

# NESS DISTRICT SALMON FISHERY BOARD

## MINUTES OF MEETING

Held at Ness Castle on 6<sup>th</sup> October 2011 at 2pm

### **Present:**

Andrew Duncan: Ness Castle, Chairman (AD)  
Michael Martin: Chief Executive/Clerk (MM)  
Willie Armstrong: River Oich, Mandate (WA)  
Don Mackay: Inverness Angling Club, Mandate (DMcK)  
Ryan Rutherford: Ness Side, Mandate (RR)  
Bob Morgan: River Gary, representing Paul Williamson (BM)  
Neil Cameron: Ness & Beaully Fisheries Trust, Co-option (NC)  
Graham MacKenzie: Co-Option (GMcK)  
Angus MacGruer: Co-Option (AMcG)

### **In Attendance:**

Keith Williams: Ness & Beaully Fisheries trust, Co Option (KW)  
John MacColl: Head Bailiff (JMcC)  
Ben Leyshon: Scottish Natural Heritage (BL)  
Mary Martin: Minutes Secretary

### **Apologies:**

Annie Girvan (AG)  
Sandy Patience (SP)  
Alastair Stephen (AS)

### **1. Approval of Minutes:**

The minutes of the Board meeting held on 21<sup>st</sup> June 2011 were approved without amendment.

### **2. Actions:**

The CEO reported on the Actions from the meeting on 21/6/11 as follows:

- 1.2: A volunteer summer bailiff has been engaged and proved to be helpful
- 3.1: A meeting with the IAC will be held following their AGM
- 3.2: A Loch Ness Proprietors group is being progressed
- 3.3: Volunteers for the Conon Boat – still pending
- 4.2: A meeting with SEPA will take place as soon as they offer dates
- 4.3: Scottish Water has put the Drumnadrochit WwTW modifications on hold
- 4.4: A presentation on fish genetics will be made by KW at a later meeting
- 5: SP will comment on the proposed Avoch Burn school project at a later meeting

- 6.1: Old correspondence is being reviewed and either archived or destroyed. It was noted that correspondence with SHEB/SSE should be retained.
- 6.2: Some Board members still need to provide proof of identity
- 6.3: Accounts – see item 5.2
- 6.4: The new Toyoto Hilux has been purchased
- 6.4: The old Hilux has been sold for £1000.00
- 6.4: The position with the Fiesta Vans is still under review
- 6.5: The fish counts are being circulated
- 6.6: No comments were received on the format of the CEO report
- 8.1: Covered under Item 8.1
- 8.2: Covered under Item 8.2
- 10.2: Covered under Item 10
- 10.3: Warrant Cards have been issued
- 10.4: Covered under Item 9
- 10.5: Covered under Item 7.2

### 3. Health & Safety.

There have been no reportable accidents or incidents since the last Board meeting. Weekly Bailiff reporting has been instigated – the report includes any H&S issues and “near miss” reporting to help identify our underlying risk profile. The H&S policy document will be kept under review.

### 4. CEO Report on Key Issues.

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

- 4.1 A report recently received from Marine Scotland and titled “*Salmon Fishery Statistics – 2010 Season*” was circulated. It was noted that rod fish catches from Scottish river in 2010 was the highest since records began in 1952 and was 160% of the average over that period. While this was encouraging – the total catch of fish from both rods and nets over these years had shown a significant decline - with rods appearing to benefit only from the steep decline in commercial netting. It was also noted that Catch & Release now accounted for 70% of the total rod catch. A general discussion followed and it was agreed that while catch figures did not always mirror the “health” of a river – a comparison of catch returns from the Ness District over the same period of time did not compare favourably with the trends for Scotland as a whole.
- 4.2 It was noted that, as of early August, there was a shortfall of Assessment income of approximately £15,000. This was discussed further under agenda item 5.1
- 4.3 The engagement of “Wats on the Books” (Deidre Watson) was proving to be very beneficial and an excellent service was being provided.
- 4.4 MM had met a number of proprietors and would hope to meet all major proprietors before the end of the year.
- 4.5 Re- establishment of a ‘Loch Ness Proprietors Association’ was likely to take some time. From the Boards perspective, the key aims in establishing such an Association were to reach agreement with the proprietors over boat numbers and identification marks, together with the issue of an

appropriate permit including rules on Catch & Release. It was hoped that, as a first step, the MM could establish how many boats each proprietor had the right to put on the Loch – but this information was not readily available. BM noted that a similar issue over fishing rights had existed on Loch Tay and suggested that a Mr Dave Summers from Loch Tay may be able to assist. The Board's lawyer, Jonathan Weatherspoon may also be able to help (Action MM)

4.6 MM has held a meeting with the Assessor in order to better understand the Assessment process. The assessor was able to explain how the Rateable Value was derived but was not able to throw any light on Loch Ness boat numbers or geographic boundaries for netting rights.

## **5 Finance Reports**

### *5.1: Quarterly Management Accounts*

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

5.1.1: The income was close to budget and the costs were below budget – largely due to reduced costs from the CEO/Clerk and Secretarial.

5.1.2: Attempts had been made to make personal contact with all Proprietors who had a payment outstanding from the 2010/11 Assessment. Where contact had been made, payment had followed or was now realistically anticipated. Where contact could not be made – letters had been sent. Relief from interest had been offered provided that payment was made before 20th October 2011. (Action MM)

5.1.3: In light of the appeals made against the last valuations a provision had been made in the management accounts in the event that an appeal was successful. Appeals have been made by the IAC (River Ness) and by the AST (Nettings)

5.1.4: It was noted that the 2011/12 assessments had previously been agreed by the Board (levy remaining at £1.55 per £1 RV) and that assessment notices will go out in November 2011 (Action MM).

### *5.2: 2010/11 Audited Accounts*

The 2010/11 Audited Accounts were tabled. It was noted that income showed a slight increase and that most costs had been well controlled excepting that motoring costs were up as were Strutt & Parker's Clerks and Bookkeeping fees. There was a surplus of £3,200 for the year, with a total surplus of £83,000.

The Accounts were approved and signed by the Chairman and the CEO/Clerk.

## **6 Bailiff's Report.**

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

- 6.1 JMcC explained that adverse weather conditions had restricted the number of boat trips that had been possible on the Firth.
- 6.2 Since submitting his report, JMcC, assisted by RR, had apprehended a poacher who had been seen fishing on a Sunday and without a permit on the Ness Castle waters. The individual had been charged with "obstructing a bailiff in the discharge of his duties". Both JMcC and RR were commended by the Board for their actions.
- 6.3 RR asked for clarification on insurance issues should a bailiff, not in the Board's employment, be injured while assisting the Boards bailiff. MM to investigate and clarify the position (Action MM)
- 6.4 JMcC drew the Board's attention to the importance of having two people present in such circumstances as a witness will generally be required in order to secure a prosecution. The benefits of having a third bailiff during the summer months were noted by the Board and this issue will be revisited at the next Board meeting (Action MM)
- 6.5 The Board sought clarification on what action should be taken if a fish suspected of being a fish farm escapee was captured or found. KW explained that a protocol did exist – this will be circulated (Action KW)
- 6.6 A discussion took place regarding the monitoring of SEPA CAR licenses for the fish farms in the system. KW/MM will raise this at their forthcoming meeting with SEPA (Action MM/KW).
- 6.7 It was noted that there had been no "officially reported" escapes from fish farms in the system over the last 25 years.

## **7 Biologist Report**

### *7.1: Report*

The Trust Biologists report was noted. The report contained a review of achievements against the 2008/10 Action Plan and KW advised that if any member wished to raise questions or seek more details they should contact him.

### *7.2: 2011/13 Action Plan.*

The Actions from the Trusts 2011/13 'Ness System Fish & Fishery Action Plan' were noted and members were reminded that a full copy of the Plan had

been issued to them prior to the Board meeting. KW asked members to review the actions and comment back to him on concerns or other suggestions that they may have. The following points were raised;

7.2.1: Concerns were raised about water utilization by British Waterways and the effect that this is having on the River Oich in particular. MM was asked to raised this matter with both BWB and SEPA (Action MM)

7.2.2: The trail extension to the season on the River Ness was discussed. As this is the last year of the trial KW was asked to prepare an interim report for the next Board meeting. KW advised that genetic data is unlikely to be available by the date of the next meeting and expressed some concern over funding for the necessary genetic analysis. The Board agreed that funding for this important data should be made available. (Action KW/MM)

## **8 Reports from Sub Committees**

### *8.1 Upper River S/C.*

The report was noted. The request for approval for funding the Scoping Study to be lead by Dr. Eric Verspoor was agreed (Action MM).

### *8.2 Web Site S/C*

A verbal report was given by RR who explained that the site was now ready to go live. The Board agreed a “go live” date of 1 November 2011. Input data will be required from Board members, and it t was suggested that KW and BM could provide contributions. AD also volunteered to write an introductory section. DMcK explained that a lot of good information was available on the IAC site. The Board asked for Paul Williamson to be invited to attend the next meeting to give a demonstration on the functionality of the Web Site (Action MM/KW/BM/AD).

## **9 Mandatory Catch & Release Notice.**

MM explained that he had not progressed with the Notice for Mandatory C&R because he was unable to identify, with clarity, from past Board minutes that the proposal for a spring *and* autumn mandatory period had been formally agreed and he was also aware that not all proprietors now agreed with the proposal. The following points were raised in discussion.

9.1 An e-mail from Paul Williamson was read to the Board. PW asked it to be noted that he would object strongly to both the Board and to the Scottish Government to the order unless the words “insofar as it lies above the Dochfour Weir, Dochfour” were omitted . If these words were omitted he would accept and support the proposal. He also asked it to be noted that if it could be demonstrated objectively (supported by properly collected and

analysed data) that such a division of regulation is in the interests of salmon conservation then he would revisit his position.

9.2 KW asked the Board to note that while he had advised that no more fish of Gary origin should be killed, he had not been party to the wording of the order and that the time and geographic limits stated in the order had not been set based on any scientific advice provided by him.

9.3 The Board noted that attitudes over Catch & Release had changed in recent years and there was now a greater willingness to return fish voluntarily.

9.4 MM asked the board to note that the returns of spring caught fish showed that the voluntarily arrangements currently in place were being well supported by the angling community at large. That being the case the need for legislation for the spring was perhaps unnecessary. The need for a mandatory policy for autumn running fish would seem not to have been fully discussed by the Board and no advice on this issue had yet been either called for or given by the Trust's Biologist. That being the case, a legislative policy for the autumn would seem to be pre-emptive and should, if advised on scientific grounds to be required, be preceded by a voluntary Board policy prior to going down the legislative route.

9.5 The Board agreed that the legislative route should not be pursued further at present (Action MM)

9.6 The Board agreed that its own Catch & Release policy should be re-visited at the next Board meeting so that clear advice could be issued well in advance of the start of the 2012 season (Action MM)

## **10 Spring Catch Returns.**

The spring catch returns were noted and while no comparison had been given against past years the general understanding was that it had been a better spring run this year. The Board asked for comparative data to be extracted from past returns so that a clearer picture could be seen (Action KW/MM).

## **11 ASFB/RAFTS Draft Code of Governance.**

The Draft code was given the full support of the Board and MM was asked to advise the Board of any actions that needed to be taken to bring the Board's activities fully in line with the recommendations of the Code (Action MM).

## **12 AOB**

1. A request (channelled through Sandy Patience) has been made on behalf of the commercial netmen for a two week extension to their season. The netmen are of the opinion that this is needed due to their belief that fish are now running later in the season. The Board noted that it may not be within their powers to address this issue and asked MM to take advice from the ASFB and on the basis of this advice formally respond to Sandy Patience (Action MM)

2. Sandy Patience has asked for confirmation of the Board's intentions with regards to a possible extension to the agreement to pay £5000.00 per year to the Patience Family Trust to secure an ongoing suspension to their netting activities. The Board confirmed that they no longer wished to continue with this agreement and asked MM to advise Mr. Patience accordingly. (Action MM)
3. A request, channelled through the IAC, has been made to invite Mr David Hass from the HRC Common Good Fund to attend and address the next Board meeting. This was agreed in principle but that the invitation should be preceded by a meeting between Mr Hass and the Chairman & CEO/Clerk to ascertain Mr. Hass's agenda for this meeting and confirm that it was appropriate to the business of the Board (Action MM).
4. It was agreed that the Bailiff's salaries should be reviewed in line with the recommendations from the [Farm Workers Association/Agricultural Wages Board] (Action MM)
5. It was agreed that a public meeting should be planned for Jan/Feb 2012 (Action MM)
6. It was agreed that a donation of £500 would be given in support of the Invasive Non Native Plants Project (Action MM)
7. The date of the next Board meeting was agreed to be 15/12/11 and the venue is provisionally agreed to be the meeting room at SNH office. The meeting will be preceded by the AGM. AGM 2pm; Board Meeting 2:15pm. (Action MM)

The meeting Closed at 5pm.