

NESS DISTRICT SALMON FISHERY BOARD

MINUTES OF MEETING

Held at Caley Thistle Football Ground on Thursday 28th March 2013 at 2.00pm

Present:

Andrew Duncan: Ness Castle, Chairman (AD)
Don Mackay: Highland Council, Mandate (DMcK)
Willie Armstrong: River Oich, Mandate (WA)
Bob Morgan: River Gary, Mandate/Alternate (BM)
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)
Annie Girvan: River Moriston, Mandate (AG)
John MacColl: Head Bailiff (JMcC)
Keith Williams: (N&BFT), (KW)

In Attendance:

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

Apologies:

Alastair Stephen: SSE(AS)
Nigel Fraser: Dochfour, Mandate (NF)
Ryan Rutherford: Ness Side, Mandate (RR)
Ben Leyshon: SNH (BL)
Paul Williamson: River Gary (PW)

1. Approval of Minutes:

The minutes of the Board meeting held on 6th December 2012 were approved without amendment.

BO asked that the second paragraph on the third page of the minutes of the meeting held on 14th February be amended to read that compensation has been paid on all fishing rights and will focus efforts above the dam.

AD advised that the minutes from the last two meetings will be synthesised and a composite of the two meetings will be published on the website.

2. Actions:

The actions were noted from the previous minutes:

BO has not written a letter to the Board confirming long term commitment from SSE. BO to discuss with AD/MM.

BO advised that he had spoken to AS regarding a method used to scare goosander by SSE previously. BO advised that this method was site specific due to the structure used and ran for 1 year only.

KW agreed that it would be useful for the Board to have a reference document on pike and subject to his Boards approval KW will prepare and issue (**Action KW**)

3. Health & Safety.

The Health and Safety report was noted.

AD advised the report is set out to stress the Board's commitment to health and safety.

AD further advised that spot trackers have been purchased but are not yet operational. Again it was highlighted these are for the health and safety of employees.

4. CEO Report on Key Issues.

The CEO's report was noted.

MM further advised that the upper river action plan was making progress. BO advised that AS met MH at a UHI meeting and MH have welcomed a meeting. SEPA are also keen to come on board. AS has a draft plan however his current plan all hinges on MH growing fish at sea and if this doesn't happen AS will need to come up with another plan.

MM asked if the Board could support discussions by speaking to MH however BO asked to leave this meantime.

MM tabled the Ness Study for discussion. AD/KW met Eric Verspoor regarding carrying out a study on the Ness and EV has tentatively agreed to undertake and issue a proposal to the Board by the 19th April.

MM advised that he and EV had a broader discussion onto how best to protect the system and EV suggested a greater emphasis should be placed on the benefit of having a salmon run in the river and the value of having this in the River Ness should be highlighted. Recognising that the river is a salmon river highlights how fortunate the area is to live close to a river that is in such good condition.

MM advised that all assessments should have been paid by now however half are still outstanding. Over half of the total money has been received however as the bigger assessment bills have been paid.

Two proprietors have asked to pay their assessments in instalments however this will be covered later in the agenda.

MM advised that a meeting with the wildlife crime officer has been organised for 3rd April at the Bothy at Ness Castle Lodges. The bailiffs from the Beaully and the Cannon have been invited to attend also.

MM has circulated a summary report on the aquaculture and fisheries report. There will be a lot of debate on what will go into the bill and the outcome will have an impact on the Board.

MM advised it was interesting to see that the Government were impressed with the River Dee catch and release scheme and recommends this action to District Boards.

The press release prepared by Bill McAllister was tabled for discussion. MM and AD met Bill McAllister and the press release was drawn up post this meeting. It is now up to the press if they want to run with the story or not however having articles in press will help raise awareness. AD advised that Bill McAllister had been in touch as national newspapers had contacted him and are going to run with the story. Press and Journal are meeting Gordon Armstrong for a photo and are going to run with the story.

5. Strategy & Direction 2013

AD gave a presentation on the way forward for the Board for 2013.

During the presentation AD advised that in order to reduce bailiff costs WO is now in a redundancy consultation process.

After his presentation BO highlighted that if the CEO / River Director was appointed for 3 or 4 days a week they would not have any time to talk to people or bring in additional income, if 5 days a week they would bring in income over the years.

NC advised the Board needs a full time CEO or will be back to talking again.

WO advised he would support the proposed changes to the bailiffing but suggested this be reviewed at the end of the season.

NC noted that the CEO has a lot of tasks and the suitable candidate would need a lot of knowledge, NC questioned if £30K is enough to find this candidate.

AD asked the Board if they are happy with the strategy and sought permission to advertise the role. The Board agreed. The role would be advertised as a 'River Director' (**Action MM**)

6. Finance

6.1 Management accounts to 15 February 2013

The management accounts to 15 February 2013 were noted. AD noted a surplus of circa £10K for the year to date.

It was noted the savings on the CEO wages were offset by bailiffs wages.

The surplus was noted as being due to a lack of activity on the special projects fund and AD highlighted that if there was a full time CEO / River Director in place these projects would be delivered.

AD further advised that he has a strategy to use these funds and this will be covered later in the agenda.

AD advised that there is £94,500 in the bank as of that morning. AD further advised that currently there is a good system in place and the control of expenditure is very good.

6.2 Outline budget for 2013/2014.

AD presented the outline budget for 2013/14 which was then discussed and agreed.

7. Head Bailiff's Report

The Bailiffs Report was noted.

One individual is becoming a consistent pest on the River Ness and the Board will ask if a CRASBO (Criminal Antisocial behaviour Order) can be secured which, if granted, could ban the individual from being within the vicinity of the River Ness.

JM asked if both MM and KW could write to the procurator fiscal highlighting the importance of salmon to the river system as this may help with the granting of an ASBO. Both MM and KW undertook to do this and KW advised he will write a similar letter from the Trust as the same individual has been arrested on the Beaully (**Action MM/KW**)

Another person has been charged with fishing without permission. GM advised the person charged has written a letter of apology to JM and handed it into Grahams.

JM tabled the catch and release draw for discussion. To date a draw has not yet been done and JM suggested that he could get sponsorship from proprietors and purchase a rod to be given to the winner of the draw.

It was AD's understanding that the draw would not be going ahead this year and instead the Board would continue to give sides of smoked salmon to those adhering to the catch and release scheme.

JM advised the draw helps monitor who is putting fish back as there are some spring fish being killed.

AD advised that going forward the Board will continue with giving a side of smoked salmon for all fish going back in the spring season through to 2014 and the draw will not go ahead.

JM advised that some of the ghillie's have not been paid for call outs from last year. AD advised that Deirdre Watson who administers the Board's payroll is waiting to get paperwork back from the ghillie's to put a payment through. The Board cannot pay the ghillie's without taxing them.

JM tabled the issue that he is not allowed on the water - having been told by MM that he could not do so without formal training. MM advised that he will organise a survival course and his position is clear in that he is not going to let the bailiffs out on the river or the Firth until a course has been completed on survival on water. JM advised that the goosander count is due and in order to carry this out he requires going out on the Firth. SP advised Fish Industry Training Association carry out such a survival course in Ullapool. MM undertook to look into this. SP advised that all commercial fishermen need this training before they are allowed out on a boat (**Action MM**)

JM tabled netting pike on Loch Meikle. MM advised that the Loch Meikle fishing club secretary had been in touch to ask if the Board could assist on this and MM asked KW to do a report on best action. MM advised when he is in receipt of KW's report he will get back to the club and advise accordingly.

8. Biologist Report

The Biologist Report was noted.

KW advised there was a potential flow issue on the Whin Park laid. After discussions with the proprietor, IAC and Highland Council it has been agreed that the IAC and the Board could manage this on behalf of the council.

BO asked if there was an abstraction licence in place as if so SEPA should look at the licence. KW advised there is no licence in place as far as he knows BO advised that the Highland Council should have a licence for this and KW undertook to look into licences (**Action KW**)

KW tabled the blockage on the Coilte for discussion. KW advised he has met with SNH at the blockage. The blockage is on the main stem of the Coilte at the bottom. The blockage is timber and SNH want the timber to stay there however CAR rules allow the Board to remove vegetation. BO asked if KW had been to SEPA with the issue and suggested not touching the alder on the bank just in the river. KW advised the issue is under the habitat directive however SNH are happy that something needs to be done. KW undertook to get the blockage cleared quickly and if there are any issues KW will contact MM/AD

AD asked who would be required to pay for clearing the blockage. KW advised SNH will not pay as they do not want the timber moved. The Board and possibly the Woodland Trust will pay.

DM enquired about the legality of clearing the blockage and KW advised the Board are obliged to maintain access and SNH are obliged to maintain the habitat however European legislation over rules everything.

AD instructed KW and JM to clear with a maximum budget of £1500. KW undertook to put a plan in place and seek permission to go ahead from MM when ready (**Action KW**).

9. Catch Release Statistics 2012

The 2012 catch statistics were issued. MM advised this is all of the data he had received so far and he was now chasing missing data.

MM noted there was a significant increase in net catches and put this down to SP netting again. MM further noted that Sea Park has seen an increase of over 200%

MM questioned the return of 63 spring fish at Flowerburn. MM advised he questioned the return as it is not on trend and did not add further comment.

MM noted that the Ness returns were poor with a fall of 6% which is a disappointing result. MM noted an improvement in numbers on Loch Ness. The Moriston results were disappointing. The Oich performed better but the Garry went backwards.

Overall the stats record a 5% decrease.

10. Open Evening

AD proposed an open evening be held on 23rd April at 7pm to 9pm with AD, MM and possibly Eric Verspoor speaking followed by a question and answer

session. AD suggested Millburn Academy as a possible venue and asked RM to check if the Board could book the auditorium.

AD outlined the proposed running order as being MM speaking first on what has been done in the last few years then MM/AD on where the Board are going followed by Eric Verspoor on the Rivers and Lochs Institute (**Action MM**).

11. Consider a request for time to pay assessment from IAC

MM advised he had had two requests from proprietors asking for staged payments. The first was a letter from the IAC containing a cheque for half of their fee. The second was a request from PW, the letter advised the first half payment would be paid into the bank just now and the second half paid later in the year.

MM highlighted the obligations under the Act with regards to payment. The Code of Governance also states that members in arrears should not participate in Board affairs.

MM asked the Board for their decision.

AD advised it is a difficult issue as the Board do not want to see proprietors in financial difficulty but also do not want to set precedence.

GM, MM, KW, WA and DM all declared an interest as members of the IAC.

DM advised that from the IAC point of view the issue is with cashflow, the IAC's only method of income is members fees, members are asked to renew in February or are charged £10 but a lot of members are taking the £10 charge and not renewing until end July.

AD highlighted that assessments are payable in arrears and therefore the membership fees collected in 2012 should have been used to pay.

MM highlighted that the assessments being paid are for 2012/2013 and the end of the financial year is 15th May 2013, the Board ask for payment half way through the financial year. MM further highlighted to the Board the importance of monitoring cash flow as 6 weeks ago the cash situation was within 5 days of MM having to personally fund the Board to pay the bailiffs.

MM's view is that the Board should look to work constructively with proprietors; if this is a one off issue then the Board may be able to find it acceptable, but it would be difficult to accept this as an on-going situation. It must not put the Board cash flow in jeopardy.

AD tabled his view in that the Board should not agree to either request as it sets a dangerous precedence. AD suggested charging interest at 8% and

reserves the right to take legal action unless the proprietors in question can make a hardship claim. AD suggested MM issue a letter to this effect.

The consensus was to proceed with AD's suggestion and MM undertook to write a letter to the IAC and PW (**Action MM**)

12. AOCB

SP tabled seawater sampling for discussion and advised he had received a request from Dougie MacDougall to seek clarity from the Board on the levels of seawater sampling required to be carried out as it was his view that the requirements that are to be carried out on a legal basis are not being completed.

MM advised he has met with Dougie MacDougall and discussed his concerns however this is not in the Board's remit and is the responsibility of SEPA.

MM has raised his concerns with SEPA and received a formal response from SEPA to say they believe they have taken all necessary steps and the water is acceptable. MM advised this correspondence has been issued to the Board.

SP advised that he has been advised there are individuals carrying out net and cobble fishing in a non-compliant manner. SP suggested an informal meeting with MM/AD/JM/SP / the wildlife crime officer and the individual who raised the concern to discuss. AD advised he would welcome such a meeting and that while Board representatives will be able to attend the Board cannot make others attend (**Action MM/SP**).

With there being no further business to discuss the meeting closed at 17.50

Next meeting is to be held on 20th June, time and venue TBC.