**LOCHABER DISTRICT SALMON FISHERY BOARD**

**CLERK’S UPDATE September 2012**

Below is a brief summary of activity on behalf of the Board since the last meeting. Please ask for further details on any item.

AQUACULTURE

Having reduced over a number of years, escapes were again a noticeable feature of the early part of the season in Loch Linnhe. Farmed fish were caught both in the Lochy, Awe and the Cuil Bay netting station – in the latter forming over two thirds of the first month’s catch. Some of the fish were likely to have come from the Scottish Seafarms escape at Lismore in December (see April’s Clerk’s report) but many of the net caught fish were recent escapes of differing sizes with feed extruding from their vents. I followed this up with Marine Scotland and got the fish analysed but essentially came to a dead end - if no one admits an escape there is no way of tracing the fish to source. We continue to campaign for the genetic fingerprinting and recording of individual farmed stocks for just this reason. By the summer the number of farmed fish recorded in catches reduced significantly.

In general lice numbers reported on fish farms in the region during the critical spring period were encouraging. The Lochaber Fishery Trust will be reporting in due course on the lice numbers found on wild post smolt sea trout.

SEPA have confirmed that they are to consent the 20% expansion of the Loch Arkaig smolt farm in spite of our objection during the consultation. While this is disappointing the option of appealing to Scottish Ministers was not exercised due to all other appeals being unsuccessful (SEPA do not recognise escapes as ‘pollution’ therefore there is no mechanism to address this issue) but perhaps more importantly the fact that this expansion will not result in the farming of more fish – Marine Harvest intend to grow smolts much larger in the freshwater cages and thereby lessen the cycle in sea water. This should go some way to improve lice management in marine farms which should in the long run be beneficial to wild fish. It is of course very frustrating that SEPA continue to grant fish farm licenses/expansions in lochs when the industry have clearly demonstrated that they can farm smolts on land, soon to be further demonstrated by the very large land-based smolt unit nearing completion at Lochailort.

In recent days the Board has received a fish farm expansion application in Loch Hourn. This application appears to exceed the boundaries of the previously agreed maximum biomass of 2400t in sea lochs. Although strictly out of our area, as the farm may well impact on foraging sea trout from rivers around the north of Knoydart the Board will be responding robustly and have invited the input of the Fishery Trust.

The Board continues to support the Trust in seeking funding for its project on the Lochy to look at the population effect of lice infestation on wild smolts by comparing the survival rates to adult on SLICE treated and untreated reared smolts, and met with all the main national fisheries bodies to attempt take this vital work forward.

LARGE – SCALE HYDRO

Relations and communication with Scottish and Southern Energy over the past few months have become very poor. This does seem odd considering that the company has plans to build one of the largest pumped storage schemes in the country in our region in the next few years - at Coire Glas at the head of Loch Lochy. Increasingly we are seeing that SSE are less keen to discuss matters directly with us, as has been done in the past, inviting us to deal directly with SEPA/planners when it comes to current and proposed generation activities.

This has been very apparent with discussions around the pumped storage scheme proposal so far – we have requested that the Board is fully satisfied with both fish passage and downstream water management arrangements that will remain at the Mucomir barrage before the Coire Glas proposal goes to planning or a CAR licence is applied for. However SSE have indicated that they do not intend to satisfy our demands and that, as a statutory consultee, we will be invited by the relevant authorites to respond to the CAR or planning application. This concerns me, especially as once applications have got that far they are often driven through to satisfy government/industry targets and agendas with matters such as fisheries concerns taking a very low priority.

Another matter of concern has been that the fish counter at Mucomir has not been working all season and yet SSE only told us this last week. While SSE have agreed to forward the photographic raw data of running fish (the camera has apparently not been affected) it is symptomatic of their general attitude towards fishery interests in Lochaber that they have failed to inform us of this all season and in spite of repeated requests for the weekly counts.

It also seems that the PIT tag decoder at Mucomir has also not been working according to an SSE employee, in spite of the Fishery Trust and RLA relying on it to record the return of PIT tagged reared smolts released above the dam over the last few years. Again SSE have not told us officially that this is the case.

An issue has also arisen with regards sediment management at Mucomir – SSE have been digging out silt and gravel from behind the dam (again without liaison with local fishery interests) and have told the Board that they intend it leave it on the floodgate spillway to let the next flood wash it down the river. In the past silt was always removed from the site. When we approached SEPA we discovered that this is now their official policy with regards sediment management at dams. Both the Board and the RLA have expressed their serious opposition to this policy being applied locally, especially as there are already serious siltation problems on the River Lochy.

Finally, an issue has also arisen with regards the timing of flood gate releases at Mucomir – an angler was nearly swept away recently when a flood gate was opened suddenly and the Lochy rose rapidly. The RLA requested (unsuccessfully) that they are informed by a simple telephone or email when such events are about to happen. When I spoke to SSE they confirmed that they are unwilling to set up such a communication, seemingly because they are worried that they might be liable if the information was not passed on successfully and an accident ensued.

Clearly there are several issues of concern in our dealings with SSE and I have requested a meeting as soon as possible with them to address all of the above issues with the Board and all the local fishery interests. We await a date for this meeting.

SMALL SCALE/MICRO HYDRO

A micro hydro pre-application proposal was looked at on a burn on the north side of Lochan Dubh on the River Ailort. Local fishery interests were informed. I asked for a slight alteration to the proposed outflow to protect some existing decent juvenile habitat.

The hydro on the mill burn at Strontian is now complete – a slight alteration was made to the intake dam so as not to interrupt supply to the Strontian hatchery.

A 100kw hydro proposal was dealt with on a small tributary of the River Spean north of Spean Bridge on the Blarour Estate. Following local liaison and a site visit it was judged that the proposal would have virtually zero impact on migratory fish as they are not known to use the burn and that the proposal all lies above the only suitable fish habitat at the bottom of the catchment.

The Board received the consultation papers regarding a hydro proposal on Laudale Estate. Having visited the site at the pre-application stage and responded at that time, it was judged that the impact on migratory fish would be minimal due to the lack of available habitat on the burn concerned. No response was given.

LOCHABER CONSERVATION AGREEMENT

The conservation agreement signed in 2009 – which requires all rod fisheries in Lochaber to release all migratory fish until 15th June and net fisheries to release fish until 1st June – was broken this spring by Cuil Bay netting station. Netting started on 11th May, 3 weeks before the agreed date. The proprietor Kim Malcolm explained that this was necessary due to the financial hardship on his tenant netsman caused by the agreement. Although the Cuil Bay interests offered to release some hens, this was not thought to be a viable future agreement and the matter was put to the voting members of the Board and an opinion sought from ASFB.

Generally speaking, the majority of responses favoured a legal application to Scottish Ministers for an official Lochaber-wide conservation measure under the Salmon Conservation Act, but only if we were convinced that the 'voluntary' approach had been *completely* exhausted. A majority of Fishery Board members then voted in favour of this approach when a vote was sought.

As a result, further and final negotiations took place to seek a workable voluntary measure and I am pleased to report that the Board came to a solution with the proprietor Kim Malcolm. The agreed measure is one that protects all spring hen salmon and all sea trout, while also recognising the financial hardship suffered by the tenant netsman as a result of the previous agreement.

While the basic agreement signed by all major fisheries in 2009 still stands, it has been agreed that the wording has now been altered to include the following:

**All fisheries in Lochaber must continue to operate 100% catch and release until 15th June, however Cuil Bay netting station may operate from 1st May but must release *all* wild hen salmon and all sea trout until 15th June. Only one bag net can be used until 15th June. A record of all killed and released fish caught within this period must be forwarded to the Fishery Board by the end of June each year. All killed fish throughout the year should be tagged in the usual fashion with an individually marked 'S MacLachlan' tag to identify them as legally caught and an indication should be given to the Fishery Board at the start of every season as to the main outlets where fish are being sold in order to assist the bailiffing of poached fish from the region. Identification of adipose fin clipped fish should continue and the totals, with weights and dates caught, must be reported by 31st August each year to the Fishery Board.**

The above altered agreement stands for the next 3 seasons and will expire at the end of 2015. The Board thanks all proprietors and their anglers for their continued efforts to protect vulnerable spring stocks. The issue will be reassessed in 2015.

FISHERIES PROTECTION

There are now 19 fully trained water bailiffs warranted by the Board in the region, with 2 more from the Morar catchment successfully having passed their exam this season. Additionally there were also 18 voluntary ‘river watchers’ operating in the region in 2012, all of whom also hold a card for identification purposes.

The River Leven has many of these voluntary watchers within their club-managed fishing and this was noticeable in their early results again known poachers this season – 2 cases were reported to police for which I was asked to make an expert witness statement. The RLA bailiffs also successfully reported a persistent poacher on the Lochy in August, and interestingly their car was seized immediately by officers and is still being held by the police. I also gave an expert witness statement to the police in this matter as well. These 3 reports should be on their way to the Procurator Fiscal.

In the meantime a new operating protocol for our water bailiffs has been signed up with Fort William police following a meeting with the new Chief Inspector, David Bushell. This has been distributed to all bailiffs and will form the basis of our work with the police in the coming years.

As rumours of a good run of fish in June and July circulated, so did reports of salmon poaching. I was busy for several weeks following up reports of illegal netting in various coastal locations in the region, especially in areas not well covered by local warranted bailiffs. Local police and the wildlife crime officer were very helpful. This appeared to have a good deterrent effect if not actually resulting in any prosecutions.

Seal control – please note that anyone operating with a seal control licence issued in the first round of licences must have passed both practical and theory units by May 2013 (see me for course details). Note also that stalkers with Deer Stalking Level 1 exams only need to take the theory unit for seal control.

OTHER CONSULTATIONS

Kilchoan water treatment works – an increased abstraction proposed in a small local catchment to upgrade the village water supply. Discussed with local proprietor Donald Houston and forwarded to him for comment.

Shiel Bridge – removal of coffer dams used last year for bridge improvements. Being dealt with by the Shiel sub Board but kept informed. Method statement found to be unsatisfactory – the proposal was to drag the structure out of the river – I suggested to SEPA the use of a crane to lift the dam out. Update awaited.

As part of the Fort William to Glenfinnan water supply, the Board were consulted on Scottish Water’s plan to drill two pipelines underneath the rivers Dubh Lighe and Finnan. This was delayed to satisfy the Board’s previous not to operate until June. The work went ahead in the summer and I monitored it throughout – the works were completed without incident. I do however remain concerned about previous ‘emergency’ works that were done on the River Finnan bridge last year without consultation with the Board to prevent damage from floods to the bridge abutments – the result has been a dramatically altered and shallower channel above the bridge which appears to be vulnerable to low flows and could potentially prevent upstream and downstream fish access. I have informed the Shiel sub Board that this needs to be monitored carefully each year to see if the river alters back to former channel or not.

A long-term forest design plan for the Scamadale area in Morar was forwarded to Viv de Fresnes for comment and the Morar sub Board’s response.

I have recently received a CAR application for a cycle/pedestrian bridge over the River Duror. Having consulted with the Trust, I have responded to SEPA objecting to some of the design and proposals – specifically the seemingly unnecessary use of instream gabion baskets, a proposal to work between October and May and insufficient plans to prevent the spread of Japanese Knotweed.

OTHER ISSUES

The Board approved stocking applications in the following catchments in 2012 -Kingairloch, Inverie, Hurich/Polloch, Fionn Lighe, Lochy, Roy and Ailort.

A list of dormant netting stations in the region was sent to ASFB. They are looking at creating a pre-emptive right to buy through legislation should these rights come on the market.

I dealt with Dave Thompson MSP in a matter regarding the Glencoe Heritage Trust and their Board levy. As a charity they had asked their local MSP if they are liable to pay the full Board levy. I explained that the existing legislation states quite explicitly that all proprietors in the region must be levied at the same rate.

An outbreak of UDN was confirmed on the Spey in June. I disseminated all of the available information at the time to Board members. There have been suspected cases in at least one Lochaber river since then. Further advice on this matter should be forthcoming from ASFB/RAFTS or Marine Scotland but the advice at the moment is that no specific biosecurity measures are necessary and that affected fish can be returned to the river.

On 9th June I was called to a fish kill incident at Lochailort – up to 1000 horse mackerel had become stranded just above the tide and had died. Obviously due to the proximity of 2 fish fish farms I contacted SEPA immediately. The matter was investigated and it was concluded that a large spring tide had brought the fish up the river where they had become stranded as the tide receded. (It was quite some sight).

Both the Trust and Board have reported further sedimentation/discolouration issues on the River Lundy to SEPA – this matter has been ongoing for years. SEPA maintained that the latest issue was a result of washout from the car park at the quarry (last time they said it was washout from the Aonach Mor car park). SEPA have confirmed that they have asked the quarry operators to make improvements and have said to SEPA that I would like a site visit with them once these works are complete.

I received a report of damage to the schoolhouse burn in the Loch Lochy catchment due to bridge repairs which I followed up with SEPA and they put in measures to prevent any further damage to this important trout spawning burn.

I have received notification from SEPA that as part of the Water Framework Directive process, Rio Tinto Alcan intend to increase the flow down the River Cour, a tributary of the River Spean. This was a matter that the Board has been giving input into for a few years now. They have confirmed that they are going to increase the flow of this previous heavily abstracted catchment to Q95 – in other words, the natural low flow that would be exceeded for all but 18 days in the absence of abstraction. This increase in flow will give better access to and improve 7km of suitable salmon and trout habitat and will allow the Cour to reach its RBMP target of good rather than poor ecological status.

The ASFB finalised their Code of Good Practice for all Fishery Boards and this was distributed to all Board members. It was stressed the importance of this document and that all members should read it and be willing to abide by all of its terms in our dealings as a Board. There is much scrutiny on Boards at the moment due to fisheries legislation due to be passed by the Scottish Government later this year and this code ensures that all Boards are operating in a transparent, inclusive and professional manner.

The ASFB are encouraging all Boards to have a publicly available website which might include such things as a list of members, latest reports and minutes etc. ASFB are willing to create and host this for us. I will be seeking the approval for this at the next Board meeting.

A number of levies from June 2012 remain unpaid and I have instructed the accountants to send out reminder letters. I will also follow up with phone calls.

**Jon Gibb**

**12th September 2012.**