

# GALLOWAY FISHERIES TRUST



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No. SC 020751

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Aquaculture and Fisheries Consultation  
1B-North  
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Edinburgh  
EH6 6QQ

1<sup>st</sup> March 2012

Dear Sir/Madam

## **Aquaculture & Fisheries Bill Consultation**

Thank you for providing the Galloway Fisheries Trust with the opportunity to comment on the Aquaculture and Fisheries Bill Consultation document.

The Galloway Fisheries Trust (GFT) is a charitable organisation which was formed in 1989, by a number of local District Salmon Fishery Boards. The aim of the GFT is to undertake research, provide advice and complete practical works to protect and enhance aquatic biodiversity, in particular fish species, living in the freshwaters across Dumfries and Galloway. Since 1995 the Galloway Fisheries Trust (GFT) has worked in partnership with local District Salmon Fishery Boards (DSFBs) as well as the Esk and Liddle Improvements Association (ELIA (Border Esk catchment)) and landowners on the Water of App in south Ayrshire. At present we employ four full time biologists and every summer employ up to three field surveyors. For further information, our website is [www.gallowayfisheriestrust.org](http://www.gallowayfisheriestrust.org).

Being based in Dumfries and Galloway, GFT feels we are not familiar enough with current aquaculture and fish farming issues to be able to comment on these proposals.

Having read the consultation documentation I have answered the following questions and have the following comments to make on Section 4: Salmon and Freshwater Fisheries Management.

*Q23 Do you agree that we should introduce a specific duty on Boards to act fairly and transparently?*

Yes, GFT agrees that a specific duty should be introduced on Boards to act fairly and transparently. Indeed, all organisations and bodies should act in this manner. There has been criticism in the past that Boards are effectively self-governing 'closed shops' and the lack of transparency has led to a certain degree of contempt of the Board by certain individuals in some areas of the fishing sector. A Code of Good Practice has already been developed by the Association of Salmon Fishery Boards which sets recommendations on working practices however if a specific duty was introduced it would encourage those Boards who are not currently operating fairly and transparently to do so. The introduction of this duty on Boards should be publicised in order to gain support and respect from the fisheries fraternity, and it may help to restore faith on those Boards who have been considered to be acting unfairly or behind closed doors.

A Code should strongly recommend that Boards hold regular open meetings and publish audited accounts in order to be transparent in where monies raised are going and how their responsibility of putting money back into the river is being fulfilled to current best practice techniques and guidance.

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*Q24 Do you agree that there should be a Code of Good Practice for wild salmon and freshwater fisheries?*

Yes, GFT agrees that there should be a Code of Good Practice for wild salmon and freshwater fisheries. Most fisheries trusts already operate to good standards but those which don't could use the guidance to help improve their working practices. Most Scottish fisheries trusts are members of the Rivers and Fisheries Trusts of Scotland (RAFTS) and thus have been issued with a RAFTS Code of Good Practice which GFT work to, and moreover we worked to these standards beforehand. Organisations other than fisheries trusts, who are members of RAFTS, which work in the wild salmon and freshwater fisheries sector perhaps do not work to any standards, except, if they are a charitable organisation, they are obliged to work under the Office of the Scottish Charity Regulator (OSCR). Stand alone wild salmon and freshwater fisheries organisations not affiliated to any recognised body have the potential to be set up, and may possibly operate to their own guidelines and self-appointed remits. It would be organisations such as these that are the most likely to require guidance to encourage them into line with current best practice techniques and operations.

GFT supports bringing organisations in line with the implementation of a recommended Code of Good Practice.

*Q25 If yes, do you think such a Code of Good Practice should be statutory or non-statutory?*

GFT would like to see the Code of Good Practice to be phased in and become statutory. It may take several years for non-compliant organisations to make the necessary changes to their workings in order to comply.

*Q26 Do you agree that Scottish Ministers should have powers to introduce a statutory system of carcass tagging for wild Atlantic salmon and sea trout?*

Yes, GFT agrees that the introduction of carcass tagging in Scotland would be an important introduction. In the case of net caught fish, carcass tagging would bring reassurance to buyers that the fish are of legally caught Scottish origin and not sold to them under false circumstances. Indeed it would bring a mark of 'quality' to Scottish salmon and sea trout. The introduction of this measure would protect legal netting interests and help to invalidate those who were capturing fish and selling them illegally. At the moment the absence of carcass tagging in Scotland leaves a significant gap in the traceability of sold fish. Furthermore, tagging of net caught fish would help identify any rod caught fish that are being sold illegally.

GFT is not adverse to carcass tagging of rod caught salmon and sea trout, however we imagine this would be hard to implement, for example, an angler keeping a fish from his own water may not feel it necessary to have to tag the carcass.

*Q27 Do you agree that Scottish ministers should have powers to take or require fish and/or samples for genetic or other analysis?*

GFT agrees in principle that Scottish Ministers should be able to take or require fish/samples for genetic analysis however are unsure if this requires powers set out in statute. Generally most river or areas in Scotland are covered by fishery trusts or amenable DSFBs who are usually more than willing to aid in the collection of such material for genetic analysis as the importance of genetics in fisheries management is becoming embedded in the collective conscience. In cases where an uncooperative fishery is unwilling to produce fish then GFT agrees that Ministers should be able to legally 'take' fish/samples. The use of fishery trusts in facilitating the collection of samples at a local scale is a key resource and shouldn't be overlooked.

*Q28 Do you agree that Scottish Ministers should have powers to initiate changes to Salmon District Annual Close Time Orders?*

GFT agrees in theory that it may be beneficial for Scottish Ministers to have powers to initiate changes to close times. GFT support local management of rivers and this generally has been shown to work well in the south west of Scotland. However there may be rivers/DSFBs in Scotland who are not towing the line on conservation measures and in these instances it may be beneficial for Ministers to have these powers. We are unsure, however, how 'significant concerns about the status to stocks' on individual rivers could/would be gauged and who will be assessing this on the ground.

*Q29 Do you agree that Scottish Ministers should be able to promote combined salmon conservation measures at their own hand?*

GFT does not see where this would be of benefit to salmon conservation unless it was a Scottish-wide conservation measure in law? It is unclear from the consultation document what this question is referring to as there is no background information detailing reasons behind this proposed measure.

*Q30 Do you agree that Scottish Ministers should be able to attach conditions, such as monitoring and reporting requirements, to statutory conservation measures?*

GFT agrees that Scottish Ministers should be able to attach conditions such as monitoring and reporting to conservation measures. It is important however to ensure these conditions are met by enabling fishery trusts and relevant DSFB staff who are experienced and competent in these techniques and duties to carry out such work. It would not be expected for fishery trusts and DSFBs to cover the cost of new monitoring and reporting requirements attached to new statutory conservation measures imposed by the Scottish Ministers; it would be hoped that if the Ministers so decided a conservation requires to be put in place, then the necessary financial resources would be available to those who could carry out the work.

*Q31 Do you agree that we should introduce statutory provisions related to mediation and dispute resolution, to help resolve disputes around salmon conservation, management and any related compensation measures?*

GFT agrees that statutory provisions should be introduced in order to resolve disputes. Disputes between the Boards and proprietors can occur, especially in terms of the introduction of conservation measures, but in the main these disagreements are able to be resolved over time at a local scale. However if more long standing serious disputes were to occur then it would be appropriate for Ministers to be able to step in and provide the means for Boards to employ someone from a panel of independent mediators who will help resolve the issues.

*Q32 Do you agree that there should be a legal requirement to provide comprehensive effort data for rod fisheries?*

GFT supports the introduction of a legal requirement to provide good levels of effort data for rod fisheries. At the moment the catch data collected by Marine Scotland, although useful in a relative sense, can not help answer specific questions that are often posed. Some beats do collect such data but this can be sporadic and limited at best. Any comprehensive collection of effort data will be of huge benefit to local fisheries management and can help advise Boards in setting conservation measures on their rivers.

In practical terms however the collection of effort data may pose to be a difficult undertaking. At the moment we are aware of several fisheries/beats that struggle to obtain even nil catch returns from anglers. Anglers may find the submission of further information a burden but GFT believes that for the greater good the less enthusiastic angler should be strongly encouraged to submit effort information along with his catch return, and indeed should be educated on the merits of submitting this data.

*Q33 What additional information on the fish or fisheries should proprietors and/or Boards be required to collect and provide; and should this be provided routinely and/or in specific circumstances?*

Apart from information on catches of brown trout, which DSFBs are not currently required to collect, GFT cannot see what other information could be usefully collected by proprietors and/or Boards. GFT feels that the Scottish Ministers should make the level of statutory information reporting to the Board or proprietor too onerous to the angler as this may cause resentment and discourage him from partaking in the same level of angling.

*Q34 Should Scottish Ministers have powers to require Boards and/or proprietors or their tenants to investigate or report on salmon and sea trout and the fisheries in their district?*

GFT is unsure whether Scottish Ministers should have powers to require Boards and/or proprietors to report on salmon and sea trout in their areas. In a sense fishery trusts and some DSFBs already carry out these tasks for management at a local level and unless part of a larger, perhaps National research project, there is no requirement to submit any reports on fisheries to Scottish Ministers. In general, most fishery trusts in Scotland are members of the Scottish Fishery Coordination Centre (SFCC) and regularly submit data that Marine Scotland Science can use under agreement with the data owners. Often some of

the data collected by fishery trusts is collected for or on behalf of Boards and so the duplication of this data collection is both a waste of resources and time.

*Q35 Do you agree that Scottish Ministers should have powers to recall, restrict or exclude the jurisdiction of Boards in relation to fish introductions, in certain circumstances?*

Yes, GFT agrees that in certain circumstances Scottish Ministers should have powers to alter the jurisdiction of Boards in relation to fish introductions. For example if concerns have been raised that introductions of fish authorised by a Board does not conform to best practice guidance or scientific advice on fish introductions is not being followed then Ministers should have every right to intervene. Boards are permitted to regulate themselves when stocking salmon or sea trout and although most Boards either follow best practice scientific advice/guidelines or employ the services of a fishery trust (who follow best practice scientific guidelines), some do not, or chose to ignore current thinking and best practice on fish introductions. GFT support the local management of rivers however when those that are operating out with the current best practice techniques and thinking, i.e. they are not meeting these requirements, Scottish Ministers should intervene and alter that Board's jurisdiction.

GFT do undertake some stocking of salmon and sea trout however all operations are carried out to best practice techniques and fully supported by the specific Boards. GFT carry out stocking, as well as other habitat and water quality improvement works, with the sole desire to restore salmon and sea trout populations in acidified areas.

When there is no Board or stocking of species other than salmon or sea trout is desired then Marine Scotland Science (MSS) are the licencing body. We have concerns that some stocking activities permitted centrally by MSS in recent years have not been locally appropriate, to recognised best practice guidance or desired in terms of on-going fisheries management.

I hope the above information is useful. If you have any queries please do not hesitate in getting back in touch with me.

Yours sincerely

Jamie Ribbens  
Senior Fisheries Biologist