

VERY IMPORTANT

Please pass this on to all those who fish on the Tweed

TO: All River Tweed Commissioners
Angling Clubs & Associations
Salmon Fishery Proprietors & Anglers

FROM: Nick Yonge, Clerk to the Commission

31st March 2015

Scottish Government propose to lay new regulations before Parliament by the end of June 2015 which would:

- make it an offence to kill wild Atlantic Salmon without a licence granted by Scottish Ministers
- be accompanied by a carcass tagging scheme which would require all Salmon taken to be tagged with a numbered tag
- possibly include additional conditions on the use of certain items of tackle to maximise the safe release of Salmon
- be self-funding, i.e. the fisheries would pay for it

The detail of the scheme is not proposed in the consultation document but the Government states that it is seeking "*broad agreement to the principles*" while at the same time "*working up the detail*" of the measures.

A consultation exercise is now underway and invites views from stakeholders by **30th April 2015**. You can read and respond to this at:

<http://www.gov.scot/Publications/2015/02/4158>

The River Tweed Commission supports carcass tagging for Salmon that are sold, but considers this proposal to be inappropriate for Tweed because:-

- on Tweed there is no conservation reason for the ban
- there is now minimal commercial netting in the Tweed District
- rods killing Salmon are not a significant factor in the decline of Salmon
- it would be impractical, expensive and ineffective as a means of regulating the fishery.

RTC general position on licensing and carcass tagging:

- The RTC manages Tweed fisheries by using an evidence-based Management Plan which it applies to individual stocks of Salmon, of which there are several in the District.
- 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.

- 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 that number in relation to the size of each stock of fish.
- 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. 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.

How to Respond to the Consultation

The Scottish Government is moving very fast on this and intends to bring proposals to Parliament by **JUNE** this year.

It is very important that as many people as possibly respond to the consultation. A single response by the RTC will not be sufficient to influence MSPs.

I urge you to respond yourself which you can do either online using the form in the link above or by paper, but whichever method you choose you must answer the six questions which are posed (below). A draft of the RTC's responses to these questions follows.

Responses must be sent by APRIL 30th to:-

salmonandrecreationalfisheries@scotland.gsi.gov.uk

or to

Jackie McDonald
Area 1-B North,
Victoria Quay,
Edinburgh,
EH6 6QQ.

CONSULTATION QUESTIONS (ITALICS) AND RTC POINTS OF RESPONSE

1) *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 RTC disagrees that a ban on the killing of all Salmon except under licence is necessary for conservation reasons in the Tweed District.
- There is no conservation benefit to licence the killing of Salmon in the Tweed District because:
 - o there is no significant netting left
 - o rod fisheries cannot by law sell Salmon
 - o rods fisheries only catch a maximum of c.5% of the fish that enter the river; even if half of these fish were "saved" through such a system, it would only be 2.5% of the total stocks, which is immaterial in management terms.
- The control of killing is necessary, and already exists on Tweed for some individual stocks which are close to, or below, their conservation levels; currently these are Spring Salmon returning to the river before 1st July.
- The management approach on Tweed is science based and a licencing system is not required because the RTC knows which of these stocks are under threat and has appropriate management measures in place for them.
- The Tweed Foundation's exploitation and fry studies provide the information to monitor stocks and the RTC has demonstrated its ability to use this and respond quickly to changes in stock levels.
- Tweed has demonstrated that it has a harvestable surplus that is protected under the management mechanisms which are currently in place and have been for many years.
- RTC considers that as Scottish Ministers can already impose Conservation Orders on the Tweed that there is no additional requirement for control by licensing.
- The RTC considers that by introducing a licensing system, Ministers would be interfering unnecessarily with proprietorial rights to enjoy property by restricting something that does not require limitation.
- The RTC suggests that it reports annually to Scottish Ministers on the conservation status of Tweed's Salmon stocks to justify its management and to enable them to meet international commitments.

2) *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.*

- The RTC does not agree that a licencing system should be put in place in the Tweed District however, the RTC considers that all Salmon fisheries should be registered as legal sources of killed Salmon, as most already are on the Tweed.
- If Salmon fry numbers decrease, the river does not have enough adult fish and the only response is to impose total C&R, rather than limiting the number killed; this is what has been done on Tweed.
- The RTC considers that there should not be a presumption against killing Salmon but rather a presumption in favour with controls for individual stocks where required.
- The RTC considers that only Salmon which are killed for sale should be tagged.

3) *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)?*

- Tweed legislation and Catch and 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 as to method are sufficient and that there is no merit in additional controls.

4) *Do you agree that a carcass tagging scheme should 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.*

- The RTC agrees that carcass tagging should be introduced but only for fish that are sold.
- Numbered carcass tagging are 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.
- 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 a very great and costly bureaucratic

burden.

- The RTC agrees 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.

5) *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.*

- 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 extend carcass tagging is important.
- Any killing ban or associated quota system would, however, have no conservation value on Tweed for the reasons explained in 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:
 - o great
 - o have no benefits
 - o compromise the viability of working fisheries by imposing additional expense.
- 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 determine Conservation Limits (CLs) although the methodologies for calculating them are still difficult. CLs would have to be set for discrete stocks that exist within the river.
 - o in practical management terms though, CLs would not actually be of much value on Tweed given that angling in Summer and Autumn only catches

10-20% of the fish that come in to a river and of those that are caught, c75% are returned; there is minimal net fishing remaining on Tweed. This effectively makes pressure on all but the weakest, Spring, stocks, non-existent and those stocks that are most weak are all now protected, for rods at least, by local 100% Catch and Release.

6) *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?*

- Given the fact that, with voluntary Catch and Release, only circa 5% or less of the Summer and Autumn fish that enter the Tweed are killed by anglers at present, there is no additional conservation advantage in a system that controls in-river catches.
- Should a system for controlling Salmon caught by angling be introduced then, logically, a limit should be introduced for the other predators of Salmon such as seals and fish-eating birds, which would require a re-assessment of their legal protection. To restrict the one without similar restrictions on the others would be unreasonable, inappropriate and contrary to the basic concept of life-cycle management.