

SECTORAL POSITION SUBMISSION

Purpose

1. The purpose of this paper is to provide details of our position as an independent netting interest. Furthermore, this submission will attempt to highlight the challenges we face and propose a constructive way forward.

Historical Background

2. As you may be aware, salmon netting has been in existence in Scotland for hundreds of years. Indeed the salmon has been, and continues to be, an iconic species. Reference can be found to a sweep net fishery on the Tweed around 1160. The earliest actual record of salmon legislation can be found in 1424. In terms of fixed engine fisheries, these were lawful within estuaries until the early 19th century, thereafter they were moved out on the coasts, riparian owners realising there was more money to be made from angling for salmon in rivers. At its peak, salmon net fisheries probably employed around 3000 people. Sadly, however most of Scotland's salmon netting stations have been closed in the last 25 years. There were, in the main, 3 major contributory factors to this. Firstly, in 1988 the government of the day increased the weekly close time (for netting only).
3. By way of background, in 1951 the weekly close time for salmon netting was increased from 6 pm to noon on Saturday. As indicated in paragraph 2, the close time was then increased further by the government of the day to 6 pm on Friday. This decision appears to have been based on little or no scientific evidence (according to official minutes from FRS scientists of the time). Indeed, of particular note is the fact that Mr Forsyth, the then Parliamentary Under Secretary of State for Scotland clearly thought it appropriate to introduce measures which effectively reapportioned catches from netsmen to anglers! This is evidenced by his comment, recorded in Hansard, stating "I can think of no logical reason for not shifting the balance of exploitation from netting to angling to some extent, which makes a greater contribution to the Scottish economy". Clearly this is blatant discrimination and the admission merely confirms our long held belief that the 1988 decision was about economics rather than conservation.
4. It should be noted that despite these changes to the netting weekly close time (now 60 hours), no changes have been made to the angling weekly close time of 24 hours (Sunday).

5. The angling season extends from early Spring until late Autumn/early Winter, a considerably longer season than our own. Our season currently runs from the 1st of May until 31st of August. This was due to the Esk Conservation Regulations 2005. These measures were introduced to help reduce the exploitation of Spring stocks. This is frankly extraordinary, when you consider that angling is now by far the major exploiter in Scotland generally. Fisheries Research Services data confirms this. The conservation order will be reviewed by the Scottish Government, who will determine the most appropriate way forward prior to the beginning of the fishing season on the 16th of February 2010. Additionally, the change to the netting weekly close time has a seriously detrimental effect on our business. The impact is that every second Friday, we have to close our nets between 8 am and 12 noon because of tides. This therefore means that we cannot re-commence fishing until Monday afternoon (essentially enforcing a 4 day working week – effectively a restraint of trade). As a direct result of these measures, netting stations generally lost around 20% of their income.
6. The second significant factor which influenced the closure of netting stations, was fish farming. During the late 1980's and early 1990's the fish farming industry flooded the market place with cheaply priced farmed salmon, thereby deflating the price of wild salmon.
7. Finally, there has been and continues to be, a determined campaign by the owners of rod fishing beats who want exclusive rights to fish they regard as their own. Furthermore, a clear sign of the demise of netting is that effort is now less than 10% of the level in 1952 (when records began).
8. Our family business (established in the 1960's) is now one of the largest independently owned salmon netting firms in Scotland. We have the fourth generation of our family starting in the business now. This is our legacy not only to our own family but to Scotland as a nation. Certainly, there are easier, less hazardous ways to make a living. However, as far as we are concerned, this is about much more. We are part of a long established tradition where what we do is not just to pay the bills, but it is our way of life.

Legal Issues

9. Scotland is one of few countries which has salmon fisheries being the subject of private heritable titles. In essence, the fisheries are the property of their owners. Furthermore it is Scottish Government policy that all methods be allowed to continue to fish where there is a harvestable surplus. Despite continued pressures from the angling lobby, we continue to run a very lean operation using traditional methods.

10. It has been accepted that both netting and rod and line fisheries could potentially be classed as mixed stock. We believe there has been a sustained campaign by angling interests to vilify netting. In our view, if conservation action is indeed necessary, then it must be applied equally across all methods. To do otherwise, would represent a serious breach of our human rights. If such a breach were to occur, we would naturally seek legal remedy to the full extent of the law.
11. Article 1 of the Human Rights Acts states “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law”. In our view, to target one sector over another would represent a clear breach.

Economics

12. Much has been said in the past about the economic value of a rod caught fish being greater than that of one caught by nets. However, this ignores the key facts that we are an indigenous small independent Scottish company which pays its taxes, employs workers and invests money in its ongoing operations in terms of plant, equipment and other associated services. It should also be noted that the Scottish Government Freshwater Fisheries Forum Steering Group have stated that “it was generally recognised that netting should be acknowledged in the framework plan and that it would be useful to have a comparison on the value of net caught salmon compared with rod caught salmon. It was highlighted, however that netting, which has been in existence for centuries, is now in decline and that rod caught salmon now account for the biggest percentage of salmon caught. Making comparisons in monetary terms may not be best way of assessing value”.
13. It is also noteworthy, that while we continue to fish using traditional methods, we are also seeking to adapt and diversify elements of our business to meet the needs of consumers. As an example, we now sell smoked salmon at farmers markets, across the country, as well as the fact that a proportion of our fresh fish is exported abroad. We have also provided Salmon for the Royal household in the past in addition to supplying to the G8 Summit at Gleneagles. Our fish was also used in the final of the Great British Menu 2007 which was held at the British Embassy in Paris. Clearly, the quality of our product is recognised.
14. We do not claim that we are a huge commercial enterprise, however, in these tough economic times, it is important to remember that Scotland is built on small businesses and innovation. In our view, this should be fostered and encouraged rather than forced into terminal decline. I am sure Jim Mather, Minister for Enterprise, Energy and Tourism would agree on this point. The Government has accepted that it is not its role to allocate resources. Its responsibility is to ensure a sustainable fishery and, I would argue, offer protection to this long established and central part of our Scottish rural heritage.

15. Given the Scottish Ministers firm commitment to its economic recovery plan, I also believe that supporting rural industries under threat is entirely consistent with, and indeed central to, that policy objective. Indeed, at this time of Homecoming celebrations, what can be more representative of the finest Scottish produce, than net caught Scottish wild salmon. It would be a travesty to deny consumers the right to enjoy this high quality and nutritious product.
16. Scottish Government themselves have said of salmon netting that “fishermen make a positive contribution to river management and to the local economy, frequently in the more remote rural areas. Netting stations are now the only legal source of commercially available Scottish wild salmon, a product much sought after by those tourists who frequent the premier hotels and restaurants”.

Social Aspects

17. It is also clear that we cannot lose sight of the social aspects of salmon netting. Each summer, we still have folk who come to our netting stations at Lunan Bay, Boddin and Usan near Montrose. Most are intrigued and interested in what we do and often we find ourselves taking time to educate the public on this ancient tradition. From time to time, we will also facilitate a trip round the nets by boat or tractor, if requested. Indeed, I was recently asked to do a presentation about salmon fishing to local primary school children. It was heart-warming to note their enthusiasm and genuine interest in the subject. Again, to deny them the opportunity to learn about a valuable part of Scottish history, still in operation today, would be a tragedy. It is also interesting to note that there has been an increased profile in relation to salmon netting recently, as a result of various television programmes and media articles. At a time when environmental aspects and healthy produce are so important in the food chain, I would contend that the role of net caught Scottish wild salmon was never more important.

A Constructive Way Forward

18. The issue of mixed stock fisheries and their impact is difficult to solve, given the limitations of current scientific sampling and analytical techniques. That said, it may be possible to introduce flexibility which could potentially help conserve this important species. Specifically, if there is concern over netting in the Spring, move the window of exploitation. Netsmen could potentially refrain from fishing in the Spring months in exchange for the right to fish until September 30th – similar to current season extension (to October 15th), in place in the Dee district.
19. FRS scientific data and other information support the fact that there is an abundant harvestable surplus in September. The current legislation under the Salmon Conservation (Scotland) measures allows for individuals with an interest in fishing, to make representations to the Scottish Ministers with regard to making regulations.

20. If such measures were introduced, this would demonstrate proactive fishery management, flexibility and the commitment of all parties towards protecting this valuable Scottish resource and ensuring the continuation of a sustainable fishery for future generations.

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