**LOCHABER DISTRICT SALMON FISHERY BOARD**

**CLERK’S REPORT, SEPTEMBER 2013.**

**New legislation and Board administration**

The new Aquaculture and Fisheries Act comes into law this month. It puts new requirements on Fishery Boards with the aim of improving perceived accountability and transparency. These include a register of members’ interests (forms already circulated) and the requirement to hold one public meeting per year which must be advertised and must allow members of the public to raise issues at the meeting. The Lochaber Board will continue to hold its usual 2 meetings per year (one of which will the public meeting), but the legislation does allow the public to be present at all meetings if they contact the Board of their intention to be present. There are still provisions however to allow certain sensitive business in private (eg water bailiff operational discussions, staff remuneration, elections etc).

Jim McKinlay resigned as a Board member in July as he has left the area. I have received 2 nominations for his replacement as one of the Board’s local angling club representatives – Niall Mackillop and Iain Donnelly. A vote on this position will take place amongst voting Board members at the next meeting.

The Shiel sub Board have contacted me with the following – ‘We would like to support the proposal from the Morar Sub-board that the main LDSFB should increase their levy to all proprietors in the region so that individual sub-boards might then be funded centrally.’ This will be discussed at the next Board meeting and perhaps one of the key issues here is the legal position which requires all proprietors in the region to be levied at the same rate. Currently sub Boards only represent around one half of all fishery proprietors.

Marine Scotland is currently reviewing overall freshwater fisheries management, including the roles of Boards. As a precursor to this, ASFB have been canvassing opinion from Fishery Boards about their views on the efficiency of the current model of salmon management, particularly with regards Fishery Boards’ abilities to oversee their statutory role effectively and adhere to the recently drafted Code of Good Practice. My response to the Chairman of ASFB included the following –

* Are you likely to have any problems in following the DSFB Code of Practice?

In terms of the provisions for ‘good governance’ in both the Code of Good Practice and the forthcoming Aquaculture and Fisheries Act, we do not see any insurmountable problems. However it should be noted that with the plethora of fish farm landlords also being salmon fishing proprietors and, more recently, with the huge upsurge is small scale hydro installations on the west coast, the declaration of ‘conflicts of interest’ for proper transparency have become all the more and acutely important. There is the potential for future problems here unless the measures for transparency are rigorously applied.

* Do you have sufficient resources to enforce current fisheries legislation and are you sufficiently funded to make informed management decisions?

Catchment-based and evidence-based professional river management requires sufficient funding (whether that is the Trust or the Board – ideally both). There are massive discrepancies between Scottish fishery Boards and their ability to raise these funds. The west coast region’s fishery boards are geographically huge and highly uneconomic (compared to the single river fishery boards of the large commercial east coast rivers). The Lochaber Board, for instance, has a role of 68 proprietors – the vast majority of these own small sea trout burns or small spate rivers which are not let due to the complete lack (or absence) of fish to justify any commercialism and income generation. In spite of this, west coast Boards are inundated with non-paid regional work requirements to meet their statutory duties – in particular I deal with almost constant consultations regarding fish farms in the area and, more recently due to the west’s local topography, there is often a new hydro application to deal with every week. I wonder how that ‘consultation workload’ compares to Boards outwith the area?

To deliver this basic Fishery Board statutory consultee function is almost impossible on the funds available, let alone to also deliver professional evidence-based fishery management at a catchment level.

The total annual operating budget of the Lochaber DSFB is £25,000pa. With the vast majority of its 68 fisheries making no money at all from their fishings then this is deemed to be the maximum amount achievable from proprietors. Compare this, for instance with the Spey DSFB – with an operating budget of over £1/2 million! The discrepancy is so large that it is almost impossible to see how policies and management requirements for one could be applied to the other. With that level of discrepancy East and West coast fishery boards are obviously entirely different bodies.

With much larger budgets generated from their commercially orientated proprietors, single-river East Coast Boards like the Spey are able to operate on a professional footing and deliver effective fisheries management and their full statutory role. Understandably, Boards like Lochaber struggle to do either. It could be argued that as a result it has been easier for the fish farm industry to proliferate in the region. A similar pattern is currently being seen with the small scale hydro industry. Furthermore, the West Coast salmon fisheries have been in steep relative decline to the East Coast for over 2 decades now.

There seems to be something intrinsically wrong with a fisheries management model that allows its most threatened and poorly performing region to operate on a fraction of the funds that are used by areas of the country that are far more robust in their salmon stocks. Somehow this needs to change if we are being serious about the future for Fishery Boards to manage the Scottish wild salmon resource

**Fish farming**

On 15th July Marine Harvested reported an escape of 200 parr from their Loch Garry freshwater farm during transfer of fish. Although out-with our area these fish could access the Lochy system via the Caledonian Canal. It is incidents like these, however small, that underline the importance of Marine Harvest signing up to a recent agreement that states that they will comply with Aquaculture Stewardship Standards by 2020 – a key part of these standards is the agreement that they will no longer farm smolts in freshwater lochs where wild salmonids are present.

A Linnhe/Lorne AMA meeting was held in late March. At the time low lice numbers were reported apart from isolated cases in the Sound of Mull. Wrasse ‘cleaner’ fish are reported to be very effective in keeping lice numbers low in tandem with chemical treatments. The first commercially reared wrasse have recently been stocked into Scottish farms (before this all wrasse came from the wild, which was clearly unsustainable).

In the interim period however high sea lice numbers have been reported by anglers throughout the region on finnock in estuaries and river mouths. This tallied with the Fishery Trust’s monitoring of post smolt sea trout in the early summer, which found that lice at the Loch Linnhe sampling sites (where the farms are in the 2nd year of production) were unacceptably high. It seems that whatever strategies that the fish farmers have to control their own sea lice on farms, it is sill not enough to prevent elevated and potentially lethal numbers ending up on wild fish.

The Crown Estate have recently set up a new meeting forum which only includes operators on the ground (from both sectors) and no official wild fish or fish farm organisations. The aim appears to be to thrash out any differences and seek solutions to local problems. It remains to be seen whether any progress will be made to what now appears to be a fairly intractable problem based on sound scientific evidence but I will continue to attend on behalf of the Lochaber Board in the meantime.

Last month I was contacted by the Trout and Salmon Association about their campaign against the expansion of rainbow trout farming by Kames Fish Farming in Loch Etive. As we successfully removed this company from Lochaber waters, I assisted by sending the solicitor at S&TA (in confidence) the Lochaber Board’s 2 legal opinions gained during that period.

In August I objected to a Highland Council planning application for a new feed barge on the Marine Harvest farm on Loch Lochy and new pen layout. The application form MH stated it was for the ‘long term viability for Loch Lochy as a farm site’. My objection stated that any permission granted should only be given if comes with express understanding that it is line with companies commitment to ASC standards announced earlier in the year (see above) which commits to no farming in migratory freshwater lochs within 7 years.

I have received a planning application for a small tidal power array on the new fish farm site on the Isle of Muck. As I could not see any direct risk to local salmon or sea trout, and that this technology is being trialled to assist the further expansion of offshore fish farms, I did not make any objection.

The ongoing fish farm review process continues (see previous reports for details) which gains fish farms permanent planning permission. In the last few weeks I have given responses to the Lismore North, Fishnish and Fiunray sites. What is now clear though, having made several of these responses, is that Highland Council are not paying any heed to our concerns and they accept the advice from Marine Scotland that as all sites are part of an AMA then any potential problems that may occur in future can be addressed. This of course is nonsense and as a result I contacted the Fishery Trust and they have formulated a concise evidence-based response based in sound science that will now be sent to ALL applications. This response is a very brief summary of the very latest research with regards to the impacts of certain fish arm locations. However much Marine Scotland denies the existence of this evidence, I will present it to each consultation process again and again – all of which is on public record. For particularly sensitive sites I will engage the media and other means of highlighting the Scottish Government’s denial of the current science in their bid to give inshore sites permanent planning permission. The response reads as follows (with each application getting an additional site-specific paragraph) –

There is a significant body of evidence demonstrating an impact of aquaculture on wild salmonids mediated through sea lice. Studies carried out by Marine Scotland Science have shown that infective lice are found at higher densities in the waters around fish farms (Penston et al. 2008). Given the much greater biomass of farmed fish relative to wild fish in inshore areas, farms effectively amplify lice levels (Murray 2008). This increases the exposure of wild salmonids to lice, and an analysis conducted by Marine Scotland Science found lice burdens of wild sea trout post-smolts were driven by local farm production cycles and increased with proximity to farms (Middlemas et al. 2012). Elevated lice levels were found on wild sea trout post-smolts up to 31km from the nearest active farm. The lice levels recorded on many wild sea trout are above the level shown to cause stress and mortality (Wells et al. 2006) even in years and areas where farms are signed up to AMAs and are using chemical treatments as part of integrated sea lice management techniques. In 2011, 43% of sea trout post-smolts caught by the Lochaber Fisheries Trust in Loch Linnhe had lice burdens above the threshold where significant damage has been shown to occur.

Direct measurement of lice burdens on wild salmon smolts has not been attempted in Scotland. However, a review of studies carried out in Ireland and Norway has shown that treating salmon smolts to protect them against lice in their first weeks at sea has a significant effect on the proportion that survive to return as adults (Krkosek et al. 2012). Across all rivers included in the study, lice were responsible for an average 39% reduction in adult recruitment. The absolute effect of lice may be small relative to other sources of mortality naturally encountered by salmon at sea (Jackson et al. 2013), but such a sizeable additional impact on the number of adults returning to a river could jeopardise fish populations and the fisheries they support. In a study co-authored by a senior scientist in Marine Scotland aquaculture was identified as a likely cause of steeper declines in salmon rod catches in areas of Scotland and Norway where fish farms are present (Vøllestad et al. 2009).

Escaped farm salmon have been caught in rivers across the west coast of Scotland. In past years rod catches of farm escapes have exceeded those of wild fish. Reported escape events have declined in recent years, however, escaped farm fish continue to be caught by anglers and the netting station at Cuil Bay on Loch Linnhe reported significant levels of farm fish in the 2012 catch. A recent study funded by Marine Scotland found Norwegian-origin genetic material in 25% of juvenile salmon caught in rivers on the West Coast of Scotland (Coulson 2013). The salmon on fish farms are predominantly from Norwegian stocks, bred specifically for aquaculture. Interbreeding between wild salmon and farm escapes has the potential to significantly weaken the wild stock and could compromise the future viability of the population (McGinnity et al. 2003).

**Fisheries protection**

Before the start of the season I issued 18 water bailiff warrants in Lochaber. One new bailiff passed the exam in the spring and one left fisheries employment, both in the Morar catchment.

All bailiffs are to be issued with a new hard plastic warrant card with a hologram and ID photograph – a big improvement on the current cards. These are being processed centrally by ASFB (with funding from the Fishmongers Company) and they will be valid for 5 years. I am in the process of organising these cards for all of our bailiffs.

Two poaching cases from last season were successfully prosecuted in Fort William Sheriff Court in the last few weeks – both took place in the Lochy catchment and both resulted in large fines. Well done to the water bailiffs involved as without alert patrolling and accurate reporting neither prosecution would have been possible.

**Hydro developments (small scale)**

As the currently available feed-in tariffs come to an end this year, there has been a noticeable increase in small scale hydro applications in recent weeks. Some of the following are schemes I have dealt with in respect to migratory fish issues -

Achnasaul Allt Dubh (Loch Arkaig, Lochiel Estates) – following continue liaison with the developer and SEPA I was over-ruled about my wish to see the powerhouse to b located above 50m of good juvenile salmonid habitat. I remain particularly concerned that there are similar hydros being planned for further along the loch and the partial dewatering of this habitat sets a precedent.

Allt Na Criche ( River Ailort, P Berradelli) – following discussions during a pre-consultation approach by the developer, they have now moved the powerhouse to my recommended location to save juvenile and spawning habitat.

River Arkaig, Archimedes turbine proposal (Lochiel Estates). I made a site visit with the developer to Achnacarry to discuss this potentially controversial scheme (this is the first main stem in river low-head turbine proposed in this region). Although a CAR application has yet to be made, I have noted early concerns to developer on fish passage up and down the scheme and also the possibility that the initial planned layout could cause a fish tarp on its upstream side. It remains to be seen whether these matters will be addressed in the application to SEPA which we will be consulted upon.

Upper and Lower Suilaig (Loch Eil, Fassfern Estate). I made comments on both of these schemes and my comments were considered by SEPA’s fisheries specialist. I have not heard the outcome of this yet.

Dubh Lighe (Fassfern Estate) – I have had several meetings and communications with the developers of this scheme as the intakes lie above the wild fish hatchery and gene bank broodstock holding unit at Drimsallie. Clearly this is a highly sensitive location for wild fish. These discussions to ensure the security and protection of the fish of several rivers being held at Drimsallie are ongoing.

Annat Farm (Corpach, community scheme) – I considered this application in relation to salmon and sea trout and made no objection as no clear impact could be seen.

**Hydro developments (large scale)**

COIRE GLAS – I became very concerned over the year that SSE were applying for all of their licences for this huge scheme prior to any details being provided on all of the issues that will affect wild fish in the Lochy catchment (river flow fluctuations, fish passage at Mucomir etc.) SEPA explained that although the licences are being applied for now, any authorisation that is issued would have to take into account the issues that we have raised. In August SEPA’s senior management in Dingwall contacted me about this issue with the following and this is a key issue for the region that I am keeping a very close eye on -

Our proposed way forward for the proposed scheme at Coire Glas would be to incorporate licence conditions that require SSE to submit designs, drawings and method statements for any new or altered structures for the approval of SEPA. Whilst we have our own in house fish scientists, we readily acknowledge that the Board have local knowledge which we would like to take into account when considering such designs. Consequently I would envisage that we would seek your comments on any proposals during the approval process.

I appreciate your comments that what we have before us at present does not contain the level of detail which we require to make that final judgement on the final design and operation. However we also acknowledge that SSE are not currently in a position to provide this level of detail. We are satisfied that the proposal is capable of being designed and built in such a way as to provide an adequate level of mitigation and protection to the environment and to migratory fish in particular. The purpose of the licence conditions is therefore to ensure that this level of detail is provided prior to the commencement of the development.

As we also discussed, this is not to say that we will not continue to engage with both the Board and SSE in respect of the existing arrangements at Mucomir.

MUCOMIR – In June there was a problem with low flows at Mucomir. It transpired that the compensation generator (used when the loch is low) could not be switched on due to algal build up on the intake screens. This meant that a spilling floodgate was being used to delivering the statutory compensation flow. However the river management was kept in the dark about this by SSE. I contacted SEPA and pointed out that this created potential fish trap and was in possible contravention of fisheries legislation – the outflow of the floodgate is not in the same place as the fish pass so fish are unable to ascend the dam. SEPA rectified the problem by insisting that SSE deliver the comp flow using a sluice valve next to the fish pass. Yet again I contacted SEPA about SSE’s failure to communicate with the river management and the continuing potential of the outdated scheme at Mucomir to block the passage of migratory fish. SEPA responded with (the usual non-committal) reply below and we can only hope that the whole Mucomir scheme is decommissioned under the new Coire Glas proposals -

‘Under normal operating conditions the mitigation flows / fish screening and fish passage measures in place at Mucomir represents our current view of what constitutes practicable mitigation at the site considering the historic design of the station and the technical and physical constraints of the site location. The Mucomir station and the activities undertaken were developed in the 1950’s and were transferred into CAR as an existing operation. This does not mean that the operation of Mucomir (on basis of its historic design) is permitted to have significant adverse effects on the water environment – far from it, the activities require to be carried out in accordance with the requirements of the CAR authorisation and associated agreements and we will look at any issue raised on its individual merits’.

One issue this does raise however is the increased incidence of algal growth in Lochy catchment (this is being seen in several rivers around the country in recent years). While of course algal growth will be high in mid summer during low flows, it would be my view that the blanketing of whole areas of boulder substrate in the River Lochy during the summer is a new phenomenon. The blocking of screens at Mucomir by algae has also never been witnessed before. Following contact with SEPA (when I noted that this increase of algae seems to have coincided with the salmon farm starting on Loch Lochy, as well as drier summers) SEPA specialists monitored some sites on the river. They concluded in their report that all of the algal types found only occurred in very clean water and the increase is likely linked with elevated freshwater temperatures due to warmer and drier summers. (It is relevant that the manager of the fish farm at Loch Arkaig recorded much higher July water temperatures than normal and the River Manager on the Lochy was of the opinion that elevated water temperatures were having a negative effect on the salmon entering the river and indeed the fishing conditions).

**Other issues**

Cuil bay netting station reported their pre-June released catches as part of the spring salmon conservation agreement with all Lochaber fisheries. Sandy McLachlan recorded a quiet start due to clear water due to a cold spring and lack of plankton growth. Early results on the rod fisheries were similarly slow with a late start on most rivers. This was then followed by a dry summer which has affected catches all round the country. Numbers of summer grilse (at the time of reporting) seem to be continuing their current depressed state of the last few years on many rivers. Most rivers in Lochaber (and elsewhere) are reporting a below average year so far.

I approved 2013 stocking applications for the following catchments - Shiel, Conaglen, Ardtornish, Strontian, Fionn Lighe, Ailort, Inverie and Kingairloch.

I forwarded the following consultations to relevant local sub Boards and proprietors for their direct response - Ardtornish Long term forest plan; River Shiel Moss Road, Acharacle; Loch Eilt road bridge replacements.

Mrs Rice-Garwood (owner of Keil House net fishings) has agreed not to operate this dormant netting station for at least the next 5 years as conservation measure in return no levy charged for this period.

**Jon Gibb, 4th September 2013.**