

PE1336/I

26th January 2011

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

Dear Mr Cochrane,

Re: Petition No 1336

The Salmon & Trout Association wishes to respond to the letter from the Minister dated 17 December 2010.

Using the numbered paragraphs in the Minister's letter as a basis for a response;

1. The Minister highlights different factors at play on both the east and west coast as a reason why the steeper decline in sea trout populations on the west coast may be influenced by factors other than the aquaculture industry.

Unfortunately, the geographical and hydrographical features of the east coast, which indeed are markedly different from those on the west coast, have not changed during the period in which the aquaculture industry has been operating. It is nonsensical to suggest that the disproportionate decline in sea-trout on the west coast is therefore attributable to factors that have remained constant on both coasts before and after the arrival of the aquaculture industry.

The Minister should compare her position to that of the Directorate for Nature Conservation in Norway, which is unequivocal in its view that the salmon aquaculture industry has damaged Norwegian sea trout populations.

Will the Minister refine her view of the likely or probable causes of the disproportionate decline of west coast sea-trout populations ?

2. The Minister is invited to consider the position in Norway with respect to sea-lice, where 2009 and 2010 have seen huge problems on farms with sea-lice and reports from the farmers of both single and multiple resistance to anti-sea-lice treatments used in Norway. Resistance has increased dramatically over a very short period.. The sea-lice treatments used in Scotland are broadly the same as in Norway. The Norwegian Food Safety Authority (Mattisylnet), the Norwegian Directorate of Nature Management and the National Veterinary Institute, all of which are either government bodies or professional advisers to the Norwegian Government, recognise that the sea-lice control on Norwegian farms is inadequate and indeed that the sea-lice problems on the farms are out of control

Inspection Reports obtained by the S&TA under the Environmental Information (Scotland) Regulations 2004 already reveal that farmers in Scotland are reporting that treatments do not work as well as they used to and that lice are not being cleared, although, unlike in Norway, no mandatory

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and co-ordinated recording of such tolerance or resistance to sea lice is being undertaken by the UK Government, Scottish Government or any governmental agencies.

What precautionary plans does the Minister have to cope with multiple-resistant sea-lice in Scottish aquaculture as such lice spread ?

On-farm sea-lice count data from any Norwegian farm is available to the general public pursuant to the Norwegian Environmental Information Act (Act of 9 May 2003 No 31). This contrasts dramatically with the situation in Scotland, where such data is considered commercially confidential and is therefore unavailable to wild fish interests.

Will the Minister require all Scottish fish farms to publish raw, un-aggregated farmed fish sea-lice count data ?

The significant lack of transparency within Scotland contributes to the difficulties in accurate assessment of the extent of the sea-lice problem in the fish farming industry but, nevertheless, it is quite clear from inspection reports seen by the S&TA that many farms are failing to meet the industry's own Code of Good Practice lice targets. Indeed, Marine Scotland Science staff suggest that the industry in Scotland may well already have reached or exceeded its maximum sustainable level.

What environmental studies or research has the Minister considered that will allow both for the sea-lice problem to be contained and for the doubling of the Scottish aquaculture industry as envisaged by the recent farmed salmon trade deal with China ?

3. The Minister has misapplied the Habitats Directive.

Article 11 of the Directive requires Member States to undertake surveillance of the conservation status of the natural habitats and species referred to in Article 2 of the Directive. Further, Article 4(1) requires Member States to propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.

Therefore, the Minister's apparent conclusion that the list of Atlantic salmon SACs in the UK is complete, is unlawful. The Directive does not envisage any such list ever to be complete, but always remaining open and subject to surveillance under Article 11.

Clearly, since the designation of SACs in Scotland for Atlantic salmon and, indeed, the meetings referred to in 1999 and 2002 by the Minister, surveillance of Atlantic salmon populations on the west coast of Scotland has revealed them to be under more significant threat, and the genetic diversity therein requiring of greater protection than was considered at the time that the initial list of sites for designation was drawn up. Knowledge of the impact of the aquaculture industry on wild Atlantic salmon on the west coast of Scotland has grown and, as can be seen in Norway, doubts are being expressed about the overall sustainability of the industry being conducted in close proximity to wild salmonid populations.

The Salmon & Trout Association would therefore ask the Minister, again, whether and / or when she will consider further designation of west coast SACs for Atlantic salmon as required by the Habitats Directive.

4. The Minister's answer is simply illogical.

The risks from salmon aquaculture are well-documented and therefore the decision, for whatever alleged reason, to refuse the industry permission to operate on the east coast of Scotland is clearly more precautionary than the approach which has demonstrably caused damage on the west coast.

5. It is the practical reality of this approach which concerns the S&TA. The approach does not seem to be realistic. Another view would be that this approach merely operates to buy the industry time and deflect criticism without fundamentally altering how or where the industry farms.

In relation to the modelling of coastal hydro-dynamics and sea-lice dispersal which the Minister describes as a high priority, is she able to indicate the timetables for the production of such models in all sea lochs on the west coast of Scotland associated with salmon aquaculture and, further, could she indicate the source of funding for this undoubtedly expensive work?

6. There is no legal impediment to the Minister adopting a general policy towards aquaculture to the effect that Environmental Impact Assessment would normally be required for any new farms or expansion of existing farms. Given the contentious nature of all aquaculture developments, full environmental assessment would be indicated.

Will the Minister reconsider her position ?

7. There is a statutory requirement for regional co-ordinated sea-lice treatment on all Norwegian salmon farms, requiring all farms in a large geographical region to treat for lice synchronously, particularly in advance of wild fish migration period, to reduce sea-lice levels on farmed fish to levels well below those currently indicated in the Scottish industry's Code of Good Practice.

Will the Minister consider urgently bringing forward Regulations requiring mandatory coordinated sea-lice treatment across Scottish farms ?

8. The Minister suggests that genetic methods will be used when suitable samples are obtained from farms in Scotland. The Aquaculture Act 2007 clearly gives inspectors powers to take such samples from farms and yet where District Salmon Fishery Boards and trusts have requested such samples are taken from fish farm operations, these requests have been refused.

Without such samples being taken, to allow genetic typing of escaped fish and for those fish to be traced to particular farms, the escapes issue will not be addressed.

The Minister's lack of intention to appoint District Salmon Fishery Boards as inspectors to take such samples is, in itself, revealing.

Will the Minister now require, as a matter of routine, the taking of such samples in the event of actual or suspected escapes of farmed fish by Marine Science Scotland and the making of the results of such sampling available to all interested parties, pursuant to European law on access to environmental information?

In conclusion, the Minister appears to be almost entirely and misguidedly defensive of the industry. This contrasts dramatically to the attitude shown by the Norwegian Government in relation to its industry. Recent reports from Norway that the Head of the Directorate for Nature Management (roughly equivalent to Scottish Nature Heritage in its structure and role) has suggested that a 50% reduction in the industry may be required in Norway to protect its wild fish. Further, the public statements of both the Norwegian Minister of Environment and Norwegian Minister of Fisheries last week take a much tougher line with the industry than that taken by the Scottish Government.

The S&TA would urge the Public Petitions Committee to keep this petition open, as the Minister has failed, across the board, to deal with many of the points raised by the S&TA. Particularly in view of the purported imminent expansion of the industry in Scotland, these questions need early and renewed Parliamentary attention.

Yours sincerely,

Guy Linley-Adams, Solicitor to S&TA Aquaculture Campaign