**LOCHABER DSFB UPDATE SEPTEMBER 2015**

**Jon Gibb, Clerk to the Board**

Below are some of the items dealt with on your behalf since the last DSFB meeting. These items will be dealt with more fully in the Annual Report next spring, the production of which is now a requirement of the Good Governance legislation for Fishery Boards. Should you wish any more details on any of the items below please get in touch with me.

**HYDRO**

I dealt with several reported pollution incidents surrounding the Dark Mile Burn and Ciag hydro at Achnacarry. SEPA attended on more than one occasion and finally did some monitoring to assess any damage to aquatic species from fine sediment transportation and deposition. Their report confirmed that in their opinion there had been no damage.

An amendment to a CAR licence was received for the screw turbine scheme at Achnacarry on the River Arkaig. I objected to a proposed increase to the height of the dam as it may result in possible flooding of spawning habitat and I requested actual modelling of these possible impacts. These were then provided and, having consulted with the LFT, it was concluded that there would be no greater impact on that already consented so I withdrew the Board’s objection.

I met with Scottish and Southern Energy with the River Lochy Association to discuss a range of unresolved issues at the Mucomir scheme and also the proposed LFT Arkaig Restoration Plan (which has SSE as a key partner). Progress has been painfully slow with Alastair Stevens of SSE but a draft operating agreement for Mucomir has been drawn up and ongoing discussions are taking place between SSE and LFT to progress the restoration plan. During these discussions it was confirmed that the proposed very large pumped storage scheme planned for above Loch Lochy is looking less likely due to changing energy market conditions and is unlikely to be built in the foreseeable future unless some radical change in market conditions takes place.

**AQUACULTURE**

I considered an oyster farm application in Loch Sunart near Salen. Overall I judged that there would be no significant and predictable impact on migratory fish

I attended several ‘dialogue’ meetings with the fish farm industry, the results of which frankly were very little. The Crown Estate is currently trying to engage the two sectors in dialogue with the aim of identifying and managing interactions. It has not yet been made clear exactly how it intends to do that (or indeed if there is any funding for work) and I am rapidly losing faith in the ability of this new ‘initiative’ to deliver anything new. I will attend one more meeting and make a judgement on this and whether it is worthwhile attending on behalf of the Board.

I am pleased to report that the long-awaited SARF project to trap wild smolts on the River Lochy and test the impact of sea lice on their outward migration is now up and running and is a major step forward for the region. Smolts were trapped by LFT/RLA this spring and half were treated with an anti sea lice chemical and the other half were left untreated. They were PIT tagged accordingly. Adult traps will be constructed next year to capture the returning adults and a comparison will be made between treated and untreated return rates. It is hoped that the project will run for at least 5 years.

Highland Council issued a consultation document on aquaculture guidance. A key part of this was locational guidance. Within the document there was a map which had shaded areas for where potential development might take place. I had serious concerns that both inner and outer Loch Linnhe had been highlighted as areas for potential development and I responded in a robust fashion with all of the reasons why this should most certainly not be the case.

Further to the above, the map also illustrated that there would be a ‘presumption’ against any fish farm development on the North and East coasts. I contacted fishlegal for advice on this. It seems to me that if there is a presumption against development in these locations (with their large important salmon rivers) then it has been accepted that fish farming is damaging to wild salmonids. Is there therefore a potential to challenge any future development *in any location* if that conclusion has been made by the planning authority? Fishlegal lawyer Bob Younger looked at the issue and concluded that he did not think there was enough weight of argument for a judicial review (which is what would be required).

There is a proposal being drawn up to expand the Nevis C fish farm. Scottish Sea Farms are currently drawing up an Environmental statement with a view to making a full application. I have been dealing with their Environmental advisor and have outlined the Board’s inevitable objections to this application (these objections had already been expressed in the scoping response that was given some months ago). Local fishery interests have been informed.

As reported previously, Marine Harvest have committed to sign up to the Aquaculture Stewardship Council (ASC) standards by 2020. I have met with MH to discuss this on a number of occasions. While there are many encouraging things as part of these standards (especially better lice targets) there is one issue that I think will need much discussion in our region: One of the standards is for no smolts to farmed in freshwater lochs with migratory fish present (this affects Lochs Lochy, Arkaig and Shiel in Lochaber). For MH to achieve this by 2020 would mean a major investment in recirculation units in Scotland (at the moment with the price of salmon low and profits squeezed it seems unlikely for this investment to be made). However if money were to be raised then the (highly valuable) leases at Lochy, Arkaig and Shiel would need to be sold to other fish farm companies. This would mean that although we may see MH move out of freshwater lochs, we could either see the arrival of lesser resourced salmon farming companies or (worse still in my experience) rainbow trout farmers. MH are considering whether to approach the ASC and see if the standards can be revised. As a Board we may need to decide where we sit on this as undoubtedly our input will be required in the near future.

**BAILIFFING**

I attended the annual bailiff conference which was hosted by the Ness DSFB this year. A number of issues were covered but especially the role of water bailiffs and their employment/warranting etc. in the future under the Fisheries Reform proposals. On balance the bailiffing force was confident that the proposed changes would bring improvements to the professionalism of fisheries protection around the country.

Loch Arkaig warden Mark Hirst, took the bailiff exam this year and achieved the second highest mark nationally. He was now been warranted as a DSFB water bailiff. One candidate in the Morar region was unsuccessful in the exam.

I attended a workshop this summer with bailiffs from around country covering all aspects of illegal netting. It was a useful practical day and it was particularly useful to learn of different illegal netting techniques being used in different parts of the country.

To my knowledge there have been no illegal nets lifted in Lochaber so far this season (but this may have to do with the fact that conditions have not been suited to netting for most of this season on the bigger rivers and a lack of fish on some of the smaller rivers). I did make a number of unannounced patrols on several rivers in the region throughout the season but did not come across anything illegal. This is the first season that I have worked in Lochaber where we have not had a single charge for poaching up to this stage in the year (this may denote a sign of the times with poaching becoming less prevalent, but it would be a mistake to become complacent).

**FISHERIES REFORM**

***A separate briefing note has been issued with this update surrounding the proposed Fisheries Reform.***

I have made various responses to Scottish Government on these proposals and attended a number of meeting with ASFB etc. to discuss these important matters.

Having approached Lochaber proprietors for input, I made an initial response on behalf of the Board about the kill licence/tagging proposals, and then a secondary response about the plans that have been issued for next year. Generally I highlighted the concern that, while we welcome the ban on issuing of kill licences to fisheries outside estuary limits, we do not believe that the kill licence proposals for anglers are based on sound evidence. Without the presence of a fish counter then meaningful ‘quotas’ for harvesting cannot be made. I also highlighted the need for both farmed salmon and identifiable hatchery reared salmon not to be included in the tagging scheme.

I responded to the consultation on the wider fisheries review and the proposed changes to fisheries management. I also made a contribution to the overall national ASFB response. I concentrated much of our response on the balance between the national and local units and also the serious issues surrounding funding. I made it clear, for instance, that salmon fishing proprietors should not be expected to fund an all species remit (as is being proposed) and that a new source of income (such as a rod licence) will have to be introduced if the Scottish Government want to deliver their aspirations.

I discussed these matters with the LFT and, although it was decided at the last DSFB meeting to hold a stakeholders meeting, we have decided that there is little point in calling such a meeting until we are told by Scottish Government exactly what it requires us to do (so far much of the exact details remain unclear).

Along with LFT, I have had some exploratory talks with the Ness and Beauly DSFBs/Trusts to look at a possible merger into a larger FMO in the future (this however is covered more fully in the attached briefing note).

**OTHER ISSUES**

I have dealt with several small applications for CAR licences in the last few months and the LFT assisted in responses with several of these. These included Transport Scotland and Scottish Water improvements.

There is a wide ranging plan to replace all of the small road bridges along with side of Loch Eilt on the A830. One of these has been completed, two are currently under construction and three more are in the pipeline. Each has required a licence and I have responded to each. On one (Garbh Bridge) I backed up LFT concerns about the re-grading of the channel bed and on another (Utha Bridge) I have just agreed that the normal ban on in-river working (to protect spawning fish) can be extended to the end of October at the very latest due to a delay in the start of the works.

Following local reports I investigated disruption to a key Loch Shiel spawning burn by a new crofter. He had built a small dam over the burn and had disturbed gravels with machinery. I advised SEPA and I will follow up with inspection.

I received, assessed and approved stocking applications for the Shiel, Ailort, Inverie, Kingairloch, Roy and Lochy.

An application was made to Marine Scotland by Sir Patrick Grant of Glendessary Estate to 100 1kg stock triploid brown trout into the rivers Dessary and Pean – I discussed this with him prior to the application and, while understanding his desire to create a fishery in this upland location, I did highlight some of the Board’s concerns. I noted that this had been tried (unsuccessfully) in the past. The LFT objected to the application and I supported their view that this could create damage to existing juvenile salmon and trout though habitat competition and predation. Nevertheless the licence has been issued by Marine Scotland as they said that no evidence could be shown to demonstrate that an impact would ensue. The licence is for one year only and requires the Estate to monitor its success.

I have been informed about Flood defence proposals for Caol, which will include metal piling from the village of Caol all the way round the River Lochy (side channel) to Lochyside opposite the ALCAN tailrace. I have made an initial response that we would wish to see modelling for the impacts of any work on the height of the River Lochy and inundation of any freshwater habitat (especially in spring tides) and also wish to discuss river access points with the proposers. It is early days and any construction would not take place until 2018.

For your information SEPA have recently issued a ‘river obstacles app’ available on iphone and android. This allows fisheries staff, anglers and the public to report river obstacles preventing the passage of fish which SEPA can then address and aim to make passable. It would be of major benefit to the region if people were to download this app and use it to report obstacles in their catchments (many of which may be on small but important spawning burns). Search ‘River Obstacles’ on the App/Play Store.