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14 March 2022

Dear Finlay,

Thank you for your letter on 3 February 2022 to Mairi McAllan MSP, Minister for Environment, Biodiversity and Land Reform and myself regarding the subordinate legislation discussed at the Committee's meetings on 26 January 2022 and 2 February 2022.

Ms McAllan will respond separately on **The Red Rocks and Longay Urgent Marine Conservation (No. 2) Order 2021 (SSI 2021/463)** as this is within her remit.

For my own portfolio, the Committee asked for information relating to the following negative instruments:

The Conservation of Salmon (Scotland) Amendment Regulations 2021 (SSI 2021/466)

Please see the detailed response in the annex to this letter.

The Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) (No. 3) Regulations 2021 (SSI 2021/493)

My officials are considering a number of points on this SSI and I will write separately on this in due course to address the comments raised.

The Private Storage Aid Scheme (Pigmeat) (Scotland) Amendment Regulations 2021 (SSI 2021/492)

You asked for clarification about why cuts of pork loin were not included in the scheme from the outset. Loins were not initially included in the PSA scheme due to the butchers shortage, which was considered to have a direct impact on the capacity for butchering loins to be incorporated in the scheme. After further assessment and following requests from our industry to include loins, we reassessed the situation and made the necessary amendments to the scheme.

I hope this information is helpful to the Committee.

Yours sincerely,



MAIRI GOUGEON

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The Conservation of Salmon (Scotland) Amendment Regulations 2021 (SSI 2021/466)

The public consultation on the proposals for the regulations took place between 11 August and 10 September 2021. The proposals were publicised in the press, social media and by mailshot to more than 1,500 stakeholder contacts.

As stated in the Policy Note accompanying the regulations, 18 individuals and organisations including angling clubs, district salmon fishery boards (DSFBs) and fishery owners responded to the invitation to comment. This is the lowest number of responses received to date on this annual consultation: down from 21 responses received last year and 39 responses in each of the previous two years.

Of the representations received, 4 respondents were supportive overall, 8 objected to the assessment methodology or proposed gradings, and the remainder had no or mixed views, or wished to discuss related issues rather than the gradings proposals directly. Several of those responding had done so in previous years and broadly repeated their earlier views on the assessment or sought to claim special circumstances for their particular river, but did not raise any significant new issues.

The majority of the responses (16) referred to the assessment methodology or questioned the figures used in the calculations. Of these several (7) asked for clarification or further information about the data and model used in their area. Five of those responding questioned the assessment model itself or raised concerns about the way in which the assessment had been adjusted to take account of Covid restrictions on angling.

Other recurring issues or themes raised included a number of people commenting on issues relating to predation by seals (2) or piscivorous birds (2); questioning whether the statutory catch returns made by fisheries are accurate or complete, leading to lower grades than expected (8); and broader impacts such poaching, falling membership of angling clubs and reduced fishing effort leading to under reporting of fish. Several correspondents raised issues which, although not directly related to the conservation regulations, addressed concerns around the wider pressures on wild Atlantic salmon, such as climate change impacts (2).

Officials responded to each of those making representations with the aim of resolving misunderstandings or answering the questions raised by correspondents wherever possible. As a result of these exchanges, the proposed gradings of the Rivers Ness and Moriston were raised (from Grade 2 to Grade 1). We also gave careful consideration to representations made in respect of the Rivers Lochy and Alness, but concluded that the cases made did not alter our proposals and both are assessed at Grade 3 for the coming season.

We also received correspondence from the Salmon Net Fishing Association of Scotland (SNFAS) asking us to undertake a new, and annually recurring assessment of salmon in coastal waters, with a view to lifting the prohibition on coastal netting. We responded to their points in detail, pointing to the continuing downturn in the conservation status of salmon, the long-term compensation arrangements agreed with their members, and more widely the steps we are taking to address a range of pressures on Atlantic salmon including the publication of our wild salmon strategy in January of this year. However, we remain committed to maintaining the current prohibition on retaining Atlantic salmon caught in coastal waters.

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I have noted your comment that this detailed information is not currently available on the Scottish Government website. Officials are, however, revising our web pages relating to Atlantic salmon and, with the finalisation of the salmon conservation regulations, this review can now be completed.

On the Committee's second point about the Policy Note we have, as in previous years, endeavoured to focus the Policy Note on the broad background to the need for the salmon conservation regulations, the means by which we consult interested parties and the broad outcomes of that consultative process. The regulations themselves, particularly in the schedules, set out the detail of the assessment areas and those areas where we consider that any Atlantic salmon should not be retained.

The river grading system is essentially a management tool which enables us to conduct and publish our detailed annual assessment and arrive at the decisions as to those areas where salmon may be retained (Grade 1 and 2) or not (Grade 3). The assessment process and the gradings themselves, however, are not set out in legislation and do not form any part of the regulations.

For this reason we have not, historically, set out that detail in the Policy Note. Instead, we have provided this information on the annual consultation web page: the most recent consultation can be found at [Salmon fishing: proposed river gradings for 2022 season - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/consultations/2022/salmon-fishing-proposed-river-gradings-for-2022-season/consultation-page).

I am sorry that the Committee did not find this approach helpful and we will consider what might be done to improve the position for the next set of regulations.

