Written submission from Animal Concern and the Save Our Seals Fund

This submission is made on behalf of the pressure group Animal Concern and the charity Save Our Seals Fund. We give permission for the Parliament to publish and distribute this submission as it sees fit.

We are extremely concerned that the proposed Aquaculture and Fisheries (Scotland) Act will not do nearly enough to protect the already over-exploited fish stocks targeted by the Scottish fishing fleets. From our reading of the Bill it will also continue to allow pollution, environmental damage and persecution of native wildlife by fishery and aquacultural interests.

Forgive me for taking up your time but I think it is important that I outline why I have concerns about how the Scottish Government intends to govern the fishing and aquaculture industries.

Over recent years we have been dismayed to see various Scottish Government Ministers, including the First Minister and more than one holder of the office of Cabinet Secretary for Rural Affairs and the Environment, spend an inordinate amount of time promoting commercial fishing and aquaculture and very little time addressing the perhaps terminal decline of over-exploited fish stocks and the damage done to the aquatic environment, both marine and freshwater, by industrial scale intensive fish farming.

It has been galling to see our First Minister participating in numerous promotional photo calls at north-east fishing ports and our Cabinet Secretary for Rural Affairs and the Environment lobbying at the E.U. for increased catch quotas for a fishing industry which in the last two years has seen a steady stream of Scottish skippers, many of whom were once industry leaders and spokesmen for different sectors of the Scottish fishing fleet, being convicted for their part in two of the largest and most lucrative organised crime syndicates ever to have operated in the United Kingdom. Not only did these skippers make over a hundred million pounds in illegal earnings, they systematically and knowingly broke fishery conservation quotas by tens of millions of tonnes of fish. Instead of protecting our marine environment our Cabinet Secretary for the Environment has been more active on behalf of an industry which has deliberately caused what may well be irreparable damage to that environment.

On June 7th 2012 a Government circular issued by Marine Scotland gave a link to a speech made by Alex Salmond to congratulate Marine Harvest on their huge expansion plans for salmon farming in Scotland. In his speech Mr. Salmond referred to “a vibrant, sustainable salmon farming industry”.

In a press statement issued on 15th November 2012 the current Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead MSP, speaking from Shanghai where he was on a trade mission with Seafood Scotland, Scottish Quality Salmon and the Scottish Salmon Producers’ Organisation, welcomed the winning of a new contract to promote Scottish farmed salmon and wild-caught langoustine by stating; “…… our seafood is fresh, healthy and sustainably sourced……”.
In October 2012 Richard Lochhead wrote to another Government Minister on the subject of salmon farms and seal killing. In his letter he stated; “The non-lethal measure that is generally accepted to be most effective against seals is tensioned nets, which although designed to keep fish contained also help to keep seals out. Almost all fish farms seeking a seal licence have such nets installed.”

This statement indicates that the Cabinet Secretary has a lack of basic knowledge of the subject, or perhaps to be more accurate, has received very poor advice from his advisors. The nets he is describing are current industry standard cage nets and do not give farmed salmon the protection from predators they are legally entitled to under the Animal Health & Welfare (Scotland) Act 2006.

Later in the same letter Mr. Lochhead claims that a fifth of salmon farms applying for licences to shoot seals “use anti-predator nets”. That statement is untrue and Mr. Lochhead should know that. At the beginning of the year I submitted an FOI request asking how many salmon farms applying for licences to shoot seals used predator exclusion nets. Marine Scotland later revealed that 20% of the farms had anti-predator nets. However, on September 10th 2012, in response to an FOI response review, wrote to wrote to contained this information; “A total of 13% of fish farms actively use anti-predator nets and a further 7% have anti-predator nets in storage.”

In other words 20% of the farms may own the nets but only 13% use them.

Given the current situation where only 13% of salmon farms are using predator exclusion nets it is totally misleading for Government representatives and others to claim that the shooting of seals is only permitted and carried out as a last resort.

It has also emerged from correspondence with Marine Scotland that the Scottish Governments knowledge of anti-predator nets is mainly based on what they have been told about them by the salmon farming industry.

It greatly concerns us that the First Minister and his Cabinet Secretary for Rural Affairs and the Environment are both making extremely misleading statements regarding salmon farming. As far as we are aware there is no such thing as a sustainable salmon farming industry anywhere in the world. You still have to catch anything up to four tonnes of wild fish to produce each tonne of farmed product. Just because the species of wild fish which are turned into food pellets are often not fish which would be caught for direct human consumption does not make this sustainable. Industrial fishing to produce food pellets for salmon disrupts the marine food chain and may be hastening the dramatic decline of many marine species.

We are also extremely worried at the additional damage which could be caused by the massive increase in salmon farming in Scotland to exploit the new market in China. Our politicians have been pushing the industry into the Chinese market without a thought to the damage the current massive and rapid expansion of salmon farming will cause to our marine ecosystem and the creatures which inhabit it.
Doubling or trebling salmon output will result in greatly increased problems with sea lice, increased use of toxic pesticides and a multiplication of the levels of faecal and other effluent from the fish cages. We could poison our sea lochs for the sake of a couple of years profit and then see the industry collapse when the Chinese Government, which stopped buying salmon from Norway after Norway awarded the 2010 Nobel Peace Prize to Chinese dissident Liu Xiaobo, either start producing their own salmon or realising that most salmon farms in Scotland are owned by Norwegians and take their business elsewhere.

In many areas of Scotland seal numbers are in decline. Issuing Government licenses to shoot seals is ludicrous, especially when, in the case of salmon farming, such shooting is carried out mainly for economic reasons. Our Government refuses to insist that salmon farmers use external predator exclusion nets to keep seals away from the inner cage nets holding the salmon.

The main reason for not insisting on the use of these nets is because salmon farmers say they entangle and drown seals and other wildlife and become clogged with weed thus reducing water and oxygen flow through the inner cage nets. This is indeed the case if exclusion nets are not designed and installed properly and regularly cleaned and maintained. In the past it was alleged that some salmon farmers deliberately set loose predator “exclusion” nets to entangle and drown seals. A forthcoming court case may prove such deliberate drowning of seals is not confined to the past.

The fact of the matter is that it costs a lot of money to install and maintain predator exclusion nets and farm owners would have to invest some of their profits and create some new long-term jobs to do this properly.

It should also be noted that the main reason for giving salmon farmers licences to shoot seals is to meet their legal requirement under the Animal Health & Welfare (Scotland) Act 2006 to protect their stock from the attention of predators. The 2006 Act does not simply require that salmon farmers protect their fish from physical injury from seal attacks but also from the fear, stress and suffering caused by seals getting close enough to panic the fish. This quite simply cannot be achieved by shooting as, unless you can find a marksman who can shoot in adverse weather conditions including fog and mist, it is impossible to shoot every seal that gets close to the cage nets.

When it comes to protecting salmon from harassment by seals the Government seal shooting licences are not fit for purpose. The only way a marine salmon farmer can meet his or her legal obligations under the Animal Health & Welfare (Scotland) Act 2006 is to install and maintain high-strength, high-tension predator exclusion nets at a distance from the cage nets which prevents seals presenting even a visual threat to the salmon.

Acoustic Deterrent Devices are routinely used at many salmon farms. A manager of a farm situated close to a known common seal haul-out site informed me that he ran his ADDs “24/7”. This is not use but abuse of acoustic scarers and can result in denying seals access to traditional haul-out, breeding and feeding sites which they have used for tens of thousands of years.
The adverse effect acoustic scaring devices can have on cetaceans in Scottish waters is largely unknown but common sense would suggest they are not good news for animals which rely on sonar and sonic communication over large distances. In the last two or three years there have been several cases of large pods of cetaceans becoming disorientated, with some being stranded, in areas with numbers of salmon farms.

If there is to be a fishing and aquaculture industry in Scotland in the long term then any Aquaculture and Fisheries Act needs to be designed to stop the suicidal decline of a sector which seems determined to put itself out of business. All commercial fishing efforts need to be restricted and capped at levels which allow fish stocks to recover and reach and maintain sustainable levels. This may well include setting limitations on the size and number of vessels in the fleet and the compulsory introduction of fishing gear which avoids by-catch and sea bed damage.

For decades we have promoted the idea of confiscating the vessels of skippers convicted of black fish landings, draining them of fuel, stripping them of anything toxic and giving them to the navy or air force for target practise. Sunk in a suitable area they would provide an artificial reef where trawling would be impossible and fish could breed undisturbed. Even without the benefit of an artificial reef, extensive no-fishing zones would be an excellent conservation measure and, if possible, should be provided for in any new legislation.

Commercial netting of wild salmon should be brought to a complete end. Apart from the damage done to wild salmon and seatrout stocks, salmon netsmen take a considerable toll in seals which they continue to shoot under Government Licence. No salmon farm should be allowed to operate without installing and maintaining high-strength, high-tension predator exclusion nets at a distance from the cage nets which prevents seals presenting even a visual threat to the salmon. The use of ADDs should be greatly restricted to minimise the adverse effect they have on a variety of marine mammals.

Ideally the proposed Aquaculture and Fisheries (Scotland) Act should set out high minimum standards for all forms of aquaculture to minimise or eliminate any adverse environmental effects. These standards should address the fashion for making marine farms as unobtrusive as possible to avoid visual impact. If it is necessary to protect wildlife and/or aid safe navigation then fish farms should be compelled to employ highly visual safety equipment including bright, day-glo top nets to stop birds becoming entangled.

No salmon farm should be allowed within 3 miles of the mouth of any river which has runs of seatrout and wild salmon. Salmon farms should not be permitted within 3 miles of known seal haul-out sites and known sites used by breeding colonies.

Prior to the creation of an Aquaculture and Fisheries (Scotland) Act work needs to be done to pull together existing research to help fully evaluate the current and predicted impact of aquaculture and commercial fishing on the marine ecosystem. If that research causes a delay in creating the new Act then it would be worth waiting a bit longer in the hope of producing better legislation.
In the meantime the Scottish Government should introduce a total and immediate halt to the expansion of salmon farming at least until a full assessment has been made of the environmental consequences of any expansion.

There should be environmental impact studies on all forms of aquaculture, including shellfish farming, to see what impact they have on the marine environment and the creatures which inhabit that environment. In particular it should be ascertained what impact predator control methods have on mammals and birds at fresh water smolt farms and marine salmon and mussel farms.

It is also vital that the Scottish Government drop the naive practise of taking and acting on the word of the fishing and aquaculture industries. It is ludicrous to simply accept it as fact when a fish farmer says predator exclusion nets don’t work or that they only shot X number of seals over a given period or that only a certain number of morts occurred on the farm or a certain quantity of pesticide was used over a certain period. These farms should be given a set standard of predator exclusion net to install and maintain, be subject to unannounced visits and externally audited to see how many bullets and how many barrels of pesticide they buy and use. Stock levels should be monitored and the number of morts and the methods of disposal monitored.

As for the commercial fishing industry we suggest following the maxim of taking fishermen’s tales with a large pinch of salt – the Scottish black fish scandals made the MPs expenses fiasco look like a petty cash error.

We hope that the time is taken to draft an Aquaculture and Fisheries (Scotland) Act which is fit for purpose and provides for the control and policing of industries which, without strong external intervention, will not only bring about their own demise but lay waste much of our marine ecosystem in the process.