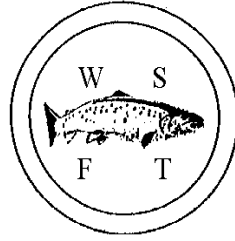


WEST SUTHERLAND FISHERIES TRUST

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The West Sutherland Fisheries Trust would like to thank you for the opportunity to respond to the forthcoming Aquaculture and Fisheries Bill. We welcome many of the proposals put forward within the document, although have comments on several of the issues.

Section 1 The Sustainable Development of Aquaculture

Question 1 Farm Management Agreements (FMAs)

The Trust welcomes the focus on FMAs and agrees with the proposal. However, there will be a need for adequate and appropriate monitoring of the Agreement and for the definition of sanctions. Without defined guidelines as to the requirements of the Agreement this will be difficult to enforce.

Question 2 Appropriate Scale Management Areas (MAs)

The Trust disagrees with the view that the Industry should set the MAs. While acknowledging that the current MAs, as defined by the ISA Joint Working Group are not perfect, they are based on an attempt to define water movements and as such should be retained. The Scottish Government should, however, retain the right to alter MAs as new information becomes available.

Question 3/4 Management Measures and Dispute Resolution

The Trust agrees that there is a need for an independent arbitration process within the FMA process. This must be fully independent and transparent.

Unused Consents

Question 5 The Trust disagrees with the proposal to review the question of unused consents. The areas and consents have been sought by the individuals. That they do not farm the sites are a decision within their Business Plan and should not be altered by the Scottish Government.

Question 6 As related to Q.5 above, the Trust does not agree that there should be incentives to farm sites.

Question 7 The Trust agrees that the Ministers should have the ability to revoke consents where this is deemed necessary. However this should only be utilised where evidence suggests that these consents may be having a detrimental effect on the environment or the health of fish, either in the wild or on neighbouring farms. The Trust does not agree with the view that consents should be revoked in order to 'free up' biomass for other farms within the area.

Question 8 This power should relate to all consents.

Chairman: Mr Charles Marsham

Fisheries Biologist: Dr Shona Marshall

Question 9 Collection and Publication of Sea-lice Data

The Trust believes that all data should be submitted and published on a monthly basis. While it is accepted that the data will be combined, the Trust feels that this should be on a more detailed basis than that currently adopted by the Industry. In order to better manage the industry in a sustainable manner it is necessary that the data can be analysed in order to more fully understand any interactions, both between the wild and aquaculture industries and also different sites. This can only be done with access to the full range of data from both farm and wild sources.

Questions 10/11 Surveillance, Biosecurity, Mortality and Disease Data

The Trust agrees that the Industry should be required to provide additional information as set out in the document. The timing of submission should be reliant on the purpose for which the data will be utilised. However, it is acknowledged that treatment data, mortality data and information on treatment efficacy should be provided in real time, while other issues may be more appropriate to monthly or annual reporting.

Question 12 Biomass Control

Yes.

Question 13 Wellboats

Yes.

Question 14 Processing Facilities

The Trust agrees with this proposal. However it is important that all disease is considered, not just sea lice, and that wellboat transfer to the processing plant is also covered at this time.

Question 15/16 Seaweed Cultivation

Yes

Question 18 Commercially Damaging Species

The Trust feels that this is a difficult issue to define and would have concern about additional controls. We have concerns with the definition of 'commercially damaging', which theoretically could see the Ministers seeking the control of wild fish species, including salmonids, on the basis of the commercial impact of, for example, sea lice on Aquaculture. The Trust recognises the need to control native species where effects on fish welfare are identified, such as with seal predation, but feels that this should be managed through a licencing system on a site by site basis.

The issue of movement of native species into an area to which they are not ordinarily present is more pertinent. The Scottish Government has already addressed this in part with the legislation controlling the movement of fish and we feel that similar legislation restricting the movement of all species within the country would be pertinent. This would identify areas where native species are, or are not, ordinarily present. This will also have the flexibility to recognise the natural spread of organisms as a response to climate change.

Section 2 Protection of Shellfish Growing Waters

Question 19 Protection of Shellfish Growing Waters

Yes, provided that environmental considerations are at the forefront of any decisions.

Section 3 Fish Farming and Wild Salmonid Interactions

Question 20 Sea lice

While the Trust agrees with the proposal it would ask what measures would be implemented in the event of the Aquaculture Company losing control of lice levels through, for example, resistance.

Question 21 Containment and Escapes

Yes.

Question 22 Tracing Escapes

Yes.

Section 4 Salmon and Freshwater Fisheries Management

Modernising the Operation of District Salmon Fishery Boards

Question 23 Yes.

Question 24 Yes.

Question 25 The Code should be non-statutory. However, as with the Aquaculture Industry aspects of the Code should be used, where required, to advise legislation.

Question 26 Statutory Carcass Tagging

Yes.

Question 27 Fish Sampling

Yes.

Management and Salmon Conservation Measures

Question 28 Yes.

Question 29 Yes.

Question 30 Yes.

Question 31 Dispute resolution

The Trust agrees with the provision of a panel of mediators to resolve any disputes relating to conservation measures. However, we feel that the expense of this mediation should be shared by all concerned. We acknowledge that it may be necessary to develop a costing system such that all are able to use the mediator where required, with the proportion of the expense based on some form of ability to pay, but would suggest that unless all have an incentive to negotiate then this may not happen.

Improved Information on Fish and Fisheries

Question 32 While supporting the aims of this requirement the Trust feels that the data may be difficult to gather and analyse. While it will be possible for the proprietors to submit information on the number of rods, as a measure of fishing effort, this does not take into account conditions. For example, a fishery that operates daily will have a high effort, while a neighbouring fishery may only operate under optimal conditions. The latter may catch the same number of fish, but with a significantly lower effort.

Question 33 The Trust feels that additional information on stocking, to include the number, source, stage and purpose should be routinely collected and reported. In addition, any evidence of disease should be reported immediately, and notes on predator damage should be reported to the Board at least annually.

Question 34 The Trust supports this proposal but feels that the conditions need to be defined. Thus, where a management action is implemented there should be a requirement to monitor the impact of that activity, for example stocking, gravel movement, culvert placement, revetment construction, etc.

Licensing of Fish Introductions to Freshwater

Question 35/36 The Trust agrees that the Ministers should have the powers to restrict the Boards powers in relation to the introduction of fish into sites designated for salmon. However we also feel that there should be transparency in the process of introductions, from the Board, Marine Science Scotland and the Ministers.

Section 5 Modernising Enforcement Provisions

Question 37 Strict Liability for Certain Aquaculture Offences

Yes, although the Trust feels that this should be widened beyond Aquaculture to include other situations.

Widening the Scope of Fixed Penalty Notices

The Trust agrees with the proposals addressed in Questions 38 - 40.

The further areas in this section are outwith the scope of the Trust and as such it has no view on many of the issues.

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However we agree that illegal equipment seized during an enforcement exercise should be disposed of rather than returned to the operator. If equipment is illegal to use then it should not be retained. To this end the Trust also feels that the Law should be tightened to make it illegal to sell equipment that is not legal within the UK, for example monofilament gill nets.

Section 6 Paying for the Process

The Trust agrees with the principal that some form of costing must be implemented to pay for aspects of fisheries management. However we are not in a sufficiently knowledgeable position to determine what aspects fall into the realms of the public purse and which should be funded from private sources.

Any other Issues

WSFT have responsibility for all species. We feel that there has been very little mention of coarse fish or species of conservation or biodiversity value within the consultation. Whilst welcoming many of the proposals for the better management of migratory salmonids we believe that other species have not been greatly considered.

Amongst the key issues which should be considered further are:

- The need to ensure that native coarse and other non-salmonid fish are recognised and valued appropriately and not persecuted in the name of salmon or sea trout management;
- The need to consider the introduction of further protection measures for non-salmonid species to prevent persecution and, perhaps, to consider removal of the right of proprietors to remove these species without an appropriate authority. Such a change would also require the identification of an authority to consider applications for non-salmonid removals;
- That where coarse and other non-salmonid fish are present and where there is an angling interest in catching them that this should be reasonably accommodated in all waters and not unnecessarily prevented or unfairly limited by for example method restrictions where angling access is permitted;
- The longstanding need to bring forward a more effective programme of population monitoring and sustainable management of non-salmonid species. It is recognised that this has not been implemented comprehensively to date by any party and, although RAFTS members, SNH, SEPA and others do have an interest in these species, their assessment and management is minimal in comparison to that invested in migratory salmonids. In part this is due to the economics of the salmon and sea trout generating funds for such management where no such model or revenue stream exists for other species.
- The need to ensure that species of conservation interest e.g. the eel, Arctic char, vendace, powan, lamprey spp etc are appropriately protected and recognised. In the main this takes place via the network on conservation site designations but more widespread species such as the eel are now recognised as of high conservation value and are without protected sites. The Eel Management Plan prepared for each River Basin District is not mentioned in the consultation and clarification as to how this is being implemented and might be further prioritised for implementation would be useful.

Yours sincerely,

Shona Marshall
Fisheries Biologist