

NESS DISTRICT SALMON FISHERY BOARD
MINUTES OF MEETING

Held at Ness Castle Fishing Lodge on 23 February 2012 at 2:00pm

Present:

Andrew Duncan: Ness Castle, Chairman (AD)
Willie Armstrong: River Oich, Mandate (WA)
Don Mackay: Highland Council , Mandate (DMcK)
Annie Girvan: River Moriston, Mandate (AG)
Sandy Patience: Nettsman, Co Option (SP)
Bob Morgan: River Gary, representing Paul Williamson (BM)
Neil Cameron: Ness & Beaully Fisheries Trust (N&BFT), Co-option (NC)
Graham MacKenzie: Co-Option (GMcK)

Michael Martin: Chief Executive/Clerk (MM)

In Attendance:

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

Apologies:

Angus MacGruer: Co-Option (AMcG)
Nigel Fraser: Dochfour, Mandate (NF)
Ryan Rutherford: Ness Side, Mandate (RR)
Ben Leyshon: Scottish Natural Heritage (BL)

1. Approval of Minutes:

The minutes of the Board meeting held on 15th December 2011 at Great Glen House were approved and signed by the Chairman without amendment.

2. Actions:

The CEO reported on the Actions from the meeting on 15/12/2011 as follows:

2(6.5): KW now has protocol document for reporting fish farm escapees and this will be circulated and posted in fishing huts.

2(6.6): A meeting has taken place with SEPA and is reported under Item 4.

2(7.2.1): A meeting has yet to take place with BWB

4.1: No further “unpaid” assessments have been paid. Investigations will continue and action taken to recover money if appropriate

4.2: SSE has a meeting arranged with Ben Hatfield of Marine Harvest

4.4: Archiving of old correspondence is continuing

5.4: SSE has paid its 2011/12 contribution

6.1: A call out fee of £50 plus £15/hr was agreed for calling out standby bailiffs. Appropriate employment & tax arrangements would need to be made.

6.2: A Bailiffs/ghillies/proprietors meeting is to be planned to take place during March.

6.3: Candidates from the IAC for bailiff training are still being sought.

6.4: One “out of season” poacher has been apprehended and charged.

6.5: Bailiff time and duty reporting will be reviewed following the March meeting and a new reporting format developed.

7.1.4: KW has produced an advice note on signal crayfish and this will be distributed and posted in fishing huts

7.1.5: KW is working with the INNS team on possible funding to restart this initiative. IAC will monitor the effectiveness of the work that their members undertook last year.

7.1.6: Marine Harvest has not been advised of our response. Contact will be made with them when considered appropriate.

8.1: Eric Verspoor has been given the Watts/Emes reports

8.2: The web site is now being populated - albeit slowly

9.4: The meeting with Malcolm MacLeod was postponed pending the meeting between David Haas and the IAC.

9.5: The Strategy Document will be posted on the web site

11.9: The final Catch & Release policy has been issued.

11.9: The C&R policy has been issued to proprietors. With the exception of the IAC there is general acceptance/approval to the policy.

12.1: KW has applied for an extension to the season extension Trials

12.2: KW is working with the FASMOP team to get the genetic work on fin clips from the trial period done.

12.3: A final report on the trial period will be given once the fin clip data is available

12.4: Only one proprietor (Ness Castle) wanted to discuss the trial period. The Board’s decision to postpone a decision was understood and accepted.

13: The request for an extension to the netting season is covered on the agenda Item 12.

14.21: The meeting between the Board, IAC and Highland Council took place and will covered under agenda Item 9.

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 Bailiffs have been given their annual appraisals but were not set any particular objectives for this year. It was agreed that a meeting between Bailiffs, ghillies and some proprietors should take place to review and establish priorities for this year. (Action MM).
- 4.2 The outcome from the meeting with SEPA was discussed. The Board were broadly disappointed with the lack of action from SEPA on a number of key issues and asked the CEO to write formally on the following subjects (Action MM):
 - 4.2.1 Removal of the barrier on the River Farigaig
 - 4.2.2 Compensation Flow on the Holm Burn
 - 4.2.3 GS risk from 'well boats'
- 4.3 The application from SSE to change the flow regime on the upper River Moriston catchment was discussed and the Board were advised that a flow trail was to be performed. The effect of flows on the fresh water pearl mussels was an issue. SEPA have agreed to call a meeting with all relevant parties once they are ready to make a decision on SSE's application.
- 4.4 MM reported that in reviewing old documentation there appeared to be a number of errors in the data regarding the identification of proprietors. This had flowed through to the issue of Assessments and needed to be corrected. This may account for some of the "presumed" unpaid assessments. (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 slightly ahead of budget as budgeted provisions had been made but not yet called upon. Costs were down again primarily due to the CEO/Clerk continuing to not charge for all his time and no time been charged for Secretarial Support (which was being covered by MM with support from the Minutes Secretary).

MM informed the Board that he was charging for no more than 50% of his time. MM's contract was for 1 year and this ended in May and by that time he would, as agreed at the start of the year, be able to advise the Board on what the scope of work for the CEO/Clerk role should be. MM also advised the Board that his current time commitment to the role was not sustainable and that he was concerned about the adverse publicity that the role had generated.

AD advised that secretarial support for the CEO role had now been agreed and the role would be discussed further with MM (Action AD/MM).

5.2: It was agreed that the Boards bank account should be moved from Banchory to Inverness. Continuing with the Clydesdale Bank would be reviewed. (Action MM)

6 Bailiff's Report.

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

6.1 It was agreed that we should employ a summer bailiff (Action JMcC/MM).

6.2 MM will arrange a meeting with the Northern Constabulary to discuss liaison between the bailiffs and the police. SI Paul Eddington is the Wildlife Officer and he should be the first point of contact. (Action MM).

6.3 The annual Bailiffs Conference is to be held in March at Aviemore. JMcC will attend for both days and MM for one day.(Action DMcK)

6.4 MM is to write to the Procurator Fiscal and enquire about progress on case Number IN 10005590 which is now over a year old. (Action MM)

7 Biologist Report

7.1: Report

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

7.1.1: A meeting is to take place with the FASMOP team at the end of June and the outstanding genetic work will be addressed (Action KW).

7.2: Presentation on the Habitat Survey;

7.2.1: KW gave a short presentation on the Scope and intended outcomes from the habitat survey. It was noted that the Board consider this work to be of primary importance and to be the priority for work funded by the Board from the Trust.

Once the survey is finished, the Board will want to review the data with the intention of developing plans to maximise the smolt production from the system.

8 Reports from Sub Committees

8.1 Upper River S/C.

MM gave a verbal update and it was noted that work was underway on the report and that it was expected to be delivered by the end of March. It was also noted that Dr. Verspoor hoped to be able to include his work on the Garry in an application for funding for a European wide study into the regeneration of salmon runs and the Board agreed to support this.

8.2 Web Site S/C

Data is now being loaded onto the website but a lot of work remains to be done. MM requested the Boards approval to engage Rory Baldwin (who runs a company called Designlike who specialize in developing and managing web sites) to assist in the development of the site. Mr Baldwin's role would be in formatting and loading data and in working with Paul Williamson to ensure that the structure of the site was appropriate for our needs. Mr Baldwin would not be producing input data himself – this must come from the Board members. The Board approved this and MM will agree appropriate commercial terms at a cost not to exceed £25/hr. The Board expressed its thanks to Mr. Williamson for his work in initially setting up the site. (Action MM).

9 Report on the meeting with David Haas and the IAC.

MM reported that a meeting had taken place on 15 February 2012 between the Board (MM & AD accompanied by Simon McKelvey, Chairman of the Scottish Branch of the IFM), David Haas (representing Highland Council Common Good Fund (HC) who are the proprietor for the Councils fishing on the River Ness) and representatives from the Inverness Angling Club (IAC).

The meeting had been convened to (1) address the concerns that the Board have with regards to the disparity between the Boards catch & release policy and the IAC's present policy and achieved release rate and (2) to address the concerns that the MC /AC have with regards to this issue.

AD reported that the meeting was a frank but productive exchange of views. The Board had expressed a strong desire to ensure the continued survival of the IAC and recognised the importance that the IAC plays both socially and in being a "breeding ground" for young anglers. AD emphasised the desire of the Board to improve communication and establish a better working relationship with the IAC. AD also pointed out that it was the Boards duty to represent the views of all the proprietors and the catch & release policy was being driven by the vast majority of proprietors from the system – and not from the Board itself.

It was agreed to form a working group of representatives from the Board (AD;MM;GMcK) and the IAC who would take matters forward. The HC would be represented by Stewart Wardlaw. (Action MM)

DMcK confirmed that the IAC were in agreement with the formation of a working group and that representation was being addressed by the IAC and would be notified to the Board.

BM asked what the agenda for this group would be? MM confirmed that from the Boards perspective the main agenda would be to work with the IAC to assist them in taking steps towards achieving the aims of the Boards catch & release policy. AD noted that the Board would also look for ways to work more closely with the IAC to take forward a number of jointly beneficial initiatives (E.G. using the Whin Park laide as a smolt rearing facility)

A note of the meeting had been circulated by DH and once agreed this would be circulated to Board members (Action MM).

10 Catch Return for 2011.

The updated catch return for 2011, presented in the Board papers, was noted.

The total catch from the system (including Nets) now stood at 1091. A total of 757 fish had been released giving a release rate of 73% for the system (excluding nets).

11 Compliance with the ASFB Code of Governance

The Board noted that an audit of compliance with the new ASFB code would be undertaken later in the year and members were advised that they would have to confirm that they complied with the “individual” requirements of the code.

12 Extension to the Netting Season

A formal application has been received from Mr Patience on behalf of the netsmen requesting an extension of their season from 26 August to 9 September.

Speaking on behalf of the netsmen SP reported that this request had been made as it was the view of the netsmen that the fish were now running much later in the year and consequently their catches had reduced. SP asked the Board to acknowledge that as this was a commercial operation the financial interests of the netsmen were being damaged as a result of these changed circumstances.

In the discussions that followed the following points were raised:-

- The fact that the anglers were considering an extension to their season was an issue that the netsmen had taken into account when applying for this extension.
- Netting differs from angling in that all net caught fish are killed.
- Notwithstanding the above – the netsmen only killed 58 fish in 2011 compared to 276 killed by the rods.
- The Board had not presently agreed to pursue an extension to the angling season – this was still a matter under discussion.

After consideration, the Board agreed to delay a decision on this request until such time as a final decision is made on the extension to the angling season.

13 Response to the Aquaculture & Fisheries Bill

The Board addressed the ASFB response to the above bill and agreed that this was a very comprehensive response which should be fully endorsed. (Action MM)

14 Presentation on Balmacaan Hydro Scheme

AS gave a verbal update on the SSE's plans to build a pumped storage scheme – similar to the Foyers scheme – on the North shore on Loch Ness linking Loch Ness and Loch nam Breac Dearga.

In the discussions that followed the Board recognised that the principle issue of concern was the effect that such a scheme, in combination with the existing schemes, would have on varying levels in the Loch and consequently in the River Ness. BM also raised a concern with regards to water velocities in the vicinity of the intake/outlet in Loch Ness.

It was noted that the above issues had not been formally included in the Scoping Study for the EIA for the scheme – but AS confirmed that they had been raised with the project team.

It was agreed that MM should write to the SSE formally raising these points and ask the SSE to come and meet the Board to discuss these issues (Action MM).

15 AOB

15.1: Moray Firth Trout Initiative (MFTI)

The Board has been contacted by Marcus Walters (representing the Moray Firth Sea Trout Project – MFSTP) who has explained that the MFSTP has developed a new project (MFTI) and requesting funding support from the Board of £500/ yr for three years.

The MFTI has three main programmes of work:-

- Programme 1 - Environmental education for school children & adults

- Programme 2 - Promotion of sustainable Trout fishing
- Programme 3 – Conservation of Moray Firth trout population & habitats

After consideration, and recognising in particular the educational benefits, the Board agreed to provide the requested funding support (Action MM).

15.2: Appointment of a Press Support Officer

AD reported that, in order to improve the profile of the Board and to provide better communication of the Boards actions to the public at large, it would be beneficial to seek the support of someone experienced in working with the press. It was agreed that this would be beneficial and MM should approach suitably experienced candidates. (Action MM)

15.3: River Garry Freshets

MM reported that a communication had been received from Mr. Paul Williamson giving a list of proposed dates for freshets on the River Garry for “comment” by the Board.

MM agreed to circulate this list and it was noted that the Board were of the view that it was SSE’s responsibility to formally agree these dates with the Board. (Action MM)

BM noted that in the past some of the freshets – number unrecalled but around 4/5 - were unallocated within the total number available. The purpose being to provide the Board with freshet availability should a fisheries management demand arise.

15.3: ASFB Web Site for “low cost Salmon Fishing”

MM appraised the Board of the ASFB’s initiative to create a web site listing low cost salmon fishing. This would not be a commercial site – no fishing would be offered for sale via the site. Mr Andrew Graham Stewart had been engaged by the ASFB to gather and collate this information from proprietors in the Ness district.

15.4: Letter from Mr Dougal MacDougall

SP enquired on behalf of Mr Dougal MacDougall (Netsman) if a formal response to Mr MacDougall’s letter to the Board (1/7/11) would be forthcoming. MM reported that he had met with Mr. MacDougall and that the delay in responding to his letter was the result of the time it had taken to agree a meeting with SEPA – as Mr MacDougall’s issues needed to be raised with SEPA.

The issued had been raised with SEPA at the recent meeting with them and SEPA had subsequently forwarded correspondence concerning the issue to MM. This correspondence included a letter from SEPA to a Dr Oats of the NHS in which SEPA concluded that-

‘Therefore, taking into account my comments above on the general infection risks associated with undertaking activities in contact with natural waters, the high degree of treatment involved and the dilution provided by the long outfall, I would not expect that the effluent discharge from Allanfeearn STW should pose a significantly increased risk of infection for anyone coming into contact with the water at Alturlie Point, provided sensible precautions are taken.’

A further letter from SEPA to Councillor John Finnie concerning this matter had also been provided and this stated that-

‘SEPA regularly samples the Allanfeearn final effluent, with 24 samples taken in the past 12 months, and assesses compliance against a number of parameters. The STW consistently meets its discharge consent conditions. I have attached a copy of the latest SEPA sampling data for Allanfeearn STW, including Licence limits and also compliance history which shows 100% compliance from the site.’

Given that it is SEPA and not the Board who are the regulatory body charged with dealing with issues of pollution in the Firth, and given their position outlined above, the Board are not in a position to take this matter further and this will be communicated to Mr MacDougall (Action MM).

Board meeting dates for 2012 are as follows:-

- 26th April 2012 (not a formal meeting – no Board papers – 2012/13 budget to be agreed & presentation to be given by Dr. Eric Verspoor)
- 21st June 2012
- 20th September 2012
- 13th December 2012 [Along with the AGM]

The meeting Closed at 5:30pm.

