

Response ID ANON-PKHH-3VBZ-G

Submitted to **Consultation on measures for the conservation of pike**

Submitted on **2018-08-31 14:00:27**

Questions

1 Do you agree that any pike of more than 60 cm in length must be released?

No

Please add any evidence you have in support of your position.:

General comments

Fisheries Management Scotland is the representative body for the District Salmon Fishery Boards, the River Tweed Commission and the Rivers and Fisheries Trusts in Scotland. We work to promote and ensure the best fisheries management for the protection, preservation, and development of Scotland's wild salmon and freshwater fish, along with their fisheries and the wider environment.

District Salmon Fishery Boards have a statutory responsibility to protect or improve salmon and sea trout fisheries in their district, but their remit does not extend to other freshwater species. The statutory remit of the River Tweed Commission is broader and covers salmon and all freshwater fish. Rivers and Fisheries Trusts charitable objectives extend to all fish species and the wider aquatic environment.

Fisheries Management Scotland welcomes the opportunity to respond to the consultation on pike conservation measures. We are firmly of the view that exploitation of any native fish species, whether taken through recreational fisheries or commercial fisheries, must be sustainable and based on robust and scientific evidence which suggests that there is an exploitable surplus, and therefore we support the principle set out in the consultation document.

Whilst we understand the policy intention set out in the consultation, we also have some doubts as to the manageability of the proposed solution. Whilst we have tried to address these concerns through the consultation questions, we have also set out our high-level points below. We are unsure as to why pike are the sole focus for freshwater fish conservation. Given the complex prey/predator relationship between all freshwater fish, the shared habitat and sometimes competing needs, freshwater fish stocks must be considered as a whole in terms of an appropriate regulatory framework to protect, conserve and enhance fish stocks and fisheries. We understand that it is still the intention of the Scottish Government to bring forward a wild fisheries bill during the current parliamentary session. Any such bill would provide an opportunity to set out in full the Scottish Government's policy in relation to salmon and recreational fisheries. It would ensure that the appropriate conservation tools, and associated enforcement powers are consistently available for all-species management, whilst fully recognising our international commitments relating to Atlantic salmon management.

Evidence base

The proposals concede that there is no firm research which suggests that over-exploitation is a problem for pike stocks, however we note that the proposals refer to a large body of anecdotal evidence which suggests that removal of pike for consumption is becoming more common. It is very difficult to ascertain whether this trend is likely to have conservation implications for pike populations in Scotland, given that there appears to be very little local or regional data on pike populations, density dependence and population dynamics. Whilst it might reasonably be argued that this lack of data should result in a more precautionary approach, it is important to recognise that pike may need to be managed in the context of the relative health of other fish populations, including salmon and trout.

Our major concern is the potential for the pike conservation measures to act as an incentive for unauthorised introductions of pike to waters in which they do not currently exist. The risk of incentivising unauthorised introductions is compounded by the absence of any comprehensive national database of pike populations to map current presence and absence of stocks in Scottish waterbodies. We are aware of some lochs, for example Lochindorb in the Findhorn District, and some stillwaters in Galloway, where pike have only recently been found. We do not consider that fish introduced in that way should receive any protection and we expect to see clear safeguards in place before we can support the current conservation measures. Pike may well be long-established in certain waterbodies in Scotland, but any extension to their existing range in Scotland would be inappropriate. Whilst there are existing offences which make translocations illegal, we emphasise the difficulty of enforcing such offences in remote rural areas. Any illegal introductions of pike may not become apparent until such populations become established over time, by which point the ecology of the waters in question may have been significantly altered. Part of the problem is that there is a perception that permission to fish is not required, and this is perpetuated by the absence of any formal structure to manage fish stocks other than salmon and sea trout.

We recognise that pike are well established in some areas and these fisheries are extremely important to pike anglers. Notwithstanding our concerns about the enforcement of such conservation measures under the current regulatory framework, we support the protection of large pike in such fisheries. However, we are also aware of circumstances in which pike have spread throughout entire river systems and it is entirely legitimate to manage interactions between pike and other species in such circumstances. It is important to recognise that any protection offered to pike, must also take into account the conservation status of Atlantic salmon and sea trout populations. These species are not only iconic to Scotland, they enjoy national and international protection, and form the financial basis for fisheries management (including enforcement) activities in Scotland.

On that basis, rather than a Scotland-wide conservation measure, we believe that only standing waters with established fisheries, which can be demonstrated to have long-established pike populations, should be considered for conservation measures. Data held by the DSFB and Fishery Trust network could help to identify such catchments, and we understand that SEPA have developed environmental DNA tools which could facilitate the identification of the presence of pike. A fundamental consideration is how any proposed regulatory framework will deal with the status of pike where there is evidence to suggest that they have been recently introduced. There must be provision for pike of all sizes to be managed where an unlicensed introduction has taken place.

Enforcement

The consultation document identifies two distinct issues in relation to pike conservation: anglers taking pike for the table in substantial numbers; and illegal methods of fishing being used. Both of these issues raise wider questions about the underlying legislative framework in Scotland, and we are sceptical that the

proposed approach will adequately address either issue. There are also a number of wider aspects in relation to enforcement which need to be considered further.

As was repeatedly raised during the wild fisheries reform process, the disparity between offences for salmon and sea trout, and other freshwater species is a significant and ongoing issue. Whilst fishing without legal right or written permission is a criminal offence for salmon and sea trout, fishing for brown trout and other freshwater fish without legal right or written permission is a civil offence (except in areas covered by protection orders). Effectively, this makes the enforcement of this aspect of law extremely difficult, if not impossible. We remain of the view that a Scotland-wide offence of fishing without right or legal permission is necessary to adequately protect our freshwater fish populations.

Fisheries legislation is primarily enforced via the network of water bailiffs in Scotland. Whilst some water bailiffs are directly appointed by Scottish Ministers, the majority are appointed by District Salmon Fishery Boards. As noted above, the statutory remit of DSFBs is limited to salmon and sea trout. As we have highlighted regularly to the Scottish Government, the current resources available for fisheries management are not sufficient, and those funding mechanisms are coming under increasing stress. It is not reasonable to expect water bailiffs appointed by DSFBs, the sole funding for whom is raised from the owners of fishing rights for salmon and sea trout fisheries, to enforce such conservation measures without funding being raised from freshwater fisheries. Funding such all-species management remains a key issue that has not yet been addressed as part of the reform process.

We remain of the view that until such time as resources for management are raised from all users of our freshwater resources, or alternatively stable and ongoing funding from government, meaningful all-species management of the type proposed in this consultation is not possible. Coupled with this is a need to understand the levels of exploitation within these fisheries. This could be best achieved through a system of angler catch reporting, which would be one component of a wider freshwater fisheries management framework.

The use of illegal methods to catch pike, or any other freshwater species, is already an offence under the 2003 Act. However, under the current system of funding and management, it is not clear how such an offence can be enforced effectively, particularly given the operating constraints on water bailiffs which we refer to above. Due to resource issues, our members already experience difficulty in securing core Police Scotland support for dealing with serial poaching for salmon and trout.

Predation

There is increasing evidence of losses of salmon and sea trout, at least in part due to predation, as smolts move downstream towards the sea. In some cases, large lochs appear to be a particular 'pinch-point' during the migration. In other systems, for example in some Galloway rivers, pike are present in significant numbers and options need to be available to manage any local issues where pike predation is identified as having an impact on other species. The enhanced legal protection of Atlantic salmon in EU-designated natura sites (for example the River Bladnoch SAC) should be given special consideration in light of predation pressures. Where pike predation on juvenile salmon life stages is likely to be a key limiting factor for salmon populations, fishery managers should have access to appropriate and proportionate measures to manage such impacts.

We would emphasise the current pressures faced by Atlantic salmon in terms of current historically low estimates of marine survival and adult return rates to Scottish rivers. Whilst we are not advocating widespread removals of pike to protect salmon, we do wish to ensure that where good evidence of local impacts on our native fish populations exists, that tools are available to address such impacts where this is in the wider public interest. This is consistent with our approach to the protection of vulnerable life stages of migratory fish from all forms of predation, including avian predators.

As we have set out above, whilst we support the policy intention to reduce pressure on pike stocks, we have significant concerns about the potential effectiveness of the proposed measures. However, we recognise that the proposed approach is broadly in line with the policy adopted by Inland Fisheries Ireland, particularly in relation to designated managed wild brown trout fisheries. We remain unclear as to the basis for a 60cm limit and note that 85cm is the size limit adopted by IFI.

We seek further clarity as to how the Scottish Government anticipates that these conservation measures will be enforced and how such enforcement will be resourced. In particular, we seek assurance that pike conservation measures will not exacerbate or incentivise unauthorised introductions of pike – a wildlife crime.

2 Do you agree that there should be a general bag limit of one pike, of maximum 60 cm in length, per person per day?

No

Please add any evidence you have in support of your position.:

We are not persuaded that there is an evidence base to support a blanket national conservation regulation, and we cannot see how the proposed regulations can be effectively enforced. Notwithstanding the concerns in relation to resourcing enforcement, and the statutory remit of DSFBs stated above, many of the powers of water bailiffs are limited to salmon or trout. For example, section 55 sets out the powers of water bailiffs, but the powers to search and examine nets or other instruments used in fishing or any basket, pocket or other receptacle capable of carrying fish, only apply when there is reasonable cause to suspect that those instruments contain salmon or trout illegally taken. Again, the lack of any clearly-defined and consistent framework governing written permission to fish will make communication channels to anglers on bag limits and other rules very difficult.

3 Do you agree that no person should be able to sell, offer or expose for sale any pike that has been taken by rod and line?

Yes

Please add any evidence you have in support of your position.:

The policy position of Fisheries Management Scotland is that there should be a consistent approach to this issue for all species. On that basis, we consider that it should be illegal to sell, offer or expose for sale any rod caught fish. This should not be limited to salmon and sea trout, and now pike.

About you

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Fisheries Management Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

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?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

It is important for organisations to be able to make general comments as part of these consultations. Citizen Space, as designed for this consultation does not allow this

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly dissatisfied

Please enter comments here.:

See comments above