

The Conservation of Salmon (Scotland) Amendment Regulations 2022 - Island Communities Impact Assessment

December 2022

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Step One – Understanding the objectives

Questions addressed:

- What are the objectives of the policy, strategy or service?
- What are the intended impacts/outcomes and how do these potentially differ across the islands?

The [Conservation of Salmon \(Scotland\) Regulations 2016](#) outlined for the first time a system, under which, the killing of Atlantic salmon in inland waters is managed on an annual basis by categorising the conservation status of their stocks. The aim of the legislation is to protect and restore Scottish wild Atlantic salmon populations in areas where exploitation is unsustainable.

In general terms, the regulations:

- prohibit the retention of salmon caught in coastal waters
- permit the killing of salmon within inland waters where stocks are above a defined conservation limit
- require mandatory catch and release of salmon in areas which fall below their defined conservation limit following the assessment of salmon stocks

The conservation of stocks is re-assessed each year and we consult annually on proposals for the following fishing season. After the consultation has concluded and evidence has been reviewed, the regulations are amended accordingly.

The conservation status of stocks is assessed on a river by river basis, except for those areas where fishery catch cannot be assigned to individual rivers. In such cases rivers are combined to form assessment groups. The annual assessment process is explained in the [conservation of our salmon video](#).

The conservation status of each stock is defined by the probability of the stock meeting its conservation limit over a five-year period. Rather than a simple pass or fail, stocks are allocated to one of three grades, each with its own recommended management actions:

Category 1

At least 80% probability of meeting the conservation limit. Exploitation is sustainable therefore no additional management action is currently required. This recognises the effectiveness of existing non-statutory local management interventions.

Category 2

Between 60-80% probability of meeting the conservation limit. Management action is necessary to reduce exploitation. Catch and release should be promoted strongly in the first instance. The need for mandatory catch and release will be reviewed annually.

Category 3

Less than 60% probability of meeting the conservation limit. Exploitation is unsustainable therefore management action, including mandatory catch and release (for all methods), is required to reduce exploitation.

The annual assessment does not differ between the mainland and island fishing communities, and only the right to retain (catch and kill) a salmon is prescribed by the legislation. All those with the appropriate permissions are still able to practice fishing in Grade 3 areas providing they adhere to the mandatory catch and release.

Step Two – Gather data and identifying stakeholders

Questions addressed:

- What data is available about the current situation in the islands?
- Who are your key Stakeholders?
- How does any existing data differ between islands?
- Are there any existing design features or mitigations in place?

The assessment for the 2023 season has followed the methodology developed in previous years. While the methodology has not changed for the 2023 season, the assessment has been made using the most up to date data available from fish counters and catch returns from the 2021 fishing season.

Our key stakeholders are predominantly anglers, with district salmon fishery boards (DSFBs) and rivers/fisheries trusts through Fisheries Management Scotland alongside other groups involved or interested in the conservation of salmon or wider river environment. Those who responded to the annual consultation on the proposed river gradings ranged from individuals to organisations including sixteen DSFBs, the River Tweed Commission, three river or fisheries trusts, ten angling clubs or associations, six organisations with national membership such as Fisheries Management Scotland, two community councils and five other businesses.

The data utilised in the assessment is collected at a local level with the status being assessed for 173 separate inland water assessment areas. The last five years of river gradings and the current proposed river gradings were made available to stakeholders during the consultation period.

There is no difference in the data collected for mainland and island rivers, as all river assessment areas in Scotland are categorised according to their specific/local data provided.

Step Three – Consultation

Questions addressed:

- Is there any information already gathered through previous engagements?
- How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key Stakeholders
- What questions will you ask when considering how to address island realities?
- Separate consultation events for Island communities/Local Authorities?

This is the eighth year of the Conservation of Salmon Amendment Regulations which seeks to amend Schedule 2 of the Conservation of Salmon (Scotland) Regulations 2016. In effect updating the areas where the retention of salmon is prohibited.

The public consultation on [Salmon fishing: proposed river gradings for 2023 season](#) took place from 10 August 2022 until 9 September 2022. Notice was given of the opening of the consultation and a week later in three national newspapers, through our stakeholder contact lists and through Marine Scotland social media accounts. Through our engagement with Fisheries Management Scotland all district salmon fishery boards (DSFBs) and rivers/fisheries trusts were also informed through their mailing and contact lists. From monitoring the good governance obligations on DSFBs, we have noted that most if not all have spoken about the consultation during their board meetings including alerting their members to the consultation to raise awareness and gather views.

The questions asked in the consultation included many open text answers where respondents could provide as much or as little information as they wished. There were more than 90 rivers or river systems that were highlighted by respondents as of interest to them.

We had two local authorities respond to our consultation. However, there were no separate consultation events for island communities or local authorities. We included information that the consultation could be requested in another format if required, though we received no requests for this. Island based stakeholders were included in the stakeholder contact list for the consultation and we received 9 responses which related to an interest in island areas. These included areas within the Western Isles, Isle of Skye, North West highlands and islands. Additionally another 18 respondents indicated that they had an interest in rivers across all of Scotland, which would also include the islands.

Step Four – Assessment

Questions addressed:

- Does your assessment identify any unique impacts on island communities?
Consider:
 - Demographic
 - Economic
 - Gaelic
 - Social
- Does your assessment identify any potential barriers or wider impacts?
- Are there mitigations already in place for these impacts raised?

Demographic

We view fishing as an inclusive activity that can be undertaken by anyone regardless of whether they are young, old, able-bodied or otherwise. The Amendment Regulation seeks to amend the river categories resulting from the latest available assessment data. Although there are 13 additional rivers which will now require mandatory catch and release, one island community has increased in Grade from 3 to 2 and may retain salmon however we would still encourage voluntary catch and release practices. It is the right to retain salmon that is prohibited in Grade 3 rivers, we do not seek to stop anyone from fishing altogether.

Economic

There are no unique impacts on island communities.

Gaelic

We provide river names as they are known. In many cases the Gaelic names are used, as this was the case in the legislation as set out in the 1800s, on which the descriptions of geographic distribution of rivers have been based.

Social

There are no unique impacts on island communities.

During the annual public consultation period we asked questions relating to the impacts those responding would have in relation to the proposed river gradings. No evidence was provided that would lead us to believe that there are any potential barriers or wider impacts on island communities.

Conclusion

The annual Amendments to the Conservation of Salmon (Scotland) Regulations 2016 is not new and seeks to update river grading categories based on the most up to date and best available data.

ICIAs are needed where the new policy etc. is “likely to have an effect on an island community which is significantly different from the effect on other communities”. We have come to the conclusion that this is not the case. Our regulations apply with

equal effect on every community, particularly as we allow individuals to fish even in Grade 3 areas so long as they adhere to the legislation. The Regulations seek to prohibit the retention and killing of Atlantic salmon, this does not impact upon the opportunities or ability of those wishing to exercise their right to fish.

For the 2022 salmon fishing season [last year's consultation], gradings only changed for assessed areas in three island communities, and only two of those fell from grade 2 to grade 3, requiring catch and release. In those cases the total catches in 2021 were just 24 salmon in Loch Roag (Caslabhat and Tamanabhaig), and 7 salmon in the North Uist Lochs. All of those were released voluntarily.

For the 2023 salmon fishing season [current consultation], there was only one change for assessed areas within island communities, and that was for Abhainn Eig [North Uist] which actually rose from grade 3 to grade 2, no longer requiring catch and release.

Decision taken

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reasons for this are detailed below:-

1. This process of annual Amendments to the Conservation of Salmon (Scotland) Regulations 2016 is not new and seeks to update river grading categories based on the most up to date and best available data.
2. ICIA's are needed where the new policy etc. is "*likely to have an effect on an island community which is significantly different from the effect on other communities*". We have come to the conclusion that this is not the case. Our regulations apply with equal effect on every community, particularly as we allow individuals to fish even in Grade 3 areas so long as they adhere to the legislation;
3. The Amendment Regulations apply Scotland wide and the data from the assessments are based on locally collected information. There is no difference in application of the assessments between the island communities and the mainland communities.
4. For the 2022 salmon fishing season [last year's consultation], gradings only changed for assessed areas in three island communities, and only two of those fell from grade 2 to grade 3, requiring catch and release. In those cases the total catches in 2021 were just 24 salmon in Loch Roag (Caslabhat and Tamanabhaig), and 7 salmon in the North Uist Lochs. All of those were released voluntarily.
5. For the 2023 salmon fishing season [current consultation], there was only one change for assessed areas within island communities, and that was for

Abhainn Eig [North Uist] which actually rose from grade 3 to grade 2, no longer requiring catch and release.

Therefore, no ICIA is required.

ICIA completed by: Vanessa Brown

Position: Policy Officer, Wild Salmon and Recreational Fisheries

Signature: Vanessa Brown

Date completed: 14 November 2022

ICIA authorised by: Malcolm Pentland

Position: Deputy Director, Seafood Trade, Aquaculture & Recreational Fisheries

Signature: Malcolm Pentland

Date completed: 16 November 2022



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