

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

The River Tweed Commission

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

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3. Permissions - I am responding as...

Individual / **Group/Organisation**

Please tick as appropriate

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

Please tick as appropriate

Yes **No**

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

(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 ONE of the following boxes

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.

No, The RTC does not agree.

The RTC manages Tweed fisheries by using an evidence-based Fisheries Management Plan (FMP) which it applies to individual stocks of Salmon, of which there are several in the District. The Tweed FMP ensures that sufficient adults remain in the system for spawning, after exploitation. There is a common misunderstanding that it is the absolute number of fish killed that is important in the management of Salmon stocks. In fact it is neither the number caught nor the number killed (by any method) that is relevant but rather the number killed in relation to the size of each stock of fish. The RTC agrees with the principle that Salmon should only be killed when there is reasonable confidence that there is a harvestable surplus. However, unless the conservation status of the exploited stocks is understood, simply limiting the number of fish killed is not appropriate.

Current knowledge does not reliably provide fine enough detail to calculate small allowable surpluses of adults so killing should either be allowed, where there are adequate management regimes in place to show stocks are, and remain, in good condition and the exploitation rate is known, or disallowed completely. This is the system used on the Tweed so far, as it is easily applicable to both in-river net fisheries and rod fisheries. It has not been possible with the remaining coastal fisheries. However, as of 2015, these are reduced to a negligible level through the purchase of the significant remaining netting stations in the Tweed District.

The calculation of quotas of adults would be too inexact to be a safe basis for management; better monitoring approaches are available and have been in place in the Tweed catchment for the last 15 years.

The RTC considers that, as it has been empowered with the management of Tweed Salmon under the Tweed legislation, it should continue to make the evidence-based judgements for the management of its Salmon stocks. However, it also considers it appropriate for Scottish Ministers to review, and if appropriate challenge, that management to demonstrate that the RTC is meeting international requirements. If Ministers are not satisfied with the RTC's management they already have powers to impose alternative management regimes under the Tweed Regulation Order.

The RTC strongly disagrees that a ban on the killing of all Salmon except under licence is necessary for conservation reasons in the Tweed District. However it does agree, and has long requested from the Scottish Government, that there should be a tagging system for Salmon placed on the market: on Tweed, these are fish caught in coastal net fisheries of which only two active stations remain, one in England and one in Scotland; both are small in terms of numbers of fish caught. A third netting station in

Berwick harbour will be brought back into operation by the Berwick Harbour Commission (after a period of inoperation) for the summer period only, on a limited scale to be part of the 2015 "Berwick 900" celebrations. The only other in-river netting station on Tweed, at Paxton House, is being operated as a heritage and research facility: no Salmon will be killed and only 120 Sea trout will be killed each year. Paxton House is being paid significant compensation by the RTC to do this. However the North East Coast Net Fishery is still very significant and catches significant numbers of Salmon, the majority of which are destined for Scottish rivers, including the Tweed.

There is no conservation benefit to control the killing of rod caught Salmon in the Tweed District because rod fisheries cannot by law, and do not, sell Salmon and in any case they only kill a maximum of c.5% of the fish that enter the river; in some years it is much less than that. Angling practice means that most of these killed fish are males but even if half of these fish were females and half were "saved" through a licencing system, it would only be at most 2.5% of the total stocks, and in most years much less, which is immaterial in management terms.

We do agree that the control of killing is necessary, and already exists on Tweed for rod fisheries, for some individual stocks which we know are close to, or below, their spawning targets; currently these are Spring Salmon returning to the river before July 1st. This is based upon the Tweed Foundation's fish counter results and fry surveys which provide the information to monitor its main Spring stock. The RTC has demonstrated its ability to use this and respond quickly to changes in stock levels.

We consider that as Scottish Ministers can already impose Conservation Orders on the Tweed that there is no additional requirement for control by licencing. Moreover, we consider that by introducing a licencing system, Ministers would be interfering unnecessarily with proprietorial rights to enjoy property by restricting something which does not require limitation. We suggest that to assure Scottish Ministers of the conservation status of Tweed's Salmon stocks, and to enable them to meet international commitments, that the RTC reports annually to Scottish Ministers to justify its management policy.

We consider that Ministers should be satisfied that the European regulations concerning the management of the salmon in the Tweed District are already being met. The comprehensive Fisheries Management Plan for the Tweed & Eye Fisheries District produced by the Tweed Foundation and executed under the authority of the RTC meets the requirement of Article 11 of the Directive 92/43/EEC for there to be "*surveillance*" of the state of salmon stocks. Article 14 then states that "*if, in the light of the surveillance provided for in Article 11*" other measures are deemed necessary to ensure that "*exploitation is compatible with their being maintained at favourable conservation status*" they might include some of those then listed or other appropriate actions. Most of these measures either pre-existed the regulations or, have been implemented since, either by Government itself or by the RTC as follows:

- *Regulation regarding access*
 - o Access to Salmon fishing is controlled by legal right.

- *Local or temporary local prohibition of taking specimens*
 - o Spring Salmon Conservation regulations are in place.
- *Regulation of the periods and/or methods of taking specimens,*
 - o Extension of the close season for nets to include the Spring through a Conservation Order based on evidence provided by The Tweed Foundation and accepted by Government.
 - o Extension of the Catch and Release period for rod fisheries in the Spring.
- *Application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,*
 - o Control of fishing methods, both by law and by code, including the ban of prawn fishing and the Tweed Angling Code.
- *Establishment of a system of licences for taking specimens*
 - o Whilst there is currently no licencing system *per se*, it should be noted that the limited number of rods available at each fishing beat on the Tweed is an equivalent system as the angler numbers are thereby both limited and spread throughout the system. The prohibition of Salmon fishing on Sundays also regulates and distributes angling pressure on a temporal basis.
- *Regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens,*
 - o The sale of rod caught Salmon in Scotland is prohibited.
- *Assessment of the effect of the measures adopted,*
 - o The sixth edition of the Tweed & Eye Fisheries Management Plan is in preparation and will include all the previous surveillance methods and any additional ones thought necessary.

Article 14 states that additional conservation measures are only required where and when there is evidence that they are needed. No such evidence is apparent for the Tweed from the monitoring undertaken through the Tweed Management Plan, nor has any been suggested by Government. It is a fundamental requirement for good fisheries management that it should always be “evidence-based”.

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

We are unable to comment on the basic outline of how the licensing system would operate because no details have been given in the consultation. The RTC does not agree that a licencing system should be put in place in the Tweed District for rod fisheries. However, we do consider that Salmon fisheries, rods and nets, should be registered as legal sources of killed Salmon, as most already are on the Tweed. Only Salmon which are killed for sale should be tagged.

In general terms, if Salmon fry numbers decrease or fish counter data shows low numbers or numbers too close to spawning targets for safety, a river does not have enough adult fish and the only practical response is to impose total Catch & Release, rather than limiting the number killed; this is what has been done on Tweed for Spring Salmon for in-river and rod fisheries. The RTC considers that there should not be a presumption against killing Salmon but rather a presumption in favour, so long as sustainability can be demonstrated and with controls for individual stocks where they are required.

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)?

No, the RTC does not agree. Tweed legislation and Catch & Release regimes already regulate the types of fishing equipment that can be used. Tweed already has limits on certain types of equipment, both voluntary and compulsory, and does not wish these to be changed. We consider that the existing limits to method are sufficient and that there is no merit in additional controls.

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.

No the RTC does not agree. However the RTC does agree with the Scottish Government's Memorandum to the Tweed Amendment Order 2015 that tagging should not apply to fish which are caught by rod and line, as rod and line fishing for Salmon is permitted but the fish cannot be sold on.

The RTC also agrees that carcass tagging should be introduced but only for fish that are sold. Numbered carcass tagging is imperative to combat the sale of poached fish and increase the chances of successful prosecution for doing so. Tagging would also increase consumer protection and assurance of legally taken Salmon.

However, tagging should not be used as the basis of any quota system because there is no evidence-based system that could deliver realistic quotas; a quota system would have no conservation value but would be an onerous, costly, bureaucratic burden.

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.

For Salmon that can be legally sold, numbered carcass tags would greatly assist in the detection and prosecution of the sale of poached fish or laundered fish through legal sales outlets. To this extent carcass tagging is important. However any killing ban or associated quota system would have no conservation value on Tweed for the reasons explained in Question 1 above.

Catches can vary greatly from year to year as they depend as much on river conditions as they do on stock levels. Quotas based on catches would be impossible to set except at a level which would be so low as to be unrealistic in years of abundance.

Small businesses, as Tweed rod fisheries are, would be unable to distribute their quota amongst their varied types of anglers / syndicates, weekly and daily nor derive individual quotas from any total quota for the whole river or stock within the river.

The practicalities and cost of administering a system of annual quotas for each individual fishery would be immense: on Tweed there are more than 167 rod fisheries, fished by tens of thousands* of different Salmon anglers in a year. The costs of such a system would be great, have no benefits, and would compromise the viability of working fisheries by imposing additional expense.

*Whilst it is not known how many anglers fish the Tweed after the end of compulsory Catch and Release, it was identified in the last Tweed Economic Survey that there are 44,000 anglers annually: more than half of these (>22,000) will be in the second half of the season after June 30th.

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?

Whereas the sound science that would be required for a quota system does not actually exist at present, there are techniques that can be used to estimate Conservation Limits (CLs) for adults although the methodologies for calculating them are still difficult and the required data unavailable for Tweed. CLs would also have to be set for discrete stocks that exist within the river. In practical management terms though, CLs would not actually be of much value on Tweed given that angling in Summer and Autumn only catches 10% or less of Salmon that come in to the river and of those that are caught, c75% are returned; there is minimal net fishing remaining on Tweed. This effectively makes angling pressure on stocks non-existent. Spring stocks on Tweed have been protected by Catch and Release since

1988. The Tweed does, however, already use (1) juvenile survey results as Biological Reference points and (2) spawning targets for areas upstream of fish counters to give assurance of the health of stocks. Even in 2014, a year of low rod catches, the spawning target upstream of the counter on the Gala water was surpassed.