



Wild Fisheries Review (WFR) – Members’ Bulletin: November 2015

Summary of WFR at ASFB and RAFTS Annual General Meetings – 3 November 2015

1. Introduction

This bulletin provides a summary of the key points discussed at the WFR member’s discussion session on 3 November 2015. The discussion was set in the context of the latest developments of the reform process. A presentation was made by ASFB and RAFTS staff to provide a framework for discussion. A copy of that presentation can be found [HERE](#).

The meeting also welcomed Andrew Henderson and Alan Wells, Scottish Government, who provided an update on the areas on which they are focussing attention, including the forthcoming consultation on the draft bill and draft strategy. A copy of their presentation can be found [HERE](#).

2. Summary points

Andrew Henderson and Alan Wells provided the general context of the reform process. The key themes are to achieve a sensible alignment between national/ Ministerial responsibility for ensuring the protection of Scotland’s natural fish resources and the vital management activities that are undertaken at a local level; and to ensure that all parts of the system have the powers and resources that they require to deliver the modern fisheries management system that Scotland deserves. It was emphasised that ideas may evolve, and that the reform process will be subject to Ministerial approval and may be adjusted to accommodate legal advice on technical matters.

The following ideas and themes are under consideration and these are the principal drivers for reform:

- To maintain strong local fisheries management and to provide a framework for that to happen. Scottish Government are exploring how to empower new management organisations within the new legislation rather than powers resting solely with Ministers and simply being conferred by them on local bodies.
- The establishment of a National Unit to support and work with local management organisations. Again, the local/ national balance is a key consideration.
- The development of a national strategy and plan with a series of local plans to be developed by local management.
- To identify and ensure that Ministers have the powers they need – this was largely predicated on national and international obligations, such as conservation obligations under the Habitats Directive.
- Consider a range of legal and technical matters and how these might be tidied up or expressed in clearer terms - for example fishing methods, limits for fishing (ie estuary limits etc), close times etc.
- Ensuring that the new management framework provides legal protection for all freshwater fish and that management extends to all species as appropriate.

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Useful links

Scottish Government Stakeholder Reference Group - [HERE](#)

ASFB and RAFTS Reform web pages [HERE](#) and [HERE](#) (includes latest minutes of JWG)

- Recognition that the salmon levy is the single largest source of income to service current management. No funding model has been ruled in/out – looking to retain as much flexibility for funding generation as possible.
- Review existing law enforcement powers to ensure they are appropriate and that they are clear. Consider existing and future offences to ensure that these are proportionate and enforceable. Consider issues of corroboration. Consider options for national enforcement including the scope for ‘wardens’ - a post with more limited powers than Water Bailiffs - to act as another “formal” presence on the river etc., providing advice and helping with enforcement.

The following points were raised in discussion:

Why is change required and what is the current system not delivering? (Jon Gibb, Lochaber)

The reform process provides opportunities for a change in approach. There are a number of widely-acknowledged weaknesses in the current system, for example the lack of management and controls for species other than salmon and sea trout; and the uneven distribution of resources. Equally there are many examples of excellent good practice which could provide a template for a national approach. A strong local element of fisheries management will be fundamental to the success of any new framework.

Conservation limits and other controls – might there be local powers for legal control? (Hugh Campbell-Adamson, Esk)

Government expects there to always be a role for Ministers where there are circumstances in which changes to local prohibitions etc. could potentially change the point at which criminal offences might start to apply. However, as with so much else in the reform process, government are looking at the overall mechanism for regulation and the balance between national functions and local management. Keen to reduce unnecessary bureaucracy and establish regulatory processes that make sense and are manageable.

Conservation limits – process. Will there be more information on the CL approach and scope for improving data, taking on board local information and refining the process? It was recognised that prior consultation and discussion with the board/trust network would have strengthened the process and provided confidence with the measures (Richard Bellamy, Urr/Roger Brook, Argyll)

Marine Scotland Science (MSS) are committed to working with the fishery board/trust biologists to help further develop the overall approach. MSS has already met with representatives of boards/trusts and a further meeting is planned before year-end.

Conservation limits – inclusion of sea trout (Malcolm Hay, Deveron)

There was a widespread view that sea trout should be included in the CL approach although a divergence about how best that could be achieved given the available data. This was generally recognised by MSS, and whilst there is a lack of data on sea trout to help determine limits, it is looking at the matter to consider how the system can accommodate this. This is one of the areas that the representative group mentioned earlier could usefully address going forward.

2----- Useful links

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Conservation limits – plans for conservation – it is important to ensure that there is some legal ‘teeth’ to support category 2 rivers where a conservation plan will be the main approach to ensure CLs are met (Neil Cameron, Ness & Beaulieu Fisheries Trust)

The approach to CLs needs to be based on good information and the categorisation is focussed on risk. This is an iterative process and the Government is keen to work with local stakeholders to continue to improve management as much as possible before regulation is necessary. The purpose of the conservation plan is to complement the application of a conservation status and to inform further management measures and actions that might be considered at a local and national level.

Funding and maintaining the support of fishery proprietors – proprietors as a whole take their custodianship seriously and there is a need to ensure that any new framework does not compromise the current funding stream and support base. Note that the existing fishery valuation process is inconsistent between regions and requires attention. Note the complexities around how an all-species remit might be squared with the owners of those rights providing funding. (Frank Spencer-Nairn, Beaulieu/Bill Jack, Tay/Crispian Cook, North & West)

Widely agreed. Funding of current management is from a relatively narrow base and any new system has to recognise that and develop that further. Flexibility with funding will be required. There will be a need to examine the pros and cons of the current levy system and consider the matter of riparian owners and fishing rights for other species. This is a complex matter and there is a lack of information in some quarters, particularly in relation to owners of fishing rights for species other than salmon/sea trout. The intention is that the forthcoming Bill will not “lock in” any particular approach to levies but should instead enable the modernisation of the system in a flexible way. This is one of the most complex issues that the fisheries reform process will need to tackle and it is expected that significant additional engagement with proprietors, other ASFB and RAFTS members (as well as with other stakeholders) will be undertaken before any particular system is agreed upon.

3. Summing up

Andrew Wallace and Alasdair Laing thanked the members present for their contributions and thanked Andrew Henderson and Alan Wells for helping to provide further context from a Scottish Government perspective. It was felt that the initial part of the reform process during 2015 had created a period of uncertainty amongst the sector and a vacuum of hard information had affected confidence. This appeared to be dissipating as ASFB and RAFTS communications improved over the year and the thinking about many of the reform issues has developed across the sector. The Government has also been able to communicate these developments in more detail. It remained vital to ensure that Government is getting feedback and interaction from the sector and it is hoped as the pace of progress continues and ideas begin to form, there will be less uncertainty. It is becoming clear that there is a lot of enthusiasm within the sector to help identify local issues relating to funding, geography and operational ability under a new framework. Some members have been very proactive in this area and have been convening very useful discussions with neighbouring boards/trusts. ASFB and RAFTS will continue to facilitate these discussions and will be in touch with all members on a regular basis moving forward. In this respect, ASFB and RAFTS will shortly be circulating a template to help members analyse current local resources and consider how these might fit into a new wider management framework. This will help groupings of local boards/trusts identify local funding gaps and consider how much operational capability may exist in transitioning from the current system to a network of fewer, but larger FMOs.

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Useful links

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