



T: 0300 244 4000

E: scottish.ministers@gov.scot

Graeme Dey MSP

Convenor

Environment, Climate Change and Land Reform

Committee

Room T3.40

The Scottish Parliament

EDINBURGH

EH99 1SP

18 January 2017

Dear Graeme,

### **The Conservation of Salmon (Scotland) Amendment Regulations 2016 (SSI 2016/392)**

Thank you for your letter received on 21 December with follow up questions relating to the above Statutory Instrument on salmon conservation. Taking each of your questions in turn:

#### Status of infraction proceedings

1. I can confirm that in June 2016 we received notification of the European Commission's intention to close infraction proceedings following the introduction of the Conservation of Salmon (Scotland) Regulations 2016 on 31 March 2016.

#### Assessing impacts

2. Scotland's regulatory framework already considers the impact of aquaculture (including salmon farms) on wild fisheries - balancing growing the sector with protecting the marine environment on which aquaculture and wild fish sectors depend and to ensure both sectors – and their interactions – are managed effectively to maximise their combined contribution to supporting sustainable growth.

Alongside existing regulatory controls including Environmental Impact Assessment, Scotland's National Marine Plan (NMP) provides a framework which aims to minimise and mitigate the environmental impacts of developments through, among other things, appropriate siting of farms in relation to protected species and wider biodiversity interests. The NMP also maintains the continuing presumption against further marine finfish farm developments on the north and east coasts to help safeguard migratory fish species. Marine and freshwater fish farms are authorised by local authorities who will give regard to the NMP when considering applications. Prior to determining an application, the local authority will conduct a detailed assessment of the potential impacts of the proposal on the environment, including wild salmonids, and will seek advice from statutory consultees (including SEPA, SNH, the local district salmon fishery board and Marine Scotland). Once in operation, fish

farming businesses are authorised by Marine Scotland under the Aquatic Animal Health (Scotland) Regulations 2009, and inspected regularly for disease control, containment measures and sea lice management. They also require a consent from SEPA who conduct a programme of monitoring and evaluation of the use of medicines at each fish farm, ensuring that consent conditions are not breached.

As acknowledged in information provided previously by Marine Scotland, most recently Mr Ewing's latest response to the Rural Economy and Connectivity Committee on protecting wild salmonids from sea lice from Scottish salmon farms (PE 1598), Marine Scotland is conducting a 10-year programme of research looking at the interactions and effects of sea lice on wild salmon. The Scottish Aquaculture Research Forum funded project which you reference forms part of this programme of research and will compare the numbers and condition of returning salmon, half of which have been treated with a sea lice chemical. This will enable us to better understand the risk posed to wild salmon, which is dependent upon knowledge of the impact of different lice loads on salmon at both the individual and population level. The wider project consists of two avenues of research; to generate information on interactions and impacts of aquacultured origin sea lice on wild salmon populations; and to develop principles and tools which can help improve management of sea lice on farms and reduce levels in the environment.

In addition to the current science-led work, designed to better quantify and inform our understanding of the implications of aquaculture on wild salmon, we have, as part of our Salmon Conservation Regulations, encouraged the development of conservation plans which set out the objectives, priorities and local management measures with respect to both the management of salmon fisheries in an identified area; and the conservation of salmon in that area. These conservation plans will also include detail of existing and future local initiatives to address the current conservation assessment of the fishery district; and identify (and where possible quantify) other factors that might have a material impact, such as aquaculture but also marine renewable energy, predation and barriers to fish migration. Once completed the conservation plan will help Marine Scotland to consider how best to conserve, restore, enhance and manage wild Atlantic salmon stocks taking into account the best scientific evidence available.

### Seal predation

3. The Scottish Government has funded several large scale studies on seal diet and so far there is little or no evidence that the general seal population predate on salmonids. However more local studies indicate that individual seals (specialists) predate on salmonids but this is difficult to quantify.

The current priority focus of seal/salmon research is on non-lethal controls for harbour/common seals in areas where shooting is not an option for fisheries because of recent harbour seal declines. This remains a priority area for Marine Scotland which will continue to consider suitable research opportunities.

### Haaf netting

4. The Annan Haaf netting project started in June last year and a licence application is being prepared to continue the science work in 2017. As part of that process we are engaging with the statutory agencies (Environment Agency and Natural England) on the scope of the application. As far as possible we will seek to continue the 2016 arrangements for a scientific study of variation in fecundity by geographic region, run-timing group and time

spent in river. The licence may cover activities of the haaf netters for a maximum of 90 fish in total. Currently the start date proposed is 1 June.

### Compensation

5. Let me clarify that compensation is being offered to those active coastal fishermen who are unable to fish for salmon due to the prohibition on coastal netting which was brought in through the Conservation of Salmon (Scotland) Regulation 2016. It is a matter of Scottish Government policy that the prohibition on killing of salmon in coastal areas will be reviewed within 3 years. In this timeframe it is anticipated that further information will be available which will allow us to better understand the nature and potential impact mixed stock fisheries have on SACs and stocks in other rivers and allow coastal netting to resume where the science and status of stocks can support it.

As you are aware we have made a commitment to a 3 year compensation scheme. In doing so Marine Scotland has endeavoured to find a methodology that was fair and transparent while respecting the commercial sensitivity. Each netting station is unique and operates differently and a "one size fits all approach" was not equitable so three categories of compensation awards were established: 1) where there is an established compensation agreement for conservation reasons that price was matched 2) for larger operators the level of commercial operations was compensation 3) for smaller operators the level of compensation is the 3 year average reported weight of fish multiplied by the average price per kg (£14).

The formula for compensation has been established and while most of the money has been paid there are still some netsmen who have not accepted their compensation offer and discussions will continue. While it is important to protect the commercial sensitivity of the operations Marine Scotland will published the total amount awarded and the list of recipients on the Marine Scotland Wild Fisheries webpage once the compensation negotiations have concluded.

Angling Clubs in a category 3 (mandatory catch and release) rivers have access to support available from Fishpal to assist with them with the promotion and marketing of their clubs. Further details can be found on the Marine Scotland website

<http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/clubs>

Yours,

A handwritten signature in black ink that reads "Roseanna". The signature is written in a cursive style with a large, looped initial 'R'.

**Roseanna Cunningham**