



By Email

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PROPOSALS FOR A RISK-BASED FRAMEWORK FOR MANAGING INTERACTION BETWEEN SEA LICE FROM MARINE FINFISH FARM DEVELOPMENTS AND WILD ATLANTIC SALMON IN SCOTLAND

CONSULTATION RESPONSE ON BEHALF OF ORGANIC SEA HARVEST LTD.

Organic Sea Harvest (OSH), formed in 2015, was the first new start salmon farming company in Scotland for over two decades. The company has the express aim of farming its Salmon to Organic Standards. The company holds CAR licences issued by SEPA for four sites, all of which are at high energy, exposed locations, distant from the inner sea lochs and major salmon rivers. OSH is proud to produce Organically certified Salmon on its two operational sites to the south of Staffin on the Isle of Skye.

OSH is aware that there have been discussions around a draft Sea lice Framework for a number of years but we have only recently become involved in the background discussions having become members of Salmon Scotland in summer 2020 when we commenced farming operations.

We recognise that the present consultation seeks opinion on aspects of a proposed sea lice risk framework and that a key driver is that Scottish Ministers have stipulated that responsibility for the regulation of sea lice release from Marine Fish Farms will fall under the remit of SEPA. Whilst we broadly welcome this directive from Scottish Ministers, we have formulated our responses to the present consultation against the background that having responded to many such consultations through previous roles in the Scottish aquaculture industry we cannot recall a situation where it has been so unclear as to where a revised regulatory position fits within wider regulatory process or vision. To use an analogy, we find ourselves looking at one piece of a jigsaw without a clear idea of where it fits in the picture we are trying to form and it is increasingly apparent that our competitors, regulators, wild fisheries interests, and external influencers are all looking at markedly different pictures.

Given the recent publication of Professor Griggs review of Aquaculture consenting and the recommendations therein we struggle to accept that the proposed sea lice risk framework should progress to implementation in the form proposed. We consider that the provisions of this consultation should be taken forward as part of wider consenting and licensing reforms which are, in OSH recent experience, greatly needed. Although the consultation document references links between The Sea Lice Risk Framework and the River Basin Management Plan, Scottish Wild Salmon Strategy and the Conservation of Salmon (Scotland) Regulations, we do not consider that these links are fully formed and consider that the preparation of the framework without the inclusion of sea trout fails to facilitate a more streamlined approach to regulation that has been long anticipated within the industry. To the contrary it will result in a two-tier system in which companies will have to prepare substantially the same documents to the satisfaction of Planning Authorities for Sea Trout and Salmon for SEPA and this position is unacceptable.

OSH, as an aquaculture operator has never sought to deny that there is the potential for sea lice released from salmon farms to present a risk of adverse impacts on wild salmonids. We must recognise that this

potential pressure is just one of many pressures facing wild salmonids. We seek, through low stocking densities and operation on exposed sites to reduce the need to treat for elevated sea lice numbers on our sites. We do, however, feel that there is an overemphasis on the impacts of sea lice on wild salmonids and that in our area of operation other, pre-existing, pressures are potentially more significant and have been exacerbated over an extended timescale through terrestrial agriculture and land management practices. This also presents a risk of pressures on wild salmonids but does not appear to have galvanised significant action from regulators or land owners in the area, including Scottish Ministers.

Moving forward OSH welcome the opportunity to continue working with Skye and Lochalsh Rivers Trust and the Skye District Salmon Fishery Board if it is reconvened, and to assist these bodies in their role of improving and restoring salmonid habitats within the rivers local to the OSH sites. This includes ongoing monitoring commissioned by OSH with the Skye and Lochalsh Rivers Trust acting as contractor, as well as opportunities in discussion to establish a long-term monitoring solution for fish migrations within the rivers close to our sites.

SEPA has stated that further rounds of consultation will take place in due course and we welcome the opportunity to help inform this, and future stages of the process through wider regulatory reform. In saying this we note that early draft sift maps related to the framework process have been used without context by third parties choosing to object to our development proposals. We consider it imperative that if, despite the objections clearly expressed by Salmon Scotland and others in their responses to this consultation, the framework progresses, SEPA, Scottish Ministers and Local Authorities adopt the clear position that the framework remains as draft and should not therefore influence regulatory decisions in its current form. Prior to implementation, if this occurs, a clear process needs to be defined that, where necessary, allows existing fish farms with agreed Environmental Management Plans to migrate these EMPs from Planning Permission to CAR licence without additional regulatory burden on operators.

We respond to the consultation questions in the following pages. Please feel free to contact us should you require any additional information.

Yours sincerely,



Organic Sea Harvest Ltd

Response to consultation questions:**Your Details****1. What is your name?**

2. What is your email address?

3. What is your organisation? (if applicable)

Wild Salmon Protection Zones**4. Do you think that there are important areas for wild salmon post-smolt migration that we have not identified as wild salmon protection zones?**

- Yes
 No
 Not sure

5. If yes, please identify these areas, explaining why they should be protection zones and the evidence to support this.

We remain unclear as to the criteria under which protection zones have been classified within the consultation document, the process undertaken to reach this classification and the background expert opinion which has been used and the manner in which it has been applied in bringing forward the draft framework.

It is imperative that any regulatory framework is transparent in the manner in which protection zones are developed and the information used to inform this process.

We appreciate that the framework as proposed is a starting point in an ongoing process however it remains unclear to us how the salmon protection zones in bodies of open water such as Raasay Sound and the Inner Sound have been designated and the criteria for designation of these areas. The inclusion of some areas, for example Raasay Sound as a protection area may place the same regulatory burden on the sites operated by OSH, which has intentionally targeted open water sites in preference to more sheltered locations within sea lochs. We have understood that a move from sea lochs to open water sites is a regulatory direction of travel that has been progressing for some time so it seems incongruous that having developed sites in what many would consider to be preferable locations they are now encompassed within an area extending through the much more sheltered waters to the south of Raasay.

We broadly agree with the inclusion of rivers that have specified nature conservation designations within the conservation zone. We would cite the Little Gruinaird SAC as one such example. We have great difficulty with assigning the same conservation status to Category 3 rivers in general without a wider understanding of what is causing those rivers to be Category 3.

To expand on this response: Paragraph 2.4 of the consultation document highlights links to the River Basin Management Plan (RBMP) 2021 – 2027, published by SEPA in December 2021. Within OSH's current area of operation there are four rivers listed within the RBMP online hub, these are Lealt River – 20702, Stenscholl River – 20701, Brogaig River – 20700, Kilmaluag River – 20699

There are also two coastal water bodies, Sound of Raasay – 200492 and North Skye – 200493

All of these water bodies are noted in various iterations of RBMP as being in good status with no pressures. We have been unable to find any water bodies anywhere in the Scotland River Basin District where open cage fish farming as licenced through CAR is seen as a pressure on that water body.

Our understanding is that all assessments carried out under the CAR licencing process are intrinsically linked to the requirements of the River Basin Management Plan and as such the impact of a marine fish farm development on wild salmonids has already been assessed under existing biodiversity duty.

As part of our monitoring of the rivers on north east Trotternish since the introduction of its sites OSH has commissioned Skye and Lochalsh Rivers Trust to undertake a habitat assessment of the Kilmartin (Stenschol) River. The assessment highlights pressures including poaching, bankside grazing and watering of livestock, lack of riparian woodland and invasive non-native species to name but a few.

Another classification of rivers under the Conservation of Salmon (Scotland) Regulations 2016 administered by Marine Scotland Science shows the River Lealt as being of Category 2 status. We understand that the length of river accessible to migratory fish is less than 250m although the whole of the river is included in the categorisation and therefore influences the proposed sea lice framework. The remaining rivers are grouped together as a single unit Brogaig, Stenscholl and Kilmaluag and are classified as Category 3 rivers with the average chance of egg requirement being met as low reaching just 13% in the period 2016 – 2020.

It is difficult to understand why rivers already classified under the RBMP have been further classified under the Conservation of Salmon (Scotland) regulations and that the two classifications provide contradictory results. For example, how is it possible for a river to be at good ecological status year on year in the RBMP if a key component of that ecology, populations of wild salmonids, are so depleted that they are of poor conservation status?

Further work is required to incorporate data collected in the preparation of the Conservation of Salmon (Scotland) annual river gradings into the RBMP dataset so that there is a single classification of rivers. This will aid in assisting discussions as to whether it is in fact reasonable for some of the west coast rivers to actually be considered as salmonid rivers within the risk framework.

There is further apparent duplication between RBMP and Marine Scotlands document “High level pressures on wild salmon” which includes as a “pressure” the overall assessment of pressures. Within this there is the phrase:

We are developing an on-line mapping-based pressures tool, which will enable individual DSFBs to illustrate the severity and status of each of the pressures across their catchment areas, so that Scotland has both a national and local picture, which in turn could inform future policy thinking. It should allow us to identify the length and proportion of individual and/or collective rivers impacted by each pressure so that priorities can be established.

We are left wondering whether this will add to, replace or duplicate the information already held by SEPA and publicly available through SEPAs water environment hub and why it is necessary to have an additional online tool looking at pressures which, to our understanding should already be considered by SEPA in the preparation of the RBMP.

We welcome opportunity to discuss this further with SEPA and can provide copies of our commissioned surveys to inform this process if this would be of assistance.

To summarise on this consultation question, far greater understanding is required as to why individual rivers are failing to support populations of wild salmonids. We consider it to be inappropriate to consider the impacts of sea lice from fish farms in isolation when this is far from the only risk to wild salmonids.

6. Do you think that any of areas we are proposing as wild salmon protection zones should not be so identified?

- Yes
 No
 Not sure

7. If yes, please identify these areas, explaining why they are not important for wild salmon post-smolt migration and the evidence to support this.

See response to Q.5

Proposed Sea Lice Exposure Threshold

8. Do you have any scientific evidence that should be considered to ensure the sea lice exposure threshold is effective in protecting wild salmon populations? This includes any evidence for a refinement of the threshold.

We have no specific additional evidence that we feel should be considered. We do, however, consider that there are fundamental underpinning issues with the overall sea lice framework which include the clarity of process to date. It is unclear how the proposed threshold has been derived and how expert opinion has informed this threshold. We are unable to comment further at this time.

Implementation

9. Which groups and organisations do you think we should include on technical advisory groups to assist us with the development of the detailed working arrangements and methods needed to implement the framework?

The process of using a technical advisory group to establish detailed working arrangements should, in our view fall within the remit of a defined project board in line with the recommendations made by Professor Griggs in his review of consenting for marine fish farms.

It is important that the technical advisory groups contain a range of organisations that have knowledge and expertise in the issues being discussed, but it is inevitable that in groups relying on expert opinion that there will be differences in views. Whatever the make-up of the group effective facilitation to ensure that working groups remain on task and are focussed on scientific evidence will be vital.

Modelling Protocols

10. Do you have relevant expertise or experience that you would be happy to share with us during implementation planning to help us develop modelling protocols?

- Yes
 No
 Possibly

11. If yes, please tell us about your area of expertise:

We have no specific area of expertise regarding modelling. As a small company operating on two sites OSH does not have the financial headroom to employ or engage a member of staff specifically in the role of modeller. If we end up with a framework that requires repeated remodelling of data then this will present a financial burden on the company.

If SEPA progress with this or similar framework we consider it imperative that a standardised model is developed, validated and utilised in such a way that consistent and comparable modelling results can be obtained by modellers operating on behalf of Industry, regulators or external parties such that time consuming debate over output results can be avoided.

12. If you would like to be involved, are you happy for us to contact you by the email address you have provided?

- Yes
 No

Permitting and Site Regulation**13. Do you have any suggestions for how SEPA could most efficiently and effectively assess compliance?**

No, we had hoped that SEPA would have designed the proposed Sea Lice Risk Framework with compliance assessment as a key component and that its intentions in this regard would have formed part of this consultation.

Monitoring the Effectiveness**14. Do you have any suggestions on how we should develop a monitoring plan to assess the effectiveness of the framework and what it should include?**

- Yes
 No
 Not Sure

No, we had hoped that SEPA would have designed the proposed Sea Lice Risk Framework with a monitoring plan to assess the effectiveness of the framework as a key component and that its intentions in this regard would have formed part of this consultation.

It is going to be potentially difficult, if not impossible, to monitor the effectiveness of the framework in protecting wild salmonids from any possible impacts arising from salmon farming given the numerous other pressures on wild salmonids. These other pressures would have to also be fully considered and understood to inform such monitoring.

15. Do you think there are components that should be included in an effectiveness monitoring programme that you would be able to help deliver?

- Yes
 No
 Not Sure

Please see our response to Q14.

16. If you would like to be involved in the development of a monitoring plan, are you happy for us to contact you by the email address you have provided?

- Yes
 No

Adaptive Approach

17. Are there other types of information that you think could usefully inform the adaptive development of the proposed framework?

- Yes
 No
 Not Sure

An overarching regulatory process must place equal emphasis on the management of impacts from all pressures on affected watercourses or water bodies. In the riverine environment this must include accurate and real time provision of catch data for individual rivers, including the number of wild salmonids that have been caught and released. This will provide context for any adaptive management decisions that have to be made in relation to sea lice framework or CAR licence EMPs, it will also ensure a degree of parity in terms of the real time reporting of potential impacts on salmonid populations.

The Proposed Framework's Implications for You

18. Do you think the design of the proposed framework, or how it is implemented, could affect your community or business interests?

- Yes, in a positive way
 Yes, in a negative way
 I'm not sure
 No

The exact process whereby our existing EMPs for our operational sites will be transferred across to EMPs attached to CAR licences has not been fully articulated within the consultation document and we anticipate that this will come at a later stage of implementation if this proceeds. The transfer of an existing EMP from Planning Authority to SEPA could be straightforward which would have minimal impact either positive or negative on the business. If, however, the sea lice risk framework is applied in such a way as to mandate for the rigid application of sea lice thresholds on our sites during the April / May period then there may be serious implications for the business.

In the two seasons that OSH has operated through the April / May period sea lice numbers have generally been retained at low levels through mechanical and freshwater treatments in late March and late May as weather conditions and vessel availability have permitted. The company has also used small quantities of Deltamethrin to treat for *Caligus* lice in late summer/early autumn. This is the only medicine treatment that the company can use whilst retaining its organic status. If additional treatments are required to retain lice levels at a low level in April /May there is a real possibility that the crowding activities required to carry out a treatment will result in significant fish welfare issues and increased mortalities as well as more lice being released from the site than would be the case if they were left untreated and the cleaner fish allowed to deal with the lice.

If we were forced to use deltamethrin during the spring there is a risk that a second treatment would still be required in the autumn, such discharge of medicines would be costly in terms of purchase and treatment times and would lead to loss of Organic Status which would adversely impact on OSH ability to market its fish. This is before we take into account environmental impacts of what would be unwarranted release of medicines.

As SEPA are aware OSH continues to seek additional sites on which to operate so that it can ensure continuity of harvest to its customers. The overall process involved in seeking regulatory consents has taken over five years and resulted in two sites that we are unable to operate despite holding CAR

licences. If the regulatory landscape remains in its current, fragmented, form and application for new sites take a similar protracted timescale then there is likely to be a negative business interest which could be exacerbated by the framework if it becomes a significant regulatory burden.

The level of environmental protection offered by the proposed framework cannot be established without full knowledge of all of the other impacts on wild salmonids and parity in approach between all possible pressures.

19. Do you have suggestions how any potential negative effects could be reduced or avoided without compromising the environmental protection purpose of the proposed framework?

- Yes
 No
 Not Sure

The level of environmental protection offered by the proposed framework cannot be established without full knowledge of all of the other impacts on wild salmonids and parity in approach between all possible pressures.

20. Do you have any suggestions how potential positive effects delivered or enhanced without compromising the environmental protection purpose of the proposed framework?

- Yes
 No
 Not Sure

Potential positive effects could be gained by ensuring greater linkages between the proposed sea lice framework and other related initiatives including the RBMP, Conservation of Salmon (Scotland) Regulations and Scottish Salmon Strategy. There should be a single point of reference for Scotlands water bodies which would ensure that all parties responsible for, or having an interest in, the nature conservation objectives related to wild salmonids have access to the same datasets as a single reference. This dataset should recognise the starting point that salmon farming is not the sole factor impacting wild salmonids and should detail, with regular updates the actual pressures on waterbodies and ongoing initiatives to overcome these pressures.

Overall Framework Proposal

21. Do you have any additional feedback on the proposed framework?

In the face of concerns expressed in our response to questions above we do not consider that the framework should progress in the form proposed. We do not consider that 1 year is realistic as an implementation phase and suggest that progress on the framework should be undertaken within the remit of working groups established as recommended in the Griggs review.

We would also make the observation that SEPA appear at present to be under resourced. For example, we have recollection of SEPAs marine science teams historically numbering close to twenty employees but it seems that this has in, recent years, dropped to less than ten. Operators have been experiencing significant delays in the handling of applications and review of monitoring information which has an adverse impact on businesses. With this background SEPA should, in our view, be focusing its resources on existing programmes of monitoring unless the additional remit from Scottish Ministers will result in provision for additional resources to carry out this extended role.