

Guidance on applying to the Scottish Ministers for consent to catch salmon or other freshwater fish during the close season and using otherwise unlawful methods

Please read these guidance notes carefully before you start to fill in form FL01v2. If you need any advice or clarification, please get in touch with Marine Scotland Science Freshwater Laboratory on 0131 244 2900

Background Under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 licences can be issued for scientific or fisheries management purposes for methods of fishing for salmon, which includes sea trout, or freshwater fish, which would be otherwise illegal. For salmon the relevant enabling section of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is Section 27 & 29 and section 48 & 50 of The Scotland Act 1998 (River Tweed) Order 2006. For other freshwater fish the relevant sections are 28 and 49 of the respective acts. In the case of salmon and sea trout district salmon fishery boards are able to issue licences under section 27 for operations taking place within their districts except where they take place during the close times or when other freshwater species may be caught; in which case District Boards must apply to the Scottish Ministers for a licence. The following are common fishing methods that often require licences: Electro fishing; Fishing using nets; Fishing using traps; Fishing by rod and line during the close time

Also requiring licences are: Operations which will disturb salmon redds; Operations using poisons e.g. rotenone, or explosives

Risks and Issues The use of many of the above methods of capture is likely to entail the by-catch of species other than the target species. Improper use of methods could lead to impact at a population level on species at site of deployment through removal, or accidental mortality. Deployment of the above methods could lead to disturbance of local targeted populations and species other than the target species.

Making an application Applications should be made by post to Marine Scotland Science, Freshwater Laboratory, Faskally, Pitlochry PH16 5LB or by email to MSSFFLicensing@gov.scot using Form FL01v2. You should send in your application at least 30 working days before the planned operational start date. There is ordinarily no need to apply more than 10 weeks in advance. There is no application charge, although you may incur costs providing any additional information we may require.

Guidance notes, Form FL01v2

Note 1 Applicant Please provide the information requested. This individual is responsible for completing the form and ensuring that the operations are as described. If the application is made by an organisation, an individual should apply for a licence on behalf of that organisation.

Note 2 Name of person or persons to which the licence will apply. We can only issue a licence to persons named by the applicant. The named person must be someone in charge of, or responsible for performing the licensable activity and must be present at the time e.g. an electrofishing team leader.

Note 3 Location of the waters in which the fishing will take place The name of the salmon fishery district is requested. If the licence is to cover more than one please add the additional districts in the box provided at the end of the form 'Additional supporting information' (box 14). Information on DSFB areas is available at: <http://fms.scot/dsfb-contacts/>

Details of the catchment and the location on the river or loch system should be supplied. If multiple sites are required please describe the extent within the catchment that fishing will occur. The National Grid Reference can be obtained online at various mapping sites. Alternatively, a map of the area can be provided and should be clearly marked to show the site(s) in relation to the nearest town or village, major roads and any other waterbodies or watercourses. If the application is for permission to fish in areas throughout Scotland please indicate this and state the nature of your business that requires such a licence. Please note that operations within or affecting any part of a designated Natura 2000 site will not be covered by any licence issued. Natura sites are given legal protection by the Habitats Regulations (as amended). Further information can be obtained by contacting NatureScot <https://www.nature.scot/>

Separate application in respect of proposed operations in Natura areas can be made as required.

Note 4 Period for which permission is required Applications may be made either for a single date or for a period normally up to a calendar year. If the application is to cover a specific project i.e. PhD, Fish rescue operations etc. durations of more than one year may be issued.

Note 5 List of Species Please estimate to the best of your ability the species you are likely to catch and tick the appropriate box to indicate if it is a target species or not

Note 6 Purpose for which permission is required Please provide full details of the intended purpose of the project(s) within which the licence is required. This should include the aims of the project and the reasoning behind it's instigation. If the application is for the purpose of Broodstock collection full details of the maximum number of fish to be taken and the locations to which any progeny are to be stocked must be provided.

Note 7 What will happen to the fish Tick the appropriate box. the 'returned to the water' box should only be used if the fish are returned to the site during the same visit as the time of capture. If the fish are to be returned during a subsequent period and / or they are held in water other than that from which they were taken written consent will be required for the introduction of fish to Scottish inland waters.

Note 8 Type of equipment to be used Please provide details of the equipment that will be used in the capture of fish species. i.e. types of net (including mesh size), type of trap, rod and line etc. If electro-fishing: Please supply full equipment specification (AC or DC, pulsed, unpulsed, voltage, source of power, manufacturer's name)

Note 9 Experience / Qualifications Please provide the information requested. Include details of all qualifications held in relation to the methods and operation of any equipment applied for or provide an attestation by a referee as to the experience held by anyone named in the application in the methods and operation of the equipment. For example a referee could be a Fisheries Trust Biologist or a current or previous employer. Any attestation should clearly state the nature and extent of experience held by the named person.

Note 10 Assessment of Risk - Please provide an assessment of the risks posed to native biota of the activities to be undertaken. The assessment should cover all activities and locations involved and include potential impact on target as well as incidental species. If the assessment indicates a potential for negative impact details of mitigation or overriding benefits should be provided. A simple template identifying the likely issues and risks associated with broodstock collection is available on our web page.

Note 11a & b District Salmon Fishery Board consultation - You should contact any relevant District Salmon Fishery Board (DSFB) to discuss your proposed licenceable activity. A link to further information on DSFB areas is at **Note 3**. **Note 12** Additional Permissions - You should contact and gain the necessary permission of all relevant proprietors or riparian owners prior to commencing any licenced activity. **Note 13a&b** Nature Conservation Status Information on designated nature conservation sites may be obtained using NatureScot's information website <https://sitelink.nature.scot/home>

Note 14 Additional Supporting information - Please use this space to give any additional information you feel may be supportive of your application and as extra space to provide or expand upon information requested previously.

After you fill in the form Please check all sections are complete and the form is signed and dated before sending it to the address printed on the form. If you send in a form with information missing or incomplete, we may not be able to process it until we receive the missing information. If the application is going to take longer than 15 working days to process we will contact you giving the name of the person processing your application. We aim to process applications received less than 10 weeks in advance within 30 working days plus any time it takes for the applicant to provide missing information. In some cases it may take longer, for example if we require to make a site visit, or if the nature conservation status of the receiving water obliges us to consult externally. Issuing our decision If your application is approved, we will send you a Licence. If we cannot give you permission we will write and tell you why. Once you have received a licence you must not change any of the details registered with us, whether shown on the licence or not, without our agreement. If you do wish to change any of the details you should contact Marine Scotland Science, Freshwater Laboratory as soon as possible. In some circumstances you may need to submit a new application. For each time you use the method or fish in the close season you must have the licence with you. Please keep records of all occasions on which the licence was required for a suggested five years. We may ask you to provide us with details.

Bio-security We strongly recommend that you ensure any equipment used is subject to strict biosecurity measures and does not carry the risk of introducing disease into the visited waters. Information about preventing the spread of fish diseases can be found online in the Marine Scotland leaflet 'Notifiable Diseases in Fish' <http://www.scotland.gov.uk/Resource/Doc/295194/0108200.pdf> For further information on any aspects of fish health contact should be made with the Duty Inspector, Marine Scotland Science, Marine Laboratory, Fish Health Inspectorate, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB (Tel: 0131 244 2500, email: ms.fishhealth@gov.scot) In addition, passenger species such as North American signal crayfish or Argulus may be transferred inadvertently. It is very important that transfer of equipment between sites does not result in introductions of non native species. It is an offence to be in the possession of or to release North American Signal Crayfish into Scottish fresh waters under The Wildlife and Countryside Act 1981 (as amended). Further information on crayfish can be obtained at: <https://www.nature.scot/north-american-signal-crayfish>