



RIVERS & FISHERIES TRUSTS OF SCOTLAND
Safeguarding Scotland's Rivers & Lochs

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Scottish Government
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Pentland House
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20 November 2008

Dear Sir / Madam

The Freshwater Fish Conservation (Prohibition on Fishing for Eels) (Scotland) Regulations 2008

Thank you for the opportunity to respond to the above consultation. The following response is provided on behalf of the Rivers and Fisheries Trusts of Scotland (RAFTS) whose 20 members work across over 90% of Scotland's freshwaters to protect and develop our native fish stocks and populations.

Our main points are set out below:

1. RAFTS supports of the proposal to prohibit the fishing for eels without a licence as a pragmatic conservation measure to be included in the Eel Management Plan being prepared by Fisheries Research Services (FRS) by 31 December 2008. We note, however, that the benefits of this measure are not quantified at this time and that, in the absence of any commercial eel fisheries in Scotland, the angling community is the one most likely to be affected by this prohibition.

While we agree that there may be no current commercial fisheries for eels in Scotland we also understand from our members that some semi-commercial fishing for eels does take place from time to time. Permissions to deploy fyke nets in lochs to catch eels have been recently requested from some of our members for example.

2. Given that anglers are the group most likely to be currently catching eels, either as a target species or as a by catch while targeting other species, it is essential that a programme of awareness raising is put in place to support this prohibition measure.





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Without such a programme we feel there will be at least two consequences:

- i. The prohibition measure will have no impact on eel conservation as anglers will be unaware of its existence and likely to continue existing practice; and
- ii. Anglers through their unwitting non-compliance with the prohibition measure will be committing an offence.

Regardless of whether there is an effective awareness raising programme in place or not it is essential that there is no offence in catching an eel while legitimately seeking to catch another species. For example while fishing for any species using a worm as bait it is perfectly possible to catch an eel.

3. RAFTS and its network of member fisheries and rivers trusts would be pleased to help or support any awareness raising activities the Scottish Government may wish to put in place to support compliance and enhance the effectiveness of the conservation measure.
4. In addition to the awareness raising issue identified above it may also be helpful to consider the development of guidance to anglers to identify best practice and support the increased return of eels upon capture. In some instances eels are considered to be an unwanted by-catch that are not treated appropriately when encountered. If the return of eels to the water of origin is desired then some anglers may need to be aware as to how to best handle, unhook and return the fish.
5. We look forward to the publication of the Eel Management Plan this year and to the measures it may contain in support of eel management and conservation. While we support the current proposal we find it slightly out of sequence to implement such a measure in advance of the plan itself and without a clear demonstration of the benefits of applying such a measure. We recognise, of course, the value to Ministers in having the ability to licence any future eel fisheries as part of an overall programme of management for the species.
6. RAFTS understand that the intention of FRS is to produce the Eel Management Plan while considering Scotland as a single river basin district. While we have no view as to whether this is a legitimate approach or not we would confirm that Scotland is part of two separate river basin districts (the Scotland and the Solway Tweed River Basin Districts (RBD)) as part of Water Framework Directive implementation. Therefore, we assume that the intention to produce a single Eel Management Plan has been considered and agreed with the Environment Agency who have responsibility for WFD implementation in England and Wales and have joint responsibilities with SEPA in the Solway Tweed RBD.

However, we understand that the Environment Agency is producing an Eel Management Plan for the Solway Tweed RBD. This includes the waters of the Tweed and all of the catchments in Dumfries and Galloway. We understand also that the Environment Agency have been in contact with our members in the Solway Tweed RBD to discuss this plan and their possible contributions to plan





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implementation. Given these activities it is clearly important that communication between FRS and the Environment Agency has taken, or will take, place to avoid replication, duplication and overlap of effort.

7. Finally the proposed regulation is to apply in Scotland. As part of this it would be helpful to receive clarification how or if this order is to apply to the English waters of the River Tweed.

I trust these comments are clear but should you require further information of clarification do contact me at any time.

Yours sincerely

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