

Aquaculture and Fisheries Bill

Stornoway Workshop

19 January 2006

1 Summary

This meeting was one of ten held throughout Scotland during January and early February 2006. Nineteen individuals attended the meeting, which followed a facilitated workshop format. The meeting was facilitated by officials from the Freshwater Fisheries and Aquaculture Division in the Scottish Executive. The team guided the discussion and recorded the points made.

Two key questions were put to the audience:

- 1 What proposals in the consultation paper **did you not like? Why?**
- 2 What proposals in the consultation paper **did you like? Why?**

2 Record of proceedings

The following is a record of proceedings which contains points made by attendees concerning not only the proposals for the aquaculture and fisheries Bill but also their views on the future of fisheries management. Please note that the views expressed in this, and other workshops do not necessarily reflect the views of the Scottish Executive.

2.1 Aquaculture

1 Regulator

Voluntary approach preferred

2 Charging

There is nothing on the cost burden to industry

Paper suggests regulator will add cost burden to industry

Nothing to set parameters for costs – open ended full cost recovery?

3 Parasite control

Level of precaution imposed by SEPA can be questioned by the regulator.

Would like to see mandatory monitoring of sea lice in wild fish and that being reported, parity with aquaculture.

SEERAD/FRS do they have resources/expertise to perform regulatory role.

Levels for treatment – concern that levels within legislation could be too low and lead to greater resistance if frequency of treatment increased.

Only two licenced products – making likelihood of resistance more extreme.

Are there parallels with other sectors (landbased)

National Treatment Strategy was updated in summer 2005 (Para 12).

Issues with mandatory treatment imposed by regulator. What happens then? Who is liable?

Organic costs – if mandatory could put organic status at risk (stock would be valueless)
Organic certification dictates treatments and levels.

Whoever undertakes 3rd party treatment would need appropriate insurance (this could be prohibitive) and could heighten the risk factor of 3rd party treatment.

Mandatory treatment could compromise treatment at a wider level (that is impact on more than one site)

No organisation has the capability to carry out the treatments.

The proposals do not account for the sensitivities of specific sites.

Sealice is driving the whole thing – even though there is no quantified relationship between levels and farms.

Monitoring process in place in respect to assumptions made re: sealice etc.

Level of control should be dictated by peer reviewed risk [in all areas] More likely to be the case with sealice rather than escapes.

Don't see how measures in consultation paper will reduce the discharge of larval lice in Scotland. An alternative could be SEPA taking less precautionary approach to the use of secondary compounds (alphamax, betamax). If industry were allowed to use secondary compounds then this would lead to reduced larval lice and costs.

4 Disease Control

Regulator can stipulate a vaccine which may not be acceptable in the market place.

Question justification for treating diseases that may not need to be treated.

The proposals should not be limited to notifiable diseases.

5 Containment

Hatcheries should not be exempt from containment proposals.

What is the liability if the regulator visits site, gives it the all clear then an escape occurs – where does liability lie?

It is the interest of industry to erect sites to a high standard without being assessed by chartered engineers etc.

There could be a conflict of interest if the chartered person helps the industry erect cages and is also certifying the sites to conform with regulation.

Who is liable where escapes occur due to weather events.

Strict liability doesn't take into account the risks from the environment.

After an escape you cannot tell the effect of the escape on the environment

Fig 1 Item 1 page 11, prefer if this is restricted to cages and nets – cables are over engineered.

What is the appeals process if you disagree with the assessment of the chartered individual.

What happens if the site is found unsatisfactory and there are fish in the cage, who does what with the fish?

The CoGP (Code of Good Practice) covers all these issues, there is no reason to have the Bill if everyone signs up to the CoGP.

The development of the CoGP involved VMD/FRS/SEERAD/Industry/Wild Fish interests – so why supersede CoGP with Bill? The measures go further than the Bill.

Wild fish interests argue that the CoGP does not have teeth, aspects of the CoGP could be made statutory in that case.

Legislation should only be introduced where the CoGP fails.

6 Data Collection

Has to apply to fisheries as well as aquaculture. Would like to see catch statistics reported.

Data could be put in the public domain. Under FoI info held by the regulator would be available to the public in its raw state. This covers all types of data.

Data on complex epidemiology should only enter the public domain when it has been put into a trend i.e. sent to a central point and collated.

In no other industry can the Minister demand any data they deem necessary.

Lack of justification for ability to demand data.

Needs to be parity with other sectors.

7 Relocation

To be applauded.

Can we state exactly what public interest test is in legislation. Won't the public interest definition be different for different areas.

What is the evidence that farms affect wild stocks? There is little, if any at the moment. The assumption of the need for relocation needs reviewed.

How will the regulator compensate for compulsory relocation? What is the rationale for relocation?

Business should not be affected by compulsory relocation. There should be compensation, and it should be evaluated, e.g. of lease was for 12 years would compensation cover 12 years of production that would have been carried out had the farm not been compulsory relocated.

8 Fish Movements

Regulator to licence wellboat would give control over what happens with wellboat, but powers will have to be defined.

There should be a level playing field, so that international competitiveness is not compromised.

A definition of freshwater fish farming should be included.

9 General Points

There should be legislative provisions (enabling powers) for the AMA process if it is seen to fail.

Provision should be made to allow for greater access to capital investment for independent producers.

Like the fact that fish farming is being treated more like mainstream agriculture.

This is a building block helping the wild fish and aquaculture industry work together.

The proposals make the industry out to be incompetent.

Doesn't give weight to Industry CoGP

Suggests industry is not working to high standards

Proposals do not reflect the spirit of the SFSA (Strategic Framework for Scottish Aquaculture)

Doesn't reflect the fact that the Scottish industry has high standards compared to global competitors

Suggests company vets are not performing their job effectively without the overview of the regulator.

2.2 Freshwater Fisheries

1 Gyrodactylus salaris (GS)

Like the GS proposals but the emphasis should be on exclusion. Other GS risk groups should be involved in the process.

The proposals are weak in reference to imported recreational gear, these should be strengthened.

2 General Points

Gill Nets – need to stop general sale of gill nets. Vendors should be licenced, possession should be an offence without a licence and there is a need to consider cross border traffic.

There is a need for mandatory catch and release on rivers that are below their minimum spawning balance. Areas of fisheries do self regulate catches, yet salmon farm industry (with high levels of expertise)

This is a useful tidying up of legislation, especially on the freshwater fisheries side.

2.3 Future Fisheries Management

May not go far enough on the future of freshwater fisheries management structure.

Rod licences – should have been included in the consultation for the future.