Written submission from Callander McDowell

Whilst the focus of the Rural Affairs, Climate Change and Environment Committee must be on the content of the proposed Aquaculture and Fisheries Bill, it is also important to understand the background to the Bill.

When the Bill was first proposed, the then Minister for the Environment, Stewart Stevenson stated ‘We need to ensure that both these sectors - and in particular farmed salmon and wild salmon interests - can continue to develop and coexist harmoniously.’ The implication is that the two sectors do not currently coexist in harmony, which is actually a fair assessment. However, the main source of friction comes from the angling fraternity who blame the arrival of salmon farms on the west coast in the 1980s for the demise of local wild salmon populations.

There is no doubt that wild salmon numbers have fallen from a peak value achieved in the late 1970s; this effect has been noted in every ‘salmon country’ bordering the Atlantic. It is also true that salmon farming has developed in the North West coast and islands of Scotland although it did not begin until 1980, a full 10 years after salmon numbers started to decline. Unfortunately, the angling sector is determined to hold and promote the view that the reduction in salmon numbers and the development of fish farming are related and this disagreement is the basis for the absence of harmonious coexistence between the two sectors.

The total catches of salmon by netting and river angling in the areas of Scotland where there is salmon farming and in the areas where there is none have been in parallel since records began in 1952. However, rod angling catches have increased disproportionately on the east coast. Guy Linley Adams, solicitor to the Salmon & Trout Association has written that the only difference between east and west coast rivers is the presence of salmon farms. He is wrong. Firstly, the east coast was historically characterised by a much larger netting industry so when netting declined there was a much greater ‘release’ of fish into the rivers on the east coast than the west. Secondly, there is a huge difference in that east coast rivers tend to be many miles in length whilst the spate rivers on the west coast are very short and can have excessive flows at certain times of the year. During the 1980s, unusually high spates were recorded and these were thought to have washed salmon eggs and fry out of the river disrupting the natural salmon cycle. This took a few years to begin to recover and left a period when recruitment was extremely poor.

At the same time, salmon stocks returning to the rivers disappeared from west coast lochs. Inshore fishing boats aiming to catch mackerel sailed up and down the west coast hoovering up all the fish they found. They undoubtedly caught salmon on their return to the rivers. Salmon did eventually recover but inshore mackerel stocks have never returned. The impact of this inshore fishing was that many of the wild salmon nets were abandoned due to the lack of fish. The salmon netting station in Loch Ewe was closed due to a lack of any wild salmon two years before salmon farming arrived in the loch. Other factors are also said to have influenced the decline in wild salmon.

However, the past declines in wild salmon stocks can be reversed as ably demonstrated by the River Carron Restoration Project that has seen wild salmon catches recover from six fish per year to over two hundred. This is despite the presence of salmon farms in the locality.
Unfortunately, the success of the project has not received the support of the angling sector which prefers to focus their efforts on attacking the salmon farming industry. Over the years, they have continually lobbied the Scottish Government to take stringent action against salmon farms. They were successful in the early 1990s in pressurising the Government to adopt a presumption against farming development outside a limited area in the north west coast and islands, despite the lack of evidence to support this policy. Nonetheless, despite the restrictions, the Scottish salmon farming industry has developed highly responsibly in the areas available and has delivered huge benefits to Scotland’s west coast and islands. However, under the continued pressure of lobbying from the salmon fishery proprietors and occupiers, the Department of Rural Affairs and the Environment appear to have caved in to their demands. The proposed Bill is therefore a consequence of lobbying by the proprietors and occupiers of the fisheries and their industry organisations.

The willingness to listen to the demands of the angling fraternity appears to be reflected in the content of the proposed Aquaculture & Fisheries Bill. Whilst, the Bill aims to impose more stringent controls on the salmon farming industry, those proposed against the proprietors and occupiers of freshwater fisheries seem to be more concerned about the governance of the District Salmon Fishery Boards and the way that they conduct their Annual General Meetings. One columnist, writing in an angling magazine, has suggested that such legislation is totally unnecessary as the District Salmon Fishery Boards are already well-managed and that any proposed changes are simply a concession to the salmon farming industry to demonstrate that the Scottish Government are being equal-handed to both sides.

However, the repeated lobbying against salmon farming have actually deflected attention away from the need for even more stringent control within the freshwater fisheries sector. The sector claims to be irreproachable with regard to the management of wild salmon stocks but not is all what it seems. It would appear that the District Salmon Fishery Boards have abused current legislation aimed at protecting wild salmon stocks for their own advantage and gain. This is perhaps not surprising since their position as the main exploiters of the stock and the legal conservators has an obvious and fundamental conflict of interest.

Section 37 (1) of the Salmon & Freshwater Fisheries (Consolidation) (Scotland) Act 2003 states ‘The annual close time for a salmon fishery district shall be a continuous period of not less than 168 days and shall apply to every mode of fishing for and taking salmon to the extent provision is made for periods within that time during which it is permitted to fish for and take salmon by rod and line’.

These Close Times can only be varied on application to the Scottish Minister by the District Salmon Fishery Boards so if any close time is different to the 168 days as stated in the 2003 Act, then the change has been made at the request of the District Salmon Fishery Board. The significance of the Close Time is that it is the period during which the salmon spawn and therefore should be left undisturbed.
The current Annual Close Times set for the following rivers are:

River Tweed - 62 days
River Tay – 76 days
River Thurso – 98 days
River Naver - 103 days
River South Esk – 108 days
River Dee – 108 days
River Spey – 134 days

These Close Times demonstrate that the District Salmon Fishery Boards appear to be more concerned about providing sport for anglers and increasing the revenue for their members than for the protection of the wild salmon during this important period in their life cycle. These extensions to the angling season, and the resulting reduction in the Close Time, have all been approved by the Scottish Ministers, who have endorsed the applications from the District Salmon Fishery Boards.

The extension of the angling season in these rivers may be more significant than as an illustration of the need for stricter controls on the way that the District Salmon Fishery Boards operate because all the rivers listed above have been designated as ‘Special Areas of Conservation’ under the European Habitats Directive. The Scottish Government has obligations under the Habitats Directive and the way these rivers are currently managed is arguably in breach of the legislation.

When the Habitats Directive was brought into legislation, it was recognised that in some countries, certain protected species were hunted or harvested for food. Article 14 of the Habitats Directive places the onus on Government to change this behaviour and increase the protection of the individual species. This included the implementation of both conservation measures and by encouraging alternative sources of the species to be utilised for example by farming, reducing the need to hunt the species in the wild. As salmon are now widely farmed, there would appear to be no valid reason why wild salmon should now be caught and killed, yet they are in large numbers. In the case of wild salmon fished by rod and line, the primary aim of the hunting process is not for food but for sport which is very difficult to justify under the Habitats Directive or indeed on moral grounds.

Over the past ten years, anglers have been increasingly encouraged to adopt a policy of catch and release whereby the salmon after being landed are not killed but unhooked and returned to the river. Although 24,105 salmon were caught and killed in 2011, 73% of the fish caught were returned to the rivers. The River Dee District Salmon Fishery Board appears more enlightened than others and has adopted a mandatory catch and release policy throughout the whole season. There seems no reason why this should not be applied under the current legislation to all rivers in Scotland.
There is a negative side to catch and release and that is that it distorts the catch statistics. Recent catch data issued by the Scottish Government suggests that the salmon populations are relatively healthy. However, the data cannot distinguish whether a fish caught has already been caught previously. Marking wild salmon caught on the River Carron has shown that some fish can be caught three or four times in the same season. The increasing use of catch and release could be masking any declines in salmon populations in some rivers.

There is especially concern about the state of the Spring stock component of wild salmon populations. This has been in decline for many years and certainly well before the arrival of salmon farms. Marine Scotland has recently suggested that the Spring stock may be showing signs that it is stabilising. However, the supposed improved state of this stock coincides with the increased adoption of catch and release, especially during the spring months. The Spring stock remains at a historic low and it is difficult to comprehend why fishing is not only allowed to continue to this endangered stock, but some District Salmon Fishery Boards still allow salmon from this stock to be killed.

The Rivers & Fisheries Trusts of Scotland has advocated that a precautionary approach be adopted for any form of salmon exploitation. Spring stocks of wild salmon seem to be the ideal candidate and thus rod and line angling for salmon during the Spring run should be prohibited until recovery of the stock is apparent.

If the Scottish Government should adopt a more stringent approach to freshwater fisheries management there will be no doubt be a major outcry from the fisheries proprietors and occupiers and from anglers but their arguments are weak against the objectives of better protecting this iconic species.

As highlighted at the beginning of this document, there is more than one explanation for some of the claims made by the angling sector. Indeed some of their claims have already been found to be lacking. For example, they claim that escaped farmed salmon dilute the genetic integrity of distinct wild salmon stocks. However, the £1 million FASMOP project was unable to distinguish any genetic differences between different wild salmon stocks suggesting that these differences are more perceived than real. Clearly further thought is required on these issues for they will not be solved by this proposed Bill.

Stewart Stevenson, a past Minister, expressed hope that this Bill would enable those involved in both salmon farming and salmon angling to coexist harmoniously. The Bill has already failed in this aim and seems unlikely to lead to that end so long as salmon angling interests continuous campaign aggressively against fish farming – which represents the only sustainable solution for future fish supplies.