Written submission from The River Annan District Salmon Fisheries Board

The River Annan District Salmon Fisheries Board would like to take this opportunity to submit its opinion on the Aquaculture and Fisheries (Scotland) Bill. In general we do believe that many aspects of this bill are overdue and we can support much of it in principle. We do however have concerns about some sections and would like them to be raised during the committee reading stage. Hopefully many of our concerns can be ironed out.

Part 1 Aquaculture Chapter 1 Fish Farm Management

In general we feel that this section does not truly reflect the weight of responses that the government received during the consultative process. The Annan catchment is a long way from any marine salmon farms but the impact of salmon farming on wild fish is now well established, and proven, and affects many of the rivers in the North West of Scotland.

We do strongly believe that all registrations of fish farms should be in the public domain, along with the data that they must collect. That data must include information about biomass, escapes, percentage mortality and most important lice data. Lice have a huge and proven impact upon the mortality of wild fish and farm operators have been very reluctant to allow this data to enter the public domain. Many countries that have salmon aquaculture have far stronger regulations around this, yet still seem to have a thriving salmon aquaculture industry.

There does not appear to be a fallback position either for ministers to define a management area should the management area described by the fish farm operators be inappropriate. A fish farm management area may, for example seem to be appropriate with our current understanding, but as new evidence comes to light it may be clear that the management area has to be changed.

There should also be a power for SEPA to reduce biomass consents under certain circumstances, perhaps when it appears that the biomass is having a significant ecological impact.

Part 2 Salmon Fisheries

Governance

In general the River Annan DSFB understands the need for strong governance, and in many ways is complying already with the spirit, if not the detail of many of these amendments to The Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003. We do however have concerns about some of the detail in this as we feel that some elements may create an unrealistic burden on Boards, particularly smaller Boards. This may take resource away from the excellent work that is being done in many areas of conservation and fisheries management. Overall we do feel that this section is very poorly drafted and potentially confusing.

The issue about public meetings is fine, however it is unrealistic to expect all meetings to be public, issues affecting commercial confidentiality and staff should not be discussed in a public forum. It is unclear whether or not there is a requirement
to have an annual public meeting and an AGM of qualified proprietors or can this be the same event? Why have two (Annan AGMs are open to the public anyway and advertised in local papers) when one would suffice? The idea that members of the public can submit issues to be discussed at the AGM seems fine in principle but there could be logistical reasons why this may not always be possible. The Boards must be able to filter out ‘malicious’ and inconsequential requests or AGM/annual meetings will lose focus. It is noted that the Parliamentary Committee that will discuss this will hold a number of private sessions and this is funded by public money. Boards are largely privately financed.

The idea that the clerk should contact every angler and tenant netsman in the district is utterly impractical and potentially unachievable; how would we know who they all are! We already have representatives from these groups on the Board and advertisement amongst these groups should suffice.

Members interests needs to be clarified, almost all qualified proprietors have an interest, this is after all why they are qualified. At present we place an onus of Board members to identify when they have an interest in a matter, declare it and then remove themselves from the debate (this is in the ASFB code of practice). This is minuted. This should suffice. Keeping a record of ever changing interests would create an impossible administrative burden as it would be continually going out of date. The onus should be on the Board member to declare an interest when it is relevant. A Board member that fails to do this should be dealt with by the Chairman and this action recorded.

Management

22 Carcass Tagging

The River Annan DSFB strongly supports the principle of carcass tagging, it has been asking for this to be considered for over 20 years. Indeed it supports the principle of tagging all fish, whether caught on rod and line or by a commercial fishery. The Board does however feel that instead of powers being given to the ministers to introduce this by regulation they should do this as part of the primary legislation. There are already working models of carcass tagging in many nations and it should not be difficult to find the model that best fits the Scottish situation. The enforcement of fisheries legislation, particularly the sale of illegal fish would be made much easier by the introduction of this measure. Indeed bona fida commercial fisheries would benefit from this as buyers would have the ability to trace the source of the fish and be comfortable in the notion that the fish came from a regulated source. Illegal, untagged fish, would have no such assurance and markets would be reluctant to offer them for sale, not just because of the risk of prosecution but also because they would have no idea how and when the fish were caught and would have little idea about the safety/freshness of the fish offered for sale.

Another major advantage of carcass tagging is that if it is done correctly we will be able to generate, for the first time ever, a truly honest return on the number of fish killed by legal means. There is quite rightly disquiet at the moment within a number of agencies about the accuracy of the returns currently submitted.
It should be noted at a meeting of the Association of Salmon Fishery Boards held recently where every river Board in Scotland was present that the Annan DSFB led a debate on the issue of carcass tagging of all fish caught, whether it is by rod and line or net. After the debate, on a show of hands, every delegate bar two voted in favour of this.

Section 25 Monitoring and Evaluation of Orders

Of course orders that are made need to be monitored but the potential of criminalizing Boards if they fail to do this seems a bit strong and perhaps less draconian methods could be used. This is particularly relevant as Scottish Ministers have the power to make orders without reference to the Boards yet the onus of monitoring these orders would fall on the Boards. This section needs to be looked at and redrafted with a more common sense approach being adopted.

Missed Opportunities.

There is a nonsense under Scottish legislation that means that Boards cannot undertake activities such as electrofishing outside of the statutory close time, essential for the monitoring of fish stocks and other management functions, without applying to the government for a license. This is a bureaucratic muddle as time is wasted by both the Boards and the Government in issuing these. Boards should be empowered to make these decisions at a local level.

Another area of concern is the growing use of gill nets in many parts of the coast in close proximity to salmon rivers. These nets take a number of salmon and sea trout each year which are often left dead on the beach. The nets have also been known to catch and kill cetaceans and other wildlife. The target species is normally sea bass or mullet but the damage that can be done to salmon and sea trout stocks can be large. This form of indiscriminate gill netting should be outlawed immediately except under license from Scottish Ministers. Useful legislation already exists in England and Wales which controls this type of activity and this could be enshrined within this Bill. Boards should be given the powers to remove these gill nets and water bailiffs the power to arrest and report to the Procurator Fiscal anyone who is using them.