

SANA OPINION

As requested by e:mail from Marine Scotland

TREATMENT OF TROUT

- IN LEGISLATION AND IN MANAGEMENT OF STOCKS

Background

Until comparatively recently, brown trout and sea trout were seen as distinct branches of evolutionary development. As a result, sea trout were distinguished in legislation, classified as migratory fish alongside salmon. The right to fish for them belongs with existing ownership titles and that right is protected in criminal law. Likewise, conservation measures and fishing seasons are the same as for salmon and within the management jurisdiction of District Salmon Fishery Boards, where present.

Modern thinking is quite different. Scientific advance has shown that, where access to the sea exists, brown trout and sea trout are not genetically different. It appears that the offspring of “brown” trout may, or may not, go to sea and return as sea trout. The same is true for offspring of “sea” trout. Indeed, noting that in many river systems most sea trout are female and most brown trout are male, we may safely assume that a single stock of trout are present.

In more technical terms, SANA believes that, in this context, the terms migratory and non-migratory are now proven to be unfit for purpose in official documents. We might use anadromous and non-anadromous components of trout populations, or sea-running and non-sea-running if “anadromous” is considered too difficult to communicate to a wider audience. *We expect that anglers will continue to use the terms brown trout and sea trout.*

We also note that these terms do not cover all forms of trout in Scotland. Silvery trout smolts and even apparent finnock that don't all get out to sea under some conditions (e.g. those that live in Loch Leven) and estuarine and inner sea loch trout or so-called slob trout confuse the picture further. However, external sea lice, internal parasites of marine origin, and various biochemical tests can identify trout that have visited sea water, if this has to be done for legal purposes.

Legislation

Given the commitment to freshwater fisheries legislation in the SNP manifesto and that party's formation of an albeit minority government, it appears likely that some, if not all, of the proposals being discussed in the context of the Wild Fisheries Reform will be presented to the Scottish Parliament as draft legislation. SANA agrees that there has to be better legal recognition of the multiple nature of our wild trout populations. However, that doesn't have

to mean that those that go to sea and those that don't should be treated in exactly the same way.

Our response on this part of the subject is that:

- The right to fish for trout that are sea-running/ anadromous should continue to be associated with salmon fishing rights.
- Conversely, riparian rights for trout fishing for non sea-running/ non-anadromous should continue.
- However, there must be management recognition that trout stocks should be optimised for the benefit for trout populations as a whole.

Management

In the context of the current proposals for reform of freshwater fisheries management, the formation of Fishery Management Organisations and a National Supervisory body within government, management of the trout resource as a whole looks a more likely proposition than might be achieved otherwise. Also, all fishing rights are proposed to have the same legal protection.

By having the same bodies responsible for stocks of all freshwater species, the terms migratory and non-migratory might be put safely to one side. It could be asserted, in any case, that there was little or no action by District Salmon Fishery Boards to improve trout populations, excepting such recent conservation measures by limiting rod catches. Therefore, the new structure should serve trout populations better.

Our further response is that:

- There is no need to distinguish between stocks of trout that are anadromous and non-anadromous for management purposes.
- However, there should be an appreciation that any conservation requirements must address all components of the trout population.
- Likewise, habitat management for stock enhancement must address the access needs of the anadromous component in the interests of trout populations as a whole and in their angling potential.

*R Craig Campbell
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