



8th November 2010

Fergus Cochrane
Clerk to the Committee
Public Petitions Committee
The Scottish Parliament
Edinburgh EH99 1SP

Dear Mr Cochrane

Thank you for your correspondence concerning Public Petition PE 1336.

The Salmon & Trout Association (S&TA) would like to respond to the Minister's letter to the Clerk to the Public Petitions Committee of 1st October 2010.

As with the Minister's initial reply, the S&TA has been unable to limit this to three pages and apologises to the Committee for the slightly longer response.

The S&TA does not intend to respond to the Scottish Salmon Producers' Organisation (SSPO) response, firstly to limit the length of this letter and secondly because, given the intractable and entrenched nature of the SSPO response, there appears to be little merit in so doing. In the S&TA's view, progress, if it can be made, will be made with the Minister.

In this letter, particular requests are highlighted in **BOLD** typeface.

It is welcome that the Minister recognises that the wild salmon and sea trout stocks of Scotland represent a major contribution to the economic and social wellbeing of Scotland's people, quite apart from their intrinsic value as critical elements of Scotland's wide biodiversity.

The Minister describes the difficulties that salmon and sea trout have experienced at sea in terms of marine survival. It is worth noting that marine survival of salmonids can be significantly affected, as numerous scientific reports, including by Marine Scotland and its predecessor, the Fisheries Research Service, have shown, by the infestation of departing smolts with sealice emanating in vast quantities from caged salmon farms situated on the west coast of Scotland.

It is welcome that the Minister recognises the difference in the decline of sea trout on the west coast when compared with the lack of a similar decline on the east coast. This is something that the aquaculture industry itself appears reluctant to accept.

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There is only one major and obvious difference between the threats posed on the east and west coasts of Scotland to sea-trout; that being the absence on the east coast of the salmon aquaculture industry. **Does the Minister accept this?**

Fisheries scientists will often refer to the sea trout as the “canary” of any Scottish river system. A decline in sea trout is an early warning of the harm being caused to that system. The appalling damage caused to sea trout populations on the west coast over the last two decades, which has coincided with the expansion from zero of the caged salmon farm industry, should be a sufficient wake-up call.

While the Minister suggests that “the reasons for this decline are not clear,” the overwhelming trend in all the fisheries science being published across the world is that salmon aquaculture has a detrimental effect on wild salmonid fisheries. The important point to note, and this cannot be emphasised enough, is that science has already produced sufficient evidence – as shown by the recent S&TA review of 137 peer reviewed papers on the relevant issues - upon which politicians and policy makers should now be expected to act. Put another way, there is absolutely no evidence in the scientific journals to suggest that any reputable fisheries scientists believe that sealice emanating from salmon farms are not a problem. The scientific literature is flowing in one direction only. **S&TA would welcome recognition from the Minister that sufficient science is already available upon which to act to protect wild salmonids.**

The Minister addresses each of the questions posed in turn.

1.

It is, of course, welcome that the east coast moratorium exists and protects the east coast rivers listed by the Minister. However, the Minister and certainly her scientists are aware that salmon populations are not homogenous and that west coast rivers will hold, and indeed have been shown to hold, genetically distinct populations of salmon that are not found elsewhere. The woefully low number of Special Areas of Conservation (SACs) for Atlantic salmon on the west coast remains a major concern to wild fish interests and, while the Minister lists four SACs, she will be well aware that only two, the Little Gruinard SAC and the Grimersta / Langavat SAC, are found within the area of activity of the salmon aquaculture industry.

In the past, over 50 west coast rivers have been put forward as priorities for conservation¹. The Minister will be aware that the Scottish Government has set its face firmly and, in the S&TA’s view, unlawfully against the further designation of any SACs on the west coast of Scotland. The blanket policy against further designation of SACs on the west coast is contrary to the requirements of the Habitats Directive and this matter has been drawn to the attention of the European Commission. **Does the Minister believe the policy against the designation of further west coast SACs for Atlantic salmon is lawful?**

The Minister points to the differing ways in which the smolt production side of the industry emerged in Norway and in Scotland. With respect, the origins of the industry are largely irrelevant to the impacts that that industry causes. Whether or not the industry

¹ Butler JRA and J Watt (2003) Assessing and Managing the Impacts of Marine Salmon Farms on Wild Atlantic Salmon in Western Scotland: Identifying Priority Rivers for Conservation; in “Salmon on the Edge” (ed D Mills), pp 119 – 128, Blackwell, Oxford.

could move to freshwater smolt farming in closed containment is also clearly not an issue as more than 50% of the current Scottish production of smolts occurs in such closed containment. It appears the Minister, in stating that Scotland lacks the infrastructure resource required, has been misinformed.

2. The Minister's responses to the Petitioner's Requests

- i) The Minister's dismissal of closed containment is regrettable, as clearly long-term research and development is required to move the industry towards closed containment which, the Minister will understand, works perfectly adequately for a number of other fish species that are farmed around the world. The Minister's judgment that "moving to closed containment would be disproportionate" merely reflects the entrenched position the Scottish Government has adopted with respect to the salmon farming industry in Scotland, that existing marine cage farming is here to stay and will be protected politically, come what may.
- ii) The Minister's comments in relation to the precautionary principle, and its application on the east and north coast of Scotland where the presumption against finfish aquaculture exists, illustrates that the Scottish Government has decided that the application of the precautionary principle on the west coast of Scotland can be ignored. In essence, the Scottish Government has decided that west coast salmon fisheries are to be considered 'sacrificial'. **In the context of wild fish conservation, does the precautionary principle apply to the west coast and east coast rivers equally?**

While local authorities do hold responsibility for determining planning for new fish farms, the Minister ought to be aware that proposals for farms begun under the old system under the authority of the Crown Estate indeed remain with the Crown Estate, including a number of controversial sites which wild fish interests are keen should not be developed for salmon aquaculture.

- iii) The Minister describes work relating to sealice dispersal models carried out by Marine Scotland's scientists. Without massive funding, there is no prospect of the development, within any reasonable timescale or cost, of such sealice dispersal models for all the loch systems where an interaction between farmed fish and wild fish could be expected. The Minister can only point to a single loch system where such a model has been developed and can only point to two further loch systems where models are either in development or being contemplated. **Does the Minister recognise that that is a completely inadequate approach to the issue and does not enjoy the support of the S&TA, the District Salmon Fishery Boards or other significant players in the wild fish sector?**
- iv) Although the Minister points out that the S&TA has not suggested how a list of ecologically or economically sensitive sites should be drawn up, with the presumption that the aquaculture industry is sited elsewhere, the Minister has failed to understand that the duty or responsibility for wild fish rests with the Scottish Government itself. It cannot abdicate its responsibilities for the protection of wild fish on the west coast of Scotland, relying instead upon wild fish interests to develop such a list.

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Nevertheless, the Minister should be aware that wild fish interests are considering drawing up such a list and welcome the commitment from the Minister that such a list can be fed into the marine planning process for consideration by all relevant authorities. If the Minister really does offer to support the production of such a list of sensitive sites, then progress can be made, but wild fish interests would not react well to abuse of such a list or inadequate geographical protection, in terms of the no-go distances then set for aquaculture, if such were applied to the list in the future by relevant authorities.

- v) The Minister appears to be setting her face against any relocation which runs counter to the Scottish Government's existing policy to promote relocation where there is agreement between wild fish and farmed fish interests. In 2006, the Scottish Government expended some money on producing a strategic environmental assessment of relocation and, although that document was far from adequate and did not in any sense deal with the substantial relocation the wild fish interests envisage, it nevertheless did provide a recognition from within the Scottish Government that relocation is desirable, even in the absence of evidence beyond all reasonable doubt.

The Minister seems also to misunderstand the way in which relocation could occur when she describes that a farmer would be required to apply for replacement sites in the normal way. Relocation of production capacity need not require a new site to be established, nor need it necessarily require a like-for-like replacement of infrastructure.

- vi) The Minister appears to criticise the S&TA's petition in that it does not set out the extent to which factors other than salmon farming impact upon populations of wild salmon and sea trout. With respect, the S&TA has published numerous documents and has supported a vast amount of work into all sorts of other impacts upon salmon populations and sea trout populations in the wild.

To suggest that there is no consideration of the proportionality of the request made by the S&TA that no new sites should be permitted in sensitive areas, is disingenuous in the very least.

While the Minister appears to suggest that stronger national controls are required for angling effort in sensitive areas, the S&TA would merely point out that since 2010, the Association has been a charity registered in Scotland concerned with wild fish conservation and does not promote angling per se. Rather, the S&TA deals with the management, conservation and preservation of wild fish populations. The implied criticism of the S&TA's position by reference to angling effort is therefore misplaced.

- vii) The Minister is able, through guidance, to recommend that full Environmental Impact Assessments are carried out for all fish farm applications (new farms and expansions). Given the level of controversy and the one way flow of scientific research suggesting that salmon aquaculture causes a problem for wild fish, it would be surprising if the Minister felt unable to indicate in

guidance that Environmental Impact Assessment should, as the norm, apply to all finfish aquaculture applications. Indeed, the S&TA would welcome the Minister making such an announcement forthwith in order to demonstrate that she does indeed take seriously the representations that have been made over many years by the S&TA and others such as the District Salmon Fishery Boards. **Will the Minister issue such Guidance?**

- viii) This has been dealt with above.
- ix) The development of robust strains of triploid salmon to prevent the genetic introgression of farmed fish into wild populations is a method of dealing with that aspect of the interaction with wild fish only. The Minister, of course, will know that triploid salmon still get sealice and those sealice still release juvenile sealice into the water column in vast quantities. Triploid salmon are, therefore, no solution at this stage to the issue of sea lice.

In relation to the work of the containment working group, the S&TA would merely point out that the record of the industry to date on escapes has been poor and that the provision of an industry standard for engineering on Scottish salmon farms lags far behind a similar requirement that has existed in Norway for some time.

The Minister's Responses to the Petitioner's Questions

Question A

The Minister places great store in the various working groups consisting of representatives of both wild fish sectors and the salmon farming industry. The Minister would be wise to note the increasingly sceptical view of such working groups held by the wild fish sector. Whether working groups or the Tripartite Working Group itself, wild fish interests are exasperated by what appears to be the lack of progress and the lack of translation of warm words into concrete action. The Minister should not take for granted the willingness of the wild fish sector to continue to participate in such voluntary arrangements without those arrangements demonstrating clearly that some success in controlling the impact of the aquaculture industry on wild fish will result.

The reference to Farm Management Agreements raises a case in point. The Minister talked about a statutory requirement for fish farmers to enter into such agreements that encourage synchronization in stocking, fallowing, bio-security and other management practices. Wild fish interests, including the S&TA, would merely observe that synchronization of stocking, fallowing and bio-security should be mandatory, as should information sharing on such issues as sealice numbers and treatment dates. Voluntary participation of the industry has been shown to fail across a number of areas under the current Area Management Agreements, and can no longer be relied upon to protect wild fish stocks.

Through its legal advisers, the S&TA offers to bring forward proposed draft regulations for consideration by the Minister to deal with this point. **Would the Minister undertake to consider such draft regulations?**

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If the industry really does show what the Minister says is the “desire to ensure that its own management challenges with respect to escapes and sealice are addressed,” then there should be no real opposition to such regulation from the industry.

Question B

See the comments above in relation to the farming of smolts in open cage systems in freshwater in Scotland.

Question C

While the S&TA has no particular view on the nationality of the operators concerned in the salmon farming industry in Scotland, it does object to the operation by fish farm companies in Scotland under less stringent regulatory regimes that exist elsewhere in the world. With respect, it is inconceivable that the Minister can consider the Scottish regulatory system as comparable to that operating in Norway or on the other side of the Atlantic.

Finally, the Minister responds to the outstanding questions raised by the S&TA.

3, 4, 5 - the S&TA has no further comment

6. In relation to the application of the regulatory system under the 2007 Act, the Minister fails to recognise that the taking of samples from farms following a suspected escape can, using genetics, lead to the quick identification of the farm concerned. That there is any suggestion that further discussions with the industry are required, merely illustrates the presumption within the Scottish Government in favour of the industry over wild fish interests. **Will the Minister consider appointing District Salmon Fishery Boards as ‘inspectors’ pursuant to the Aquaculture Act 2007 and the Board’s powers and duties under the Salmon and Freshwater (Consolidation)(Scotland) Act 2003 for the purposes of allowing their staff to take such samples in the event of suspected escapes?**

7. The S&TA has already requested information from Marine Scotland Science concerning the audit and inspection regime under the 2007 Act and its review. The S&TA is alarmed that audits of farms ceased during the review period and have not been conducted at all between April 2010 and the date of the Minister’s letter. **The S&TA would ask the Minister to indicate when such audits will resume and in what format.**

The S&TA would like to thank the Petitions Committee for their on-going interest in this matter and stands ready to assist the Committee further as required.

Yours sincerely

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