

# **NESS DISTRICT SALMON FISHERY BOARD**

## **MINUTES OF MEETING**

Held at Caley Thistle Football Ground on Thursday 14<sup>th</sup> February 2013 at 14.05

### **Present:**

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

### **In Attendance:**

Michael Martin: Chief Executive/Clerk (MM)  
Rachel Murray: Minutes Secretary  
Bob Olivant: SSE (BO)

### **Apologies:**

Ben Leyshon: SNH (BL)  
John MacColl: Head Bailiff (JMcc)  
Keith Williams: (N&BFT), (KW)  
Ryan Rutherford: Ness Side, Mandate (RR)  
Alastair Stephen: SSE(AS)

## **1. Welcome**

The Chairman welcomed all to the meeting and advised that it was not a formal Board meeting rather an opportunity to discuss likely forward strategy.

The Chairman further advised that the object of the meeting is to note the Board's views on longer term strategy issues for MM and AD to take away and work on a framework to resolve.

It was further highlighted that any employee issues discussed must be handled in a sensitive manner and therefore all discussions should be treated as confidential.

## **2. Minutes of previous strategy discussion meeting held on 6<sup>th</sup> December 2012**

The Chairman advised the minutes from the last Board meeting held on 6<sup>th</sup> December as well as the minutes from today's meeting will be approved at the next Board meeting in March.

### **3. Update following meeting with SSE**

The Chairman advised that he and MM had met BO and AS last week. The meeting was very positive

The summary of the outcome of this meeting was:

Both SSE and the Board felt the paper prepared by EV gives a good basis for taking the work on the Garry forward however it will take 10 to 15 years for this work to be completed.

The aim of the project is to produce a run of fish that are genetically equivalent to the fish that used to run the Garry and to make the river system as productive as it can be by enhancing the genetic pool and producing the best results possible. Setting out clearly defined targets for fish numbers is not a good idea at the moment.

SSE highlighted they took their responsibility to maintain the Garry and Moriston stocks very seriously particularly as the Garry is currently the worst affected river in their entire business and confirmed that there is a long term commitment from SSE to fulfil their obligation with respect to these rivers .

It was agreed that the work required to be carried out to achieve the end aim of the project is too much for just the Board and SSE to deal with on their own and the NBFT, SEPA, UHI and Marine Harvest will be asked to participate also.

The Board will continue to receive funds from SSE at the current level with £55K directed to expenditure for project work on the Garry. The Board would then use an element of these funds to employ the NBFT on specific tasks relating to this project – with the expectation that the sums to be paid by the Board to the Trust would equate to the sums presently paid (See also Item 10 below).

The balance of the funding will be fluid but will go towards the Board's management costs.

SSE suggested that AS should take over responsibility for the project.

In terms of timescales BO advised that this year the project is at an interim stage and not quite ready to proceed to active site works. The most important issue would be to bring all the related bodies on board. SEPA's position as the regulatory body will be very important. BO also advised he had met Marine Harvest and initial feedback was positive.

In the next year a more detailed project specific budget will be developed and a longer term (possibly 10 years) agreement drawn up. BO offered to confirm this by way of a letter to the Board (**Action BO**).

MM advised the Board that he had been told by SSE that as they had bought out and paid compensation on the fishing rights above the invergarry dam the restoration work will be focused on the rivers below the dams. Under the legislation and the agreements in place there is no obligation on SSE for the maintenance of a fishery above the dams. BO undertook to circulate a summary of background correspondence to clarify the legislative position (**Action BO**).

It was noted that as the success of other restoration projects ( E.G. Lochy & Caron) had been questioned in some circles – it was important that scientifically proven baseline data should be established for this project. A scientifically robust approach to this project will be essential in gathering the support (including possible financial support) from other interested bodies.

PW stated that mandatory catch and release on the Garry requires to be reinforced at all times. The Garry is lightly fished deliberately and will continue to be lightly fished as long as PW is proprietor. This will ensure that any work carried out will not be wasted by fishers removing fish from the river.

PW further stated that bringing stock levels back up on the Garry will benefit the whole system. PW was also of the view that the lower system will need to adopt a mandatory catch and release policy. AD stated that at present there is excellent compliance with the Boards policy on the release of spring run fish. AD also advised that the spring catch and release had only been mandatory for 3 years on the whole system and as this is only one life cycle of salmon the full benefits are yet to be revealed.

In summary – the report prepared by Professor Verspoor was warmly accepted by the Board. The Board thanked BO for his attendance at the meeting and looked forward with renewed optimism to working with the SSE and the NBFT to implement the recommendations of the report.

#### **4. To discuss the appointment of a replacement Chief Executive - Should this incorporate a River Director and be part or full time**

MM briefed the Board on his findings of what is required based on his experience doing the job. In MM's view the job can be broken down into 4 elements as undernoted:

1. *Administration and Governance*: This element can be time consuming although it is not particularly demanding. Some knowledge of the fisheries environment is needed along with a need to understand the governance requirements and the legislation issues that are emerging. The

website also requires attention as it needs populated with information and constantly updated. More communication with proprietors would be beneficial.

2. *Consultations*: Since MM started in his current role he has been involved in over 20 consultations which he would have liked to have done more with. A more robust approach may not only safeguard the Boards interests but may also open up opportunities for compensation where the case can be justified.
3. *Management*: Currently the Bailiffs are not well supported in their role and hence managed effectively. Due to the geographical size of the Ness district their work is difficult to manage and getting a grip on this would require a significant amount of time being spent with them. Also any projects the Board are involved in, even if another body is managing, requires the Boards management input.
4. *Implementation of Board decisions*: There is a requirement for someone who is employed, committed and has the time and duty to implement decisions made by the Board as there is no point having meetings without having someone to implement the decisions made. If the Board intend to do more project work this will become an even bigger issue.

MM was of the view that if the Board just want an administrator this would only be part time. While the work would amount to about one day a week it would be difficult to regulate the work to one full day each week as the issues tended to be 'drip fed'.

Adding consultations, administration and management would take the work load up significantly, although MM was still of the view that this would not be a full time role. To make a full time role fully efficient MM would expect the post holder to also be a warranted bailiff thereby reducing some of our present bailiffing costs and to possess some scientific knowledge so that the post holder could make a contribution in this area.

Given the breadth of work potentially to be covered, MM questioned whether there would be any suitable candidates and hence recognised that this may present a significant hurdle

PW did not feel that the scientific element was necessary however would want to make sure the Board were getting value for money. PW also suggested that it might be an option to approach companies for corporate sponsorship.

BO suggested that the candidate should be capable of running fisheries, managing bailiffs, doing admin and also be involved in catching and stripping samples.

NC stated that anyone appointed needs to have an understanding of science to be able to complete consultations effectively and that KW is currently filling this role. He also believed that there will be a difficulty in getting a scientist to do administrative work.

NF was of the view that it is not an option to start someone part time and also agreed that scientists with management experience are rare. NF suggested splitting out the role with some elements of it put out to agencies perhaps on a performance related basis with agencies being reimbursed as a percentage of funds received.

AD asked the Board to note that with the present distribution of the Boards funds the Board do not have enough money to pay for a full time River Director. The Board therefore needed to give serious consideration to where its priorities lay. The obligations of the Board under the legislation are to 'protect & enhance' the fishery. As the bulk of the Boards funds were presently spent on protection the Board need to be fully satisfied that this was the most beneficial way of spending limited resources. (This was covered more fully in item 9).

MM advised that he only charged the Board for 50 days per year and from the notes he has kept on work done to date he has spent around 100 days on the Boards business and has therefore only charged for half of his time. A significant amount of the time uncharged was, however, spent in the first 3 months when a backlog of administration needed to be cleared up.

It was noted that 100 days per year represents about a half time role. NC highlighted that within that 100 days MM had noted that there was still a lot more that could have been done. AD added that a very significant amount of his time has also been spent on Board matters.

It was agreed that the nature of the role needed further consideration. The matter would be brought back to the next Board meeting and AD and MM were asked to prepare some alternative scenarios. (**Action AD/MM**)

**5. To discuss the merits and demerits of operating a hatchery, or otherwise stocking the River Ness.**

AD advised that some proprietors suggested fishing on the River Ness is getting to a level where intervention should be considered and a decision needs to be made on whether or not action is taken and if it is necessary to undertake a similar project to that being proposed for the Garry.

NF advised there was a suggestion that it would be a bad idea to restock and NC confirmed this and advised that the Board need to try alternative methods rather than a hatchery.

AD advised the purpose of the discussion was to decide if it is a good or bad idea to take action. KW prepared a good paper outlining the 'pros and cons' of a hatchery and there is clearly a debate to be had here.

NC advised that KW's electrofishing work has shown that there appears to be a good number of juveniles, the issue appears to be that they are not coming back as adults. However it was also noted that electrofishing a river the size of

the Ness is difficult. Also, as the Ness has no significant tributaries this adds to the difficulty of assessing the stock of juveniles.

PW asked if the Board should enlist Professor Eric Verspoor (EV) to produce another report along the lines of the one he prepared for the Garry. AD answered that it is a different problem on the Ness compared to the Garry however the Board do need someone to advise.

NF made the point that the asset values of some of the proprietor's fishings are in seven figures and with declining catches they are watching their assets deteriorate. Hence there is clearly a requirement for the Board to address their concerns.

MM stated that the Board need definitive advice and collaboration between KW and EV would provide this. KW and EV could undertake a scoping study as has been done for the Garry and the report could be available within a matter of months. The Board would then have clear and scientifically robust advice on which to make decisions.

The Board agreed that this was the best course of action and MM was asked to contact Professor Eric Verspoor with a view to commissioning the report.  
**(Action MM)**

**6. To discuss the habitat improvement strategy**

AD advised that the work on habitat undertaken by KW has identified a number of issues that need to be addressed. AD also advised that it appeared unlikely that financial support for any of this work would be provided by either Highland Council or SEPA.

MM advised that notwithstanding the shortage of funds a definitive list of project should be drawn together and a strategy developed for addressing each one of them. The Board agreed. **(Action MM/KW)**

**7. To discuss the Upper System project**

This item was covered under item 3.

**8. To discuss the development of strategies to reduce predation**

AD advised a licence has been obtained to shoot 10 Goosanders and 3 Mergansers and this was being organised. 3 birds will be shot in February with the rest being shot in April. Shooting will take place from first light to dark and the licence granted only covers the River Ness.

MM asked the Board to note that KW had done an excellent job in obtaining this licence for the River Ness. The reason the Ness licence was granted is that the water is very clear and does not flood dirty and therefore always susceptible to predation. It was noted, however, that the Oich and Garry also both flood clear and that efforts should be made to secure a licence for those rivers in the future. It was noted that the license states that 'all other deterrents and non-lethal scaring must be maintained'.

AD undertook to investigate ways of scaring birds and pass this on to ghillies. **(Action AD)**. BO advised that AS will report back to the Board on a possible way to scare birds as used to scare goosanders on another river system. **(Action BO)**

It was agreed that otters, dolphins and seals (unless in the river and causing a nuisance) should be left alone.

Mink are another predator however as they are a non-native it is not an issue to kill them and financial support is available to do so.

It was noted that pike are a problem particularly in the upper sections of the system. Minnows, probably introduced by pike fisherman, have also become a problem and there is no realistic eradication strategy.

Some areas of the system used to be netted for pike however the effectiveness of this strategy was questioned as the large pike that were removed meant the smaller pike were thriving and perhaps having an even more detrimental effect on juvenile salmon. Total eradication of pike was acknowledged to be impossible.

MM advised that as the pike issue kept being raised by some proprietors it would be beneficial to have a definitive policy on this. It was agreed that MM should ask KW to produce a report and advice for the Board. **(Action MM)**

## **9. To discuss the Bailiff requirements going forward**

AD advised there are currently 2 full time bailiffs in employment with 1 and a half part time bailiffs employed during summer. 80% of non SSE funds are currently being spent on bailiff wages, vehicles and equipment. The movement of SSE funds will reduce income and therefore expenditure needs to be looked at carefully.

A general discussing on the role and requirement for bailiffs then took place with the following points been raised by members:-

- The work done by the bailiffs was not well understood as there is no way of recording their movements and activities
- It was considered that, given the size of the area, two bailiffs were required at least during the summer months

- The use of estate staff under agreement with their employers – as is apparently done in some areas – was discussed
- Greater use of the volunteer bailiffs was discussed
- The possibility of sharing bailiffs with other river (Beaully/Conon) was discussed
- The greater use of bailiffs on habitat improvement was discussed. Work on the Garry project could be paid for through the SSE budget. It may also be possible to secure other funds or grants for this type of work,

The consensus was that the Board need to change the way the Bailiffs work. It was recognised that the present spend on bailiffs is too much of the overall (excluding SSE funds) budget however it is agreed that the option to reduce to one bailiff appeared impractical. MM and AD undertook to review the bailiffing element of the budget with a view to making savings. The longer term strategy for bailiffing will remain under review (**Action AD/MM**).

On a separate but related subject – given that the bailiffs are regularly working alone there is an obligation on the employer to be able monitor their movements and be able to contact them at all times. BO advised that they track workers when they are working remotely in the hills using a system called a spot tracker.

PW suggested another ‘app’ for android or smart phones called Instatracker however as these apps work off phone network GPS the coverage is not great. The spot tracker works from satellites so is more expensive however has much better service and range.

MM advised that he had already tried to address this subject but would now take further action to ensure that a system was put in place (**Action MM**).

## **10. To consider our future relationship with NBFT**

AD advised that going forward the funding relationship between the Board and the Trust will need to move on to a more organised footing

There will be significant funds going to the Trust from the funds that the Board received from the SSE for the Garry project. BO suggested KW and AS should work together to map out a 10 year plan to ensure sustainability of funding. This plan would then require to be adhered to and reports generated to evidence that the agreed work is being carried out. BO confirmed it would be a requirement of SSE that the funds allocated to work performed by the Trust always did flow through to the Trust.

MM commented that the Board would still require support from the Trust in relation to other matters outside of the work undertaken on the Garry. While an element of funding from the Board should go to the Trust to cover their general management costs – there should be more structure to the relationship. The Trust was a service provider to the Board – this required the Board to be

more specific about the service it wanted both in terms of deliverables and funding. MM felt that such a relationship would help KW as he was often pulled in too many directions and his work therefore undervalued. He would never be able to do everything that everyone wanted – but an agreed list of deliverables on, say, a three month rolling basis would give a better structure to the relationship.

AD suggested that a meeting with AD/MM/NC/KW and Jock (Beaulieu Representative on the Trust) to discuss future arrangements would be beneficial. NC was of the view that provided that the Trust were to receive £30k a year there was little else to discuss – but it was agreed that a meeting between AD/MM & NC/KW (without attendance from the Beaulieu) should be arranged. (**Action AD/NC**)

WA highlighted that although the Trust and the Board have a good relationship the Trust now employ two biologists and the Board are considering reducing bailiffs. NC advised that 2 scientists working together are far more productive and in his view it would be a big mistake to reduce the number of scientist. NC further highlighted that the Board are currently paying £30K per year for 2 scientist and £80K per year for 2 bailiffs. NC asked that the Board bear in mind KW is a very good and well respected scientist and the Board are lucky to have his input.

**11. To consider outlines of how funds may be allocated in 2013/14**

Following the above discussion AD and MM undertook review costs and present a draft budget to the next Board meeting (Action AD/MM).

**12. AOB**

The dates for 2013 Board meetings were noted as being

28<sup>th</sup> March  
20<sup>th</sup> June  
26<sup>th</sup> September  
12<sup>th</sup> December

DM asked when the public meeting will be held and AD advised he has no problem in holding this meeting however it will not be held until all necessary preparation has been done and will therefore be held in April or May 2013.

**With there being no further business to discuss the meeting closed at 17.05**

**Next meeting is to be held on 28<sup>th</sup> March, time and venue TBC.**