
NESS DISTRICT SALMON FISHERY BOARD MINUTES FROM BOARD MEETING

Time: 14:00

Date: 24th September 2015

Location: Kingsmills Suite, Inverness Caledonian Thistle Football Club

Present:

Michael Martin: Dochfour, Mandate (MM)
Alan Scott: Angling Club, Co Option (ASc)
Angus MacGruer: Co-Option (AMcG)
Alexander Patience: Netsman, Co Option (AP)
Graham MacKenzie: Co-Option (GMcK)
Neil Cameron: Ness & Beaulie Fisheries Trust (N&BFT), Co-option (NC)
Bob Morgan: River Gary, Mandate/Alternate (BM)

In Attendance:

Alastair Stephen: SSE (ASt)
April Conroy: Board Secretary (AC)
Chris Conroy: Director/Clerk (CC)
John MacColl: Head Bailiff (JMCC)
Nick Barker: (N&BFT), (NB)

Apologies:

Andrew Duncan: Ness Castle, Mandate (AD) *Acting Chair*
Annie Girvan: River Moriston, Mandate (AG)
Ben Leyshon: Scottish Natural Heritage (BL)
Cllr Ken Gowans: Highland Council, Mandate (KG)
Ryan Rutherford: Ness Side, Mandate (RR)

Observing:

Innes Rankin – Observer/Public

1. APOLOGIES

The Chairman, Michael Martin (MM) welcomed the board and noted apologies from Andrew Duncan, Cllr. Ken Gowans, Ben Leyshon, and Annie Girvan and Ryan Rutherford.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the previous meeting were circulated and MM invited comments. AC clarified that all references to AS were attributable to ASc and the minutes would be updated (ASt was not present). There were no further comments raised and the previous Board Meeting Minutes were approved. All agreed.

3. ACTIONS LOG

CC reviewed the actions completed this quarter and provided an update on those actions which remain open:

- 6.09 - CC still to arrange and facilitate a meeting between Mr MacDougal and SEPA to discuss water quality in the Inner Moray Firth.
- 7.01 - Body Armour being ordered for RR and GMcK. Gordon Armstrong's armour would be ordered now measurements are provided.
- 7.04 - Less than £1,000 outstanding debts remain. Legal letters will be sent to the three long-term outstanding debts and further investigations carried out to confirm addresses.
- 7.08 - CC provided a detailed update on the legislation around canoes on rivers and canals. CC proposed we produce a similar guideline to the Spey. BM clarified his understanding was that commercial canoe trips are illegal. GMcK highlighted a local example of advertisement for commercial trips. ASc highlighted an example of a group of blue canoes, thought to be a military excursion, causing particular disruption to anglers. ASt suggested that this item should be added to the agenda of the meeting planned with Scottish Canals.

Action 8.01 – CC to produce and circulate a similar set of guidelines to the Spey. He also agreed to politely contact a local operator to enquire as to whether they are operating in this area and whether some common good guidelines may be agreeable.

Action 8.02 – MM suggested that the next member who witnesses the group of canoes in action should politely enquire which group they belong to.

4. H & S REPORT

CC provided a brief overview of the H&S update. The training course at Balmoral Estate was highlighted as particularly worthwhile, including the personal safety elements.

5. GOOD GOVERNANCE

Register of Interest - In light of the passing of board member William Armstrong, an updated Version 4.4 – 14/09/15 of the Register of Members Interests has been produced.

Voting procedures - In light of the passing of board member William Armstrong, the quorum was revised to reflect the smaller number of board members.

Upper Proprietor Board Member - CC stated described the legislative requirement that where a vacancy in their number occurs, the board shall, so far and as soon as is reasonably practicable, fill that vacancy by appointing a qualified proprietor in the district as a representative of qualified proprietors. MM concluded that it was not currently reasonably practicable to identify and elect a new upper catchment proprietor to join the board. All agreed.

8.03 Action – Review the potential to elect a new upper catchment member periodically.

6. FINANCE REPORT

CC introduced the financial report in AD's absence. CC noted the main variance remains due to the Upper Garry Restoration Project running behind plan.

CC highlighted the funds in the budget for the UHI research project. CC has received a draft agreement from UHI that requires a commitment of £2,500 per year for the next 3 years. CC questioned whether this agreement should be signed, given the current uncertainty regarding the Wild Fisheries Review and future of the Ness DSFB. ASt outlined the practical considerations of the research team hiring and retaining staff. All agreed the research was worthwhile and necessary and that clarification of the Board's uncertainty should be highlighted, but the agreement should be signed.

Action 8.04 – CC to sign the AS3IG agreement with UHI on Behalf of the Ness DSFB.

CC highlighted a costly but unavoidable mechanical repair to the Hilux.

ASt suggested that, should the Ness DSFB no longer exist in its current form, the contributions from SSE may no longer be obligatory. MM drew attention to the Westminster Act regarding the operation of a hatchery currently being fulfilled via funding alternative conservation projects. NC highlighted that a review of the agreement between SSE and the DSFB in Argyll had recently taken place, which may set precedence. All agreed that, whilst legal details may require review, the intent of the obligations should remain.

Annual accounts approved, however NC requested that going forward the contribution to the Trust be shown in full, and the payment for loan of the Director be shown as a payment back to the Board. The Annual accounts this year were shown as the sum of the contributions to the Trust less the fee for the loan of the Director; although with the net balance the same.

CC highlighted the Fisheries Assessment paper and the recommendation from AD that the levy be retained at £1.55. ASc indicated that the current financial burdens on Inverness Angling Club are largely made up of the levy and that there would be a desire to reduce their costs.

AP highlighted the higher rate on the Ness compared to the Conan and the Beaully. MM highlighted the vast size of the Ness. CC confirmed the Ness was of a similar size to the Dee, yet the income on the Dee is in the region of £400,000 per annum.

CC explained that a reduction in the levy would have a knock on effect on the ability of the board to discharge its statutory functions.

ASc highlighted that had a 5 year Revaluation been carried out, the levy on the Club Water may have reduced due to falling catches. MM highlighted that there are two separate issues (1) the raising of income and (2) the distribution of income based on valuations.

GMck pointed out the reserves currently held by the board. CC explained that a large proportion of this is made up of Garry Project funds, which are 'ring-fenced'. ASt asked whether there was a goal to reduce reserves in the bank leading up to the creation of new Fisheries Management Organisations. MM explained that current legislation states, should the District Salmon Fishery Board cease to exist, its assets will be re-distributed to proprietors according to the valuation of each fishery as entered in the valuation roll. ASc questioned whether any money returned to the Highland

Council could be repaid to the Inverness Angling Club, given the levy paid was originally raised from the Angling Club members.

CC highlighted that at most the boards reserves could cover one year's worth of operating costs. Given the uncertainty of timing relating to Wild Fisheries Reform process, reducing the balance too early could lead to increased risk to the Board.

ASt indicated that the timetable for review would most likely be linked to the May 2016 Scottish Parliamentary election and could lead to changes being implemented in Autumn / Winter 2016.

MM asked for a decision on the proposed levy rate from the board. Unanimous agreement was given to retain the £1.55 levy at the current time.

7. DIRECTOR/CLERK'S REPORT

UPPER GARRY SALMON RESTORATION PROJECT

CC explained that the first two operational years of the 'Upper Garry Salmon Restoration Project' have proven that the capture of adequate numbers of wild smolts from the Garry system is achievable. However, significant issues have been experienced in relation to the transition of the smolts from freshwater to salt water. This has resulted in low survival rates and the need to reconsider all options.

MM asked whether the cause of the mortalities of the Garry Smolts was established. CC confirmed that a fish health report had indicated that a 'water born insult' had been the cause, i.e. a water quality problem was at fault, possibly related to the water supply. CC described the subsequent advice that has been sought, the process now understood to be required and the protocols that have now been put in place to prevent a similar incident in the future. CC described how a full options appraisal has been prepared and is under consideration. This recommends that the methodology used for transition to salinity be changed.

MM concluded that whilst the outcome was disappointing for the Garry smolts it is important that a definitive route cause had been identified that could now be addressed in the future.

HOLM BURN RESTORATION

CC provided an update and highlighted the current shortfall of approximately £15k required to fund the provision of a fully functional fish pass, together with possible approaches to funding this.

MM suggested CC might write to Scottish Water, due to the fact that a lack of compensation flow from Loch Ashie is compounding the situation. CC highlighted that this could be in conflict with Board's role in assessing the current Scottish Water application for abstractions from Loch Ness. GMcK and ASc highlighted other abstraction requests. BM asked about the level of current smolt production from the Holm Burn and how much this would be increased by the proposal. After discussion, MM concluded not to approach Scottish Water at the current time.

PREDATOR MANAGEMENT

CC described the significant efforts put into this year's bird counts, together with the supporting documents required for the application. This resulted in a licence permitting the shooting of 9 goosanders and 5 mergansers as an aid to scaring, the highest number to date on the Ness. GMcK described a small personal survey carried out by him recently and asked whether they should continue with bird scaring. CC confirmed bird scaring measures should continue and asked that GMcK consult CC regarding the purchase of any additional starting pistols required.

AP expressed a view that it was unacceptable to allow predation to continue at the current rate whilst removing the heritable rights to fishing wild salmon. CC described the limitations associated with discharging the current seal management licence and the need for a review.

Action 8.05 – CC to raise issues associated with discharging the licence at the next Moray Firth Seal Management Meeting.

ELECTRIC BURN

ASc asked what is happening on the Electric Burn and highlighted that considerable Heritage Lottery funds were given for improvements to benefit canoeists yet it remains under-used. A resolution is required, given the public funds that have been directed to this project.

CC highlighted a letter sent by SEPA to the Highland Council on the 17th July 2015 with regard to the need for an abstraction licence application to be submitted and the need to address the structure built by canoeists. CC described the issue that the canoe club face, given that they had received funding from a lottery fund to build the structure and could be required to pay it back if the structure is removed.

CC stressed the need to prevent another de-watering this winter. As a result he had attended a site visit with Terry Smith and his colleague from the Highland Council during which he described the history and seriousness of the issues and advised on potential solutions. He hoped that this would lead to flows being maintained during this winter and the obstruction being replaced with a 'fish friendly' solution.

ASc described an original meeting when Keith had been in post, at which the canoe club had indicated that a high flow of water had not been required and that the funding had been put flood lighting, obstacles, judging platforms. A number of members noted the state of undergrowth in the area that would likely render it unsuitable for canoes at the current time. CC confirmed that lamprey, a fish species of conservation value, is present at the site. However, SEPA should remain the lead organisation dealing with the issue at this time.

GMcK asked whether a letter of support from the Angling Club would support efforts. CC indicated that SEPA are handling the issue adequately at the current time. All agreed.

ASc asked about progress with the habitat on the right bank of Weir Pool. NB addressed the question, suggesting hand placement of some bigger substrate to create habitat for older classes. The island bank road, is well covered, and may benefit from increased depth.

BM asked on what basis the canoe club could apply for a CAR licence. ASc asked whether it may have been applied for before a CAR licence was required. CC to clarify with SEPA.

BOWL

ASt highlighted that construction work would be started in 2017. Smolt behaviour needed to be understood before construction starts, including acoustic tracking of smolts on the Conon through to the Cromarty firth by releasing PIT tagged smolts. The aim will be to track the smolts for up to 20 hour, including along the coastline and out to sea.

AP asked whether this has been tried before in any other country. ASt confirmed it has not. AP asked whether it would be more suitable to transport the fish by road. ASt indicated that removing them from fresh water and moving them directly to saline water would be a concern. AP indicated that a location that would provide a saline condition suitable for acclimatising the smolts, then transporting them by road. MM asked that they discuss the matter offline.

SALMON FESTIVAL

MM and GMcK remarked that the festival was 'fantastic'. ASc paid a particular tribute to ASt for his contributions in terms of maintaining the water levels so that they would be suitable for the spey casting competition.

SSE AND SCOTTISH CANALS

CC asked ASt when the works at Garry Dam would be completed. ASt confirmed that the turbine should be back online in October.

SSE had maintained compensations flows on the Garry during their works (together with the weekly freshet); however the levels on the River Oich had fallen to exceptionally low levels. This suggests that the operation of the Caledonian Canal may be having an impact on the flows in the River Oich, perhaps through loss of water from Loch Oich.

CC questioned the impact of this year's low flows on spawning. AMcG suggested this could be a concern. CC suggested this issue require further attention to prevent a similar situation occurring in the future.

Action 8.06 – CC to approach SEPA to arrange a meeting with SSE and Scottish Canals at the earliest opportunity to look at any necessary mitigation to improve flows, to protect spawning and passage through the Oich to the Garry. Giving consideration to options to increase flows in the Oich.

BREAK

8. HEAD BAILIFF'S REPORT

JMc noted a lack of finnock in the early summer run, and again just now. Those that did arrive were late and lower in numbers. There was a good run of 4lb sea trout. Nairn and Beaully had them first.

ASc highlighted a couple of day ticket fishers on the Firth who remarked that there were 'always' non ticketed fishers. CC and JMcC noted that a lot less individual were found fishing for sea trout without permission on the Firth this year.

CC reported a case taken to court in August.

9. NBFT SENIOR BIOLOGIST REPORT

NB provided a brief overview of the report and highlighted that heavy rainfall had limited operations. The 'Pearls in Peril' project has been very successful, but will be coming to an end shortly.

AP reported that the NBFTs work on the Static Gear Fisherman's Recording Project have been carried out without interference to normal fishing operations. AP reported that further funding has been applied for to continue the research with additional improvements in the future.

GMcK asked NB about the River Coiltie Hydro consultation and the good flow standards for upstream migration noted 1st – 15 Sept, and whether this was adequate time. NB indicated that his should read 1st Sept 2015 to 15th January 2016.

ASc asked about the take-up of Crown School. NB confirmed.

10. WILD FISHERIES REVIEW – UPDATE

CC summarised the WFR board paper which gave an update on the latest developments. He confirmed that the board's response to the main WFR consultation was submitted on the 31st July 2015.

AP asked about how harvestable quotas would be calculated going forward. A number of members commented on the complexity of calculating a harvestable quota.

AP raised concern with a decline in numbers, for some people the heritable title will be reduced to nothing. Levels have already reduced to levels that are uneconomical and yet predation has been allowed to continue.

MM concluded there are a lot of questions and lack of answers at the current time.

ASt highlighted an example in Ireland. AP indicated how the fishing pressure in that area may have just moved from one species to another, specifically to shellfish.

Lochaber, Ness and Beaully Fisheries Management Organisation (FMO) - A critical Analysis

Some initial discussions have been had with these neighbours around one option for possible merging of operations. This had resulted in the production of a 'critical analysis' document, which takes an object look at the pros and cons of this particular FMO option.

MM clarified that the document was not in any way a proposal, but instead a jointly agreed consideration of some of the potential practical considerations on how the area could potentially work together and the challenges that would need to be addressed.

CC summarised that the biggest issue was the potential shortfall in funds required for the FMO to operate effectively.



CC asked for the members to consider the paper and consider whether it was suitable and appropriate to share it with the Scottish Government at this time.

NC highlighted some of the large disparities between the three areas, including the large differences in the levy and the resulting staffing and approach. The main conclusion the paper draws is that the joint working could operate, however there were no economies of scale to be achieved. A fit-for-purpose operation would cost more than can currently be funded.

MM clarified the critical analysis highlighted the issues that would require to be addressed. The paper is not a proposal. It is a 'reality check' for one potential option.

GMcK suggested there should be a similar critical analysis looking at an East Coast Management Organisation options. CC was hesitant to proceed with this at present, but suggested that it may be more appropriate at a later date.

MM asked the board members whether they agreed that the paper should be further circulated to a dedicated working group of Scottish government officials. NC suggested that the costs were undervalued and that the report should not be allowed to go forward as it is.

AP highlighted the current proposals for Orkney, Shetland and others.

ASt expressed a firm request to evaluate an East Coast option.

BM indicated the paper only covers half of the FMO – the functional elements – but not the board Level management. The ability to make decisions about an area in which they require detailed knowledge would be required. Of primary concern will be whether any board could realistically have the ability to make well informed decisions over such a vast area.

MM concluded there are two issues:

1. The numbers needing to be revisited, to ensure they do not underestimate real costs; and
2. The paper should be revisited to strengthen and highlight that this is not a proposal.

GMcK clarified that the board should be very clear that these budgets are not to be anything more than illustrative and the boards should not be held accountable should there be further unanticipated costs in the future.

ASt provided an overview of some of the key stakeholders on the west coast and questioned whether the current paper was reflective of all partners.

BM questioned what might happen without river boards looking at potential joint links. CC highlighted the potential of looking to the five Scottish river basin areas.

NC suggested that the Ness and Beaulieu together could operate well and that anything above that size would cost more, not less, and most likely become too big.

MM concluded that the paper holds risk that it be misinterpreted as a proposal when there is no desire to make a proposal from the Board.

CC highlighted this as an opportunity to lead the way rather than have change be imposed.

MM suggested the board support the paper going forward, but that a much stronger and more up front statement be made that this is only one potential funding structure and only one potential management structure. This was agreed by the members.

NC was supportive of the paper going forward, with the appropriate caveats. NC asked the costs be revisited. ASt firmly questioned the budget and asked that this be rectified before further circulation.

AMcG specifically asked for the word 'proposed' to be removed in the conclusion and the conclusions to be looked at carefully.

NC suggested an initial meeting with Alan Wells should be held with the Ness and Beaully initially.

MM asked whether there was an issue with whether the costs were truly illustrative.

ASt asked whether the paper fully reflected the Lochaber area, including the Lochy.

MM outlined options:

1. No - hold on the paper
2. Yes - go as is
3. Address the concerns and edit the document before it goes forward, including a very clear statement that costs are likely to be higher and that this is not a proposal.

All agreed on option 3.

Action 8.07 – *The working group will carry out the edits to the document in order to reflect the comments and concerns of the board.*

ASt also concurred with a pre-meeting would be required. NC concurred.

11. 2015 ANNUAL REPORT

CC proposed the same approach this year to the Annual Report as last year. All members agreed. ASc agreed to contribute as editor again. CC thanked ASc. 2016 meeting dates proposed and agreed.

12. BIOSECURITY – KEEPING FISH DISEASES OUT

Paper outlined by CC and recommended declaration and proposed use of disinfectant. ASc asked how this would work for members. CC clarified it would be most relevant to day-ticket anglers. ASt commented on how visitors from Norway and Iceland found procedures in Scotland particularly relaxed. ASc commented on the potential lack of awareness within UK Border controls and Customs, for tackling anglers or canoes.

MM remarked on declaration procedures on the Findhorn. MM concluded that the proposal to write to all proprietors with this declaration and process as an illustration of one approach they might employ and asking them to get in touch if they would like any further support and guidance.



Action 8.08 – *An example declaration be sent to all proprietors in time for the start of next season.*

13. AOCB

None raised.

THE MEETING CLOSED AT 17:18