected by the FDSFB and other fisheries management organisations within the District (ie the River Forth Fisheries Trust). The under resourced nature of both Board and Trust in relation to the geographic extent of the area and the issues means that this data is not currently robust. We are concerned therefore on what basis the licensing would be justified and that proprietors and clubs would be penalized due to this lack of data (particularly in comparison with other areas). The impact of the system could therefore further erode the amount of salmon fishing and therefore the level of the valuation within the District leading to a downward spiral.

As an area which has a high incidence of sea trout populations relative to Salmon and where there is high levels of illegal exploitation of Sea Trout we would wish to see whatever regulation is brought in to protect Salmon to also include Sea Trout.

**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.

FDSFB/RFFT RESPONSE: We do not believe that individual owners should be able to apply for a licence to kill in isolation of the rest of the catchment. Many rivers have both association/club waters and private beats. The association/clubs would not have the resources to apply for and therefore their

ability to get a licence and this could potentially affect their membership numbers and income. They, as not-for-profit organisations, offering low cost fishing to a wider audience could be potentially penalized.

Licences would have to be assessed and issued on a river/catchment basis.

The licencing would need to ensure that proper and sufficient consultation occurs between the licencing body and the local management bodies of the fish environment. Due to the nature of the fishing in the District, a large amount of stocking of trout (brown and rainbow) is undertaken together with coarse fish species, the majority is in stillwater fisheries but not all. This stocking impacts on our native species; yet we are not advised of any applications nor of the issuing of licences to stock, let alone consulted. Further detail on the process of assessment and consultation is required if these licences are to be issued from a central unit.

**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)?

FDSFB/RFFFT RESPONSE: We agree that certain types of fishing methods should be restricted and our current District recommendations at present reflect that.

The use of certain methods however is not simply that the method may cause damage but it is the anglers expertise using these methods that is the issue. Some of these methods such as worming can cause greater damage to the fish caught however it is also a traditional form of fishing and to outright ban would mean the loss of this traditional. Whilst the management of enforcement is simpler by banning, we feel that lighter touch could be applied and that much of this is part of angler development and training. Currently, as there is no organization which provides such development within Scotland, this is not undertaken but should form part of the process. In addition many junior and beginner anglers start with spinning and bait fishing and an outright ban could prevent new anglers joining in.

We are very supportive of the general principle of barbless/de-barbed hooks, single hooks and banning of lures that are known to taken 'down the throat' (eg Flying-Cs). Some consideration should be made on the investment which may already have been made by local angling outlets on stocks of such items so that they are not penalized by the changes. And guidance will be required in relation to the size of single hooks relative to existing triples/doubles to ensure the changes are not counter productive.

If restrictions are to apply then we would also recommend that consideration is given not only on the equipment but also the way the end tackle is presented to control foul hooking.

Finally we are concerned over the policing of these methods, the resource required (which is currently not available) and the training provision to volunteer bailiffs including club bailiffs to make this effective.

**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.

FDSFB/RFFFT RESPONSE: Yes, in principle we agree that numbered carcass tagging is a proven method of managing the number of fish caught. It also makes the policing of system easier for our bailiffs.

However, we cannot see how this would work with syndicates or association waters where the distribution of tags in line with any real conservation limits would be impossible. For example, an association water gets 10 tags but has a membership of 200. Additionally private beat owners may apply for tags even though they currently practice catch and release because it enhances their investment again penalizing the associations/clubs who may not be able to afford to apply for a licence.

We have small rivers with a small run of salmon and sea trout which have over 20 proprietors (some only 100m in length and with different owners on opposite banks) but the fishing is managed by a not-for-profit association – how would this work?

Distribution on an owner by owner basis would not work from either a conservation aspect or practically: this needs to be managed catchment by catchment.

**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.

FDSFB/RFFT RESPONSE: The main positive benefit would be to highlight the conservation limits of the fisheries in the District. It would however only work if the limits are by catchment or river rather than individual fisheries. We are concerned however that these limits could not be set on an evidence basis as the information is not currently available and could be open to challenge.

We do not see how the management of this licencing could be introduced piecemeal across a river owner by owner.

The cost of the assessment and application is the main impact. For not-for-profit organizations either the cost of fishing will increase or their potential income will be reduced, these organisations provide the greatest proportion of fishing within the District and without them we would not have any management of the majority of our rivers.

Currently all proprietors pay above the valuation rate to provide support to the management of the Forth District and this would just be another financial burden on them. If the number of fisheries reduced in the District then the amount collected would reduce – leading to a downward spiral of the resources available to manage fisheries within the District.

Currently there are many opportunities for fishing of all species in the District, Salmon fishing is only one and in a minority. However, if these regulations make it difficult or uneconomic for clubs and associations to provide salmon fishing opportunities (because they have to go full catch and release) then fishermen will defect to other types of fishing (trout only and stillwater fisheries predominately). These fisheries do not at present contribute to the cost of managing fisheries within the District and as part of consideration of these regulations the overall issue of the inclusion of all fisheries needs to be addressed.

On an economic point – sufficient lead-in is required to any changes of methods to allow for retail outlets to gear up to changes and not to be in a position whereby they loose out because they have

stock which they cannot sell.

**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?

FDSFB/RFFT RESPONSE: We fully support the principle of conservation of salmon stocks within the Forth District. We accept that there needs to be regulation of the exploitation of salmon within the District. Much of the issues of the conservation of stocks within the District is not primarily angler exploitation (although we acknowledge that this may be a contributory factor) as the District is impacted by other issues such as historic pressures such as barriers and physical condition and mining, and current pressures; industry (including such significant pressures of Longannet Power Station (which has a devastating impact on smolt migration) and Grangemouth refinery), land use and urbanization as well as predators; bird and mammal.

As the resource available to tackle much of the latter, comes from the fisheries owners and associations recognition needs to be made as to the relative importance of these factors on managing conservation of the stocks against the impact of further regulation and cost on the angler. If these regulations are for the benefit of the public as a whole then why is this process not paid for from general public taxation rather than penalizing a sector which for many is not-for-profit and is providing a outdoor recreational pastime which is so often held high as a requirement for the health and well-being of the country.