**LOCHABER DSFB – Clerk’s Update 6th September 2016**

**AQUACULTURE**

An application by Scottish Seafarms to expand the Nevis C fish farm was granted in spite of our considerable objections. This was largely due to SNH stating that their suggested mitigation for freshwater pearl mussels was sufficient. There is a current failure to get Highland Council to appreciate the environmental argument we are presenting for salmon and sea trout. As well as SNH submitting very lukewarm responses with regards fish, Marine Scotland Science also compound this by producing conflicting advice to our own.

We received an application for a 500 tonne increase to the Camus Glas site under the screening and scoping process. The LFT kindly provided excellent advice which was used in the response calling for an Environmental Impact Assessment. It should be noted that if this application is approved then this would mean a very significant increase in tonnage in Sunart region in last 2 years with opening of Maclean’s Nose site at the head of the loch just a couple of years ago.

There was a small escape of farmed smolts in Loch Arienas. 50 – 70 large smolts escaped when there was a break in a pipe along a pontoon when the fish were being moved. I instructed the operators not to employ a gill net to try and recapture these fish as it was the middle of July and migratory fish were likely to be present. The company (Scottish Seafarms) communicated well throughout the incident. It is understood that the lease with the company is ending at the end of the year and that fish farming will cease in Loch Arienas.

We have recently received a scoping consultation document for a new 2400 tonne site just off the Island of Rum. The applicants are Marine Harvest. Bolstered by very helpful scientific advice from Diane Baum, I responded cautiously stating that while the Board support the move away from fish farming in river estuaries and sea lochs, there were a number of grave concerns we had with this proposal. Without detailed data about wild smolt movement and sea lice dispersal in the region, it would be impossible to predict what the impact of this site would be.

It should be noted that there is a Scottish Government target to expand Scottish salmon farming by 50% by 2020. Whether this will be achieved is questionable – especially as demand has cooled somewhat in China – but the above applications are the type that we should expect over the next few years. It is critical that any responses are robust but soundly evidence-based and that our most sensitive sites are protected at all costs. The whole issue is of course highly political, illustrated clearly by the very ‘mild-mannered’ responses from fisheries experts within the Scottish Government which usually carry more ‘clout’ than our own submissions.

**HYDROPOWER**

We have had a number of ongoing issues with the Lochiel Estate screw-turbine construction project on the River Arkaig being undertaken by Green Highland Renewables. This started early in the year with an an application by GHR to work instream outside the normal safeguard period – they wanted to work in the water in April and May. We liaised with SEPA on this and the application was rejected. This was then followed by a breach of a coffer dam once works did start in June. Significant amounts of concrete entered the river and there was a widespread fish kill affecting the whole river. SEPA did a full investigation. After this incident I suggested to both Lochiel Estate and GHR that they might wish to make some reparation to the health of the fishery by way of installing a fish trap in the dam for future research and rehabilitation work. I received no reply. In more recent weeks I have also been dealing with SEPA on a number of further issues at the site with regards to fish passage and timings of the build. These issues are ongoing.

I also received reports from a vigilant local water bailiff that there had been an unnatural run-off incident at another GHR site in Kinlochleven – this resulted in silt entering the River Leven. SEPA investigated and demanded that improvements to site and track run-off were improved before work was allowed to re-commence.

I received an application for another hydro at Kinlochleven on the Allt Nathrach burn. A diversion of the watercourse to other side of bay was being proposed and 12 year old survey being used for evidence. I objected on that basis. LFT data demonstrated the presence of salmon and I thank them for providing this. The applicant then forwarded an updated habitat assessment and the planned outflow was relocated back to the original watercourse. As a result I withdrew the objection.

I met twice with Scottish and Southern Energy to discuss issues at Mucomir Dam. An 18 month period of maintenance is required and this will involve replacing the main turbine. During this period, river flow to the Lochy will have to be provided through the floodgates. Discussions are ongoing about how best to deliver this to make the flow as natural as possible. This may be quite a challenge due to the on/off nature of the floodgates compared to the turbine. We are due to meet again soon with their engineering and operations team. In the meantime, a temporary improvement has been implemented at our suggestion – a diversion of the flow from one of the floodgates towards the entrance to the fish pass to create an attracting flow.

**OTHER ACTIVITIES WITH IMPACTS**

I objected to an application to form a lochan on the Sandaig Burn Knoydart due to the creation of an impoundment and potential disruption to natural flow regime.

The road bridge at the River Kiachnish is needing repair. A coffer dam is being used to repair the abutments on north bank and work should be complete by the end of September. The licencing body is Marine Scotland as it is classed as coastal water below high tide mark. We are being kept informed as works progresses.

The contractor working on the Lochy Railway Bridge (at Old Inverlochy Castle) applied to work on the railway abutments before mid-September. I referred SEPA to my previous comments about this in the initial consultation and that salmon will be running up to this point and disturbance should be avoided.

I liaised with SEPA, the River Lochy Association and local landowners about a new gauging station on Lochy at Camisky. This work is currently underway.

We were consulted on the Moine Odhar (River Lundy tributary near Torlundy) forest plan – I responded with requests for improved shading, planting broadleaves and avoidance of riparian work during the spawning and egg incubation period.

There are ongoing issues with the improvements being made to the road bridges on the Fort William/Mallaig road. We are being well informed of future planned concrete works etc.

I was recently informed of a blocked culvert by a local water bailiff on an important spawning burn feeding into Loch Shiel at Dalnabreac. I attended, took photographs and am currently trying to get this total blockage remedied as soon as possible through SEPA and Highland Council.

Marine Scotland received a trout stocking application to stock fish farm-origin triploid fish into the River Duror. The Board were made aware of the application through the LFT. The Trust biologists have found reasonable densities of juvenile salmon in the river. As I result I have contacted MS with objections from the Board based on predation worries from these introduced fish on existing populations of wild salmon.

**BAILIFFING**

This season has seen another excellent effort by our largely volunteer force of water bailiffs. No significant issues were reported but this will be down to vigilance rather than necessarily a lack of potential problems. There are ongoing concerns about the River Coe, both about illegal fishing and netting. One possible serious poaching incident was reported to the police by local angling interests but there was very little follow up. Issues rumble on Loch Shiel with illegal fishing by unlicensed boats and I am working with community members on this in Glenfinnan to try and end this. All of these matters should improve with the formation of a joint FMO – one of the main aims of the new FMO is to introduce an effective all-species protection force that will be properly resourced and fully trained in the region. It is also hoped that it will work in tandem with Police Scotland’s wildlife liaison officers which should see a more coordinated approach to fisheries protection.

**CONSERVATION REGULATIONS**

The new conservation regulations came into force this season which put all Lochaber fisheries in Category 3 (mandatory catch and release on all salmon). I worked closely with Jeff Gibbons at Marine Scotland to ensure that the returning hatchery origin (fin clipped) fish from the Lochy were exempted from the measures. At the same time we instigated a MS project using these fish to look at female fecundity rates to inform the conservation measures model in the future. This work is ongoing.

The 2016 Conservation Measures have now been superseded by the proposed new Conservation Measures for 2017. This has seen a number of Lochaber rivers improve their grading (full details for each fishery can be found <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status> ). We believe this is due in part to fisheries being categorised on a river-by-river basis (unlike in 2016 when fishery districts were used), and also that a new part to the model has been introduced that would appear to allow for good and poor flow conditions for productive angling.

Diane Baum is the region’s representative on the biologists group that meet with Marine Scotland Science to refine the conservation measures and I hope she will be able to shed some more light on this constantly changing situation at the next DSFB meeting.

Donald Houston (Arnamurchan Estate/Fascadale Nets) queried why the netting stations must pay levy when all netting is banned for at least 3 years. Having contacted the Board members, it was decided that *while the ban on netting is in place and the Lochaber DSFB is the body charging levy, all netting stations in Lochaber will be refunded their levy in full.* (Please note that due to the current legislation the Board can only return this money to proprietors by charging and then refunding).

I approached Fishlegal on behalf of the netting proprietors with regards compensation from the Scottish Government. It was their view that Scottish Government probably should pay compensation but it would be up to individuals to negotiate this (possibly through the netsmen association). It was their view however that it was legal for Scottish Government to close the netting stations as it could be deemed to be in the public interest on conservation grounds.

**FISHERIES REFORM AND FUTURE PROPOSED FMO**

I liaised with ASFB about the new Fisheries Bill consultation and responded on behalf of the Board.

Most of the progress with regards Fisheries Reform has been at a national level although we also understand that the timings of implementation now depends on the announcement of the Scottish Government’s latest Programme for Government to be announced some time this month. There is a working group that has been looking at issues such as model FMO constitutions, personnel structures, standardised salaries and costs etc. These may become public over the next few weeks but we understand that the model presented by the LNB FMO Scoping Study last year is roughly in line with what might be proposed as a standard FMO set-up.

It has been reported that Scottish Government have a map of potential FMO districts and that the Lochaber, Ness and Beauly district is part of that map. It also seems possible that the LNB FMO will be one of ‘Pilot FMO’s’ specified in the legislation. There are 2 current outstanding issues – one is that the Beauly DSFB are not supportive at the moment of the proposal (I understand they want to stand alone) but Andrew Wallace has had several meetings with them to try and persuade them otherwise; and secondly there is of course a huge funding gap that will have to be met by central funds. Nothing much will progress at this point unless that funding gap is addressed by Scottish Government.

It has been proposed by ASF and RAFTS that they merge into one body called Fisheries Management Scotland. I will be attending a meeting to discuss this with ASFB/RAFTS members on 14th September. It will also be discussed whether such a representative body has a future role under the structural changes proposed in the Fisheries Reforms.

**OTHER ISSUES**

The trapping of smolts and adults as part of the MSS sea lice project continues on the Loy and Lundy tributaries of the Lochy with the LFT. There have been severe issues about the adult traps supplied by MSS and the project is only funded for 2 years which is very disappointing.

New rateable values for fisheries are being set for next year by the HC Assessor and I have had much communication with them about this. I would expect new values to be announced soon.

I attended a Shiel sub board meeting where a range of matters were discussed including how to interact better with anglers on the loch through use of notice board and I advised members further on the future fisheries reform process.

JG. 6 September 2016.