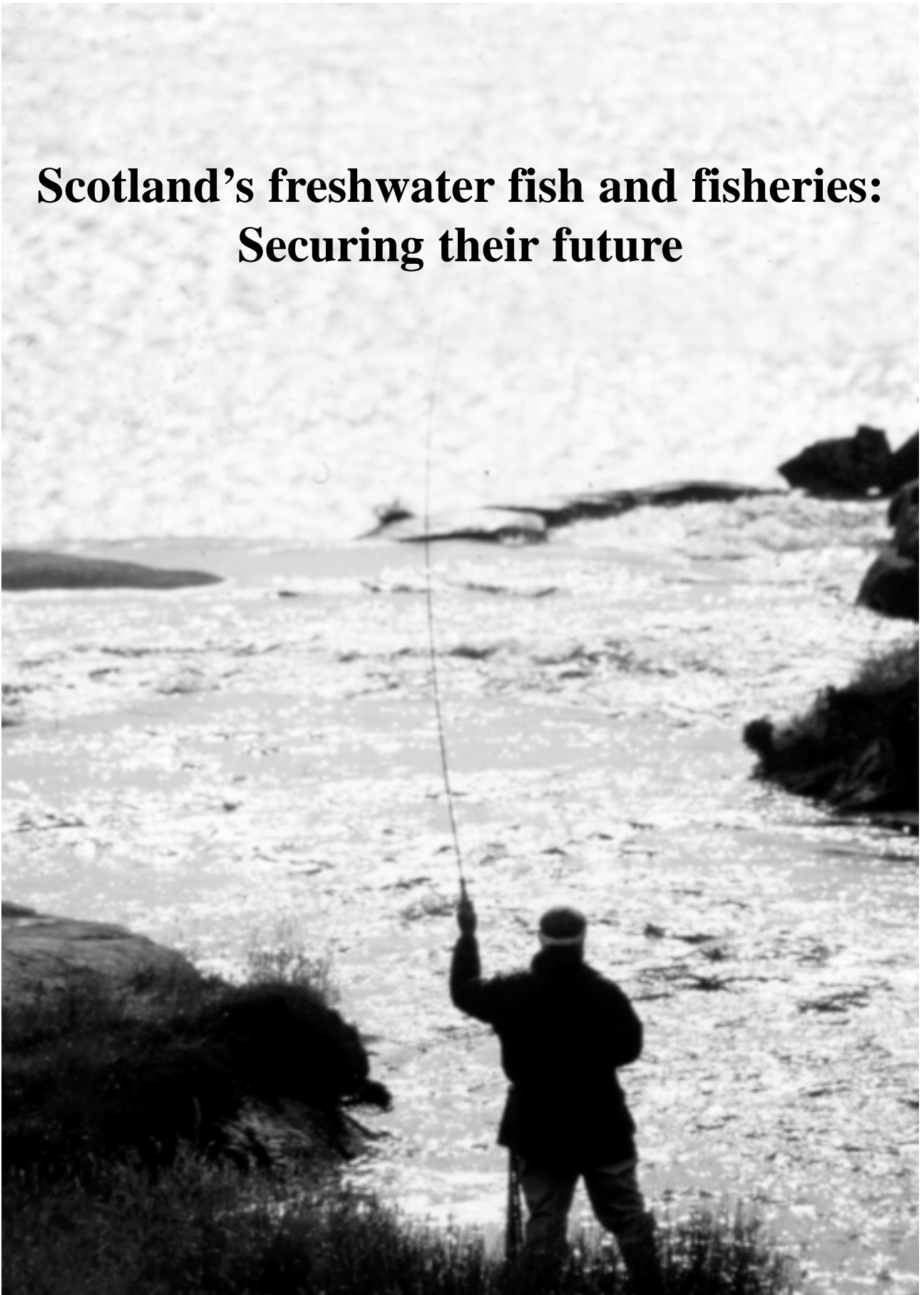


Scotland's freshwater fish and fisheries: Securing their future



FOREWORD

When it was launched last year, our review, *Protecting and Promoting Scotland's Freshwater Fish and Fisheries*, was acknowledged to be but the first in the series of measures we envisage, which will be designed to create a structure for the better conservation and management of our freshwater fish.

Passage of the Salmon Conservation (Scotland) Act 2001, the second such measure, provided an opportunity to hear other views on how we might proceed and I undertook to publish a Green Paper during the Summer, setting out how we intend to take forward the proposals made to us in the course of our review and subsequently.

The present Paper fulfils that commitment. Again, it is merely another stage in the formulation of the long-term strategy we are seeking to develop, in cooperation with the wider world of Scottish freshwater fisheries. It suggests how we might proceed in coming years, working in partnership with the non-governmental organisations and others outwith the Executive who are best placed to advise us on what will work on the ground.

Its proposals are deliberately designed to be phased in. Some of them are dependent on legislation, for which we see no immediate prospect of Parliamentary time. But much can be done in advance of legislation. The management structures which are proposed, for example, will depend initially at least on voluntary arrangements. That will give us an opportunity to see how successful their operation is and to decide whether in fact we need proceed to legislation – and, if we do, how we might fine tune the systems which have been put in place before enshrining them in statute.

I see this Green Paper as part of what I expect to be an ongoing dialogue. It is my invitation to you to participate in the discussion of what should be done to protect and promote our freshwater fish and fisheries. I hope you will take this opportunity to help shape their future management.



RHONA BRANKIN

August 2001

Background

1. In addition to their economic importance, Scotland's freshwater fish have significant natural heritage value. This includes their nature conservation importance, which is recognised through formal designations, their contribution to Scotland's biodiversity and freshwater ecosystem function, and their role as environmental indicators. Scotland's legislative and management structures for fisheries in fresh water must therefore seek to achieve a situation in which fish thrive, fishery owners and operators achieve an acceptable financial return, and anglers enjoy their sport. Effective measures must operate throughout Scotland to ensure the appropriate conservation of all fish species, regardless of their commercial or sporting interest, and a scientifically-based approach to fishery management which seeks to achieve the sustainable exploitation of fish as a sporting resource and maintain the biodiversity of fresh water habitats.

An inclusive view

2. The Scottish Salmon Strategy Task Force (SSSTF) Report published in 1997 examined possible changes in the District Salmon Fishery Board structure, and considered influences on the wider aquatic environment which impinge on salmon and the viability of salmon fisheries. It made 65 recommendations, some of which were met by existing legislation and almost all of which have been addressed. Only two relating to the closure of net fisheries, which are private, heritable rights, were not accepted: the Scottish Executive's policy is not to intervene in willing buyer/willing seller arrangements. However, because the Task Force's formal remit constrained its consideration to the narrower remit of salmon and sea trout fisheries, it could not generate workable solutions for today's environment. The key questions to be tackled now concern the broader question of how different fresh water species and habitats, and the industries and pursuits which depend upon them, may effectively co-exist, and how they may best be managed in the interests of the fish and of Scotland.

Timing and purpose of consultation

3. Against this background, the review *Protecting and Promoting Scotland's Freshwater Fish and Fisheries* was launched in the Spring of 2000. Its objectives were: to address identified technical, conservation and management problems in salmon and freshwater fisheries; to plan for imminent changes in the wider aquatic environment by ensuring that salmon and freshwater fisheries are geared up to benefit from those changes; and, most importantly, to formulate a comprehensive, long-term strategy to optimise the contribution of salmon and freshwater fisheries to the rural economy of Scotland.

4. *Protecting and Promoting* set salmon and freshwater fisheries issues within the wider context of the freshwater environment, itself to become subject to considerable changes in the near future in the ways in which it is monitored and managed. It also took the opportunity to consider the potential for increasing the complementarity of different fisheries, and to address problems in angling access, against the clearly perceived need to protect these resources for their natural heritage and cultural, as well as their social and economic, value.

5. The consultation exercise posed a series of key questions about conservation and about access to angling. Views were invited on how the management of freshwater fisheries might be structured and funded. These questions generated 220 responses, many of them very detailed, from a wide range of interests. All responses were lodged in SPICe, as was SEERAD's analysis of the consultation, which was also placed on the Scottish Executive web-site.

6. In parallel with the consultation exercise and the subsequent analysis of responses, the Salmon Conservation (Scotland) Act 2001 completed its passage through the Scottish Parliament. The views expressed during its passage were clearly relevant to many of the fundamental questions raised in the wider consultation exercise and they have influenced a number of the present proposals.

Key messages from the consultation

7. Responses to *Protecting and Promoting* revealed widespread agreement on certain issues, such as the need to control introductions of non-indigenous fish species, and considerable differences of view on others, such as on the most appropriate fisheries management structure. The Angling for Change (AfC) partnership tackled the question of management, advocating an integrated model which also allows the component organisations to retain their distinct identities. We have been persuaded by the Partnership's proposals, which are set out later in this Paper, because they represent the views of those who will have to make the new management arrangements work on the ground, although we should welcome further advice on how they might operate in practice and how they would be funded. The issue of how best to generate more funding for the sector appeared to be the most intractable problem for respondents, although the majority felt strongly that sporting rates should not be reintroduced.

8. It was generally recognised that conservation is of paramount importance and that threats to the status of salmon and other freshwater stocks must be identified and minimised or, ideally, eliminated where possible. Many consultees saw more research as key, particularly in identifying the causes of marine mortality in salmon, and also the problems in fresh waters which impact on the viability of stocks of salmon and other fresh water species. Others cited predators as one of the main areas of difficulty and advocated the use of more effective controls. Fish farming was identified as having a significant effect on wild fisheries and better regulatory procedures were sought (this matter is being addressed separately in the SEERAD review of regulation which is currently under way).

9. Issues of access to angling, availability of permits and operation of the Protection Order system produced a range of opinions about how best to promote angling while protecting owners' rights and the natural resource.

Nature of present proposals

10. This Green Paper proposes a number of measures for phased implementation over coming years. Some of them could be given effect through subordinate legislation because the primary powers already exist. Others would require new statutory powers to be taken - and we would expect that, within that category, those considered to be urgently required would depend upon interim voluntary measures being promoted until statutory controls could be introduced, at an appropriate legislative opportunity. Still others would require no more

than closer liaison once some better dialogue had been joined among agencies whose work impacts, whether directly or indirectly, on the wild fisheries sector. But the overarching aim would be to build upon *all* of the strengths of, and overcome so far as is possible, any weaknesses in, the wild fisheries sector to secure long-term sustainability and growth.

The wider context

11. The proposals outlined in this Paper would provide significant opportunities to treat native populations in an integrated way. Such an holistic approach would allow a balance to be struck between the conservation needs of the fish populations, the regulatory requirements and the opportunities for exploitation, and would take into account the need for a sound, scientific basis for management and development decisions.

12. A number of initiatives on the horizon, or already under way within the Scottish Executive, provide good examples of the type of integrated approach which we consider to be necessary if native fish populations are to be maintained and enhanced.

- The Water Framework Directive will require the compilation of a Register of protected areas, and will introduce much-needed systems of abstraction control and catchment management in Scotland. It will also require much closer working between interested groups and Government agencies in the exercise of their respective roles in the freshwater environment. Clearly, protection and promotion of freshwater fish and fisheries will be crucial in the new administrative arrangements. The production and implementation of River Basin Management Plans will require the relevant agencies, the District Salmon Fishery Boards and the owners of riparian rights to work together. Not only should this closer collaboration reduce the risk of actions detrimental to fisheries being taken in catchments but, in pooling the valuable data held by different agencies about aspects of the fresh water environment, it should enable all management decisions to be made on a better informed basis.
- A series of Scottish rivers has been proposed as Special Areas of Conservation (SACs) for the fish species listed in Annex II of the EC Habitats Directive. In these sites, this will result in a stronger level of protection for these species and their habitats, and require all statutory organisations to act in ways which respect this enhanced conservation status. In line with a key recommendation in *The Nature of Scotland* review, Scottish Natural Heritage (SNH) will work with others to formulate positive management schemes for these species under its new 'Natural Care' programme. This will complement existing catchment-based initiatives, such as that on the River Spey, and the work being undertaken in the existing Life Nature project on Riverine SACs, which includes four rivers in Scotland.
- The River Spey was one of the first Scottish candidate SACs for salmon proposed to Europe in June 1999. Since then a group including SNH, Scottish Environment Protection Agency (SEPA), the local authorities and the Spey District Fishery Board has co-ordinated the management of the river, principally for its conservation interest, although all the management requirements of the river are included in its remit. This is one of five rivers

which have become candidate SACs following local consultation, and further consultations are under way with the aim of proposing an additional thirteen sites where freshwater fish species are one of the European interest features. The Scottish Executive and SNH are discussing measures to monitor salmon in candidate SACs. Monitoring of lampreys will be carried out as part of the LIFE Rivers Project.

- The review of Sites of Special Scientific Interest (SSSIs), announced recently in *The Nature of Scotland: A Policy Statement*, will pave the way for more positive management of protected areas and stronger protection for rare and endangered species. Additionally, more resources are to be made available to SNH for strategic use. Proposals are being developed which should benefit the features found within the network of SSSIs and SACs, including a monitoring programme to report on the condition of fish species and populations found within these sites.
- The UK is a signatory to the UN Convention on Biological Diversity and is drawing up Biodiversity Action Plans for species, habitats and sectors of economic activity. Many of the Local Biodiversity Action Plans in Scotland give priority either to fish (e.g. salmon, sea trout, brown trout) or their freshwater habitats. In addition, plans exist for individual fish species (e.g. shad, vendace) and relevant habitats (e.g. wet woodlands, various loch types). The strong partnership approach being developed by the Scottish Biodiversity Group would provide a useful framework for implementing many of the proposals in this Paper.
- Developments in aquaculture include the review of regulation which is currently under way within SEERAD, as well as a review of health regulation at EU level. The number of Area Management Agreements being produced under the auspices of the Tripartite Working Group, a SEERAD-inspired initiative to bring together wild fish interests, aquaculture interests and regulators in one forum, is growing, with the elaboration of locally-based plans to monitor the effects of farming practice on wild fish and, in some areas, to develop wild fish restoration plans. Separately, plans are well advanced to require the reporting of escapes and to remove obstacles in the way of recapturing efforts.
- The draft Land Reform Bill currently the subject of consultation proposes a right of responsible access to inland water which will require all recreational water users to acknowledge each other's legitimate needs. Importantly, the proposed community right-to-buy provisions may herald a move towards riparian rights in freshwater fishing in some parts of the country being vested increasingly in communities rather than in individuals, with implications for fishery management.
- The new Rural Stewardship Scheme offers payments to farmers and crofters to support the creation, management and protection of a number of aquatic, riparian and wetland habitats. In addition, the Forestry Commission is reviewing its Woodland Grant Scheme and Farm Woodland Premium Scheme. As part of this exercise, views have specifically been sought on what priority might be attached

to restoring acidified waters affected by afforestation, and improving riparian habitat quality.

The proposals in this Paper would build on these initiatives.

Rural Development Strategy

13. All of the foregoing initiatives are taking place within the over-arching ambit of the new Rural Development Strategy. The mission statement in *Rural Scotland* commits to ensuring that the needs of the rural economy are given due emphasis and that local communities are empowered to play a key role in decision-making. It is clearly essential that land use policies acknowledge the importance of fish, fisheries and aquatic habitat.

Salmon and other freshwater fisheries

Economics

14. Despite general recognition of the economic contribution made by salmon and freshwater fisheries both directly and indirectly to the rural economy of Scotland, there is a lack of useful data quantifying the financial position of the sector, either on a national or a regional basis. Some helpful studies have been commissioned in recent years by the River Tweed Commissioners in studying the spin-off benefits to the Border economy of angling, by the Western Isles Council and Local Enterprise Company in estimating the untapped tourism potential of angling and ancillary service, and by the River Dee. While individual surveys are helpful in building up a regional picture of levels of expenditure and the revenue generated, the national picture is difficult to see in the absence of up-to-date, comprehensive information collected on a common basis.

15. The Scottish Salmon Strategy Task Force (SSSTF) Report estimated that the total expenditure by salmon anglers in Scotland in 1997 was of the order of £70m per annum. (The gross revenue from net fisheries in 1988 had been estimated at some further £3m, but SSSTF was unable to raise this to 1997 levels because of the significant changes which had occurred in the net fishery.) Expenditure by DSFBs is thought to be c.£3m per annum, based on year 2000 returns submitted to SEERAD. The SSSTF Report estimated that proprietors of salmon rod fisheries spent on average £14,000 per annum on fishery management over and above their contributions to DSFBs. In some areas wild brown trout fisheries, stillwater commercial trout fisheries and coarse fisheries make a more substantial contribution than migratory fisheries.

16. We recognise we need a better understanding of the contribution which salmon and freshwater fisheries make to both the Scottish economy as a whole and to rural areas in particular in Scotland. For that reason, **we propose to commission an in-depth economic analysis of the sector, to report by 2003.** We envisage that this will examine both how much the sector adds to economic welfare and its contribution to both local income and to employment in Scotland.

Natural heritage value

17. The freshwater fish resources which are the subject of this Paper are a priceless natural heritage which can best be protected through positive management based on ecological criteria. Healthy fisheries need healthy fish populations. Conservation and exploitation are interdependent. Fish need good habitat and water quality; and there is a balance to be struck between exploitation and conservation. A crucial element in positive management is adequate information about the status of populations and the conditions they require if they are to thrive. Mistakes may have been made in the past in seeking to apply quick fixes, such as stocking, while other problems were set to one side as proving more difficult to remedy. We hope to learn from this in the future in seeking to eradicate problems by treating their causes rather than their symptoms.

Detailed proposals

Legislation

18. We have already undertaken most of the work necessary to consolidate the existing salmon and freshwater fisheries legislation to provide a clear basis from which to consider what is required for the future. The new legislative proposals are currently the subject of a consultation exercise by the Scottish Law Commission. **Legislation will be introduced in Parliament when a suitable opportunity arises.**

Introduction and transfers of non-indigenous species

19. That measures should be taken urgently to prevent further introduction of exotic, non-indigenous species is widely acknowledged. **We propose to make an Order next year under the Import of Live Fish (Scotland) Act 1978 banning the introduction, keeping or release of such species.**

20. There are growing concerns about the impact of alien species more generally on Scotland's native flora and fauna, particularly in our rivers and lochs. SNH is already working with others to establish criteria to inform management options when dealing with the control of these nuisance species. **Working through SNH, we will explore means of controlling the spread of one of them, American mink, in the Western Isles.**

21. We also see a need for complementary measures to advise the public and particular interest groups of the serious consequences which can arise from these unwanted introductions. Such measures, if carefully targeted, could help to reduce the likelihood of further introductions in the future. **Views are invited on what the priority messages and key audiences might be for such educational material, who would be best placed to deliver it, and through which media it should be delivered.**

22. Anglers' use of live bait has led to infestation by non-indigenous species, or transfers of species to catchments where they were not previously found. **When a suitable legislative opportunity presents, we propose to take the necessary powers to enable a total ban to be put on the use of live fish as bait.**

23. Transfers of fish between catchments in Scotland, and into Scotland from other countries are meanwhile unregulated, with a significant risk of transmission of diseases such

as, for example, *Gyrodactylus salaris* as well as corruption of particular population strains. **We propose to take the necessary power to control such transfers when a suitable legislative vehicle can be identified.**

Seal predation

24. The extent to which the seals which are present in Scottish rivers affect salmon populations and the steps which might be taken to reduce this predation are questions which need to be addressed from the objective basis of good scientific research. We have considered with the Sea Mammal Research Unit (SMRU) what form such research might take (assuming that the necessary resources could be found).

25. SMRU thinks that the research – if it were to be undertaken - would need to be accomplished in two phases, over a period of perhaps three to three and a half years from when the appropriate river systems in which exclusion/translocation/removal studies could be conducted are identified. Its cost is currently put at more than £200k. **We shall consider carefully whether this could be funded – perhaps on an inter-organisational basis – in light of our competing priorities for research funding.**

Increasing angling opportunities

26. Some salmon stocks are in severe decline. Consultees agreed that a ban on the sale of rod-caught salmon would be an important step in reducing the loss of future spawners and indeed the Executive has come under strong pressure to pursue this. Primary powers now exist in the Salmon Conservation (Scotland) Act 2001 to introduce such a ban by regulation (one of the rare examples where a *general* use of the new powers would be appropriate because of the inability to enforce a ban otherwise). **We propose to introduce a ban on the sale of rod-caught salmon by next Spring.**

Conservation, research and management of fishing

27. The exploitation of salmon outside their river of origin is widely accepted as contrary to good salmon management, primarily on the grounds that it does not discriminate between separate river populations and therefore severely inhibits monitoring and optimum management of exploitation of stocks on a catchment basis. Offshore drift netting for salmon was prohibited in Scotland in 1962 and it has since been phased out almost all round the North Atlantic. However, certain Scottish coastal nets outwith estuaries still exploit fish stocks which originate in a range of rivers. It is therefore for consideration whether mixed stock interceptory fishing should be phased out through the buying out of netting rights. In such fisheries where this can be accomplished it would have to be on a willing buyer/willing seller basis, which is not of course a matter in which SEERAD would expect to have any locus. It should not be forgotten that the netsmen's presence serves as a deterrent both to poaching and to predation by seals.

28. Stocking of fish into put and take and other fisheries from hatcheries proceeds at present without any form of health certification. **We will consider the scope to introduce registration of these businesses along the lines of that which applies to fish farms generally and to impose greater controls over all hatcheries** as a way of controlling the spread of disease.

29. The merits of stocking salmon and sea-trout must be considered on a scientific basis, taking due account of the characteristics of particular catchments and the genetic composition of stocks. **We will update the existing guidance on stocking practice and work within Area Management Agreements under the Tripartite Working Group to produce guidance on restoration measures.**

30. In the event of confirmed disease outbreak, where the carriers are thought to be wild stocks, the spread of disease could be prevented in certain conditions by slaughtering wild fish, but the necessary powers do not meanwhile exist. **We shall consider carefully whether, and in what circumstances, it might be appropriate to require fishery managers to carry out a slaughtering programme.** Any proposal in due course to take such powers would be the subject of a separate consultation exercise.

31. We acknowledge the need to render more transparent the process of issuing licences for shooting under the Wildlife and Countryside Act 1981 and the Conservation of Seals Act 1970. The proposed SEERAD review of licensing functions under the Wildlife and Countryside Act 1981 will have a bearing here, but in advance of that, **we should welcome views.**

32. The management of the freshwater resource and the fisheries that depend on it must be based on sound science. FRS Freshwater Laboratory has a key role to play as Scotland's lead organisation specialising in research in the biology and management of freshwater and migratory fishes, particularly in relation to the ecosystems and physical environments within which they live and the fisheries which exploit them. It will continue to work closely with SEPA, SNH, DSFBs and Fisheries Trusts in the run-up to and following the implementation of the new Water Framework Directive. It will also work closely with the Scottish Fisheries Co-ordination Centre (SFCC) to harmonise the collection and interpretation of fisheries data from around Scotland and to develop new approaches to understanding more fully the factors which affect fish stocks.

33. A review of the FRS freshwater fisheries research programme will be undertaken later this year. Its consideration will include the following:

- the need to refocus work to provide additional support to develop fisheries for potentially under-exploited fish species, including grayling, charr and coarse species; information on the susceptibility of each species to exploitation will be a key requirement;
- continuation of work currently being carried out under the auspices of the North Atlantic Salmon Conservation Organisation (NASCO) to assess the conservation limits/stock assessment and habitat requirements of salmon, with the aim of using the mapping to practical fishery management effect; and
- reassessment of the resources devoted to work on the possible causes of marine mortality, including the effects of marine salmon farming, and to assessing the impact of key predators on fisheries.

34. Following the analysis of responses to the recent consultation paper *The Nature of Scotland*, **we will bring forward proposals to improve the positive management of Sites**

of Special Scientific Interest, to increase community participation in their designation, and to strengthen measures which protect rare and endangered species. We expect that freshwater habitats and associated fish species will benefit significantly from these new measures.

Management of fishery resources

35. At a time when District Salmon Fishery Boards are already heavily committed to work to protect salmon and sea trout habitat and population viability, we do not consider it appropriate to widen their responsibilities to include all freshwater species. We nevertheless regard it as crucial that better mechanisms to provide for the co-existence of salmonid and other freshwater fisheries in a manner which optimises the contribution of both be established. The following proposals are for a structure which will:

- encompass the whole of Scotland, but provide for decisions to be taken, as far as possible, at a local level by those with a direct interest in the fish species and fisheries concerned;
- promote the voluntary involvement of local stakeholders, keep to a minimum the management costs which have to be passed on to anglers, and build on well-developed existing structures;
- be compatible with the focus of UK Biodiversity Action Plans, rural development activities and the structures which emerge from the EU Water Framework Directive;
- recognise the diversity of Scotland's fisheries; and accommodate the varying needs of both users and proprietors in different types of fishery, commercially stocked as well as 'wild' fisheries;
- provide for optimum access for angling, linked to sound, scientifically informed management; and regulated to ensure that fisheries are sustainable in the long term;
- ensure that conservation and management decisions are based on robust scientific information; and
- ensure that data on, for example, the health of existing fish populations and the impact of past and proposed actions, are gathered systematically and disseminated effectively.

Outline of proposed management structure

36. The following proposals found on views put to us by the Angling for Change partnership, who believe that they can make them work on the ground. We have no reason to second guess the practitioners operating at the local level, who may be expected to know the minds of their memberships and Boards, but we would welcome views on what is proposed to determine whether it is in fact acceptable more generally. In the absence meanwhile of any legislative opportunity, it would have to proceed – if it were to go ahead at all - on a voluntary and consensual basis and, if it were found to command general acceptance, its implementation would be the subject beforehand of ongoing discussion with AfC and others.

Management plans

37. The proposition is that a management plan covering fish conservation and the sustainable management of the fishery for all species, including both freshwater fish and migratory salmonids, be prepared by the owner or operator of each fishery. They would need to be informed by good scientific data on fish populations and aquatic habitats in the area; include measures which might be desirable to preserve and enhance these populations on a water-by-water basis; indicate the likely impact of proposed management actions; contain detailed proposals for the extent of access for angling in respect of each sporting species present in each water; include measures to meet the appropriate conservation interests of the aquatic species and habitat in the area; and look to the longer term, working on a rolling five-year basis, updated annually. **We would welcome an indication of the extent to which this is thought desirable and practicable.**

Area Fisheries Management Committees

38. It is also proposed that in each catchment an Area Fisheries Management Committee (AFMC), comprising as appropriate the anglers, holders of fishing rights and environmental organisations who share an interest in the fisheries and fish populations in the area, should draw together individual plans into an Area Fisheries Management Plan (AFMP). **We would welcome views.**

39. In some areas, where existing organisations, or a combination of existing organisations, had the agreement of all interested parties, they might take on the role of AFMC (these might be, for example, angling associations, Liaison Committees, or District Salmon Fishery Boards). In other areas, it might be more appropriate to establish an entirely new organisation. **We would welcome views on who would set up these Committees and what their composition might be.**

40. As put to us, the role of Area Fisheries Management Committees would be to encourage a balance of provision which gave fishery users the maximum breadth of choice consistent with sustainability and avoided undue pressure on stocks in some waters because of the demand for angling of that type in the area. The Committees would be expected to respect the wishes of those who owned or leased fishing rights. They would *not* expect to intervene in the legitimate plans and aspirations of those running fisheries as businesses. They might agree and publish a statement of Plan principles showing how these related to national core principles established by the Executive in consultation with a new national consultative committee (see below). **We would welcome comments on these proposals.**

National Fisheries Management Consultative Committee

41. It has been proposed that Area Fisheries Management Plans be subject to approval by the Scottish Ministers, who would first consult a national Fisheries Management Consultative Committee, representative of all relevant interest groups, established administratively for the purpose.

42. Whether it were set up administratively or in due course through statute, such a body would be a Non-Departmental Public Body, and it could not be created until some fundamental questions had been addressed. Under the guiding principles which have been developed to determine whether an arm's length body should be established, we should have

to be satisfied that such a committee had a distinct role to play and functions to perform that could not be carried out as least as effectively by any other organisation. **We would welcome views on the proposition that a national Fisheries Management Consultative Committee be created .**

43. If it were established, the FMCC might be invited to provide independent and impartial advice to the Scottish Ministers - for example, by way of an annual report - on the status of Scotland's freshwater fish and fisheries. It might also provide some form of central arbitration on cases where local discussions had failed to resolve disputes over individual fishery management, but in that case there would have to be an accompanying mechanism for appeals against its decisions. It could oversee the implementation of Management Plans and establish a procedure which would enable anglers and others with an interest in the fishery to draw to attention any perceived shortcomings in their operation. Additionally, it could collect and, where relevant, publish information, including catch returns and data on fisheries and fish populations in the area.

44. Before any decision were taken, however, to set up a new body with these responsibilities, we would need to determine whether and how it could be made clearly accountable to Ministers and the people whom it served for the functions it was to perform, how its work might be integrated with that of other relevant organisations and whether it would be able to draw new people into the processes of government in its widest sense. We would have to put in place mechanisms which would ensure that it was going to be efficiently and effectively run, and that it would add value. **We would welcome views on how such accountability could be assured and on the proposed role and functions of the Fisheries Management Consultative Committee.**

District Salmon Fishery Boards

45. District Salmon Fishery Boards were first made responsible for the local management of salmon fisheries in Scotland in the mid-19th Century. In many cases they have provided sound and progressive management, but this is not universally so. In the course of the review, structural changes to the DSFB system were identified which we think would enhance Boards' ability to discharge their responsibilities and face future challenges.

46. All bodies with an interest in the health of fresh water and the life it supports require to work together. We have been advised that both the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) could make a useful contribution to DSFB deliberations, although neither agency would wish to take on full time membership even if that were acceptable to Boards. **We therefore propose to amend existing legislation when there is an opportunity to do so to give SEPA and SNH a right to become non-voting members of DSFBs where this is something which all parties wish.**

47. While gaps remain in the geographical coverage, sound, scientifically-based fishery management is impeded; and the promotion of important conservation aims is undermined. **We therefore propose to take legal advice on how we might ensure that DSFBs or comparable bodies are formed in all Salmon Fishery Districts without a Board.**

Protection Orders

48. Under the existing system (established under the Freshwater and Salmon Fisheries (Scotland) Act 1976) proposals may be submitted by either riparian owners or occupiers (tenants who by virtue of their lease have fishing rights for freshwater fish) for Protection Orders covering complete catchment areas, lochs or systems of lochs or rivers. They must demonstrate an intention to increase permitted fishing in these areas, without compromising the conservation status of the fish present, and provide details of their proposals for conservation of fish and management of fishings. Applicants are required to set up a Liaison Committee, which is responsible for the co-ordination, implementation and monitoring of the operation of the Protection Order.

49. This system has encountered considerable criticism from some quarters over the years and this was repeated by many of those who responded to *Protecting and Promoting*. It is considered to have failed in some areas in its primary objective of guaranteeing significant increases in angling access as the legislation had intended, largely because voluntary monitoring mechanisms have proved inadequate. Angling access to some stretches of water at the inception of an Order has often been varied over time. Problems have also arisen when new owners of freshwater fishing rights have been unaware of their obligations. Permit availability has been poorly advertised in some catchments; or actual delivery in certain areas has been problematic. Consultees, while opposed to the imposition of national rod licences, were nevertheless open to the idea of area-based permits, one of the suggestions mooted by the Angling for Change partnership.

50. The Task Force set up in 1998 recommended minor adjustments to the functioning of the system. However, although the 13 Orders currently in place cover many of the widely used fishing areas, we consider that the effect of minor adjustments would be unlikely to have much impact on Scotland-wide access arrangements. We acknowledge that the patchy nature of the system has made it more difficult to understand the operation of fishing rights. **We therefore propose to review the objectives of Protection Orders, with a view to repealing the 1976 Act at a suitable opportunity and establishing a system of Scotland-wide protection designed to balance the needs of anglers and riparian owners. We propose to undertake the review by 2003, aiming to repeal the 1976 Act and replace Protection Orders with a new system when an opportunity arises. This will be the subject of separate consultation in due course.**

Promotion of access to angling

51. In addition to the proposed review of the Protection Order system, which will be a longer-term initiative, there are measures which could be taken more quickly to improve information about angling opportunities. **We will work with the representative bodies and with local authorities on the development of better web-site information about angling.**

Tourism

52. Scottish salmon has a worldwide appeal, and not least to anglers and other tourists from overseas. Visits from overseas have represented the major growth area in Scotland's tourism in recent decades. While this growth is projected to continue, more needs to be done both to extend the season and to increase the benefits of tourism in rural areas, where it has the potential to make a major contribution. **Working through VisitScotland, we shall seek to**

capitalise on the growing demand for healthy tourism and eco-tourism and the opportunity which freshwater (and particularly salmon) fishing represents as a niche market.

Legitimacy of coarse angling method

53. A major obstacle to the development of coarse fishing in Scotland is the fact that the use of set lines is illegal. This is an anomaly in the Scottish fisheries legislation: set lines are not outlawed elsewhere although there are both conservation and welfare arguments for such a prohibition (set lines are not always attended properly, damaging fish which swallow the bait and resulting in both undue stress and possibly poor survival on release). **We would welcome views on whether rod and line should be re-defined in amending legislation when a suitable opportunity presents to legalise in Scotland the practice of current coarse fishing methods.**

Co-ordination of available resources

54. A theme which emerged from the review was the need for a better co-ordinated approach in the use of different funding programmes. While some consultees considered that resources generally were too limited and that Government should provide grant-in-aid for fisheries, comment was also made that funds from different agencies were often apparently arbitrarily allocated and sometimes even for purposes which could be counter-productive. The consensus was that there was a lack of proper strategic focus in awarding funds in the fresh water context. **We shall review sources of funding and seek to identify key areas for support.**

Enforcement provisions

55. *The Nature of Scotland* acknowledged the prevention of wildlife crime as a high priority. Crimes such as poaching and the deliberate poisoning of fish and watercourses are a matter of concern. In the context of the wider examination of enforcement powers considered by the Scottish Working Group of the Partnership for Action against Wildlife Crime, and the proposals set out in *The Nature of Scotland*, **we will review the enforcement provisions for salmon and freshwater fisheries legislation.**

Education

56. We see education as essential to protecting and promoting wild fish stocks. An excellent example exists in the school work pioneered by a number of Fisheries Trusts and we shall look to build on that, using opportunities afforded by conferences and other public meetings as appropriate. We shall also work collaboratively with the Angling for Change partners to inform anglers and fishery operators about proposed changes.

Conclusion

57. We stand on the threshold of a new and challenging era for Scotland's freshwater fish and fisheries. Initiatives such as Special Areas of Conservation and the Water Framework Directive require us to work more collaboratively in their management. Our challenge now is to develop the management programmes and structures to ensure that our precious salmon and freshwater fish resources, and the activities which they support, have a sustainable future.

58. Comments on the proposals in this Green Paper are invited by end October 2001. They should be addressed to Graeme Waugh, Room 441, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY; Tel: 0131 244 6229; Fax: 0131 244 6313; e-mail graeme.waugh@scotland.gsi.gov.uk. As in other Government consultation exercises, the expectation is that responses can be made publicly available, unless their authors specifically require that they be kept confidential.

Summary of actions and proposals set out in the Green Paper

Economics

Commission an in-depth economic analysis of the sector, to report by **2003. (14-16)**

Legislation

Introduce a Salmon (Consolidation) Bill when a suitable opportunity arises. **(18)**

Introduction and Transfer of Non-Indigenous Species

Make an Order under the Import of Live Fish (Scotland) Act 1978 banning the introduction, keeping or release of exotic species **(19)**

Through SNH, explore means of controlling the spread of American mink in the Western Isles **(20)**

Views are invited on what priority messages and key audiences might be for such educational material, who would deliver it, and through which method it should be delivered **(21)**

Ban the use of live fish as bait when a suitable legislative opportunity presents. **(22)**

Control transfers of fish between catchments when a suitable legislative vehicle can be identified. **(23)**

Increasing Angling Opportunities

Introduce a ban on the sale of rod caught salmon by next Spring. **(26)**

Conservation, Research and Management of Fishing

Consider research on seal predation. **(25)**

Consider the scope to introduce registration of put-and-take and other fish hatcheries along the lines of that which applies to fish farms generally, and to impose greater controls over all hatcheries as a way of controlling the spread of disease. **(28)**

Update the existing guidance on stocking practice and work within the Area Management Agreements under the Tripartite Working Group to produce guidance on restoration measures. **(29)**

Consider whether, and in what circumstances, it might be appropriate to require fishery managers to carry out a slaughtering programme. **(30)**

Consult re licensing procedures currently available under the Wildlife and Countryside Act and the Conservation of Seals Act. **(31)**

Review FRS freshwater fisheries research programme. **(33)**

Bring forward proposals to improve the positive management of SSSIs, to increase community participation in their designation and to strengthen measures which protect rare and endangered species. (34)

Management of Fishery Resources

Management Plans

Views sought. (37)

Area Fisheries Management Committees

Views sought. (38-40)

National Fisheries Management Consultative Committee

Views sought. (41-44)

DSFBs

Proposal to give SEPA and SNH a right to become non-voting members of DSFBs where this is something which all parties wish (45-46)

Consider how DSFBs or comparable bodies might be formed in all Salmon Fishery Districts without a Board (47)

Protection Orders

Review the objectives of Protection Orders. (48-50)

Promotion of Access to Angling

Development of better web-site information about angling (51)

Tourism

Develop freshwater (and particularly salmon) fishing as a niche market. (52)

Legitimacy of Coarse Angling Methods

Views sought. (53)

Co-ordination of Available Resources

Review sources of funding. (54)

Enforcement Procedures

Review the enforcement provisions for salmon and freshwater fisheries legislation. **(55)**

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