

# Wester Ross Area Salmon Fishery Board

## Comments on 'Aquaculture and Fisheries Bill Consultation Document'

March 2012

### SECTION 1: The Sustainable Development of Aquaculture

#### Farm management agreements

**Q 1. Do you agree that we should, subject to appropriate safeguards, make it a legal requirement for marine finfish operators to participate in an appropriate Farm Management Agreement with sanctions for failure to do so, or to adhere to the terms of the agreement?**

A. Yes. All farms within a management area should work within a farm management agreement to operate in ways which minimise risks of disease and parasitic infection to each other and to wild fish in nearby waters.

#### Appropriate Scale Management Areas

**Q.2 Do you agree that operators should have primary responsibility for determining the boundaries (and other management arrangements) for Management Areas, but with Scottish Ministers having a fallback power to specify alternative areas?**

A. Yes. We believe that Scottish ministers should have fallback powers to specify alternative areas where operators select MAs for their own convenience rather than to maximise health benefits to fish. We believe that these should also take important wild fisheries considerations into account and that local experience and knowledge (from e.g. Fisheries Trusts) should be sought when areas are being defined - for example (see later questions) in some management areas far tighter control of on-farm sea lice levels [smaller on farm sea lice populations] than in other areas may be needed. See also response to question 20.

There are several management areas within the Little Loch Broom – Loch Broom area which appear to have been established simply for operator convenience. Salmon production remains unsynchronised between these small nearby areas. Together with Loch Ewe, this area is of importance for wild salmon and sea trout salmon populations and fisheries. We would seek a single management area here where sea lice are rigorously controlled to levels lower than those in the current CoGP.

To the south of Loch Ewe, we believe that it essential to maintain a firebreak to Loch Torridon and Isle of Skye farms for the benefit of both farm producers and wild fisheries producers.

**Q. 3 Do you agree that an independent arbitration process should be put in place (with statutory underpinning) to resolve disputes related to Farm Management Agreements?**

A. Yes.

**Q. 4 How do you think such a system might best be developed?**

A. This would best be developed through minuted discussion by industry stakeholders in partnership with Marine Science Scotland, SEPA, SNH and RAFTS / ASFB, taking into account wild fisheries issues and the wider environment.

## Unused consents

### Q.5 Do you agree we ought to review the question of unused consents?

A. Yes. There are a number of these in the WRFT / WRASB area.

### Q.6 What do you consider are suitable options to promote use or relinquishment of unused consents?

A. For sensitive sites where retrospective information indicates potentially unacceptable adverse impacts to wild fish populations or other aspects of the environment should production (re)commence, one approach could be to grant an aquaculture operator permission to develop a new site in another area or increase biomass at another site / area only on the condition that the consents for the sensitive site are relinquished.

For example, suppose operator A has two sites X and Y, and only produces salmon at site Y. Site X is a sensitive site for wild fisheries, site Y less sensitive. Site X is unused. The operator proposed to increase biomass at site Y or has applied to set up a new farm at site Z. Following all other routine requirements and an appropriate EIA for the proposed increase in biomass at Y or for production to commence at site Z, permissions should be granted only on condition that consent for site X be relinquished. That way, the salmon farming industry would have the flexibility and incentive to develop sites in less sensitive areas for wild fisheries.

### Q. 7/8 Do you agree that Scottish Ministers should be given powers, ultimately, to revoke, or to require or request others to revoke, consents? Should any such power relate to all or to particular consents (and if the latter, which)?

A. Yes. Sensitive currently unused salmon farming consents in the Wester Ross area include (we think), **marine sites** at: Naast, Aultbea, Stattic Point, Diabaig (all Marine Harvest) and in **freshwater** sites: Loch Tollie [River Ewe system] (Wester Ross Fisheries) and Loch Sgamhain [River Carron system] (Scottish Salmon Company?)

Note that some of the sites which are currently operational are also particularly sensitive to wild fisheries. See response to Q 20.

## **Collection and publication of sea-lice data**

### **Q.9 What in your view is the most appropriate approach to be taken to the collection and publication of sea-lice data?**

A. Fish farms with high densities of salmonids provide a perfect breeding habitat for sea-lice, which are known to damage the health of both farmed fish and wild salmonids. In order to fully assess strategies for the control of sea lice and gain a broader understanding of the impacts on wild fish, results of sea lice monitoring from individual farms should be made publically available. Full disclosure would demonstrate fish farms to be responsible and transparent operators and allow planning decisions to take account of the cumulative effect of fish farms in a given area.

Scotland should set the highest standards in its approach to sea lice data recording and reporting. This would ultimately give Scotland the edge in being able to honestly claim that its farmed salmon is from sustainable sources. Lice data should be **independently** collected by MSS fish health inspectors and published immediately to alert nearby producers or wild fish interests of the status of the farm. This would enable appropriate action to be taken at the earliest opportunity to monitor wild fish in nearby areas.

## **Surveillance, Biosecurity, Mortality and Disease Data**

### **Q. 10 Do you agree that aquaculture businesses ought to be required to provide additional information on fish mortality, movements, disease, treatment and production as set out above?**

A. Yes. It is conceivable that new diseases will develop that could threaten wild salmon and sea trout populations in nearby waters. It is therefore imperative that information on biosecurity and disease outbreaks is available.

### **Q. 11 What are your views on the timing and frequency of submission of such data?**

A. Other pathogens should be treated no differently from sea lice data collection. It would also be in the interests of wild fisheries if information about movements, treatment and production were published.

## **Biomass control**

### **Q. 12 Do you agree that Scottish Ministers should have powers to require SEPA to reduce a biomass consent where it appears to them necessary and appropriate - for example to address concerns about fish health and welfare?**

A. **Yes.** For the reasons stated, and also if wild fish populations could be adversely affected (e.g. where on-farm sea lice targets have not been met, and larval lice discharge and infection pressure poses a threat to wild salmon and sea trout populations).

## **Wellboats**

**Q. 13 Do you agree we should make enabling legislation giving Scottish Ministers powers to place additional control requirements on wellboats?**

A. Yes, for reasons as stated. This will reduce risks for wild fish populations.

## **Processing Facilities**

**Q.14 Do you think Scottish Ministers should be given additional powers to place controls on processing plants?**

A. Yes. It is important that there are no discharges into the environment of pathogens including sea lice from processing plants.

## **Sea weed cultivation**

**Q. 15 Do you agree that the regulatory framework should be the same for all seaweed farms?**

A. No comment

**Q. 16/17 Do you agree that the most appropriate approach to regulation of this sector would be through marine licensing? If not, what alternative arrangements would you suggest?**

A. No comment

## **Commercially Damaging Species**

**Q. 18 Do you agree that we should provide for additional powers for Scottish Ministers in relation to commercially damaging native species?**

A. Yes

## **SECTION 2: Protection of Shellfish Growing Waters**

**Q. 19 Do you agree with the introduction of provisions to protect shellfish growing waters and support the sustainable growth of the shellfish industry?**

A. Yes. Waters protected for shellfish growing will also protect wild salmon and sea trout populations.

## **SECTION 3: Fish Farming and Wild salmonid Interactions**

### **Sea lice**

**Q. 20 Do you agree that there is a case for giving Scottish Ministers powers to determine a lower threshold above which remedial action needs to be taken in appropriate circumstances and potentially as part of a wider suite of protection measures?**

A. **Yes.** This can make an important contribution to ensuring that wild salmon and, in particular, sea trout populations and fisheries are able to exist alongside commercially viable salmon farms.

In areas where an important wild salmonid fishery is potentially particularly valuable to the local community / as part of Scotland's heritage (e.g. Loch Maree sea trout & Loch Ewe), this approach may be the only alternative to either (1) relocation of the salmon farm, or (b) accepting that the fishery is unlikely to recover.

In many other areas around the coastline of importance for wild fish populations it is important that the threat of sea lice epizootics affecting wild fish does not rise in proportion to increases in the farm salmon population.

### **Containment and Escapes**

#### **Establishing a Scottish Technical Standard for fish farm equipment**

**Q. 21 Do you agree we should provide powers for Scottish Ministers to require all finfish farms operating in Scotland to use equipment that conforms to a Scottish Technical Standard? (The technical content of the standard would be defined separately.)**

A. Yes. Many salmon farms are now very much larger than 10 years ago, with cages containing 50 or 100,000+ fish. Although there have been few major escapes in the last 6 years, the prospects for loss of very large numbers of fish should a cage fail is higher than in the past.

### **Tracing Escapes**

**Q. 22 Do you agree that there should be additional powers for Scottish Ministers to take or require samples of fish from fish farms, for tracing purposes?**

A. The measures proposed here do not go far enough. It should be possible to trace any and all farmed salmon to their owner/origin in the same way that a sheep or cow can be traced to its farm of origin. This would give both customers and wild fisheries interests much greater confidence in the quality of farmed salmon and the sense of responsibility for the environment of the producer.

There appears to be nothing to stop a wild fish body or academic institution from developing their own data base from genetic samples of farmed salmon purchased through normal trade outlets. It might therefore make more sense for the Scottish Government and industry to take the lead on this, rather than to await 'exposure' by other concerned stakeholders.

## **SECTION 4: Salmon and Freshwater Management**

### **Modernising the Operation of District Salmon Fishery Boards**

**Q. 23 Do you agree that we should introduce a specific duty on Boards to act fairly and transparently?**

A. Boards should of course act fairly and transparently but this is already covered by the ASFB CoGP. Any legislation detailing such a duty would be hugely complicated and monitoring/policing of such a duty would be impractical.

**Q. 24 Do you agree that there should be a Code of Good Practice for wild salmon and freshwater fisheries?**

A. Yes, ASFB Code already in existence.

**Q. 25 If yes, do you think such a Code of Good Practice should be statutory or non-statutory?**

A. The Code should remain non-statutory but with the possibility that it might be adopted by Government.

### **Statutory Carcass Tagging**

**Q. 26 Do you agree that Scottish Ministers should have powers to introduce a statutory system of carcass tagging for wild Atlantic salmon and sea trout?**

A. Yes for salmon and sea trout if fish are to be sold. For the reasons given.

### **Fish Sampling**

**Q. 27 Do you agree that Scottish Ministers should have powers to take or require fish and/or samples for genetic or other analysis?**

A. Yes. For reasons given.

### **Management and Salmon Conservation Measures**

**Q. 28 Do you agree that Scottish Ministers should have powers to initiate changes to Salmon District Annual Close Time Orders**

A. Yes but only in districts where there is no Board

**Q. 29 Do you agree that Scottish Ministers should be able to promote combined salmon conservation measures at their own hand?**

A. In the absence of any demonstrable or claimed advantages or need for such powers, we see no benefit in their introduction.

**Q. 30 Do you agree that Scottish Ministers should be able to attach conditions, such as monitoring and reporting requirements, to statutory conservation measures?**

A. Yes. This would help Boards understand their fisheries and any actions that may be needed to conserve and improve fish stocks. So long as this is not too onerous on anglers and ghillies: a system would need to be agreed by all parties.

#### **Dispute Resolution**

**Q. 31 Do you agree that we should introduce statutory provisions related to mediation and dispute resolution, to help resolve disputes around salmon conservation, management and any related compensation measures?**

A. As circumstances which might lead to a need for mediation cannot arise in Wester Ross we have no comment.

#### **Improved Information on Fish and Fisheries**

**Q. 32 Do you agree that there should be a legal requirement to provide comprehensive effort data for rod fisheries?**

A. Accurate data would certainly help with interpretation of catch statistics. However, in Wester Ross's circumstances - and no doubt other smaller Board areas - where there are numerous "un-ghillied" fisheries, it would be very difficult to be confident that such data was reliable and interpretation might thus be misleading. The risk of inaccurate conclusions being drawn from unreliable effort data outweighs the possible benefits.

**Q. 33 What additional information on the fish or fisheries should proprietors and/or Boards be required to collect and provide; and should this be provided routinely and/or in specific circumstances?**

A. No strong views as to whether the provision of additional information should be voluntary or compulsory. For catch interpretation, it would be helpful to wild fisheries interests to have as much good objective (but see response to Q32) data describing their fishery and the fish population(s) which support it.

**Q. 34 Should Scottish Ministers have powers to require Boards and/or proprietors or their tenants to investigate and report on salmon and sea trout and the fisheries in their district?**

A. This question seems to refer specifically to hatcheries and stocking (para 104). We favour the fullest availability of information re stocking.

**Q 35/36 Do you agree that Scottish Ministers should have powers to recall, restrict or exclude the jurisdiction of Boards in relation to fish introductions, in certain circumstances.**

A Yes: in circumstances where Boards are not acting properly.

#### **Q 37-48**

A No comment

SECTION 7 WRASFB endorses and supports all the "other issues" points made by ASFB in their response to the consultation.