

Report on Responses to Sea Trout Regulations Consultation.

The consultation was designed to gather feedback from as wide a variety of fishery user group as possible. The bare minimum standard expected by the legislation would have been to advertise our intentions in the local press on two occasions and publish a report explaining why we felt we needed the order. We published on the river website, www.riverannan.org, and carried out the press adverts in the Annandale Observer but also chose to make the consultation far more public so as many people as possible could get a chance to respond. To achieve this we carried out a number of other exercises:

1. We have held a public consultation event in the middle of Lockerbie where people could drop in, look at the evidence, talk to Board members and staff and make written submissions there and then;
2. We attended an EGM of the Upper Annandale Angling Association where this subject was the sole agenda item;
3. All proprietors on the River Annan DSFB valuation roll were notified;
4. We notified as many of the anglers as we could by e-mail with the help of FishPal who do most of the online bookings on the river. Just short of 800 e-mails were sent, on our behalf, by FishPal; and
5. We posted links to the consultation page on website forums used by many anglers.

When the consultation closed on the 4th of October we had 70 responses from a variety of sources (proprietors, anglers and NGOs). Some responses came in late and are also being considered. The responses vary from very short comments along the lines of I agree or I disagree through to detailed responses outlining why it is a good idea or why (others feel) it is not a good idea. There have been common themes as well which people on both sides of the debate make reference to. The vast majority have been in favour of this move but the Board should not ignore the response against as there are suggestions which should be considered.

Results

The results are displayed in table form with an attempt made to tease out respondent types and general themes. All of the response are listed in the appendices

User Group	For	Against	Unclear
Upper Proprietors (rod and line fisheries)*	9	1	0
Lower Proprietors (net fishery)	0	1	0
Proprietor from neighbouring river	1	0	0
Anglers*	33	16	2
Tenant Nets men	1	1	0
NGOs	8	1	0
Other	0	1	1
Total	52	21	3

Table i

*A number of responses came in from the group fishing on the Newbie Timeshare Fishery. Most referred to themselves as owners but that does not mean they are technically proprietors. We have only included one in the proprietor table, the correspondence from the Chairman of that group. All of the others are included as angler responses.

** Three responses were unclear in whether they supported this move or not but there comments are included in appendices.

In addition to that which is on the table we have had one submission from an MSP which we could not open, he has been asked to resubmit twice, once by e-mail and once by phone, but unfortunately has not responded.

We had one submission from a group which is a beneficiary of the common good fund but it was not clear whether they had an angling or netting interest, they have been recorded as other.

There was correspondence as well from one party asking for clarification about smolt counting, this was replied to and the details of that are also in appendix i

The description Non Governmental Organisations (NGOs) has been used loosely and included in this list are representative groups as well as national organisations. The NGOs in favour are Rivers and Fisheries Trust Scotland (RAFTS), the Association of Salmon Fisheries Boards, the Salmon and Trout Association, the Wild Trout Trust, the Institute of Fisheries Management, Fish Legal and Fish Pal. The Atlantic Salmon Trust gave an ambiguous response which, whilst supporting the concept of catch and release in general, was unclear whether the Trust supported this proposal specifically. The Trust sent in two independent responses, one from a biologist Board member and the other from their director. Despite this they are quoted as opposing the proposal in two submissions, one from an angler and one from Newbie Timeshare. The only 'NGO' against was the Annan Royal Burgh Fishermen's Association.

Common themes offered as alternatives or in conjunction to catch and release that are apparent throughout the submissions.

The table below highlights the number of responses that mentioned issues to be considered. Some of these themes were proposed as alternatives to catch and release and some in addition. Respondents from both ‘camps’ often mentioned similar themes. The numbers in the table below correspond with respondents asking that these issues should be considered.

Theme	Upper proprietor		Lower Proprietor		Angler		Tenant Nets Men		NGOs		Other	
	For C&R	Against C&R	For C&R	Against C&R	For C&R	Against C&R	For C&R	Against C&R	For C&R	Against C&R	For C&R	Against C&R
Hatchery Intervention		1			1	7						
Catch Limits		1				2						
Carcass tagging						3						
Control of Predators		1		1	1	8			1			1
Habitat Improvement	1		1		3	3			4			1
Research				1	1	6			1			
Monitoring					2	2			4			
Pollution		1				1				1		1
Economy	1	1		1	4	11		1	2	1		1
Salmon farms					2	4						1
Policing		1				1						
Neighbouring Rivers Policy		1			1	4						
Moral Issues						2						
Complete Ban fishing for ST					1	1						
Cultural				1				1				1

Table ii

As can be seen in table 2 the parties that were against the idea of catch and release were in general more vocal in their opinions for alternative strategies. In many cases these opinions were shared by many of the respondents in favour of this measure albeit as a measure in conjunction with catch and release not as an alternative.

Unsurprisingly the vast majority of those against the proposals stated that insufficient evidence was presented to make the case. In a number of submissions against the proposal the tone was highly personalised. This has not been listed in the table but is self evident in the written submissions in appendices.

Discussion of Survey Results

Whilst there is a clear majority of respondents in favour of pursuing this action the level of support varies depending upon the sector affected. There has been considerable press interest about this proposal due to letters by some anglers on the fishery who had indicated that proprietor support was low. This is not borne out by the findings with only 2 out of all the proprietors on the valuation role opposing the measure. This is further evidenced by the fact that a number of proprietors had made catch and release of sea trout a condition of fishing on their fishery in 2013.

Amongst the anglers the proportion of anglers supporting the proposal against those that did not was strongly biased to those in favour. It was not as clear cut as the result for proprietors but at about 2:1 was very significant. It was noted however that the responses from angler opposed to the measure tended to be far more detailed than those against. This is perhaps understandable as those against the proposal were offering a mixture of alternative measures whereas those in favour were largely satisfied with the initial report and therefore did not seek to find fault in it. It is noticeable also that a high proportion of the angler responses against come from the one rod and line fishery that has opposed the proposal.

Very few tenant nets men put in a response, instead they lobbied the proprietor, Dumfries and Galloway Council, to put in a response against the proposal and responded through their own association.

Support from the NGOs was very strong. Most of the NGOs have been involved to some degree in developing policy at local and national level and many employ experienced biologists and fisheries managers who approached the problem in a similar way to the DSFB. The precautionary principle was mentioned in a number of their responses. This can best be summed up in the response from the Wild Trout Trust who stated that:

The status of sea trout populations in the Solway can only be gleaned from net and rod catch statistics and anecdote and whilst hard evidence is scant and equivocal, the general picture is of decline. The North Atlantic Salmon Conservation Organisation (NASCO) defined the precautionary principle whose requirements include

- a) consideration of the needs of future generations and avoidance of changes that are not potentially reversible;*
- b) prior identification of undesirable outcomes and of measures that will avoid them or correct them;*
- c) initiation of corrective measures without delay, and these should achieve their purpose promptly;*
- d) priority to be given to conserving the productive capacity of the resource where the likely impact of resource use is uncertain;*
- e) appropriate placement of the burden of proof by adhering to the above requirements.*

NASCO notes that "the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures" and this principle has been widely welcomed in fisheries management, not simply for salmon. Therefore, in protection of Solway sea trout, mandatory catch-and-release makes complete sense in the application of the requirements of the precautionary principle.

One NGO, the Annan Royal Burgh Fishermans Association, did not support the proposals but did indicate that they were open to negotiation on an annual basis.

The response from the Atlantic Salmon Trust was equivocal as whilst in the first paragraph of its response is in support of the principle, later on it suggests allowing a limited kill for anglers only of '*breakfast finnock*' (herling in the Solway context). On the other hand a Board member of the Atlantic Salmon Trust and a Sea trout biologist of world renown, Dr Andy Walker, independently supported the proposal with no reservations.

The themes which have become apparent through the results were all unsolicited. Unsurprisingly the responses against the proposals were, in general, lengthier and more detailed than the responses against. This was to be expected as the people against the proposal seek to demolish the Board's argument. Many of the responses in favour were very short and straightforward. It was however surprising that so many responded in favour as often when people are content with a proposal they remain silent. It does show that it is not just the Board that is deeply concerned about the state of the sea trout stocks on the Annan, there is serious concern across all of the users of the fishery as well and a willingness by many of them to take conservation seriously.

- Hatchery Intervention

Only one respondent in favour of catch and release suggested adding a hatchery as part of a solution to restore sea trout populations but a number of those against did. The Board is not considering a hatchery at the moment because the track record of hatcheries achieving anything with sea trout is poor with very little evidence available to show success. Reference was made to the success of the Kielder hatchery on the Tyne and from rivers in Wales. With reference to the Tyne the EA who run the hatchery doubt very much that the hatchery played a significant role in the recovery of that river's fortunes, water quality was far more significant. The Kielder hatchery does play an important role on the Tyne in maintaining salmon populations in parts of the catchment that they cannot get to naturally. It has stocked very few if any sea trout in recent years.

The situation in Wales is less clear but there are no significant sea trout stocking programmes in operation at the moment (despite what has been stated by a number of respondents). Indeed when they have tried they have run significant into problems generating smolts as most of the hatchery fish became resident trout. "*Rearing conditions in the hatchery resulted in a significant but unknown proportion of fish reverting to brown trout, survival was poor and fertilisation rates were poor. There were also significant problems in keeping the brood stock alive, both before stripping and as kelts, as they were very prone to disease*" (per's com Dr Graham Harris, adviser to Natural Resources Wales and task manager Celtic Sea Trout Project).

- Catch limits and carcass tagging

There has been a voluntary catch limit on the Annan rod and line fishery for a number of years but it has not been universally accepted and in any case at 2 fish per rod per day (larger fish being returned) does little to promote conservation when it is rare to catch more than one fish occasionally. The Board is however very interested in the concept of carcass tagging across the whole fishery as a way of imposing annual limits on what people can take. In due course, if we are seeing a resurgence of sea trout numbers, after a 5 year period of catch and release, carcass tags would be a good way of allowing controlled exploitation.

- Predators

Several respondents mentioned the effects of predation, principally of saw billed ducks and large brown trout. The Board is concerned about the seemingly growing numbers of saw billed ducks on the river and will be applying for a licence to shoot some. The presence of large brown trout in the river whilst clearly likely to have some effect on all migratory fish is an important part of the economics of the fishery. In many parts of the river a voluntary code of practice of catch and release of brown trout has seen the numbers of large trout increase significantly. Without this voluntary code the numbers would reduce which would mean fewer visitors coming to the area.

It should be noted that predators are unlikely to target sea trout over other species and any impact upon smolts is likely to have just as high an effect on salmon. Salmon numbers on the river appear to be higher now than at any time since records began. It is unlikely that predators are creating a significant bottle neck to production of sea trout without having a similar effect on salmon.

- Habitat Improvement

Respondents both for and against catch and release stated that more habitat improvement works should be undertaken and the Board is in complete agreement with this. It is difficult to finance at the moment but never the less the Board intends to carry out as much habitat works as it can and has been doing so now for a number of years. For example in 2013 the Board has had two fish passes installed which has increased the area available to fish in the river by about 25miles. This work will continue although we will be placing an emphasis on areas the Board believes to be more important for sea trout.

- Research

Many of the respondents against the idea of catch and release cited the lack of understanding about sea trout and suggested that more research should be undertaken before action is taken. The Board understands this point of view but it is very clear that the abundance of sea trout has reduced significantly over the last 20 or so years and maximising egg deposition is critical. Further research into the causes of decline is something that the Board would welcome but not instead of catch and release. The research would however take years to undertake and require significant funding.

- Monitoring

The Board carries out significant electrofishing surveys and there are over 300 locations on the Annan where data is available. The monitoring programme will continue. Some correspondents against the idea suggested that this did not happen, this is completely untrue. There was a suggestion that we should be using electrofishing for smolt surveys. Electrofishing for smolts specifically is unlikely to provide any empirical results and is a poor idea as sampling efficiency is very poor in large water courses. Greater success in smolt assessments can be had with the use of drum traps and consideration should be taken about whether or not this would be useful.

- Pollution

A number of respondents claimed that pollution was a significant factor and nothing was being done to address this. Pollution is an issue in some parts of the catchment and the Board works with SEPA

to resolve this. Pollution is not endemic throughout the whole river though and most of our watercourses are in good order from this point of view.

- Economy

This was where we had the highest level of concern from respondents. There is a suggestion from a great many of the responses that people will not visit the area to fish for sea trout if they are not able to take any home. The Board is also concerned about the fishery economy to the area but feels that the poor quality of the fishing at the moment is more likely to have an effect on visitors. One fishery on the river, Hoddom, imposed catch and release of sea trout upon its anglers this year. In a personal communication with the owner of this fishery he stated that *"We have had more sea trout anglers this year compared to the previous five years despite us imposing catch and release. Our anglers are more concerned about whether they can catch a fish or not and less concerned about whether they can kill it or not."* (per's com George Birkbeck, Hoddom Fishery Proprietor) It is also significant that the world's largest agency for selling fishing, FishPal, has endorsed this plan unreservedly as an essential step to restoring sea trout numbers and therefore having a fishery that is of economic importance in the future.

There was also concern that the commercial and hobby net fisheries would not be viable if sea trout could not be taken. In particular there was concern about the effect that this would have on the Common Good Fund which spends the income from net fisheries in the town of Annan. This is clearly an issue that needs to be dealt with. The Board is investigating ways of protecting the Common Good Fund from any loss of income from netting licences while the order is in force and has secured undertakings from interested parties to make up any shortfall.

- Salmon Farms

A number of respondents mentioned salmon farms as a reason for the decline. The Board is of the opinion that the evidence of damage to migratory stocks in long fjordic lochs with salmon farms is very strong. However the Annan is a long way from this type of habitat and it seems less likely to be an issue and if it was we might expect the salmon run to be similarly affected. Regardless of whether it is an issue or not the river still needs to maximise the number of spawning fish.

- Policing

A couple of respondents mentioned the difficulty of policing the order should it be made. There will be some issues, that is without doubt, but this does not seem to be a valid reason not to proceed. The Board is currently in the strongest position re bailiffing that it has been for many years and has developed a very good surveillance partnership with the police and has a growing number of volunteers stepping forward to help.

- Neighbouring River Policy

Some of the respondents queried why the Annan was taking this step and yet other rivers on the Scottish Solway were not. Each Board is autonomous and whilst we work together in many areas each Board makes its own decisions.

- Moral Issues

Some respondents indicated that they felt it was wrong to fish and return fish for moral reasons. It is not up to the Board to take a view on this but it should be pointed out that catch and release fishing is the norm in many parts of the UK and the rest of the world.

- Complete Ban on Fishing

A couple of respondents felt that the order would not go far enough and suggested that a complete ban on fishing for sea trout would be a better approach. Whilst this would achieve the conservation aims of the Board it would mean monitoring of what is going on within the fishery would be difficult. It is estimated that well over 90% of fish caught and released survive (some studies have shown the figure to be as high as 98%) so the impact of the fishing on the population will be low and we will be able to monitor any recoveries in stock levels. If the fishery was closed it would also have a huge effect on the economics of the area and make resourcing for future work very difficult.

- Cultural

Reference was made to the damage that may be done to historic fisheries of cultural importance by a number of respondents. The Board has long been sympathetic to the unique nature of the fisheries in the Solway. Salmon numbers appear to be relatively robust at the moment and as these fisheries will still be able to exploit salmon we do not see that there is a significant cultural loss for the proposed 5 year period of catch and release.

Conclusions

These documents will, should the Board wish to proceed, form part of the application to the Scottish Government for an order to make the release of sea trout compulsory throughout the Annan catchment. The Board must come to a decision, based upon the evidence in the report on sea trout stocks and consider the responses to the application.

The consultation paper was written after discussions with the Scottish Government advisors and the type of evidence presented is what is required by them to make a decision. We have to assume that as we have used the NASCO rod catch tool that the Scottish Government has deemed as the proper method that, should the application be made, it has a high likelihood of being successful.