

The Conservation of Salmon (Scotland) Amendment Regulations 2023 – Island Communities Impact Assessment

December 2023

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Step One – Understanding the objectives

Questions addressed:

- What are the objectives of the policy, strategy or service?
- Do you need to consult?
- How are islands identified for the purpose of the policy, strategy or service?
- What are the intended impacts/outcomes and how do these potentially differ in the islands?
- Is the policy, strategy or service new?

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 that are deemed to be in poor conservation status

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 [conserving 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 approach taken for the annual assessment does not differ between mainland Scotland and Scottish islands, or between islands. 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 for salmon in Category 3 areas providing they return any salmon caught at once with the least possible injury (catch and release).

Step Two – Gather data and identifying stakeholders

Questions addressed:

- What data is available about the current situation in the islands?
- Do you need to consult?
- How does any existing data differ between islands?
- Are there any existing design features or mitigations in place?

The assessment for the 2024 season has followed the methodology applied in previous years. While the methodology has not changed for the 2024 season, the assessment has been made using the most up to date information available from fish counters and catch data (up to and including the 2022 fishing season).

In accordance with the requirements of paragraphs 10 and 11 of schedule 1 of the 2003 Act, the Scottish Ministers have consulted with such persons they considered appropriate and have given notice of the general effect of their proposals by way of an advertisement in three national newspapers. Additionally, stakeholders, who have given their consent, have been notified via email directly.

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 are no existing design features or mitigations in place, as all river assessment areas in Scotland are categorised according to their specific/local data provided.

Step Three – Consultation

Questions addressed:

- Who do you need to consult with?
- How will you carry out your consultation and in what timescales?
- What questions will you ask when considering how to address island realities?
- What information has already been gathered through consultations and what concerns have been raised previously by island communities?
- Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?

Yes, information has been gathered previously. This is the ninth year of the Conservation of Salmon (Scotland) 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.

Key stakeholders who have previously engaged through the annual consultation include anglers predominantly, 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 latest annual consultation on the proposed river gradings ranged from individuals to organisations including six DSFBs, the River Tweed Commission, five river or fisheries trusts, three angling clubs or associations, three organisations with national membership such as Angling Scotland and Fisheries Management Scotland and five other businesses.

The public consultation on [Salmon fishing: proposed river gradings for 2024 season](#) took place from 9 August to 8 September 2023. 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 Directorate (formerly Marine Scotland) social media accounts. Through our engagement with Fisheries Management Scotland all district salmon fishery boards (DSFBs) and rivers/fisheries trusts were informed through their mailing and contact lists.

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 26 rivers or river systems that were highlighted by respondents as of interest to them (out of the 173 that we assess), of these one was within an island area.

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, however we received no requests for this service. Island based stakeholders were included in the stakeholder contact list for the consultation and we received one response which related to a specific interest in island areas. This included areas within the Isle of Skye. Additionally, another six respondents indicated that they had an interest in rivers across all of Scotland, which would also include the islands.

We believe that the consultation has been robust, meaningful and sufficient to comply with the Section 7 duty.

Step Four – Assessment

Questions addressed:

- Does your assessment identify any unique impacts on island communities?
- Does your assessment identify any potential barriers or wider impacts?
- How will you address these?

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. There are three additional rivers which will now require mandatory catch and release, of these one relates to an island community in the Isle of Skye. However, all four of the river or river assessment areas which have increased in Grade from 3 to 2 are located in the Outer Hebrides and Isle of Mull. These areas under the amendment regulations 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. Additionally, one further area within the Outer Hebrides rose from a Grade 2 to a Grade 1.

There are no unique economic or social impacts on island communities.

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.

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.

Step Six – Making adjustments

Questions addressed:

- Should delivery mechanisms/mitigations vary in different communities?
- Do you need to consult with island communities in respect of mechanisms or mitigations?
- Have island circumstances been factored into the evaluation process?
- Have any island-specific indicators/targets been identified that require monitoring?
- How will outcomes be measured on the islands?
- How has the policy, strategy or service affected island communities?
- How will lessons learned in this ICIA inform future policy making and service delivery?

The information which feeds into the annual assessment, on which the amended regulations are based, comes from local specific communities and are evaluated as

such. Therefore beyond the annual consultation, which is equally available to anyone who wishes to make representations, no further consultation is required with island communities specifically with regards to mechanisms, mitigations or outcomes.

The ability to fish for salmon is equally available across all areas of Scotland as there is no difference in individuals using their right to fish providing that they adhere to the relevant legislation. The amendment regulations update the areas in which mandatory catch and release must be adhered to as those salmon stocks are in poor conservation status (Grade 3).

Decision taken

In preparing the ICIA, we 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. The regulations apply with equal effect on every community, particularly as individuals continue to be able 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 2023 salmon fishing season [last years' consultation], there was only one change for assessed areas within island communities, and that was for Abhainn Eig [North Uist] which rose from grade 3 to grade 2, no longer requiring catch and release.
5. For 2024 salmon fishing season [current consultation], six of the 11 rivers or river assessment areas that have been proposed to change grade were within island communities. Of these, five changes were through improvements in the chances of those salmon stocks meeting their defined conservation limits. The four areas which rose from Grade 3 to Grade 2 and will no longer be subject to mandatory catch and release, are all island communities.

Therefore no ICIA is required.

Step Seven – Publishing the ICIA

Questions addressed:

- Have you presented your ICIA in an Easy Read format?
- Does it need to be presented in Gaelic or any other language?
- Where will you publish your ICIA and will relevant stakeholders be able to easily access it?
- Who will sign-off your final ICIA and why?

A full ICIA is not required for the amendment regulations and the reasons for this have been explained within this document. We will provide alternative forms of this document for accessibility, if requested by stakeholders such as in Gaelic.

We will notify stakeholders when this ICIA has been completed and published on our website.

ICIA completed by: Vanessa Brown

Position: Policy Officer, Wild Salmon and Recreational Fisheries

Signature: Vanessa Brown

Date completed: 30 November 2023

ICIA approved by: Caro Cowan

Position: Deputy Director, Marine Environment portfolio

Signature: Caro Cowan

Date completed: 30 November 2023



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