

**Rhidorroch Estate
Ullapool
Wester Ross
IV26 2UB**

OSCR
Compliance & Investigation Team
2nd Floor Quadrant House
9 Riverside Drive
Dundee
DD1 4NY

3 October 2012

Dear Sirs

Rivers and Fisheries Trusts of Scotland (SC031021)

I hereby wish to make a formal complaint to OSCR in relation to the Rivers and Fisheries Trusts of Scotland (SC031021) (“RAFTS”) in respect of what I consider to be a failure to act in a manner consistent with its objects and charitable purpose.

I am the owner of Rhidorroch Estate, Ullapool, Wester Ross and proprietor of the River Ullapool which flows into Loch Broom at Ullapool. As an Estate owner and river proprietor I have a direct interest in conserving the genetic diversity and populations of wild salmonids (Atlantic salmon and brown trout, including sea trout). Atlantic salmon are in themselves a species afforded protection under Annex II of the European Habitats Directive 92/43/EEC. I declare that being owner of the River Ullapool I have a vested economic interest in the wild fish population in the River Ullapool being maintained.

The geographical remit of RAFTS is nation-wide in Scotland, and as such their outreach influences the policies, activities and decision-making of the local fisheries trust (the Wester Ross Fisheries Trust “WRFT”). The WRFT was formed in 1996 and since that period I have communicated regularly with WRFT and in recent years with RAFTS themselves in my seeking to encourage greater protection of wild fish in the Wester Ross area in light of threats posed by aquaculture.

1. Charitable Purposes of WRFT

One of RAFTS' two charitable purposes is "the advancement of environmental protection or improvement".

In addition, the RAFTS' object is "the conservation and enhancement of native freshwater fish and their environments in Scotland".

2. Submissions

As someone with an interest in conserving and enhancing wild fish, it might be asked why I am lodging a complaint about a charity with such similar goals.

As I shall explain in this letter, it is my opinion and submission that RAFTS have failed to adhere to the above charitable purpose and constitutional aim. Indeed in my opinion RAFTS is currently working on a particular project that poses a direct threat of a very significant scale to the conservation and enhancement of freshwater fish in Scotland.

3. Managing Interactions Aquaculture Programme

As highlighted above, RAFTS' principal aim is to protect and promote wild fish throughout Scotland. As a proprietor of a river in the Wester Ross region, I am deeply concerned that this organisation has acted in ways which do not have any accord with this aim. Furthermore, as shall be highlighted below, I am of a clear view that RAFTS have not been acting in the interests of the advancement of environmental protection or improvement, which is one of their two key charitable purposes. My position can be summarised as follows:

RAFTS have become engaged in the 'Managing Interactions Aquaculture Programme' ("MIAP") promoted by Marine Scotland (an overview of the programme is annexed for the reference of OSCR). The programme's overall aims are to "help identify optimal and sub-optimal locations of aquacultural locations where aquaculture can best proceed with reduced or acceptable risks to wild fish populations and fisheries; and to support the sustainable growth of the aquaculture industry by providing information". The funding for MIAP comes from the Scottish Government to RAFTS, and is in part forwarded on to partner fishery trusts and river boards.

It is my clear view that this programme, designed to identify additional new sites for aquaculture on the west coast of Scotland, has been established to facilitate an increase in the salmon farming industry in Scotland in order to supply principally the Chinese market (see for example, 'Chinese Appetite for Scottish

Salmon' <http://www.scotland.gov.uk/News/Releases/2011/10/14123711>,
'Scottish salmon leaps into Chinese markets
<http://www.bbc.co.uk/news/uk-scotland-scotland-business-12169191> and 'How can Scotland
cope with China's salmon demands?' <http://www.bbc.co.uk/news/business-19512213>).

RAFTS have themselves previously provided evidence of the devastating impacts to salmonid stocks that aquaculture causes, as well as the dilution of the genetic integrity of wild salmonids caused by the operations of the aquaculture industry through side effects that include the increased presence of sea lice.

It is in my opinion highly inappropriate for an organisation such as RAFTS, whose aim is the conservation of wild fish and their habitats, to be engaged in a programme that is ultimately identifying further aquaculture operations off the west coast of Scotland. Increased aquaculture means increased adverse impacts to wild fish. Such a programme does not fit with the charitable purpose of RAFTS being the advancement of environmental protection or improvement.

During 2011 and 2012, I contacted RAFTS on several occasions to obtain further information about MIAP but have been provided with nothing. There has been no consultation with me in my capacity as a river owner, and any detailed background information on this project appears restricted.

4. Request for investigation

Against the above background, I formally request that OSCR investigates this complaint into the actions of RAFTS and in particular its involvement in the MIAP project. I request that OSCR considers removing RAFTS' charitable status given what I consider to be a failure on the part of RAFTS to act in accordance with its main aim and charitable purpose.

For completeness, I declare that I made a separate complaint to OSCR on 26 July 2012 in respect of the Wester Ross Fisheries Trust, and that the basis for this complaint against RAFTS has similar grounds.

If I can provide any further information, please do not hesitate to let me know. Thank you for your assistance and time in this matter.

Yours faithfully

Jenny Scobie

Rhidorroch Estate

Overview on Managing Interactions Aquaculture Programme referred to, and sourced from www.rafts.org.uk/aquaculture

West Coast Wild Fisheries – Aquaculture Mitigation, Management and Liaison Programme

Aquaculture is a contentious and divisive issue on the west coast of Scotland and has caused conflict between wild fish and aquaculture interests for many years.

This project programme is managed by RAFTS and its member fishery trusts and partner district salmon fishery boards on the west coast of Scotland to support the better coordination and management of wild fisheries and stocks with the aquaculture industry.

The project maintains some of the positive aspects of the Tripartite Working Group (TWG) <http://www.tripartiteworkinggroup.com/content.asp?ArticleCode=2> programme, which closed earlier in 2011. The TWG process made a number of positive contributions to informing the debate and dialogue between the wild fish and aquaculture sectors and the support of the Scottish Government has been crucial in maintaining this work. In addition, the renewed Scottish Aquaculture Framework provides further impetus and priority to improve practice and develop policy on issues such as farm location and licensing, prevention of escapes and control of sea lice levels.

The programme's overall aims are to:

- Help identify optimal and sub-optimal locations of aquaculture operations where these activities can best proceed with reduced or acceptable risks to wild fish populations and fisheries;
- Support the sustainable growth of the aquaculture industry by providing information that underpins the economic, environmental and social principles of sustainable development by:
 - Helping to support and direct growth to appropriate locations via the provision of locational guidance in terms of wild fish and fisheries;
 - Supporting the reduction of risk to the environment via lice monitoring and dialogue with the sector to negotiate local accommodations;
 - Allowing aquaculture to provide strong social benefits in the areas in which it operates having identified preferred and non-preferred locations for development and operation.

- By the use of applied genetics tools and a strategic sampling programme identify when or if genetic material of aquaculture origin is present in sampled wild fish populations to inform the need for further improved stock retention measures and demonstrate conclusively when such genetic ingress takes place.

The project will deliver activities which:

- Transparently gather and report data and information;
- Seek to reduce or support the reduction of aquaculture impacts on wild fish and fisheries and which lead to better understanding and recognition of these impacts and interactions;
- Develop policy and guidance on fish farm location sensitivities and priorities in respect of wild fish and fisheries in order to:
 - Support better informed responses to aquaculture planning applications made by wild fish interests;
 - Provide guidance to the Marine Spatial Planning process, planners more generally and other policy and decision makers so that the concerns of wild fish bodies are more clearly expressed, known and understood and can be incorporated and/or considered in planning and policy related decisions.
 - Gather and provide data that, in conjunction with locational guidance, will support the consideration of most appropriate aquaculture site locations and realignments or targeted reallocation of biomass and production from sensitive to less sensitive locations in the future.
 - Gather and provide data to inform local management of aquaculture operations and maintain and develop good local relationships and dialogue between aquaculture and wild fish bodies to support the negotiation of local agreements and protocols using this data and information.
- Via a strategic programme of sampling and screening and the application of cost effective and robust genetic tools will allow the identification of genetic material of aquaculture origin in wild fish populations. This will support the ongoing development of improved containment regimes and demonstrate conclusively when genetics of aquaculture origin are present in wild fish populations.

Project partners:

A number of RAFTS members and related District Salmon Fisheries Boards support this programme. In the main, work will be undertaken by the participating fisheries trusts.

The participating fishery trusts and boards are:

- . Argyll Fisheries Trust
- . Argyll District Salmon Fishery Board
- . Lochaber Fisheries Trust
- . Wester Ross Fisheries Trust
- . Wester Ross District Salmon Fishery Board
- . Skye Fisheries Trust
- . Skye District Salmon Fisheries Board
- . West Sutherland Fisheries Trust
- . Outer Hebrides Fisheries Trust
- . Western Isles Salmon Fisheries Board