

NESS DISTRICT SALMON FISHERY BOARD
MINUTES OF MEETING

Held at Great Glen House on 15th December 2011 at 2:15pm

Present:

Andrew Duncan: Ness Castle, Chairman (AD)
Willie Armstrong: River Oich, Mandate (WA)
Don Mackay: Highland Council , Mandate (DMcK)
Ryan Rutherford: Ness Side, Mandate (RR)
Sandy Patience: Nettsman, Co Option (SP)
Nigel Fraser: Dochfour, Mandate (NF)
Bob Morgan: River Gary, representing Paul Williamson (BM)
Neil Cameron: Ness & Beaully Fisheries Trust (N&BFT), Co-option (NC)
Graham MacKenzie: Co-Option (GMcK)
Angus MacGruer: Co-Option (AMcG)

Michael Martin: Chief Executive/Clerk (MM)

In Attendance:

John MacColl: Head Bailiff (JMcC)
Keith Williams: (N&BFT), (KW)
Alastair Stephen: (AS)
David Haas: (DH)
Mary Martin: Minutes Secretary

Apologies:

Annie Girvan: (AG)
Paul Williamson: (PW)
Ben Leyshon: Scottish Natural Heritage (BL)

The Chairman welcomed Mr Nigel Fraser as the new Mandate for Dochfour (replacing MM who stood down on taking on the CEO/Clerk role) and Mr. David Haas. Mr Haas is The Highland Council's City Manager and is responsible for the Common Good Fund, which is where the ownership of the Inverness Angling Club waters is held.

1. Approval of Minutes:

The minutes of the Board meeting held on 6st October 2011 were approved without amendment. [*Please note that the date on the minutes was given as 6th October 2012 and has been corrected to 2011*]

2. **Actions:**

The CEO reported on the Actions from the meeting on 6/10/11 as follows:

- 4.5: Progress, albeit slow, continues to be made in establishing the Loch Ness Proprietors Association.
- 6.3: No response had been received from our insurers regarding insurance for bailiffs (*received and circulated on 16/12/11*)
- 6.4: The requirement for a third bailiff will be considered in the spring of 2012
- 6.5: KW has produced a protocol for action to be taken when finding fish suspected of being farm escaped smolts. This will be circulated to proprietors with a request for it to be posted in fishing huts (Action MM/KW)
- 6.6: A meeting with SEPA is still to be secured – anticipated early 2012 (Action MM/KW)
- 7.2.1: Given water levels experienced this year the meeting with BWB was not considered to be a priority but will follow on for the SEPA meeting (Action MM)
- 7.2.2: Funding for genetic analysis of salmon caught during the season extension trials will be made available from the Boards contingency and from money held for the Board by the Trust
- 8.2: Contributions are still required for the Web Site
- 8.2: PW was unable to attend this meeting due to business commitments
- 9.5: Marine Scotland has yet to be formally advised that we will not be pursuing mandatory catch and release.
- 9.6: 2012 Catch & Release policy is covered in Item 11.
- 10: Comparative data for the spring catch was distributed. It was recognised that this spring run had been an improvement on previous years but still fell short of historic levels despite the total application of catch & release. It was also noted that the upper system (River Garry in particular) was still not producing at anything like past numbers. The reason for the improvement was not yet understood although AS reported that there may be some evidence of a change in cycle from grilse back to spring running fish.
- 12.1: Extending the netting season is covered under Item 13
- 12.2: The Patience Family have been formally advised that the agreement with them to cease netting is now at an end.
- 12.3: A meeting with Mr. David Haas has taken place
- 12.4: Bailiff's salaries have been reviewed and the Board approved the CEO/Clerks recommendations for both 2011 and 2012.
- 12.5: A public meeting is still on hold pending further discussion with the Inverness Angling Club.
- 12.6: A £500 donation has been given to the Non Native Plants Project
- 12.7: The AGM took place prior to the Board meeting (see separate minutes)

3. **Health & Safety.**

There have been no reportable accidents or incidents since the last Board meeting.

4. CEO Report on Key Issues.

The CEO's report was noted. The following points received further discussion.

- 4.1 The Board noted the level of unpaid Assessments. MM will report again at the next meeting and the Board will consider taking legal action against non payers (Action MM).
- 4.2 The meeting with Mr Ben Hatfield (Marine Harvest) was noted. It was felt that a meeting between AS (representing SSE) and Mr Hatfield may be beneficial and that following this an invitation for Mr Hatfield to attend a Board meeting will be considered (Action MM/AS).
- 4.3 MM had met a number of proprietors and would continue to seek meetings with the remainder. A number of proprietors, particularly those with rights to fish Loch Ness are, due to the shortage of fish, no longer fishing and questioning why they have to pay an Assessment. While Assessments will still be levied until the next revaluation, if no fishing takes place (and hence no fish caught) values will fall with an adverse consequence on the Board's finances.
- 4.4 The Board requested MM not to destroy old correspondence but to find a way of archiving it. DH advised that the City Archivist may be able to provide advice on this matter (Action MM).

5 Finance Reports

Quarterly Management Accounts

The Quarterly Management Accounts were noted and the following points were discussed:

- 5.1: The income was in line with expectations. Costs were down primarily due to the CEO/Clerk not charging for all his time.
- 5.2: While the accounts showed a surplus of approximately £13,000 for the first half of the year, there would be a cost of £10,000k for the second half (SALGEN consultancy) that was not in the budget.
- 5.3: Given that this was our first budget, AD was of the opinion that our budget was so far proving to fall within a reasonable margin of our actual costs.
- 5.4: AS advised that the Invoice for the SEE contribution could be paid in one instalment and that he should be copied in on the correspondence (Action MM).

6 Bailiff's Report.

The Bailiff's report was noted. The following issues were raised in discussion.

- 6.1 JMcC suggested that it may be appropriate to give Bailiffs who are not in the employment of the Board a “Call Out” fee if they responded to a request to support the Board’s bailiffs. The Board agreed that this was appropriate - AD and MM to consider the details (Action AD/MM).
- 6.2 Consideration to be given to organising an annual meeting (perhaps over a lunch) for all of the Board’s warranted bailiffs (Action MM).
- 6.3 JMcC suggested that it would be beneficial to have more members of the IAC warranted as bailiffs. DMcK will look in to this (Action DMcK)
- 6.4 JMcC reported that there is at least one individual who is poaching and fishing out with the season on the River Ness (mainly on the Ness Castle waters). Further action is to be taken to apprehend this individual (Action JMcC/MM)
- 6.5 A record is being kept of the time spend by the bailiffs in each area and on what activity. MM will report on this at the next Board meeting (Action MM).

7 Biologist Report

7.1: Report

The Trust Biologists report was noted. The following points were raised in discussion.

- 7.1.1: An application for a Sawbill licence has been submitted
- 7.1.2: A report on this years electro fishing will be submitted in the new year (Action KW). It was noted that salmon fry have been found above the new Holm Burn fish pass, thus proving the effectiveness of the pass.
- 7.1.3: The number of fry found in the Moriston above Ceanacroc has been the highest since the fish pass was constructed.
- 7.1.4: KW highlighted the risk of invasion by Signal Crayfish. WA noted that these Crayfish had now populated the River Nairn and eradication was all but impossible. All proprietors to be notified of this risk and an Advice Note should be issued for display in fishing huts (Action KW/MM).
- 7.1.5: It was noted that Himalayan Balsam had invaded the lower river and that prompt action would need to be taken in the spring to eradicate it. Funding for this should be explored (Action KW).
- 7.1.6: It was noted that Marine Harvest had made an application for an increase in capacity of their smolt rearing facility in Loch Garry, and that both the Board and the Trust had sent in an objection. Our concerns covered both the potential for escapes and the effects of the increase in food on the loch’s

nutrient levels. AS advised that while SEE were not consulted by SEPA he intended to put in a letter of support for the Boards position as well as raising some concerns that the SSE have on their own account. MM advised that he would send a copy of the Boards letter to Mr Hatfield and do what he could to maintain relationships with Marine Harvest despite the difficulties that objecting to their application would inevitably create (Action MM).

7.2: 2011/13 Action Plan.

The N&BFT's 2011/13 Action Plan was formally approved by the board.

8 Reports from Sub Committees

8.1 Upper River S/C.

The report was noted. AD emphasised the importance of completing the report within the agreed timeframe. Mr Verspoor is to be given access to the Watts/Emes reports if he does not already have them (Action MM).

8.2 Web Site S/C

The Web Site can now be accessed online but there is still a lot of work required to get it fully populated and all Board members were asked to consider making contributions. It was agreed that the minutes of the last four Board meetings should be posted on the site along with the Board's Strategy Document (once approved) and Catch and Release policy (once approved) (Action MM).

9 Strategic Plan Update.

AD introduced the updated Strategy Document by commenting that he believed there was reason to be very concerned about the present state of the system and that it was difficult to see what the Board had achieved by way of addressing the underlying problems over the last ten years – the Board therefore needed to 'up our game'. A wide ranging discussion followed, the key points being as follows:-

9.1 There are a wide range of issues to be addressed and the various proprietors and influential bodies did not presently share common goals. It was important that these goals should be agreed, and the focus placed on addressing the issues and avoiding confrontation between the parties. It was hoped that the strategy document would provide a route towards achieving this.

9.2 The fall off in catches was resulting in a fall off in interest with many beats no longer being fished. The consequence was significant erosion in the value of many beats (this could amount to several million pounds of lost

capital value) and the risk that the Boards finances would be eroded to a point where the Board would become impotent.

9.3 While attitudes over Catch & Release had changed in recent years this was still a very controversial area.

9.4 With regards to Objective 8, DH commented that the City Council had a “City Vision” and that the river formed a prominent part of this. Objective 8 sat well beside this vision and DH recommended that a Mr Malcolm MacLeod should be used as a contact point for liaison on this (Action MM).

9.5 The document was given widespread support from the Board and AD asked members to forward any points of detail to MM by no later than 23/12/2012. A final document will then be issued and posted on the web site (Action MM).

10 Catch Return for 2011.

MM opened by reminding Board members that the catch data was subject to the provision of the Data Protection Act 1998 and that no individual details should be disclosed.

The 2011 catch return, so far as it is presently known, was noted. SP advised that the total catch from the nettsmen would be unlikely to exceed 70 – which was their worst year ever. The following points were raised in discussion:-

10.1: The total catch looks as though it will fall well below 1000, and is believed to be the worst on record.

10.2: Catch and Release is now mandatory on the upper system (Garry & Oich)

10.3: The majority of the systems fish (560) are caught on the River Ness, where the catch and release rate averages 64%. The IAC’s catch of 247 fish was the highest on the system and their release rate, 42%, was the lowest. On the basis of returns so far, the IAC kill more fish than the total for the rest of the system, including the commercial nettsmen.

11 Catch and Release Policy for 2012

The draft updated Catch and Release policy for 2012 was discussed and this generated a wide ranging discussion. The following points were raised:-

11.1: KW’s advice was sought on what he believed the policy should aim to achieve. From a purely biological point of view, given the fall off in fishing and lack of detail knowledge of the reasons why, he believed that a

precautionary approach should be adopted which would mean 100% release. He noted however, that other factors would no doubt need to be taken into account in determining an achievable level.

11.2: AS commented that different genetic stocks may need to be managed in different ways – but it was acknowledged that we presently do not know how different population move around the system before settling to spawn. WA commented that Ness fish may go in to the loch then fall back to the river to spawn. KW noted that some very late running fish on the River Dee had moved straight on to the very upper reaches of the river.

11.3: NC noted that while the policy did not give a specific percentage release rate, he speculated that, if all anglers complied, the policy would likely lead to a release rate of 70-80%.

11.4: DMck asked it to be noted that while the IAC release rate was behind that of the rest of the system, it was comparable with release rates achieved on other public waters throughout Scotland.

11.5: GMcK asked it to be noted that he had deliberately made no reference to the Dochfour weir, as it seemed appropriate to have a policy that applied equally to all of the system.

11.6: There was a wide ranging discussion on what should be the target outcome from the policy in terms of the achieved release rate.

11.7: KW asked the meeting to recognise that percentages, while relevant, may not be as important as the number of fish surviving to spawn. This applied to genetically discrete populations – which could be a more important factor than fish numbers as a whole.

11.8: MM noted that, as the IAC presently kill more fish than the rest of the system combined, the policy needs to be one to which they are able to subscribe and he noted that catch and release regulation have been controversial on the IAC waters. He also believed that this issue was having an adverse effect on the relationship with the IAC. Given that the relationship with the IAC was to be covered under agenda Item 14, MM suggested that it may be beneficial to address that agenda Item concurrently. Agenda Item 14 was addressed at this point – with Item 11 returned to for summing up as follows:-

11.9: The format of the policy as tabled was broadly accepted and GMcK was asked to issue a redraft taking into account the follow (Action GMcK):-

- To conserve the spring catch, all fish up to 30 June must be released.
- All proprietors were expected to manage the application of the policy to achieve at least a 70% release rate.
- Discussion to take place with key proprietors, particularly the IAC, to explore ways of assisting them in the application of the policy (Action MM).

11 Report on Season Extension Trial Fishing.

The draft report prepared by KW was addressed by the meeting. DMcK enquired if there was still an appetite for a seasons extension. AD noted that at least one proprietor had made representation to the Board requesting an extension. Given this situation it was agreed that this issue could not be concluded at this meeting. The following actions were agreed:-

12.1: An application will be made to extend the trial by a further year (Action KW).

12.2: The genetic work on the fin clips must be completed and the results presented before KW can complete his report – this work needs to be progressed with urgency (Action KW).

12.3: A further and more detailed report will be prepared for the February meeting of the Board. (Action KW).

12.4: Proprietors will be requested to make representation to MM with regards to their position on the proposed extension prior to the February meeting – MM to report on their views at that meeting (Action MM).

13 Extension to the Netting Season

MM opened discussion on this item by advising the Board that it was within their powers to address the request made by SP on behalf of the nettsmen for a change to their season.

SP outlined the reasons why the nettsmen wished to change their season, which primarily revolved around the same issue as concerned the anglers – in that the fish were running later. SP wished the Board to appreciate that the consequence of this to the nettsmens was a reduction in their income which had an effect on their livelihood.

To properly address this issue SP was asked to write formally to the Clerk setting out the details of the request. The Board would then consider this at the February meeting (Action SP).

14 Relationships with the Inverness Angling Club

The Board addressed the paper setting out the tension that existed between the Board and the IAC and the following points were brought out in the discussion:-

14.1: DMck asked it to be noted that while the CEO/Clerks report implied that the IAC had not responded to MM's request for a meeting this was not the case and that MM had been advised that the IAC thought it better to meet MM after their AGM (probably in January), as the AGM may lead to a change in

the clubs committee. *{MM acknowledges this to be the case and DMcK has confirmed that the requested attendance of the CEO at IAC Committee meeting in Jan/Feb remains and that possibly the Chairman may also wish to attend}*.

14.2: DMcK regretted the manner in which the report in the Inverness Courier had been written but explained that, despite his attempts to clarify certain matters with the reporter, the reporter had chosen to write the article in a tone that did not reflect those clarification. DMcK also asked the Board to recognise that (in his opinion) the IAC President had little experience of dealing with reporters and the comments attributed to him should not be taken as fully representative of IAC's position.

14.3: WA commented that while the atmosphere at the IAC AGM had generally been very hostile to the Board, he felt that the club committee had done what they could to support the Board.

14.4: MM commented that he had attended the clubs AGM as a club member, but given his position on the Board he had found the atmosphere intimidating and would not like to repeat the experience. Notwithstanding this – he was personally committed to finding a way through the difficulties with the Club and believed that a vibrant club was vital to the future of the whole river system as, in addition to its present social value, it was a training ground for future generations of anglers.

14.5: AD commented that it was important for the IAC membership to be given a clear understanding of the Boards financial position – and to dispel any misunderstandings. It was equally important for the IAC members to fully understand the imperatives that lay behind the catch and release debate.

14.5: DH expressed his wish to support both the Board and the IAC in addressing the difficulties that they face. The vibrancy of the river was important to the city as it had an effect in many areas, both social and commercial. DH was happy to offer his support to act as a link between the Board and the Club. This offer was well received by the Board.

14.6: NF also offered his assistance to help if he could. He asked it to be noted that, based on a recent revaluation of the Dochfour fishings, the capital value of these fishings had fallen by well over £1m – and this would be greater if the disastrous 2011 catch return were to be taken into account. On this basis, even a significant investment in the river, if it guaranteed a return of the fish, would be value for money.

14.7: AS noted that difficulties between angling clubs and Fishery Boards were not unique – particularly in respect of catch and release regulations.

14.8: BM noted the apparent anomaly between the management/conservation approach taken by the IAC and the rest of the rivers proprietors. As the IAC were only a tenant, he believed that it was important that the Highland

Council, as the proprietor, took more of a lead in setting the policy for their tenant.

14.9: The merits of an open meeting were discussed – but given the attitudes that had been displayed at past open meetings it was agreed that this should not be a first step. A meeting between the Board and the club to try and achieve alignment was needed first.

14.19: DH reiterated his support to such a process and emphasised the importance of achieving agreed objectives. Providing that the majority of people could be aligned significant political support for the Board and the Club could follow.

14.20: There was unanimity of opinion that a way must be found through the issues that are presently causing tension between the Board and the Club – but it was also thought that much of this was due to historic factors.

14.21: It was agreed that the first step was a meeting between representatives from the Board and the Club and that DH's offers of support in facilitating this was important. (Action MM).

[DH left the meeting at this point – before Items 12 & 13 were taken]

15 AOB

There were no AOB's

Board meeting dates for 2012 are as follows:-

- 23th February 2012 (note change of date)
- 19th April 2012
- 21st June 2012
- 4th October 2012
- 13th December 2012 [Along with the AGM]

The meeting Closed at 5:30pm.