

KELSO ANGLING ASSOCIATION

Response to the Scottish Government's Consultation Document on the Aquaculture and Fisheries Bill

1 Introduction

1 Kelso Angling Association welcomes the opportunity to comment on the forthcoming Aquaculture and Fisheries Bill. The comments below have been approved by the Association's Management Committee on behalf of our 213 members.

2 The Association (KAA) notes the comments in the first paragraph of the consultation document's Introduction about the estimated worth of aquaculture and salmon and freshwater fisheries but believes that it is significantly understated despite the later qualification. The economic value of the salmon and freshwater fisheries on the Tweed has been assessed by Deloitte Touche at an annual income for the local economy of £18 million supporting about 500 full time equivalent jobs.

3 KAA welcomes the commitment to build upon best practice in paragraph 5 and the recognition that a great deal of effort is put into to the proper management of river systems such as the Tweed often by local voluntary effort. KAA agrees that openness and transparency are important in principle and to promote confidence. It is further appreciated that the Scottish Government intends to avoid burdensome regulation and associated cost.

4 The majority of KAA's comments relate to Section 4 'Salmon and Freshwater Fisheries Management'.

5 Unfortunately it has not been possible to answer yes or no to certain proposals but we have tried to ensure clarity where a qualified yes or no is our considered response. Our answers are highlighted in bold for ease of reference

Section 1 The Sustainable Development of Aquaculture

6 The issues relating to sea lice are more for interests on the west coast of Scotland. KAA would make two brief observations.

7 The decline of freshwater fisheries such as Loch Maree can only be considered a national tragedy. KAA believes that it is incumbent upon the Scottish Government to seek to restore such fisheries and protect others from a similar fate. The attraction of employment by fish farms in rural areas is obvious but against any such gains must be set the economic loss of natural assets. If cause and effect is not yet conclusively shown, KAA believes that independent research should be commissioned by the Government to prove or disprove the various contentions about the impact of fish farms.

8 In terms of sea lice data KAA suggests that the British Columbian model would seem a good starting point with monthly site by site monitoring. If Scottish and Norwegian companies are operating such a system there, they can hardly complain about having to do the same in Scotland.

Section 3 Fish Farming and Wild Salmonid Interactions

9 The proposals in this section appear to be both proportionate and sensible.

10 KAA wishes to propose consideration of a further power for either local authorities or the Scottish Government in relation to fish farm activities.

11 Reference is made in the consultation to dilution of distinctive genetics pools in salmonids and competition for food sources by escapees. These could be particularly acute if a mass escape from a smolt rearing facility occurred into one of Scotland's main river systems. There was a proposal for a smolt rearing development near the River Ettrick at Selkirk some years ago which did not proceed.

12 KAA believes that there should be a presumption in statute against such developments adjacent to river catchments of key importance to salmonids given the danger which they are said to pose to native species.

13 Local authorities might be empowered to grant planning permission only in exceptional locations where there is no prospect of damage in river catchments, such locations to be licenced by the Scottish Government or SEPA and duly regulated.

Section 4 Salmon and Freshwater Fisheries Management

14 KAA is concerned about the final sentence in paragraph 71. What further measures is the Scottish Government considering? The remarks in paragraphs 70 and 71 are generally welcome especially those that recognise local effort, expertise and initiative. We appreciate that the following may not be on the agenda but wish to record that KAA would vigorously oppose any one size fits all management regime imposed from the centre or the abolition of tried and tested regulatory bodies such as the River Tweed Commissioners with its unique representative nature. On the second point we believe that the model of the engagement of all interests in the RTC is one that might usefully be taken up in other places.

15 That said KAA does agree with a number of the proposals set out.

16 For example we agree with the two proposals in section 80 on the specific duty and the Code of Good Practice. KAA marginally prefers a non-statutory Code with legal compulsion reserved in case of non co-operation.

17 KAA welcomes the efforts of the Mixed Stock Fisheries Working Group and would comment on the recommendations which we note were the subject of some disagreement. We strongly appreciate the remark in paragraph that the Government's "strong preference is for voluntary, locally developed conservation measures." Our comments below are made in that context.

18 KAA agrees that carcass tagging of wild Atlantic salmon and sea trout may have value as regards net fisheries. We would prefer extended voluntary schemes including an extension to rod and line fisheries by local initiative only or from the centre where there are no Boards. **However given the dangers that can be posed by poaching and bearing in mind the damage that can be caused to wild salmonid populations by the illegal taking of fish, we do not oppose a compulsory national scheme particularly bearing in mind that it is supported by the River Tweed Commissioners on which body we are of course represented.**

19 The proposals relating to fish sampling are in our view entirely right and proportionate. **KAA thus agrees with the power proposed for Ministers as regards fish sampling in paragraph 90.**

20 As to salmon conservation measures we recognise the current position under the 2003 concerning Annual Close Time Orders. **We do not agree with a *blanket* power for Ministers as proposed as we regard this as the thin end of a wedge leading to the abolition of local discretion. We do however agree that Ministers should have powers of initiation in this area where there is no Board or a Board fails to apply to Ministers for an Order or the renewal of an Order.**

21 Conservation measures are best decided locally to ensure the greatest level of compliance. The administration and enforcement of conservation measures is all the more effective if local people take the decisions and accept responsibility as currently happens in many places. Replacing this with central control would be counter-productive and defeat the aims which we all share.

22 Therefore in section 93 we do not agree that Ministers should have powers to promote combined salmon conservation measures at their own hand if by promotion is meant enacting and enforcing. We accept that Ministers should be able to propose such measures to Boards bearing in mind the differing local environments and only enact them where there is no Board or a Board fails to respond to Ministerial or regulatory advice.

23 Monitoring and reporting requirements are important but are best achieved by agreeing common approaches to data collection and recording.

24 KAA agrees that Scottish Ministers should have powers to attach *monitoring and reporting conditions* to salmon conservation measures as suggested in paragraph 94. We do not agree to other powers until and unless these are clearly specified. KAA does not agree to *blanket* powers provision for Scottish Ministers and considers that any conditions should be applied within the current legislative framework.

25 The section on Dispute Resolution is important and the thought that has been given to this most welcome. **KAA would have no objection to the establishment of a panel of independent mediators. We are also not opposed to statutory mediation but in either situation these groups or bodies should only consider specific matters relating to compensation for the introduction of conservation measures by Boards.** KAA believes that extending statutory mediation into some form of court of appeal outside the judicial process is fraught with difficulties and

unnecessary if Boards are properly constituted and open and transparent in their decision making.

26 Effort data in rod fisheries would be beneficial and perhaps the model already established by the River Tweed Commissioners might be taken and used in other areas.

27 KAA therefore has no objection to a legal requirement to provide comprehensive effort data for rod fisheries as set out in section 102.

28 In the foregoing spirit we would propose that the RTC model or a close variation thereof should form the basis of record keeping, reporting and inspection and that the use of broodstock and hatcheries would seem a sensible inclusion.

29 In answer to the two questions in section 104

30 KAA suggests the inclusion of the use of broodstock and hatcheries and a report on habitat improvement measures as possible additional information to be collected and provided and that this should be routine.

However

Scottish Ministers should have powers to require investigation and reporting only where there is no Board or the Board fails to meet a legal requirement to provide effort and other data as set out immediately above.

31 The licensing regime for fish introductions to freshwater is relatively new. More experience will be gained by the time that the Parliament comes formally to consider the forthcoming Bill.

32 KAA would however have no objection to a carefully drawn reserve power cover the type of circumstances outlined in section 106.

Questions relating to this response should be addressed to

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