



Briefing for the Public Petitions Committee

Petition Number: [PE01547](#)

Main Petitioner: Ian Gordon and the Salmon and Trout Association (Scotland)

Subject: Conserving Scottish wild salmon

Calls on the Parliament to:

(i) in the interests of salmon conservation, and on a precautionary basis, to request Scottish Ministers to use their powers immediately under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 Act to ensure that no Atlantic salmon are killed in Scotland for a period of five years from 2015 if possible, by 2016 if not - by either nets or rods - before 1st July; and

(ii) in the case of fishing for salmon by coastal netting, to take such steps as are necessary to bring to an end the exploitation of wild salmon by Mixed Stock Fisheries at any time of year, in line with Scotland's international commitments and obligations.

Background

Wild Atlantic salmon (*Salmo salar*) are a migratory fish species which spawn in rivers. Young salmon live in freshwater and then migrate to the seas of the high Arctic, where they grow and mature before returning to spawn in the same river where they hatched completing their lifecycle. Salmon return to spawn in "runs" of fish at different ages and at different times of the year. The oldest and largest fish which have usually spent three or more winters at sea return in the early part of the year and are known as spring salmon or "springers". In most other countries salmon fisheries are limited to the summer and early autumn months when returning fish pass along the coasts and run the rivers. However, salmon enter Scotland's rivers throughout the year and, with the exception of December, when fisheries are closed to protect spawning fish, it is possible to fish for salmon by rod and line in most months in the year. This has an important economic value, as sporting opportunities to fish for salmon in Scotland are available which do not exist elsewhere.

Marine Scotland published a [report](#) on the status of Scottish Salmon and Sea trout stocks in April 2014. The report analyses the status of stocks based on information from catches, fish counters, and fish traps. Three fish counters are operated, two of which are on the North Esk, and two fish traps, both of which

are in the River Dee catchment. The main source of data therefore comes from rod and line catches. Overall catches of salmon by rod and line are at historically high levels. This may seem initially surprising given the reductions in marine survival of salmon since the 1960s, but the report finds that this is a reflection of a reduction in net fisheries over this period. The overall pattern reflects variations in different spawning components, i.e. runs of fish returning to rivers at different times of year. The report explains that the timing of runs varies from year to year, but it divides salmon stocks into three components: spring (February – May); summer (June – August); and autumn (Sept-Oct). The report found that data from catches and counters generally suggest an increase in summer and autumn components in most areas. Catches of spring salmon have declined over the longer-term, but stabilised in recent decades. Observations of a long-term decline in spring stocks are paralleled by declines from fish traps on Deeside. The correlation between data from fish counters and catches is more complex. The counters on the North Esk show numbers of spring fish increasing in recent decades (although there were declines in 2012 and 2013), at the same time as rod and line catches have decreased.

This report will be updated annually in April.

Concerns over salmon numbers, and particularly over spring salmon numbers have led to the practice of catching and releasing fish to be adopted in many rod and line fisheries. This has been done voluntarily by rod and line fisheries, rather than through legislation. Marine Scotland published annual bulletins on salmon and sea trout catches. The [most recent](#) covers 2013. The proportion of the rod catch caught and released has generally increased since 1994. In 2013, 80% of the annual rod catch was released compared to less than 8% in 1994. Similarly, less than 1% of rod caught spring salmon were released in 1994 while 92% were released in 2013.

Scottish Parliament Action and Scottish Government Action

Close times and catch and release

The Parliament passed the Bill which became the Salmon Conservation (Scotland) Act 2001 in January 2001. The Act implemented one of the main recommendations of the 1997 Scottish Salmon Strategy Task Force report that Scottish Ministers should take a wider power to make regulations to conserve salmon. The law on Salmon and Freshwater Fisheries was consolidated in 2003, and the powers created by the 2001 Act are now contained in section 38 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003.

Since the legislation was consolidated, the Parliament has passed two further Bills which have amended the law on salmon and freshwater fisheries: the Aquaculture and Fisheries (Scotland) Act 2007; and most recently the Aquaculture and Fisheries (Scotland) Act 2012. These Acts made some amendments to the 2003 Act.

For the purposes of managing salmon fisheries Scotland is divided into 54 Salmon Fishery Districts, each of which comprises the catchment of a river

and its tributaries; or a number of neighbouring river catchments. The districts also extend seaward for 5km. Orders made under the Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003 set close times during which it is illegal to fish for salmon within the Salmon Fishery District. They may also include an exemption which allows fishing by rod and line during a part of this annual close time.

The Scottish Government recently used the powers in Section 38 of the 2003 Act to make a new set of Regulations (The Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014) which specify Annual Close times for all Salmon Fishery Districts in Scotland apart from the Tweed. The Regulations also specify the periods within the annual close time where fishing by rod and line is permitted. To date, the practice of catch and release has been voluntary. The Regulations establish a period during the early spring where catch and release of salmon is mandatory for each Salmon Fishery District. Different permutations of dates are set for different districts. In some districts there are different dates set for different catchments within the district.

Under these regulations the latest date on which net fisheries open and on which catch and release of rod caught salmon is not required is the 1 May, and this applies in just two districts, the Esk and the Echaig. In all other Salmon Fishery Districts net fishing may begin on 1 April, and salmon caught by rod and line do not need to be released on or after this date.

The Wild Fisheries Review (described in following section) proposed that a national unit should be established with central responsibility for wild fisheries management, and that Fisheries Management Organisations (FMOs) should be established locally to manage wild fisheries. The Review recommended that annual close times for salmon fisheries should be set by the National Unit on the advice of FMOs and should be extended to other species where supported by science. In certain cases e.g. spring salmon, annual close times should be integrated with a ban on killing but with catch and release permitted. This is the approach that has been taken with the Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014. The Review was published in advance of the Government making these Regulations, and the Review does not recommend what the annual close time should be.

Mixed stock fisheries

The internationally accepted definition of mixed stock fisheries (MSF), agreed by the North Atlantic Salmon Conservation Organisation (NASCO), is: "A fishery exploiting a significant number of salmon from two or more river stocks."

The Scottish Government published a [freshwater fisheries strategy](#) in June 2008. Proposals for the strategy were developed by the Freshwater Fisheries Forum from 2004 to 2006 and consulted on in 2007. The Strategy proposed the establishment of a committee to look at all aspects of mixed-stock fisheries in Scotland and to develop a strategy for their management.

The Scottish Mixed Stock Salmon Fisheries Working Group was convened in summer 2008 and [reported](#) in April 2010. The group was comprised of angling and netting interests, under an independent chair, David Crawley. The group were unable to agree on recommendations, so those in the report were put forward by the chair.

The report recommended a straightforward way of assessing salmon stocks, and for developing a management plan where stocks were found to be at risk. It said that where there was sufficient evidence of a threat to stocks, measures to protect specific river stocks or components of stocks could include changing close times, either weekly or annual; voluntary or mandatory catch and release of either rod or net caught fish; and voluntary or mandatory deferral of the opening of the season.

In terms of moratoria on fishing, or the temporary closure or phasing out of fisheries the report cited a paper by the European Commission which suggested that temporary rather than permanent closure of mixed stock fisheries in Scotland would be preferable because statutory prohibition can be challenged due to the private nature of fishing rights. The report suggested a range of options may be available such as:

- Closure - voluntary agreements (possibly with recompense for temporary (part season or for a fixed period)), partial (e.g. specific locations within a river, estuarial or coastal area) or full closure
- Voluntary moratoria, temporary or permanent, full or part seasonal on e.g. renewals or extensions to existing leases or new leases or at point of sale or other transfer
- Voluntary phasing out or buyout by all owners or of those fisheries owned by public authorities.

The Aquaculture and Fisheries (Scotland) Act 2012 implemented some of the other recommendations of the report. It addressed an anomaly where Scottish Ministers could previously only alter annual close times on application to them by a District Salmon Fishery Board by providing them with a power to change these without such an application. It also provided a power for Scottish Ministers to introduce a requirement for net caught salmon to be tagged through Regulations. During Stage 1 of the Parliament's consideration of the Bill, the Government explained that it planned to carry out a review of the management of wild fisheries in Scotland. During Stage 1 the Rural Affairs Climate Change and Environment Committee heard evidence in relation to the administration of salmon netting, and issues including the setting of close times; sale of netting stations; and resolving conflict between net and rod and line fisheries. The Committee welcomed the fact that these issues would be considered as part of the wild fisheries review. ¹

¹ See Rural Affairs Climate Change and Environment Committee Stage 1 report on the Aquaculture and Fisheries (Scotland) Bill, paras 316-49

This Wild Fisheries Review was begun in April 2014 and chaired by Andrew Thin. It produced its [report](#) in October 2014. Section 7 of the report is about sustainable harvesting of wild fish. The report made two general recommendations on sustainable harvesting, and two additional recommendations specifically about harvesting of salmon, one of which was about Mixed Stock Fisheries. The two general recommendations were that:

- The Scottish Government should consider whether to create a statutory offence of reckless or irresponsible management of fishing rights (recommendation 32)
- Ministers should have the power to introduce a ban on the killing of particular wild fish, usually until further notice, at either a national or local level in the interest of conservation of stocks. Such a ban might include specifying particular methods and equipment that may still be used to fish for the species in question in a non-lethal (i.e. catch and release) manner, and might include the introduction of an associated licensed killing system to allow some harvesting of the species otherwise subject to such a ban (recommendation 33).

In relation to salmon the review recommended that:

- As soon as is practicable Ministers should introduce a ban on the killing of wild salmon in Scotland except under license, and specify the types of equipment that may still be used to fish for salmon on a catch and release basis unless a killing license has been obtained. (recommendation 34)

The review envisaged that licences would be annual; a fee would be charged for licence applications; and that any salmon killed under licence would be immediately marked with a unique id tag. If a licence application were refused, there should be a right of appeal. An appeal would have to be able to demonstrate that salmon could be harvested sustainably.

The Scottish Government published a [consultation paper](#) on proposals to introduce a licencing system for killing wild salmon on the 6 February 2015. The proposals outlined in the consultation follow the recommendation of the Review.

In relation to Mixed Stock Fisheries for salmon, the review recommended that any licence application should take full account of current knowledge regarding the conservation status of fish populations in all destination rivers known to be involved, and where appropriate a precautionary approach should be adopted. The review recommended that where such an approach would result in catches being significantly below current levels, reductions should be phased in, to allow those affected to adjust (recommendation 35).

The Scottish Government has committed in One Scotland - the Government's Programme for Scotland 2014-15 to consult in Spring 2015 on broad policy options for a new fisheries management system followed by further

consultation on a draft wild fisheries bill before the end of the Parliamentary session.

The Rural Affairs, Climate Change and Environment Committee is inquiring into the proposals made in the Wild Fisheries Review. It will take evidence from the panel who conducted the Review at its next meeting on the 18 February 2015. Then at its meeting on the 25 February it will take evidence from stakeholders, and on the 4 March from the Minister for Environment, Climate Change and Land Reform.

Tom Edwards
Senior Research Specialist
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