

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



RESPONDENT INFORMATION FORM

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

1. Name/Organisation

Organisation Name

Association of Salmon Fishery Boards

Title **Mr** **Ms** **Mrs** **Miss** **Dr** **Please tick as appropriate**

Surname

Davidson

Forename

Brian

2. Postal Address

Suite 1F40		
2 Commercial Street		
Edinburgh		
Postcode EH6 6JA	Phone 0131 555 1158	Email brian@asfb.org.uk

3. Permissions - I am responding as...

Individual / **Group/Organisation**

Please tick as appropriate

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

Please tick as appropriate

Yes **No**

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

Please tick ONE of the following boxes

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

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

Please tick as appropriate

Yes **No**

Yes, make my response, name and address all available

or

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

or

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

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

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS – RESPONSE TEMPLATE

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

The Association of Salmon Fishery Boards (ASFB) summarise 6 key points in the preamble below. Our detailed comments follow in the remainder of the response to Q.1 and subsequent questions.

- 1. The ASFB membership does not support the unsustainable killing of salmon. Our members agree with the principle of a mechanism to ensure that killing of salmon is sustainable in Scotland. ASFB understand that there are a number of pressures and drivers at play which make it important that Scotland can demonstrate to the wider salmon management community that exploitation of wild salmon is sustainable.*
- 2. Some of our members do not accept the evidence base for, and modus operandi of, the current proposals. The overall conservation ethos of the scheme is welcomed, given that its scope will extend to both net and rod fisheries, although ASFB note that the rod fishery is already releasing a significant proportion (c. 80%) of the catch. Not enough detail is proposed on the practical and operational aspects of the scheme and how decisions would be made on licensed numbers. As yet, no information on licence cost or the structure of charging is available.*
- 3. All members agree that salmon killed for sale should be tagged but not all members agree with the tagging of all salmon killed. There is a general view that tagging of fish in the net fishery will aid enforcement and this is strongly supported. Some members believe that tagging in the rod fishery will be complex, and the ban on sale of rod caught fish means such fish are not marketable in any case. However, the law enforcement benefits of tagging in both fisheries are recognised by some members.*
- 4. Many members agree with some regulation of fishing tackle to aid release of fish. The detail on this will be important, although of equal or greater importance is fish handling and good practice with release technique.*
- 5. The package of measures as proposed will create additional work for water bailiffs and police – this is likely to be substantial in terms of checking compliance with licences, tags and fishing tackle.*
- 6. ASFB and members express a willingness to engage with Scottish Government to assist the development of appropriate measures.*

ASFB agree in principle with a more rigorous and effective framework of control to ensure that exploitation of Atlantic salmon is sustainable. Notwithstanding that, we would like to make clear that there are a wide range of views within our membership in terms of how this can be achieved. These range from positions of solid support for the suite of proposals to disagreement with what is proposed. A key feature of many views within the DSFB network appears to be agreement with the principle of the proposal. However, due to the lack of operational detail, there remains serious concerns about the practical aspects and ‘workability’ of the scheme in terms of how it would operate in practice. Further detail on those views will be available from individual submissions made by our members. In terms of developing the detail of any scheme, we would underline the importance of strong engagement with the sector and ASFB will wish to assist in this process. ASFB’s general support is qualified by a number of points which are raised in the

remainder of this response.

An important aspect of any licensing system will be the approach and methodology used to determine what is a sustainable level of exploitation and how a single national licensing system can respond effectively at individual proprietor level. We note that applications are to be assessed with reference to a ***'framework of policy drivers, legal requirements and the best available knowledge on stock levels'***. Further clarity on the mechanisms underpinning these drivers would be helpful, and we hope that this will be forthcoming. The effectiveness and credibility of any scheme will be heavily reliant on the quality of the data and information which informs decisions on licensing. The need to establish reliable models for estimating carrying capacity and balancing this with estimates of abundance will be essential. We would therefore emphasise that any system must use the best available data to support decisions.

The information and mechanisms to support licensing decisions would have to be sufficiently sophisticated, flexible and responsive in their design and application to be capable of ensuring any permitted exploitation under licence can be applied at individual fishery level without compromising the ability of other fisheries to obtain a licence within reasonable timescales. Essentially, the scheme must not be based on a 'first come first served' basis but administered in a way that is equitable and fair to fishery owners, taking into account the conservation and management needs and balanced against the individual commercial aspects for fisheries who will wish to continue to permit sustainable exploitation of fish.

Implementation of a scheme will be much more complex for rod and line fisheries than for net fisheries. This is due to the potential number of licence applicants, wide variance in the way that rod fishery ownership is structured and the way rod and line fishings are organised between owners and tenants. This might be further compounded by the wide variety of ways in which fishing is let, sold and advertised. Additional complexity will result from any supporting regulations on angling tackle. It is assumed that there will be some form of administrative timescale and deadline within which all licence applications will be assessed and that this would allow sufficient time and scope for the licensing authority to determine what level of exploitation in a district is sustainable and how that will be balanced against demand for licences? In that respect, further clarity on the form and function of the scheme is essential.

Sea trout - There has been widespread agreement that should a workable licensing system be introduced, it must include sea trout. Some migratory fisheries rely principally on sea trout stocks and these are important resources both locally and nationally. Whilst one must accept that the value of using rod catch data as the only indicator for abundance is as limiting for sea trout as it is for salmon, the

long term time series of catch data does demonstrate decline in sea trout catches, and some locally acute reductions in catch.

Salmon of farmed origin - In terms of fish of farmed origin, it is recognised best practice that these fish are removed from the wild when caught, and this is supported by guidance on identifying these fish. Any new licensing and tagging provision should not reduce the capacity to do this.

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.

Our assumption is the system would operate on the following basis:

- A clear application 'window' is identified prior to the licensing period for each year. The window should provide information on the expected determination date. We note that the application period is proposed to commence mid-October following the date new regulations come into force.
- The scheme should be made clear and accessible to all potential applicants, and we welcome the production of guidance notes. It is important that the system will be transparent, fair and easy to navigate, and allow all proprietors who wish to apply for a licence to kill fish to do so in a fair and equitable way within reasonable and well publicised timescales.
- Licences and tags, together with any associated conditions, should be issued to the applicant in good time to ensure that information for anglers can be communicated and organised in advance of letting arrangements.
- A standard form should be available in online or hard copy, with clear guidance. The onus would be on the licensing authority to demonstrate whether the number of tags requested was sustainable. We would expect that it would be not for the proprietor to provide evidence that it was
- We welcome the proposal that each licence granted would be issued with the requisite amount of tags. Each tag would be numbered/coded to relate to the same licence.
- Associated paperwork issued with the licence should include an addressed facility for return of unused tags.

ASFB produced a policy paper in 2011 on carcass tagging for net caught fish. This may offer further context in relation to operation of a scheme (albeit limited to the net fishery). A copy may be viewed [HERE](#)

The consultation proposes that the licensing system will be a bipartite arrangement between individual proprietors and the licensing authority. There is no information in the consultation about the relationship between the relevant district salmon fishery board (DSFB, as local statutory management body) and the

licensing authority and applicant, and how information on licensing decisions will be discussed and communicated with the local DSFB. To that end, we note and welcome the statement at paragraph 4 of the proposals which confirm that the package is designed to complement other local, national and international management activities. It is strongly recommended that DSFBs are given early notification of licensing decisions. This is important because many DSFBs already promote and encourage voluntary conservation measures and the process should be able to ensure that licensing decisions do not disturb or compromise these arrangements. Good communication with DSFBs will help reduce this risk and ensure the licensing authority is able to take this into account when making decisions.

To make any scheme feasible in an operational sense, the overall framework should be simple and easily understood. An efficient and lean administration will help in keeping costs down for both the operation of the scheme and the cost recovery proposals which the sector would bear. In terms of cost recovery, we are unaware of the likely scale of costs for the scheme, and more information on this would be helpful. We would ask that all the options for reducing cost are explored, taking into consideration other schemes and services which Marine Scotland operate and provide. An additional consideration may be the effect of licence cost on catches – it is possible that there may be a risk in terms of the higher the cost of a licence, the greater the likelihood of applicants wishing to maximise the utility benefit of that licence. A low cost might reduce that likelihood, however if the best available information is used to determine sustainable exploitation limits, then exploitation within licensed limits should not be an issue.

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)?

We agree that it is worth considering what types of fishing equipment might compromise the safe release of salmon. If there is evidence to suggest that particular types of equipment are harmful to fish, then consideration should be given to regulating these where justified. As a general point, we would not support the prohibition of any legal fishing *method* per se. All methods (fly fishing, bait fishing and spinning) can potentially damage fish, but with certain modifications to existing tackle and equipment, or use of alternative tackle and equipment (predominately hook type, number or position) this risk can be reduced.

In terms of specific types of equipment, we are aware of some limited studies which identify particular types of tackle which may be damaging in the context of fishing for Atlantic salmon. These indicate that certain types of hook size and configuration and the use of barbed hooks may cause some impact. Some studies

have found that fish captured on barbed hooks had marginally higher mortality than those captured on barbless hooks.¹

There appears to be some common views (but not universal) that there could be a case for:

- prohibiting lures incorporating more than one hook (ie 'rapala' type lures),
- Prohibiting barbed hooks
- Prohibiting treble hooks
- Stipulating circle hooks for bait fishing

Further thought should be given to the above; there are likely to be issues associated with each, and there are likely to be many anglers who have significant amounts of flies and lures which would require at the very least modification or replacement.

The lack of an industry standard size for hooks would require further investigation if a regulation on size is considered.

ASFB will continue to support and encourage the use of education and promotion of best practice in terms of fish handling. The adoption of good technique in terms of playing, landing and returning fish can arguably be as important, or more so, than the type of terminal equipment and tackle used. We would encourage further educational and promotional activity such as that outlined [HERE](#).

Adoption of good practice is essential insofar as there is evidence to suggest that other factors can have a bearing on the survival rates of fish that are released. It is noted that minimum air exposure, low to moderate water temperatures, short playing time and careful handling most likely contributed to high survival following release. Using appropriate tackle can aid careful, quick and efficient unhooking of fish and will play a part of successful release.

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.

There is strong support for carcass-tagging for net caught fish across much of our membership. Tagging of net caught fish would simplify enforcement of this fishery, and close a gap that can be exploited to expose illegally caught fish for sale. Carcass tagging in the rod fishery is also supported, but not universally. ASFB recognise that tagging of fish in the rod fishery will assist with enforcement. The ban on sale of rod caught fish removes the marketability of fish from that fishery. Our general support is qualified by the key points we raise under question 1 in relation to licensing.

¹ Survival of wild Atlantic salmon (*Salmo salar*) after catch and release in three Irish rivers (Patrick G Gargan, Trevor Stafford, Finn Okland and Eva B. Thorstad)

To be effective and enforceable, any tags would have to be numbered, non-transferrable and identifiable with the relevant licence holder – we welcome the confirmation in the proposals that this will be the case. With the concept of what will effectively be a permissible catch or ‘quota’, this raises concern that this might encourage increased exploitation (with tags effectively signifying a ‘bag limit’), however if the system is capable of determining that that is sustainable, then that should reduce any concerns. Again, the role of local management performed by DSFBs will be important in ensuring that any licensed exploitation does not compromise existing voluntary conservation measures.

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.

A number of comments have been raised with us which highlight some potential impacts, mainly as a result of having a system in place which will require increased servicing and costs.

Any new regulatory system will have financial resource implications for boards and their enforcement staff. There will be a significantly increased requirement for enforcement due to the need to inspect licence details, tags and carcasses, whether that is via Police Scotland or Water Bailiffs. Should further regulations on tackle and equipment be introduced to support the scheme, then we would envisage a significant increase in activity given that detailed inspections of individual tackle will be required to ensure compliance.

Given the proposed national scope of the measures, there will be a requirement to raise awareness of any new offences, and ensure enforcement personnel are trained to a satisfactory level to ensure that enforcement and detection of offences is effective. It is expected that there will have to be an increase in operational activity to make the system effective, although it is impossible to quantify the step change.

More widely, concerns have been expressed that there will be increased costs and increased administrative burdens borne by a range of interests in the sector. For fishery owners, this will include the licence fee itself and administrative burdens associated with licence applications, allocation of licences and allocation of tags. This burden is likely to be more pronounced where fisheries are managed on a more ‘open’ basis and represent wider angling groups. This could include ownership vested in local authorities, angling clubs, associations and syndicates and where there is likely to be much more work involved in dealing with a greater

range of member anglers.

In terms of overall conservation value, whilst the rod fishery is already releasing a significant proportion of the catch, it is generally felt that the scheme will have positive conservation ethos given that its scope will extend to all forms of exploitation of salmon in Scottish waters.

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?

Most of the observations relating to operational practice have been highlighted in the preceding responses. Subject to further clarification on the operational detail, as an overall principle it is felt that any scheme, if introduced, must be subject to periodic and formal review and sufficiently flexible to accommodate change as required.