

## Environment, Climate Change and Land Reform Committee

### Environmental impacts of salmon farming

#### Written submission from Fish Legal

Fish Legal is a not for profit organisation dedicated to working to improve the environment for the benefit of fish and fishermen.

Fish Legal represents many fishing clubs and riparian owners with salmon and sea trout fisheries. Many of those fisheries are located on the west coast of Scotland within the aquaculture zone. Many, if not all, fisheries in the aquaculture zone have suffered declines in catch numbers, apparently caused by chronic declines in the number of salmon and sea trout.

Whilst it is acknowledged that there are many causal facts behind this decline, it is widely believed across the wild fisheries sector that the emergence and development of aquaculture has been a major causal factor. Committee members will be familiar with the 'sea louse' hypothesis, which explains how it is that aquaculture contributes to the decline of local wild salmonid populations through the cross infection of lice from farms to wild fish. Thus there are two factors of great importance in assessing the risk from aquaculture where there is a proximate wild fishery:

- a) The number of farmed salmon; and
- b) The number of lice per farmed salmon

The greater the numbers, the greater the risk of contamination and if the regulatory system is unable to control those numbers then there can be no mitigation. It is the view of Fish Legal that the regulatory system for aquaculture is currently unable to mitigate risk to wild salmonids effectively.

In the longer term we advocate a move to closed containment so that there can be no cross contamination from aquaculture to other marine users. We recognise that this will not happen in the short term and therefore other measures need to be taken to mitigate impacts. The key to better mitigation is that lice numbers on farms can be controlled and in order to do that trigger levels for treatment need to be appropriate and the treatments need to work. Trigger levels for treatment are actioned in accordance with the weekly farm lice counts. The advisory trigger levels are published in the aquaculture Code of Good Practice and have historically been set to protect the health and welfare of fish on the farm. That level has been 0.5-1 lice per fish. Very unhelpfully, it would appear that those standards have been watered down by the Scottish Government with current notification set at 3 lice per fish and treatment at 8 per fish.

We recommend that lice treatment trigger levels are reassessed with the objective of protecting wild fish. Sea lice are in effect a pollutant and like any pollutant, the more that is emitted in a sea loch area the greater risk of damage. It follows from this from a regulatory point of view that if we are to limit damage then 'threshold levels' of maximum lice emissions must be set to try and ensure that receiving waters are kept safe. Those levels must be set at both farm level and in each farm management area.

As set out above, current treatment levels are not designed to protect wild fish and they do not. However even if more exacting standards are set, then there will be no benefit to wild fish unless there is a regulatory system capable of enforcing those standards, and no such system exists at the moment. As matters stand, FHI have no remit for the welfare of wild fish and any protections must come via an Environmental Management Plan required as a planning condition. The fact that Planning Authorities have had to develop the concept of EMPs to provide some protection for wild fish has only come about because the unwillingness of Marine Scotland/FHI to undertake this role. It is our view that ultimately Marine Scotland are better placed to regulate the impacts of aquaculture than Planning authorities and that they should be required by law to do so with the means to hold them accountable. This would require legislative measures which will take time so in the meantime it is our view that support must be given to ensuring that EMPs are capable of providing a proper framework to regulate the environmental performance of farms. We acknowledge that to do this effectively will need a great deal more work and the willingness of planning authorities to hold farmers to account if they breach their EMP.

We need to develop a monitoring strategy for wild salmonids on the west coast that can provide, even in a crude manner, evidence of impact from aquaculture. We believe that local Boards and Trusts can play a key role in this, but funding must come from aquaculture in line with the polluter pays principle. Monitoring should be designed in a way that can meaningfully inform local regulation of fish farms, via an EMP or otherwise. For example, monitoring may be designed to give risk alerts that may be capable of triggering management actions.

We strongly agree with the SAMS report that monitoring data from the farms must be available to all at farm scale and in real time.

The regulatory system (EMP or otherwise) must provide a genuine sanction if the farmer exceeds farm lice levels. Very simply put, if the farmer cannot farm to required standard then he should be required to stop the job.

Finally, there needs to be a system of local governance of aquaculture that allows for discourse between stakeholders and that can be adaptive. The most crucial element is that the regulatory system contains clear and enforceable standards that the farmer can genuinely be held account to; anything less amounts to a licence to pollute and will likely amount to the final death knell for west coast salmon and sea trout fisheries.

We call upon the Environment Committee to recommend to the Scottish Government that it must recognise the uniqueness and value to Scotland of its west coast fisheries and take serious measures to protect them before it is too late.