**Clerk's Update end September 2014**

Below is a brief summary of matters dealt with this summer. Please ask if you would like any further details. Individual issues will be expanded upon in the next annual report which is now a requirement of the new Good Governance legislation.

**Small scale hydro**

Loch Eil hydro Outward Bound – I was approached by the developer about working in-stream after October (there is an accepted presumption against working in-stream between October and May). The burns in question have possible barriers to migration in their lower reaches and very mariginal spawning habitat available even if passable. I therefore took the pragmatic decision to allow some limited in-stream works after October on one of the 2 tributaries (the one with the least likely possibility of successful spawning of migratory fish).

The River Arkaig Archimedes screw trap scheme has been approved by SEPA but with the condition that a method must be in place to monitor the passage of migratory fish. This was in response to the Board's consultation comment saying that the old scheme at Achnacarry acted as a smolt trap for fish going downstream. I was not convinced that this would not still be the case with the proposed design but monitoring should assist with finding this out. SEPA have also decided that a Larnier fish pass is the best option for fish passage but this may also require further consultation.

As part of our response to above River Arkaig consultation I also highlighted again the issue of cumulative impact of several schemes in one catchment and questioned how this was being appraised and measured. SEPA have responded to these concerns with the view that individual licences are issued with the intention of there being no significant adverse impacts on migratory fish – therefore they argue that there can be no cumulative impact if no discernable impact exists at an individual scheme level.

I responded to a pre-application contact about 3 mini hydros at Roshven – no significant impact on migratory fish is forseen if our specific advice is followed.

Rio Tinto have 2 hydro proposals above Loch Treig – these are at an early scoping stage but I have pointed out that both schemes lie above the impassable Monessie Falls on the River Spean so our interest is limited to downstream hydrology and any downstream pollution during the construction phase.

Rio Tinto also have a 2MW scheme proposal at the top end of the River Cour catchment. The entire scheme lies above the existing impassable dam for the smelter intake so no impact is forseen on migratory fish and our concerns remain limited to those mentioned above.

We were also consulted on a further scheme of 1.1MW east of Aonach Mor to power the ski centre and export power. Again the entire scheme lies above the Rion Tinto smelter intake dam on this burn which is impassable.

SEPA consulted the Board on the proposed River Kiachnish hydro near Fort William (Three Mile Water) – this scheme does not lie above an impassable falls so the Board's general approach for such proposals is not supportive - in this instance a minimum of 1500 sq m of available good and moderate juvenile salmonid habitat will be affected by moderated flows. SEPA is likely to overrule this objection and say that compensation flows are enough to limit any impact as it is a run of river scheme. Nevertheless in order to uphold our statutory role to protect migratory fish it has been necessary to point this out to SEPA fish ecologists.

**Aquaculture**

I received a planning application by Marine Harvest to add 4 new pens to the easterly group at Loch Arkaig – this is to better manage the existing biomass. No increase in production tonnage is proposed so no significant impact on migratory fish is forseen. It is of concern though that in spite of signing up to AST standards (which commits to no farming in freshwater lochs beyond 2020) improvements are still being made by MH at both Loch Arkaig and Loch Lochy (we have already been told that any such representations to a planning application that refer to these AST aspirations cannot be taken into account by Highland Council).

I forwarded a planning application for a large oyster farm near Castle Tioram to the Shiel Sub Board. We were involved in pre-application discussions with the developer – our only concern being oyster rafts located near near the river mouth providing possible refuge for predators of migratory fish. Furthermore the final application appeared to be much larger than we were lead to believe initially. The SSB have been dealing with this matter

A retrospective planning application was received for Invasion Bay in Loch Sunart. As this site has been in place for many years (not a new application) there seemed little point in responding. Better to pick targets carefully.

I also received an application by MH for a fish farm at Maclean's Nose in Loch Sunart – this is the re-opening of an old site and they are seeking to farm 2500t and move 1500 from the more inshore Glencripesdale site. While we support the move out of the inner loch (although Maclean's Nose is not truly 'open water' site as stated by MH in the application) the lice figures provided to support the company's claims of good lice control stopped in March 2014. By June 20124 the SSPO figures (see link below) clearly show that lice increased dramatically as the early summer progressed (nearly 5 times industry targets by June). These significant concerns formed the basis along with concerns that the proposal would increased inshore biomass in this region by 1000t and form a link between 2 discrete production areas.

We objected to a Hjaltland proposal in Loch Slapin in South Skye for a 2000t site – I alerted fishery owners and managers from Knoydart to Shiel to do the same . There were some very good responses from the Morar catchment (for instance a very detailed and professional response from Robert Spence at Scamadale) and also good representations from the Shiel and Moidart catchments. There were a total of 68 objections to application from a range of local stakeholders and in August the application was REFUSED by Highland Council.

I also received an (unexpected) application by Scottish Seafarms to expand Nevis C fish farm – I have objected to the application based on generally accepted scientific evidence on the impacts on sea trout and I alerted Morar and Knoydart interests to the application.

Sea lice data from fish farms for the last quarter is now available for the first time from the SSPO (in aggregated form) for each region in Scotland. It makes very interesting reading. Generally speaking, the upper end of Loch Linnhe has demonstrated very good lice control (where MH dominate and wrasse are widely used) but other areas such as the Sound of Mull and Loch Sunart give more of a cause for concern. http://scottishsalmon.co.uk/fish-health-management-report-april-june-2014/

I have signed up the Board to the Interactions Management Pilots project, a new initiative being coordinated by Crown Estate with the backing of the SSPO and ASFB. We await to see if it will bring anything new. Linnhe/Lorne is one of the pilot areas where interactions will be looked at and hopefully (somehow) improved. Crown Estate see it as developing on any progress that the TWG made and it gives a opportunity for wild and farmed interests to meet regularly, which has been lacking in a coordinated way since loss of TWG funding.

**Other issues**

I circulated an angling economic benefit questionnaire to all fisheries and asked them to respond to ASFB directly. This will hopefully help build a national case for the economic importance of salmon fisheries in Scotland.

In May I inputed the Lochaber Board's views to ASFB to help them formulate their position for input into the ongoing Fisheries Review. I circulated the final ASFB position when it was completed. Later in the month I responded directly to the Fisheries Review consultation covering a number of issues relevant to the West Coast, with a particular emphasis on a lack of funding available on the West to effectively deliver a Fishery Board's stautory roles (irrespective of any new proposals for managment) and operate in anything other than a very basic way. The Fisheries Review is due to report in October. It remains to be seen what then happens in terms of its recommendations reaching the statute book. There is a possible legislative slot in 2015 but it is likely that the proposed very wide ranging recent Land Reform recommendations will take up much legislative time in the coming year.

A stocking application on the Shiel was granted with some specific advice for next year. An application on the Ailort was received and I asked for more details – these were provided and then the application was authorised. A stocking application on the Fionn Lighe was authorised for 15,000 fry. There are severe budget constraints on this non-commercial river so no electro-fishing monitoring is possible at the moment but there will be visual monitoring of fish stocks (particuarly on the upper spawning redds in the autumn) by long-served and experienced keepers.

I have been making initial investigations with MHS and Crown Estate to look at the possibilities of a project to cryo-preserve genetic material from salmon from individual Lochaber catchments. This relatively inexpensive operation is currently being undertaken in areas of Norway and Canada where genetic pollution from farmed fish is a ongoing and severe risk. The preservation of indigenous genes can provide a possible 'insurance policy' against any disastrous incidents, or indeed the suspected 'drip drip' escapes from freshwater smolt farms in lochs.

I have been consulted on another set of major bridge works on the side of Loch Eilt (the first set of works are currently underway and the new bridge will be finished in 4 months). I commented that the tree removal at the first site was unacceptable due to a loss of shading and elevated temps for juvenile fish (Loch Eilt has limited trout spawning burns so each available area is critical) and we would not want to see this repeated at the 2nd site.

I have been in consultation with SSE about a buried cable on River Lochy at the Soldiers Bridge near old Inverlochy Castle. I managed to get this work delayed from the late Spring to early October, even thouigh I received assurances from the River Deveron proprietors where a similar drilling was undertaken that there was no impact on the river substrate or on fishing. Three 25mm cables will be drilled 8m under the river and work will start on 6th October for 6 weeks.

I found it neccessary to remove a bailiff warrant from a Morar catchment bailiff in August, due mainly to a complaint made directly to me by the local police about the individual concerned and a complaint made to the Board by 2 other individuals in the catchment. This was dealt with under our published Complaints Procedure. Further to this, I have received a secondary complaint from the solicitors of the individual who has had his warrant revoked alleging that the Board have not acted in a proper manner. Following a brief exchange of letters, the matter now lies with our legal advisors at Fishlegal.

**Jon Gibb, Clerk to the Board.**

**17th September 2014.**