



**SGA Fishing Group response** to: Draft Provisions for a Wild Fisheries (Scotland) Bill/Draft Wild Fisheries Strategy: A Consultation.

\*The SGA Fishing Group represents river workers in Scotland.

1/ We are satisfied that the structure is fine, as stands.

Further Points: In our view, identifying the pressures on freshwater fish and their habitats (first deliverable of Strategy) necessitates the gathering of more robust data and a more refined and consistent methodology than is currently being used to determine such pressures. It is ultimately this science which is forming the rationale for the classification of rivers.

We understand Scottish Government itself recognises this and is willing to hear further evidence and develop the process, with an annual review of classifications. Whilst this is welcome, it does underline the need for a methodology to be agreed between local and national

bodies and for this to be robust and based on best evidence. This two-way collegiate relationship should then inform scientific research rather than having research informing the activity from above. We are concerned, for example, that science should not rule out the use of hatcheries as a tool to aid recovery.

Having an agreed remit between national and regional organisations about what science should be doing is necessary and in the interests of conservation, evidence-based management and maintaining sustainable fisheries. An equal two-way dialogue may also set appropriate parameters for the use of citizen science, which can play an important role in species management. There is a strong knowledge base and experience at regional level and this should be formally utilised within the new structure.

As a group we feel that, while the all-species remit will carry with it new responsibilities for river workers, the move towards more accountable conservation can only be fully regarded as complete and joined up if consideration is also given to the marine and wider environments and the many pressures exerted on wild fish before, during and after they enter the rivers. Otherwise, it may be that local benefits derived from sensible river maintenance, at a cost, may be completely negated elsewhere, with conservation being the principal loser.

Relationships between national and regional should be transparently defined at the outset in order to avoid FMOs becoming, solely, a delivery arm of national priorities rather than an equal partner in beneficial delivery. Resourcing for the realities of an all-species remit should also be outlined as this remains un-costed.

2/ Priorities are fine, as set.

3/ We are broadly in agreement with Scottish Minister's responsibilities.

We do not feel that 'condition of freshwater fish' is necessary in Section 4 (1) b (ii). This should be replaced by weight and length. There could be many different interpretations of 'condition' of fish.

Sections appertaining to entering and taking access in order to obtain scientific information, present an opportunity for this Bill to improve on current Scottish access legislation. In our view, it should be made a requirement within the Bill for anyone entering or taking access in order to obtain scientific information to make this clear to the FMO involved beforehand. This will ensure legitimate activities are not hampered and will engender trust and co-operation at the outset. We would recommend that failure to notify the FMO beforehand should make the person/persons taking access accountable to Scottish Government. This requirement to notify of scientific work should also be extended to those other interests carrying out operations/activities in the vicinity of the fishery.

4/ We are in broad agreement and understand the wisdom in the management consideration of economies of scale. However, it is our view that the ultimate job of delineating FMAs must be conducted, principally, by utilising local knowledge as this is the best available knowledge for this purpose.

5/ We agree that an FMO should not be imposed but we do not feel Scottish Government can fulfil its obligations truly unless there is FMO coverage across the whole of Scotland. To get a robust result, you cannot do a three quarter job. We would recommend that areas not covered by FMOs should be supported and given guidance by Scottish Government in order to establish them, particularly given the benefits indicated in terms of powers.

6/ We are in agreement. For avoidance of problems down the line, though, we believe there should be a model FMO constitution in order to promote consistency and to stop applications becoming open to interpretation. There should be a benchmark against which to judge applications.

7/ Three months is insufficient to produce a management plan, particularly given the new responsibilities of an all-species remit. This should be extended to allow FMOs to find their feet within the new structure. The plan should also run for 5 years.

8/ We are in broad agreement. We believe it is important that any decisions on whether an FMO should become un-designated should be reviewed by an independent person/persons and that this should be built into the procedure.

9/ In terms of levying, we are pleased that monies will be gathered locally by FMOs and that this money will not be diverted away from local priorities. This is necessary to maintain considerable local good will which currently

exists within the system. As previously stated, we feel that- particularly given the additional resources required to establish the new system- it is remiss not to look at obtaining some level of local contribution from other river interests whose business operations require access to the freshwater resource and whose operations will effect the habitat of the freshwater fish. Although they are not exercising a fishing right, they are exploiting a resource and have the same environment responsibility as other river users. Accordingly, an appropriate contribution should be explored.

The SGA Fishing Group would not be averse to discussing the detail of a management and development levy concept, providing proceeds were ring-fenced purely for development purposes and could be viewed by anglers- perhaps through sensible pricing- as a positive for angling rather than an imposition.

10/ Yes.

11/ 5 years.

12/ We feel strongly that FMOs should be statutory consultees for fish farming applications. Such developments have a direct impact on wild fish conservation and wild fisheries not only at a local level but also in terms of Scottish Government's international obligations to the conservation of salmon and sea trout.

13/ We believe FMOs should be statutory consultees in all areas where wild fish and wild fisheries may be affected. FMOs will carry significant responsibility so

must have have the ability to make appropriate representations to best meet their obligations within the new structure.

14/ Yes, we are in full approval of this. It gets the appropriate balance between local and national operations and allows flexible management, which is vital. We would appreciate more information on whose responsibility it would be to set closed times.

15/ Yes, we agree with the approach to conservation but wish to reflect concerns of our members about the methodology deployed to determine conservation status of rivers. As this is one of the key drivers of this review, it is imperative that the methods used, post 2016 season, are improved and are consistent and, until this is sufficiently refined, we believe there should be an appropriate level of engagement between rivers and those making the decisions and an independent person/persons of appropriate qualification be appointed to analyse cases where there is reasonable cause for dispute.

If this reasonable cause is established, we believe appropriate action should be taken to resolve the issue which may mean re-classification, if merited.

16/ We are pleased with the provisions made in Section 25 which enables sensible management steps to be undertaken but seek clarification of why Section 28 is contained within the Bill when it was taken, in good faith, that a Licensing system was no longer required. This will be an issue of grave concern to many and requires to be discussed further before inclusion. We cannot see why

such a provision might be necessary under the system being developed presently unless for the purposes of permitting netting under certain circumstances. Our understanding is that netting is to be prohibited for a three year period until the conservation picture is properly assessed. This requires clarification and we request this, as a group.

17/ We believe that, in light of the requirement for all-species management, the 2003 Act needs to be reassessed fully to accommodate this.

18/ We agree fully with this. However, our bailiff members would like to see detail developed on who they will be responsible to, under the new structure, and how this may be reflected in Employment Law. Who is the ultimate 'line manager'?

19/ Yes, we agree with this.

20/ Yes, we feel there should be a new title which better fits the responsibilities of the new structure.

21/ We agree that there are advantages to having a second tier of enforcement officer. However, given the resource pressure that comes with the new responsibilities, we would be concerned that second tier volunteers are used as a 'cheap' enforcement option which could potentially do away with a salaried post. We would hope the system could ensure that this is not the case.

22/ A barrier which could stand in the way of enabling appropriate protection of our wild fisheries and fishing

across the entire FMAs is the lack of uniformity when it comes to PNC checks. We believe this should be extended across the country. Funding for the appropriate number of bailiffs to meet new enforcement demands also remains underdeveloped and uncertain. Lack of resources, therefore, would naturally present a barrier.

23/ Yes.

24/ The key resource issue for the new FMOs is the switch to the new all-species remit. As there has been no BRIA brought forward, it can only be a matter of speculation as to how much extra money will be required to be raised to accommodate the new system but it is certain that extra revenue will have to come from somewhere. In her introduction to the draft, Environment Minister Dr Aileen McLeod talks of wanting to ensure appropriate resources are made available to accommodate the changes and it is clear this element remains an 'elephant in the room'. As previously stated, we believe one avenue which should be explored is asking for contributions to be made by all those who exploit the river resource for gain ie: energy, food and drink businesses and adventure firms which rely on water for production. The costs of enforcement, we feel, is also yet to be explored properly and FMOs will need a lot more detail in this aspect if they are to feel assured they can meet all their responsibilities.

25/ We believe that, as one of the principal aims of the Bill and Strategy is to ensure sustainable fisheries into the future and to respect and acknowledge the social and economic contribution wild fish and fisheries make, it is



imperative that Scottish Government makes available its independent research into the economic and social value of wild fisheries during the consultation period or as soon as is practicable. There is concern, particularly in areas where classifications have been contested, around employment and tourism. As an example, since the classification of the Earn as a Category 3 river, 30 per cent and 15 per cent of lets respectively at Crieff and Comrie have been lost. Having the independent research available at development stage rather than with the final Bill, when it seems that this information is close to being ready, would offer necessary context at an important time.

Yours, the SGA Fishing Group. May 2016.