

MINUTES OF WRASFB BOARD MEETING

HARBOUR CENTRE, GAIRLOCH	PRESENT:	
DATE: 29 March 2016	Bill Whyte (BW) Chair	Stephen Bate (SB)
OPENED AT:11.00 CLOSED AT:16.35	Hugh Whittle (HW)	Donald Rice (DR) – by Skype
IN ATTENDANCE:	Colin Blyth (CB)	Brian Fraser (BF) – mandated by Gordon Crawford
Peter Jarosz (PJ)	Dave Barclay (DB)	APOLOGIES:
Peter Cunningham (PC)	Rosie Nicoll (RN)	Gordon Crawford (GC)
	Neil Morrison (NM)	Mary Gibson (MG)

1a Welcome.

BW welcomed CB (the co-opted angling representative) to the meeting.

1. Apologies

Apologies were received from Gordon Crawford, Neil Morrison, Rosie Nicoll and Mary Gibson.

2. Approval of the minutes of the 4th March 2015 Meeting

The minutes of the 4th March 2015 were accepted as a true record of the proceedings of that meeting, proposed by SB, seconded by HW and approved by the board.

3. Matters Arising

Any matters arising will be dealt with using the items on the agenda.

4. Draft 2015-6 Accounts – current status / year end projections

A précis of the expenditure and income for 2015-16 was presented to the meeting. Expenditure in the year has risen to £42K (including cheques yet to clear the bank). Some £7K of this expenditure related to f/y 2014-15 and cleared the bank in April 2015. Expenditure included a legal bill of £2K for advice regarding the Sgeir Dughall appeal to the Court of Sessions as well as the clerk's payment for his time relating to the Sgeir Dughall appeals.

There is one half levy outstanding (£135.00) for this f/y and that will be chased up. The accounts should be available by the end of April.

5. 2016-17 Budget and Levy

A draft budget for 2016-17 was presented to the meeting with increases in expenditure in both the clerk's remuneration (due to anticipated ongoing additional work to counter both planning appeals and new planning applications as well as work with regards to the formation of an FMO for our area) and general expenses (mileage for attending numerous meetings). In order to maintain the agreed level of our contingency fund at £10K the levy will need to rise. The levy rate has been at 90p/£1 since 2012 generating some £30K a year. But the increasing pressure on the board's expenditure (despite significant savings in a number of our core expenses over the past two years) means an increase in the levy for 2016-17 is necessary. The increase may be a temporary one as it is hoped that the extraordinary lengths that one particular aquaculture company seems prepared to go to in challenging its ten-year time limited consent (part of its planning permission) may not go on ad infinitum.

Last financial year, rather than increase the levy, we relied on the contingency fund to bear the brunt of any unforeseen expenses – and this has worked well with the fund being used significantly for its intended purpose. But to maintain the level of the contingency fund for 2016-17, a levy increase for this year is essential. A rate of

£1.20/£1 would put our finances back to their intended levels and the meeting agreed that this should be the new levy rate. An email will go out to all board members with this recommendation seeking their approval. Once approved a letter/email will go out to proprietors explaining the reasons for the increase (legal costs as well as wages costs of challenging aquaculture planning applications/appeals) and making the point that, if at all possible, it will be a temporary measure.

6. Planning Applications/Update on Aquaculture issues since the last board meeting

- a) The Sgeir Dughall fish farm remains an on-going planning application appeal – in fact the most recent appeal is the fifth attempt to have the ten year condition removed. Although the board has had over £4.5K of legal expenses relating to this particular case, the board intends to rigorously fight/respond to all attempts by TSSC to get the ten-year term attached to their planning consent for the Sgeir Dughall fish farm removed. The implications of the TSSC winning their appeal is the probable knock on effect to the other three sites that currently have a ten-year term attached to their planning consent. DR asked if there was any possibility of funds, for the monitoring of these farms with ten-year terms, from outside sources. BW replied that it is evident that RAFTS/ASFB does not have the resources to fund any part of the monitoring protocol and it is only S&TC that has offered to donate £2K towards the costs of the monitoring.
- b) HW asked what the Carron proprietors paid to WRFT as a contribution and what resemblance that payment might have to levies paid in the board area. PJ replied that the last time the southern rivers had a rateable value placed on them was pre 2005 but, based on that R/V, some 2/3 years ago he did an exercise based on catch statistics – comparing the figures of the southern rivers to those in the board area. At that particular time it required an uplift of some 7% to bring their contributions in line with levies paid. Since that time southern river contributions have attracted an annual increase of 3%. Nevertheless with the advent of FMOs and the re-rating of the southern rivers, it could be that there will be some sizeable increases in payments by these rivers under the new regime.
- c) PJ reported on the ASFB/RAFTS members meeting he attended at Battleby on 16th March. Boards' and Trusts' had been asked to make responses to RAFTS/ASFB regarding the draft FMO Bill. These responses were then collated and précised by RAFTS/ASFB as a discussion document for the meeting at Battleby. The format of the meeting was a workshop having some 7/8 tables with some 6 people around each table. A chairman (a RAFTS/ASFB person) was allocated to each table and another person, at each table, took notes. Each of the items on the document was looked at and commented on with additional points made. There was an issue with the first three items (from the original response document) not being included in the discussion document. These were critical omissions and that point was forcibly made, along with other important recommendations that were also added to these first three items.
Robert Younger (who was at the same table as PJ) has subsequently recommended that a response from the Board and Trust should re-iterate these first three items along with the additional recommendations that we made at Battleby. All the points made came from a written response that Barry Blake (BB) produced for WRFT/WRASFB after his extensive reading up of all the documents so far produced in the Wild Fisheries Review, the steering

group papers, the consequent consultation and then the production of the draft Bill for the creation of FMOs. His observations were fully endorsed by both WRASFB and WRFT as well as by SDSFB and SFT. It was agreed that a response letter to RAFTS/ASFB should be sent endorsing the observations of BB.

BW reported that a "Shadow FMO" on the North Esk has been set up and we should do the same as a matter of some urgency. HC-A will be asked if he will come over to explain this "Shadow FMO" set up bringing his costing budget information.

- d) On Monday 21st March, PJ met up with Chris Read (CR) of Marine Harvest Scotland (MH) at their Kyle of Lochalsh office. The issues for discussion were MH's disasters at their farms in Loch Duich, Loch Torridon and Loch Ewe. CR spoke of a number of new innovative methods of treatments using a new and bigger well boat that is due to arrive in the next week or two. These new treatments have been pioneered in Norway with, so far, significant results. One method is the use of fresh water passed through pipes that the fish pass through in less than 10 seconds. Not only is this method effective for sea lice dislodgement but it also counters AGD at the same time. The process collects all dislodged sea lice by filtering the water, collects all the filtered material that is then treated with H₂O₂, then dried on land and incinerated. Their biggest on-cost is the treatment of sea lice. There is little doubt that the efficacy of the medicinal treatments is fast diminishing because of the resistance to the treatments being built up by the sea lice. MH see these new non-medicinal treatments as a method of controlling sea lice whilst, at the same time, extending the time between the usage of medicinal treatments. This should allow the resistance of sea lice to these medicines to slowly diminish thus raising the efficacy of the medicines again. Two letters written by MH to WRASFB in 2011 offered a reduction in biomass both in Loch Duich and in Loch Torridon if further difficulty in controlling sea lice is experienced. PJ made CR aware of their content and stated that WRASFB would be holding MH to these offers of reducing biomass in these lochs should a similar sea lice disaster occur there any time from now on. Loch Ewe has already had its biomass reduced.
- e) On Tuesday 22nd March, PJ had a meeting with the aquaculture planning department (Colin Wishart (CW) and James Bromham (JB)) at the Highland Council (HC) offices (Glenhuquart Road, Inverness) during which a number of points were discussed:
- both CW and JB have taken voluntary redundancy (as part of the HC budget cut backs) and leave at the end of this month – that leaves just Dr Shona Turnbull (ST) as the only experienced aquaculture planning officer within HC. With the three planning officers in place, the department struggled to manage the number (and complexity) of aquaculture planning applications. This resultant situation (following the two departures) means that local (regional) planning officers will now manage new aquaculture planning applications, with ST being their source of specific information relating to aquaculture issues. A situation that we can expect aquaculture to take advantage of. HW suggested that HC should insist on a financial bond, for all new aquaculture planning applications, that is earmarked for the purpose of cleaning up the fish farm site in the event of its closure (for whatever reason) then this might act as a deterrent for some applications that do not offer the degree of protection for wild fish that is required.

- The case for time limited planning consent will continue as one of the submissions that WRASFB made to the Independent Consenting Review was that the marine environment is a common-owned asset and that the sea bed is a Crown Estate (CE) owned asset, access to which the CE offers fixed term leases to fish farms of 25 or 35 years. So why then does planning consent need to be permanent? It is quite logical to time limit the planning consent to the same term (or shorter) as the CE lease. CE lease money from aquaculture will, under the devolvement of financial powers to Holyrood, go to ScotGov and it amounts to some £4.2M per annum. BW said that this money should be earmarked for monitoring science regarding aquaculture and its impacts. Though this monitoring needs to be transparent so it need not necessarily be performed by MSS whose previous record of supplying information to the HC planners leaves a lot to be desired.
- The issue of Ardessie A was also discussed and it was made plain that the planning department were against any “legitimising” of the fish farm for continuing operation. Their view was quite clear – this site has never been fully EIA assessed through any planning process and therefore should not continue to operate. However it is far from clear just what decision, if any, the HC legal department will make. The site had its CE lease renewed for 25 years in 2015 and has since stocked with smolts though previously the site was used to bring in and harvest growing fish from Ardmail or Corrie.

7. Biologist’s Report

Peter C had previously emailed round a copy of his biologist’s report and talked the meeting through some of the detail from his report.

8. Report on Board’s Work in 2015-16

- Kenmore managed to increase its biomass from 419 tonnes to 692 tonnes using a CAR licence application to SEPA. Despite a robust response from the board SEPA did not take our arguments regarding the sea lice increase that additional biomass was certain to produce into consideration – stating the usual wording that sea lice was not within their remit. This scenario is the typical aquaculture flaunting/circumventing of the planning procedure viz. apply to HC for a new configuration or pen size with the usual stated reason as better management of fish health within the pens and then, after a suitably short period of time, apply to SEPA for a biomass increase.
- The issue of the Sgeir Dughall fish farm was discussed with BW stating that the Court of Session case was not decided in the court but by a memorandum between TSSC and the DPEA, this memorandum resulted in the DPEA effectively conceding the case and it is now back with DPEA for redetermination. The actual reason for the case having been quashed is unclear as DPEA claim that it is a “confidential point of law” that prompted their action and they are unwilling to disclose this point. Despite the assurance of the DPEA that the Court of Session case “would be rigorously defended”, the actuality was decidedly different. This makes no sense to WRASFB or our legal advisors. That said the board’s response to this latest DPEA appeal (second time around) has been submitted (yesterday). It would appear that TSSC are prepared to use more and more expensive lawyers in their attempt to get condition 5 (the 10-year time condition) removed. If the outcome of this latest DPEA appeal procedure is for the removal

of condition 5, the board's only recourse of appeal could be to the EU court. Crowd funding could be a method of raising the required finance for such an action as it is estimated that a three day judicial review is likely to cost in the region of £60k. DR said he was in favour of the board taking this issue further (should the reporter's decision require such action) and that others would need to contribute. SB gave a vote of thanks to BW, PJ and RY for their work in compiling the board's response to the DPEA appeal and asked that it be minuted.

- BW commented on the Interactions Management Pilot (IMP) which was originally promoted by CE. Both RAFTS and ASFB liked the idea and adopted it with the intention of getting the project moving using the Inshore Fisheries Fund with Argyll, Lochaber, Wester Ross and Western Isles involved with £1M funding. However, the reality was that IMP got no funding and, instead, MSS received £10M for a 10-year research inter-management project. A part of this research is a smolt tracking and particle dispersal project in Loch Linnhe with a "control" version of the smolt tracking run being monitored out of the Applecross river where the smolts do not pass any fish farms before they enter the marine environment (so in effect, there is no "interactions" pilot being carried out in Loch Torridon, at all). These events are perceived by the joint boards and trusts as a delaying tactic whilst it "ticks the interactions box" for ScotGov in NASCO. As a result all boards and trusts that were involved in the IMP have now pulled out – it was a unanimous decision. A letter has been sent to Crown Estates explaining the reasons for pulling out and, at the same time, stating a number of conditions that will have to be effected before there will be any re-commencement of involvement by boards and trusts with the IMP. It has been reported back that SG are not happy with this decision of the boards and trusts.
- DR reported on the progress he had made following his complaint to the BBC about the "unbalanced" Countryfile programme that covered the use of wrasse cleaner fish in fish farm management of sea lice. He has had a meeting with a senior BBC editor and made his concerns regarding the "bias" of the BBC reporting in this programme.
- Normally ASFB would send one delegate to the NASCO conferences with a budget of £1000. This year, the NASCO conference will be held in Germany with two days allocated specifically on the impacts of aquaculture and ASFB have agreed to send two delegates, BW from WRASFB and Craig Macintyre from ADSFB. However the budget can only stretch to £1500 for both delegates so this leaves a shortfall of £250 per delegate. The members present at the meeting have approved the use of £250 of the board's funds to be used for BW to attend the NASCO conference in Germany in June 2016.

9. Board's Work Plan for 2016-17

- The board's work objectives for the year ahead are: Monitoring of 10-year terms; Sweep netting; Fyke net; Juvenile fish surveys; Rotary screw trap.
- SB asked what is the protocol for the monitoring of the 10-year terms and what interaction are we trying to record? We can correlate data and present the results as evidence once the 10-year terms finish but it needs to be robust enough to withstand challenge and actually inform meaningfully. We may need to review the protocol and possibly refine it with RY's input before possibly also refining the work programme. We must collect information/data that is relevant and to do that we need a standard protocol for that data collection process. This might also require the use of additional resources to fund the revised work programme.
- With what little information that we have been given from ScotGov, it seems likely that the formation of FMOs will occur in the spring of 2017.

- Community relations – this f/y the board allocated £1.5K to WRFT for the education projects.
- BW reminded the meeting that, under the 2013 Act, all DSFBs need to co-opt an angling representative, whose function is to liaise with the angling clubs within the board area. The angling representative should report back to the board any concerns these clubs may have as well as keep the clubs up-to-date with all relevant knowledge relating to fishing, as a secondary function he should also be involved in the board's education programmes. DB reported that a new and vibrant liaison has been established with the Gairloch High School via the science teacher Dr James Close who had suggested angling competitions for high school pupils. This might suit a young fisheries project run by both the WRASFB and WRFT and Alasdair Macdonald (a WRFT trustee) should be involved. There have been reports (DR confirmed one report from May 2015) of young people fishing for sea trout in both Loch Broom and Little Loch Broom (in the river estuaries of both lochs). It has also been reported that fish caught by these young fishermen have been killed rather than returned to the estuaries. The conservation levels as allocated by Marine Science Scotland put most of the rivers in Wester Ross into a category 3 (the worst category). Under the new legislation, this means a mandatory catch and release programme for all rivers and all salmon caught. We need to ensure that the policy of catch and release, and its legal status, is made public throughout the board area and, in particular, in the Ullapool area (Ullapool News?).

10. AOCB

- The most likely date for FMOs implementation is spring 2017 and, in the mean time, ASFB/RAFTS have been promoting an amalgamation of the Cromarty, Wester Ross and Skye boards as well as the Southern River Proprietors as an FMO to BW, DB, IL (Ian Lindsay – SFT) and PJ for some time. After a number of meetings with AW (ASFB) and Simon McKelvey (Cromarty) and following due consideration of what such an FMO might mean for us – including:
 1. In a Cromarty/Wester Ross/Skye FMO the biggest (in financial terms) existing board would manage/control the new FMO.
 2. Our problems are certainly not Cromarty's problems.
 3. Our aspirations are not necessarily the same as Cromarty's aspirations.
 4. Such an FMO would not reflect/take into account with sufficient emphasis two new concepts occurring within our area – an MPA and our biosphere nomination.
 5. These are only some of the main points deliberated.

So it was decided to concentrate on the WRFT and SFT areas as our potential FMO.

As the ScotGov desired outcomes for FMOs seems far from clear, this offers us the opportunity to prepare a submission to ScotGov for a smaller FMO where the criteria is for the management of the fish/fisheries in this area, the problems pertaining to those fish/fisheries and develop a meaningful organization fit for the management of our fisheries in the 21st century. It is important to progress this concept (along with its minimal level of necessary management) and deliver the case for our choice to ScotGov before some larger organization is imposed on us. We can then let ScotGov know just how much additional finance is required. The formation of the governing board of the FMO must not have more than 40% proprietor representation with the remaining 60% coming from diverse community orientated sources. There is a possibility that this new management arrangement

could result in the loss to WRFT and SFT of the considerable voluntary help both now experience in their fieldwork. Along with the additional layer of paid management required, this loss of voluntary help could result in the requirement of an annual income in the region of £240K compared to the current circa £90K - which is the combined incomes of WRASFB, WRFT (not including board money) and SFT/SDSFB. Where the additional required money will come from ScotGov cannot say.

- On 2nd June WRFT has an Open Day in the village hall in Torridon. This is to promote the amalgamation of WRFT and SFT as well as launch the concept of the new FMO. While fishery trusts can amalgamate, it is not possible for DSFBs to amalgamate without a lengthy legal process. It is therefore proposed that in the meantime, WRASFB and SDSFB form an alliance under a memorandum of understanding to show that the concept of this proposed FMO is workable.
- Duncan Mackenzie has passed the bailiff's examination and is now authorised and warranted by WRASFB as a bailiff.
- GC proposed that Brian Fraser be co-opted as a ghillies' representative onto the board. This was seconded by HW and agreed by the meeting. BF responsibilities will include young anglers' and educational projects. He is tasked to liaise with both Alastair Macdonald and CB and report back to the board on progress that he makes with these projects.
- The DPEA latest responses have been submitted and will now go onto our web site.
- WRASFB owns the netting rights at Slaggan and, because it is an asset, it could end up in the hands of ScotGov (once DSFBs are dissolved). Rather than let this situation drift into being, we need to discuss options that will not allow these netting rights to be used commercially or be sold on.
- PJ reported that WRFT currently have a project interviewing the ghillies that used to work in Wester Ross and, in particular, on Loch Maree. This will provide an important history of fishing in Wester Ross. HW suggested that Guy Linley-Adams might well be interested in the project – PJ to contact him.
- CB mentioned that in his view that the Sgeir Dughall fish farm suffers storm damage and fish loss on a regular basis. It is also on a migratory route of salmon, with the fish going along the north shore between the two lochs, Red Point and Inveralligan.

11. Date of Next Meeting

The suggested date for the next board, public and annual proprietors' meeting will be determined after the results of a date poll.