

WESTER ROSS AREA SALMON FISHERY BOARD

The WRASFB was formed on the 19th February 2004 following a designation order dated 24th December 2003 which amalgamated the 3 existing District Salmon Fishery Boards of the : Ewe, Gruinard & Little Gruinard, Broom along with the 7 fishery districts of : Kennart, Ullapool, Little Broom, Badachro & Kerry, Torridon, Balgay and Applecross. This annual report summarizes the activities of the WRASFB during 2014/2015 with regard to the delivery of its statutory powers and responsibilities.

BOARD MEMBERS

Board Members are elected by the proprietors within the board area at the tri-annual election. Qualified proprietors may nominate a mandatory to act on their behalf and additional members can be co-opted to the board by the elected members. The term of office for a board will not be more than three years from the date of the previous triennial election.

Clerk of the Board

Peter Jarosz
Tel 01445 712899
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Upper Proprietors

Bill Whyte (chair)	(Mandatory for Jane Maclay)
Gordon Crawford	(Mandatory for Nicholas Crawford)
Donald Rice	(Mandatory for Regina Anna Properties)
Hugh Whittle	(Mandatory for Inveran Fishings Ltd)
Rosie Nicoll	(Mandatory for Pat Wilson)
Iain Russell	(Mandatory for Philip Smith)
Stephen Bate (vice chair)	Balgay.

Lower proprietors

Jamie Crawford

Co-opted Members

Frank Buckley	(Anglers' representative)
Ian McFadyen	(Ghillies' representative)
Brian Fraser	(Ghillies' representative)
Raymond Dingwall	(Ghillie/bailiffs' representative)

In Attendance

Mary Gibson	(SNH, non voting)
Peter Cunningham	(WRFT biologist, non voting)

ANNUAL REPORT 2014 / 2015

1. The Association of Salmon Fishery Boards (ASFB) has compiled a Code of Good Governance for District Salmon Fishery Boards that WRASFB has signed up to follow.

2. ASFB SPRING CONSERVATION POLICY

ASFB has also issued a Spring Conservation policy to help the protection of vulnerable spring stocks from excessive exploitation. Although aimed mainly at addressing the issues arising from the mixed stock fisheries on the east coast, WRASFB supports this policy as suitable for the fragile west coast fisheries as well. The advice from ASFB is that no fish should be killed before 15th May and further information can be obtained from the ASFB web site.

3. WRASFB AREA CATCH RETURNS

a. Total Declared Rod Catches, 2014/2015 compared to 2013/2014

2014/2015		2013/2014	
Salmon,	174	Salmon,	277
Grilse,	412	Grilse,	313
Sea Trout,	211	Sea Trout,	174
Released,	93%	Released,	92%

b. Total Declared Net Catches, 2014/2015

All of the netting rights within the board area are owned by various proprietors including the Wester Ross Area Salmon Fishery Board. To help address the decline in the west coast salmon and sea trout, none of these rights are exercised with the last operational netting station being closed down in 2004.

Declared net catch is zero.

4. FISHERIES PROTECTION

Fishery protection includes the many individual catchments and around 500km of coastline. This extends seaward for 5km from the mean, low water spring tide level and to the furthest point east of each catchment where the waters flow to the west. While the income raised from the salmon levies does not allow the direct employment of any bailiffs, the Board can authorize fishery employees as Fishery Board Bailiffs. Prior to being authorized by a Board, bailiffs are required to pass the Institute of Fishery Managers (IFM) exam. There are currently four IFM qualified and Board authorized bailiffs within the WRASFB area.

5. NATIONAL CONSULTATIONS

The WRASFB has been, or is currently involved in the following national consultations:

Wild Fisheries Review 2014
Wild Fisheries licence to kill
Wild Fisheries Reform 2015
Highland Council, Supplementary Guidance on Aquaculture Planning
Interactions Management Project

6. LOCAL CONSULTATIONS

The WRASFB is a statutory consultee for local planning applications regarding aquaculture development or modifications and, for the Scottish Government review process for fish farms with equipment placed prior to 2007. The Board is also consulted on run of river hydro schemes and wind farms where the development, or access to the development, may cause a direct impact to migratory fish spawning grounds or impede fish access to those spawning grounds. The Board is not included in consultations on the Scottish Government audit process for fish farms with equipment placed prior to 2007.

Aquaculture,

There are 4 companies with 12 operational fish farm sites within the Board area. Because the aquaculture industry consider that full disclosure of all stages of sea lice at an individual farm level is commercially confidential, they will only publish reported sea lice figures as an amalgamated average number of adult ovigerous female lice per fish, on a quarterly basis. By reporting sea lice numbers in this manner, these reports allocate an average number of lice per fish, to every individual fish farm operating in a production area. The Board therefore has to address the sea lice issues for these same production areas as a whole.

The SSPO Kennert to Gruinard reporting area includes 3 sites operated by Scottish Sea Farms in the Summer Isles and 4 sites operated by Wester Ross Fisheries Ltd, in Loch Kanaird, Loch Broom and Little Loch Broom.

The SSPO Loch Ewe reporting area contains 1 site operated by Marine Harvest Scotland.

The SSPO Badachro to Applecross (Loch Torridon) reporting area contains 1 site operated by Marine Harvest Scotland and 3 sites operated by The Scottish salmon Company.

Kennert to Gruinard

1. Loch Kanaird, Planning application for site relocation and modification to increase the site area which resulted in a modest decrease in maximum allowable biomass.

As a result of concerns raised from both the Board and the Highland Council, this application was granted a time limited consent instead of a full and permanent planning consent. This now allows time for the Board to investigate and monitor any impacts on the local salmonid population by continuing the post-smolt sweep netting project in Loch Kanaird along with the new addition of a rotary screw trap placed at Keanahullish to monitor the smolt run. Our thanks are extended to The Atlantic Salmon Trust for providing their screw trap on a long term loan, WRFT for providing the training and Keanahullish Estate for operating it.

Following a recent meeting with WRF Ltd to discuss a WRASFB monitoring project to investigate and measure impacts during the ten-year time limited consent on this site, discussions continue on the subject of recommencing joint sea lice counts and data collection on some of the companies' regular counting dates.

2. Summer Isles, Scottish Government review process.

In line with the Board's advice to these reviews, all 3 sites were required to produce a full EIA with consultation prior to any decision being made. The Board also advised that due to the high levels of sea lice numbers reported for this production area as a whole, should the Scottish Ministers be minded to grant planning permission anyway, the precautionary principle should be applied as a time limited consent.

The Scottish Governments own advice is, that where it is recognized that an impact is likely to be caused but there is a lack of scientific evidence to quantify that impact, the precautionary principle will be applied. Despite accepting that evidence from Norway and Ireland recognizes an adverse impact, Marine Scotland state, "there is a lack of evidence to support the WRASFB request for a time limited consent". Marine Scotland, on behalf of Scottish Ministers, did not apply the precautionary

Documentation procured through FOI show that the “evidence” regarding sea lice that Marine Scotland seemed to rely on was presented by Marine Scotland Science (MSS). This “evidence” relates to a single site visit in 2002 and a more recent visit in 2011 where, “despite sea lice numbers being above the treatment threshold, the company appears to be controlling sea lice numbers”. MSS also stated that they had not received any reports of sea lice “issues” on this site.

It is not clear at this time why the most up-to-date evidence presented by the Board regarding the consistently high numbers of sea lice allocated to each fish farm in the area, taken straight from the Scottish Salmon Producers Organizations own quarterly sea lice report for the Kennert to Gruinard area, are described as a “lack of evidence”. The Board is seeking further clarification.

Following a meeting to discuss a WRASFB monitoring project to investigate and monitor impacts, SSF and the WRFT biologist will be conducting joint sea lice counts and data collection during some of the companies regular counting dates.

3. Ardesie, Little Loch Broom. These sites are the subject of a planning issue as to whether or not they have a valid planning permission which allows them to operate. A final decision from Highland Council legal department is pending.

Loch Ewe

There is one fish farm in Loch Ewe operated by Marine Harvest Scotland (MHS). Following a meeting with MHS to discuss a WRASFB monitoring project to investigate and measure impacts during the ten-year time limited consent on this site, MHS indicated they were willing to take part. MHS and the WRFT biologist will be conducting joint sea lice counts and data collection on some of the companies’ regular counting dates.

Badachro to Applecross (Loch Torridon)

1) Camas an Leim, Loch Torridon, Marine Harvest Scotland. Following a meeting with MHS to discuss a WRASFB monitoring project to investigate and monitor impacts during the ten-year time limited consent on this site, MH indicated they would be willing to take part provided, the other operator in Loch Torridon was also involved. (See note 3)

2, Sgeir Dughall, Loch Torridon, The Scottish salmon Company (TSSC). Following a meeting with TSSC to discuss a WRASFB monitoring project to investigate and measure impacts during the ten-year time limited consent on this site, TSSC indicated an initial willingness to take part.

TSSC then applied for planning permission to have the ten-year time limited condition removed (effectively giving a full and permanent planning consent). WRASFB vigorously objected to this application and following consultation, the Highland Council rejected this application as “premature and inappropriate” and refused the application.

TSSC then appealed that Highland Council decision to the Department of Planning and Environmental Appeals (DPEA). Both the Board and Highland Council objected to this appeal and presented further evidence to the DPEA including the submission that as the consent granted to this site was dependant on the ten-year time limited condition being applied. Highland Council submitted that should the reporter determine that the ten-year time limited condition be removed, the whole planning consent as a matter of principle, should be withdrawn. The DPEA rejected the appeal and determined that the justifications given by both the Board and Highland Council for refusal were valid and the ten-year time limited condition would remain in place.

TSSC has now appealed that DPEA decision to the Court of Session in Edinburgh to try again and have the ten-year time limited condition removed from the consent. The court action was raised against the Scottish Ministers (the DPEA act on behalf of Scottish Ministers). The DPEA are defending their decision and we await the outcome of this case

3. The Loch Torridon monitoring project has started with MHS and the WRFT biologist conducting some joint sea lice counts and data collection on the Camas an Leim site.

TSSC have indicated by e-mail that “at this moment in time, The Scottish Salmon Company politely decline all site visit requests”.

The principle of a ten-year time limited consent for fish farms is not new but it is unique to Wester Ross. At the end of the ten-year term, the planning consent expires and the farm needs to submit a new planning application. The site specific data collected during that period will help determine if the new application will be granted or refused. Prior to 2007, planning permission for fish farms were applied to and granted by, the Crown Estate (CE). It was recognized that as the CE received an income from leasing the sea bed to the fish farms, while also being the issuing authority to grant the planning consents, potentially presented a conflict of interests and in 2007, the responsibility for marine planning was transferred from the Crown Estate to the local authority planning department.

It should be recognized here that the first ten-year time limited planning permissions were granted in 2010 due to the concerns raised by WRFT and the Board over the incremental expansion of existing fish farms or the proposals for new ones within the area. In 2013 the Board met with Highland Council planners and asked the question “now that you have issued these time limited consents under the precautionary principle, if these sites are not monitored in relation to their interactions with wild fish, how will you determine if that site is or is not causing an adverse impact on wild fish at the end of the time limit”. That question resulted in further discussions and a WRASFB proposal of a monitoring project over the time frame of the consent.

What started out as a small, area specific monitoring project (with very little funding potential) to address an area specific issue has now been “adopted” by ASFB/RAFTS, SSPO and the Scottish Government to cover the whole west coast where aquaculture takes place. Marine Scotland has recently announced that it will commence a £10 million project to investigate and report on sea lice movement predictions and smolt migration routes on the west coast along with other aquaculture related issues. Individual west coast Boards and Trusts are now in talks with fish farm companies to finalize monitoring protocols that will be used throughout both industries.

Some may say this is too little too late but there is no doubt in my mind it needs to start. While other west coast Board areas have seen recent fish farm production increases through new sites or increased biomass allowance on existing sites, there has been no new sites or increase in maximum allowable biomass within the WRASFB area.

Hydro

14/00371/FUL.	1.2mw hydro scheme, Langwell
14/00516/FUL.	1.5mw hydro scheme, Badachro
15/00258/FUL	2.0mw hydro scheme, Ardesie

In addition to these applications, the Board has been consulted on pre application issues for further hydro schemes that are not yet in the planning process.

7. REPRESENTATION AT MEETINGS

ASFB. Local engagement on interactions between Wild and Farmed Fish.
Crown Estates. Investigation into improving wild/farmed fish relations.
Highland Council on various local aquaculture planning matters.
Aquaculture Companies on various, local operational matters.

Plus discussions on various local matters with:
Association of Salmon Fishery Boards

Highland Council
Marine Scotland
Marine Scotland Science
Scottish Natural Heritage
Scottish Environmental Protection Agency
Scottish Government
Local fish farm companies

8. STOCKING CONSENTS

It is a legal requirement to have written Fishery Board consent before restocking salmon or sea trout into any waters of the area. Full details of the guidance and requirements can be found on the ASFB web site.

Whilst the WRASFB broadly agrees with RAFTS advice against stocking as a fishery improvement, the following long term data collection project consents were granted by the Board during the 2014/2015 year to continue the data collection.

Dundonnell (salmon)
Bruachaig (salmon)
Shieldaig (sea trout)

9. PRIORITIES FOR 2015/2016

WRASFB will continue to use its statutory powers (as long as it has them) with regard to the protection and enhancement of migratory fish within the Board area.

In partnership with WRFT, WRASFB continues to improve its database on wild fish, fisheries and aquaculture operations within the Board area in order to meet its statutory remit.

The Board has established a working protocol allowing the data collection on individual fish farm sites with two of the aquaculture companies operating within the Board's area regarding the interaction between wild and farmed fish. The Board will continue dialogue with the remaining companies that have not yet agreed to take part.

The Board will continue to advise the local planning authority and submit planning application responses that are focused on sound science and evidence. Where a ten-year time limited consent has been granted, the Board will carry out a monitoring programme, evaluate the results and advise the planning authority accordingly.

While some DSFBs are charging up to £1.40 in the pound, this Board has again maintained the proprietors' levy at 90p in the pound whilst still meeting its statutory remit. (Note, some confusion was expressed over these calculations last year with a proprietor thinking the rate was calculated per pound of fish caught).

All salmon fishing rights are allocated a "rateable value" by the Joint Valuation Board of the local authority. This was last amended in 2010 and was calculated by the number of fish caught as declared by proprietors, between 2003 – 2007 inclusive. There is a minimum valuation applied even if there is no fish caught on that fishery. The Board sets the levy rate and is empowered to collect that levy to carry out its statutory duties. As the board has maintained its levy rate at 0.90p for every £1 of rateable value, each proprietor has a saving of 10% on their payment.

10. COMPLIANCE WITH GOOD GOVERNMENT GUIDANCE

a. Meetings

The annual proprietors meeting, followed by the annual public meeting is scheduled for Thursday 2nd July. It is advertised on the web sites of both WRASFB and ASFB. It was advertised in The Gairloch Times and The Ullapool News and was also intimated on the local radio station (two lochs radio). The advertisements for both the Annual Proprietors' and the Annual Public meetings have been sent to Scottish Ministers, as required by the Aquaculture and Fisheries Act 2013.

b. Members' Interests

The WRASFB maintains a register of interests for all board members. This will be available for public inspection at the annual public meeting. Where a member declares an interest in any part of the agenda for a Board meeting, that interest will be recorded in the minutes.

c. Annual Accounts and Reports

The annual accounts and annual report are circulated to all proprietors for comments in advance of the annual proprietors meeting where they will be presented. Following approval, they will be posted on the Board's web site and a copy sent to Scottish Ministers

d. Annual Public Meeting

The WRASFB annual public meeting will follow immediately after the annual proprietors meeting on the 2nd July, 2015.

e. Complaints Procedure

The WRASFB has adopted a formal complaints' procedure that can be found on the Board web site.

11. COMPLAINTS TO THE BOARD

There have been no formal complaints raised against the Board during the 2014/2015 financial year.

12. WILD FISHERIES REFORM

It was apparent from the start that a major shake up on wild fisheries management was coming. In the Wild Fisheries Review, the Scottish Government determined that District Salmon Fishery Boards were generally "not fit for purpose". It has decided in the Wild Fisheries Reform that, "in the public interest" it is better placed to protect all wild fish species than District Salmon Fishery Boards. They propose to replace DSFB's with a Fishery Management Organization (FMO)

13. CONCLUSION

As Chairman, I would again like to thank all the Board members, who give their time freely, for their considerable input over the past year. My thanks again also go to the Clerk of the Board, Peter Jarosz, who has now finally accepted that his interpretation of "part time" is really only in relation to his financial remuneration. My thanks also go to the WRFT and in particular to their biologist Peter Cunningham who always manages to pull data from all corners of the archives (usually at very short notice) to allow the Board to make robust and accurate responses to planning applications.

In the marine planning process, all other statutory consultees are in effect government funded NGOs and are thus required to follow government policies (including the desired increase of fish farming on the west coast). DSFBs are not bound by these policies and where the development or expansion of fish farms are likely to conflict with the Boards statutory remit of protecting and enhancing wild salmonids, WRASFB will continue to argue in favour of the precautionary principle being applied.

that will likely have a charitable status but not a statutory one. It is likely to be a two tier system overseen by a Scottish Minister with a localized FMO reporting to a government led, central management group, which will allocated funding, as it deems necessary. (To me, this appears to be yet another NGO required to follow Scottish Government policy).

In general, the Board gets very little feedback from the majority of proprietors. These annual proprietors' meetings are held to allow that opportunity for face-to-face discussions and to air your thoughts on the Board's work. If you are unable to attend the meeting in person, please feel free to put your thoughts on paper and present them with your apologies.



Bill Whyte
WRASFB Chair

Dated 17th June 2014