

NESS DISTRICT SALMON FISHERY BOARD MINUTES FROM BOARD MEETING

Time: 14:00

Date: 18th June 2015

Location: Kingsmills Suite, Inverness Caledonian Thistle

Present:

Andrew Duncan: Ness Castle, Mandate (AD) *Acting Chair*
Annie Girvan: River Moriston, Mandate
Bob Morgan: River Gary, Mandate/Alternate (BM)
Cllr Ken Gowans: Highland Council, Mandate (KG)
Ryan Rutherford: Ness Side, Mandate (RR)
Alan Scott: Angling Club, Co Option (ASc)
Alexander Patience: Netsman, Co Option (AP)
Graham MacKenzie: Co-Option (GMcK)
Neil Cameron: Ness & Beaully Fisheries Trust (N&BFT), Co-option (NC)

In Attendance:

April Conroy: Board Secretary
Chris Conroy: Chief Executive/Clerk (CC)
Nick Barker: (N&BFT), (NB)
John MacColl: Head Bailiff (JMCC)
Ben Leyshon: Scottish Natural Heritage (BL)

Apologies:

Angus MacGruer: Co-Option (AMcG)
Alastair Stephen: SSE (ASt)
Michael Martin: Dochfour, Mandate (MM)

1. APOLOGIES

The acting Chairman, Andrew Duncan (AD) welcomed the board and noted apologies.

2. REMEMBRANCE OF WILLIAM ARMSTRONG

AD took a moment to mark the passing of board member William Armstrong on the 14th May 2015. He expressed great regret and acknowledged Willie's substantial contributions to the Ness Board and the conservation of the Ness District's salmon stocks.

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the previous meeting were circulated with, with comments received from members having been incorporated. AD asked that the minutes, as issued, be approved by the Board. All agreed.

4. ACTIONS LOG

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

- 4.02 – Board members reminded to provide the clerk with a copy of their passport and a recent utility bill if they have not already done so;
- 4.03 / 4.04 – The issue of who is selling permits for sea trout fishing in the Firth and current ownership of the Beaully Fishing netting rights remains open;
- 6.02 – Body armour orders being progressed. One voluntary bailiff has expressed a preference not to wear body armour. The Board agreed the equipment must be worn in order to safely carry out duties;
- 6.09 – CC still to arrange and facilitate a meeting between Mr MacDougal and SEPA to discuss water quality in the Inner Moray Firth.

Action 7.01 – CC to order body armour for all part time water bailiffs.

5. H & S REPORT

CC reported that a water bailiff had suffered from a torn ligament during a foot patrol, but was now fully recovered.

CC reported that the new body armour has been well received and has given water bailiffs a more professional image. Incidents of aggression during interactions seem to have decreased.

CC reported that the Bailiff team would be attending a wildlife crime awareness event in Balmoral on the 25th June 2015. This will include a personal safety course by OST instructor Alison Cowie from Police Scotland.

AD noted the tremendous support that Police Scotland had provided to the Bailiff Team this year. The Board would like to express their great thanks for this support and cooperation.

Action 7.02 – CC to express thanks to Police Scotland for their support on behalf of the board.

6. GOOD GOVERNANCE

Representatives of Qualified Proprietors

AD suggested that the decision relating to filling William Armstrong's position on the board should be deferred to the next meeting. All agreed.

Register of Interest

All member interests are up-to-date.

CC requested permission to update all associated documentation, given the passing of William Armstrong including updating the quorum. AD suggested this would be the most appropriate

measure; including updating the number of board members from 12 to 11 and the quorum from 6 to 5. Cllr Ken Gowans agreed this was an appropriate measure.

Action 7.03 – *CC to update all documentation, including the website, given the passing of board member William Armstrong.*

7. FINANCE REPORT

AD introduced the financial report including the full accounts for the end of the past financial year. AD noted the variances are very small with budget and actuals very close, apart from the running behind of the River Garry project. In particular, this has meant that only a small loss was incurred where there had been a larger loss planned as part of a planned strategy given the current level of reserves within the Board.

The statutory annual accounts will be circulated for approval at the September Board Meeting.

A small number of minor outstanding assessments were discussed with arrangements for pursuing them to be put in place.

Action 7.04 – *CC to put arrangement in place for pursuing outstanding assessments.*

Budget for 2015/6 was reviewed. AD invited questions and comments. NC requested sight of the budget for the upper system project. CC provided this to all member, on paper, at the meeting.

The levy is currently £1.55 in the pound. AD proposed that, given the potential implications of the Wild Fisheries Review, the matter of setting the levy should be deferred until the September board meeting. Cllr Ken Gowans commented that there is most likely to be a reasonable period of transition. The decision to defer until September was agreed.

8. SALMON PREDATOR INTERACTIONS

Ben Leyshon from Scottish Natural Heritage was in attendance at the meeting to take questions regarding the interactions between salmon and their predators.

AP described a photograph that he had seen of dolphins eating salmon within the system and noted reports of seals doing the same. AP questioned whether there are any appropriate measures can be taken to deter such predation, such as the use of sound-based deterrence systems.

BL asked whether the particular concerns were around predation within the river system or the coast. BL explained that within the legislation, acoustic deterrents have been used within river systems for seal management. Dolphins are also a European protected species, however given their vulnerable classification and small population size; any deterrent must not impact the survival of the species. It may not be appropriate to use acoustic deterrents for seals in areas frequented by dolphins.

GMcK noted that salmon are also a European protected species, with the Moriston SAC designated for their protection. BL noted that there are a number of examples where one protected species is thriving at the expense of another and that the European legislation ensures one is not managed for the expense of another. BL noted the very vulnerable state of the dolphin population means that the

loss of a single individual, especially an adult female, could be enough to cause a decline in the population.

BL noted that small measures to acoustically deter dolphins from minor areas may be considered, however further monitoring and evidence would need to be collected prior to any planned project. There was much discussion of potential monitoring procedures.

CC described how photographing of observable dolphin feeding may be able to support this exercise. He also noted that weekly reporting sheets could be used to record the incidents of both seal and dolphin marked fish.

AP asked if SNH would be willing to fund a study into predator/salmon interactions. BL responded that before consideration, any proposed study would need to be carefully planned and address and inform plans to improve the status of the SACs.

AG noted that a model would be needed that looked at balancing population numbers as there is a danger point at which the increasing dolphin numbers could result in a reduction in salmon numbers. Consideration should therefore be given to what point the dolphin population might create such a decline in the salmon population, with the result of not only impacting on angling but also removing an important food source for the dolphins.

CC reported that with regards to seals, the numbers culled under the Moray Firth Seal Management Plan was actually well below the annual quota. Only 'problem seals' frequenting the river can be culled, with none killed in the Ness District for a number of years.

BL agreed to circulate information regarding marine mammals and site condition monitoring for European designated species. He reiterated that any management considered in the future must clearly be consistent with the legislation. The tests to meet the legislative requirements for dolphins are stringent.

CC and BL agreed to have further discussions regarding the interactions between marine mammals and salmon and the possibility of future studies. NB also suggested a meeting with the River Dee in order to seek to understand their projects with sound based deterrents.

Action 7.05 – *CC to continue discussions with BL regarding possible studies to increase our understanding of marine mammal/salmon interactions in the Ness District.*

9. DIRECTOR/CLERK'S REPORT

CC reported the best spring catches since 1995.

CC reported that there has been a hugely disappointing result on this year's Garry Project. Trapping finished on the 15th May 2015, with the fish temporarily held in a smolt pen at the Marine Harvest Loch Garry facility. This year the fish were fed a special pellet fed whilst in the pen to aid their transition to captivity and saltwater. On the 27th May 2015 Chris Conroy and John MacColl made a really useful and informative visit to the Ardtoe Marine Laboratory where the Garry smolts were to be held. We provided some advice with regards to the holding facility and made arrangements for the transfer of smolts from Loch Garry.

On Thursday the 4th June 2015 Marine Harvest transferred the smolts to Ardtoe. They were reported as looking good and having definitely grown, indicating that they had taken to the feed well. This was a significant improvement on the previous year when the fish were emaciated on their arrival. Unfortunately, three hours after arrival at the site the fish started to die. By Monday morning there were no survivors.

This is extremely disappointing for all those involved in the project, particularly given the time and effort expended in resolving the problems encountered last year. We are awaiting the results of a health check in an attempt to establish the cause of death. The project group will meet in the near future to discuss the future of the project. There are eleven remaining fish from the 2014 season which we hope will be transferred to a sea pen in the near future.

BM gave a very detailed description of the complexities of rearing wild fish. CC noted that, whilst this level of mortality is incredibly disappointing, the majority of the smolts taken for the project would have been lost in the wild. As such there is likely to be no significant impact on the overall Garry salmon population. BM added that the achievements made in terms of achieving well fed fish should be recognised.

BM noted that the interactions between wild fish and aquaculture interests have always been challenging. For the first time the two are working closely together on this project with a common goal. The fish farming industry are used to managing populations of fish that are not wild, that have been bred in captivity, and that these fish will behave differently from wild fish. The partnership needs to work carefully and respectfully together to learn what is required to successfully support wild fish populations in captivity and how this may be very different to farmed fish.

AD respectfully noted the huge disappointment of the entire team involved.

A BREAK WAS TAKEN AT THIS POINT.

10. HEAD BAILIFF'S REPORT

AD introduced the Head Bailiffs report. JMcC noted that to date there has been relatively low angler activity across the system. Comments were invited. No comments were raised. AD thanked JM for his contribution.

11. NBFT SENIOR BIOLOGIST REPORT

Nick noted that the trust undertook a pre-planned fish rescue on the Dochfour Burn last week, in advance of the construction of a hydro scheme. Only 7 fish required to be rescued and all impacts were limited by considerate construction.

ASc asked about the Angling Club project for Schools. NB commented on how Holm School had not taken up the offer, which has now been extended to Central Primary. CC also commented that Police Scotland is also keen to get involved in a programme for youth offenders. CC noted successful programmes in England by 'Get Hooked on Fishing'. There is the potential for a partnership event with Scottish Canals, Police Scotland, Inverness Angling Club and the Trust.

NB described a proposed hydro scheme on the River Coiltie which has the potential to result in the removal of a derelict Scottish Water structure. This currently acts as a barrier to fish passage.

12. WILD FISHERIES REFORM

AD introduced the paper and concluded that the reform signals the end of the NDSFB. The timing, process and transition are unclear.

Of particular concern is the employment status of employees and whether they will have continued employment or be made redundant. Further, the long-term gains have been made through the strong partnership relationships built up with SEPA, SNH, SSE and others may not continue under the new arrangements.

CC noted that the reform will be going ahead and that the focus of discussions should be on positively commenting on the best ways forward and influencing the best outcomes. The board then discussed the following key points:

Resourcing

Question: Do you agree that funding raised from proprietors should continue to provide core stand of revenue for local fishery management?

CC explained that the current proposal is that a national levy would be set by the Scottish Government with a local levy possible to be applied for. The current comparable national rate would be 48p, which is substantially lower than current levels. The current plans would allow for national collection and national distribution. NC questioned whether there would be any commitment that levies collected nationally would be spent locally?

NC also commented that it was unlikely levies could feasibly be collected from trout fisheries. Equally, rod licences may be feasible for salmon however he thinks that a trout licence seems unlikely.

BM noted the composition and numbers of the national fishery unit might be resourced from within the central fisheries laboratory. If this is the case, the team would be directly responsible to government with very little experience of working with people or directly with fisheries.

BM noted concern that very little money would be directly spent on outcomes, over and above central administration, and how accurate and experienced the central management would be and whether it will be capable of fulfilling the task.

GMcK asked whether proprietors should be paying for fisheries protection when angling impacts on the fish populations.

ASc questioned whether angling clubs will continue to exist if rod licences or kill licences/tags exclude those who cannot afford to fish.

CC noted that the Scottish Government position appears to be that a licence is unfavourable, as they do not want to impact on angling and anglers. ASc questioned whether this would be for all fish. No decisions have been taken.

AD noted that a national levy, set at national levels, would not cover the current level of service that is required on the Ness. BM noted that the central unit would decide what was required at the local

level and distribute funds accordingly. BM concluded that the central management work is essential and will only work if this is experienced and well informed. CC agreed there are substantial differences between fisheries science and fisheries management. The management and conservation is different from the aims of research.

AD directly asked – should there be a two tier system – national and local levy. The agreed position was ‘no’. Cllr KG questioned this, noting there may be local benefits in having the flexibility to raise funds locally. Cllr KG highlighted the Canadian model, with a tiered system, where moneys raised are ring-fenced for conservation measures.

AD summarised that the Board is generally in favour of a rod licence, however that we are unsure of the position of a national and local levy and that we are in need of re-assurance that moneys raised locally will be spent locally. GMcK noted the potential opposition from anglers to a rod licence.

Cllr KG noted that there are far more anglers in other areas of Scotland and that laws must be determined by quality not quantity so that local concerns are protected.

Local Management Bodies

Question: Do you agree that FMOs should be statutory bodies?

CC noted that the alternative is for FMO’s to have statutory powers as DSFBs currently benefit from.

Cllr KG provided the example of HighLife Highland which is a wholly owned by Highland Council operated at arm’s length. It depends on what kind of framework and management model they define.

NC questioned who would appoint the trustees and AD questioned who would own such an organisation. Cllr KG noted, in the Highlife Highland example the board positions are advertised, and the nominated panel go before the panel. AD suggested that if local proprietors are required to provide the core strand of revenue for the FMOs, they should have the greatest representation on the board.

CC suggested that having a set constitution across boards could improve consistency. AD proposed that a statutory model would better serve the need than a charitable model. CC suggested that an FMO could meet modern statutory obligations, however both models need careful consideration and that the implications of each be explored in further detail.

ASc noted that the perceived benefits of moving to a charitable model would increase openness and transparency. AD pointed out that charities by their nature have to be risk averse and that this is a mismatch with bailiffing, where there is an element of risk that must be managed and cannot be totally mitigated. AD proposed that a statutory body, as long as it is fit for purpose, would far better serve the needs.

NC suggested that members were most likely to be consulted again before this decision be taken.

Regulation

The current proposal is to keep the current closed times and to allow the local body to consider and determine this, going forward.

CC noted that this could be beneficial. Local measures are already in place, for example the start of the fishing season on the River Ness has been delayed until the 1st February as a voluntary conservation measure.

BM suggested that the central management unit would most likely be responsible for developing national strategy. AD suggested that should that should this be the case, local practices would most likely continue to be delivered through locally determined voluntary measures.

AP noted that the Scottish Government considered stopping netting for 3 years, impacting heritable rights and should this be attempted that the Salmon Netting Association would seek legal action and that legal advice has been sought.

AP, from a netting perspective the answer is NO – we do not agree that that annual and weekly close times should remain a key part of the management system for wild fisheries.

AP described how weeks were lost due to high winds, impacting financially the netsman.

Kill licence and Tagging

CC reported that 600 responses on the matter were received by the Scottish Government, but no conclusions have been reported yet.

AD asked whether the Board is for, or against the kill licence proposals.

CC clarified that the key purpose of the proposal is to set conservation limits. This will be based on how many fish there are in the system, how many spawners are required to support the population and the harvestable surplus. CC is concerned that the data required to accurately determine conservation limits for the Ness system is not currently available. As such a 'precautionary approach' is likely to be applied by the Scottish Government. CC also clarified that the tags are just a compliance tool.

AD noted how current voluntary conservation measures on the Ness system have significantly reduced the number of fish killed. If carcass tags are issued, this may encourage the killing of more fish than is currently the case.

RR suggested that the pricing could be set substantially higher for killing fish. AG noted that we are trying to promote 100 per cent catch and release and this does not support the message. AD agreed that voluntary measures on the Ness system have moved so far forward in terms of release that this must be protected. CC noted that many beats are putting all fish back, with the majority of those taken having died during capture.

AP asked CC about the compensation arrangements with AP, his family and the Sutherlands. If the board is disbanded would the measures be lost. AD suggested, not necessarily. AD clarifies there are an array of legal agreements all of which would need to be reviewed as part of a transition and legal implications considered. The employees, for example, would have to be protected by TUPE.

Shadow Fisheries Management Organisations

NC noted that maps were considered by ASFB and RAFTS at a recent meeting. The boundaries of future FMOs are likely to be bigger than current DSFBs. It is likely that there will be perhaps 10 or 15 FMOs compared with the current 41 DSFBs and 26 Trusts.

CC explained that we are being encouraged – the Ness and the Beaulieu – to look west to potentially join up with Lochaber. There are geographic join-ups. The team sizes are similar, led by John Gibb with 2 local biologists. Other Boards are starting discussions with their neighbouring boards. CC suggested that we should consider starting local talks on the matter with Beaulieu and Lochaber Boards.

AD – do we think this is the right geographical link?

CC suggested this larger area might work, if it operated as a single FMO with two area teams. AG suggested, for themselves on the Moriston the Lochaber area is closer than Inverness. The Conan and Kyle of Sutherland by themselves present a huge area. Equally the Inner Moray Firth area would also be too large.

CC suggested that there is potential to lead the way, proposing a work-able path that is considered agreeable by these three parties with suggested ways of working. NC noted that one map that was proposed at the ASFB/RAFTS meeting showed a small number of large areas following the Area Environment Group boundaries. All agreed that this is the least desirable option.

BL noted the IFGs and their Inner Moray Firth area and that mapping onto this, may be desirable from a government perspective. If an alternative view is locally desirable, there needs to be reasons for how and why an alternative operation may be more desirable.

AD noted a proposal from CC to form a working group – a sub-committee – to work together on building up a better picture with real consideration of the proposals. AD offered to chair this committee and he asked for interested parties to email him, with a proposed 2 to 3 committee members. All agreed.

AD concluded that we can be certain there will be considerable changes over the next 12-18 months.

Action 7.06 – AD to form and chair a Wild Fisheries Reform working group, made up of 2 to 3 committee members, to look at options for FMO boundaries and to enter into discussions with neighbouring boards/trusts.

13. AOCB

AD noted that Bob Olivant (SSE) has retired. The board wished to acknowledge that great thanks is due for his great support for the Board. AD wishes to organise a lunch to formally thank him and invite all Board Members. All agreed.

Action 7.07 – AD to arrange a lunch for Bob Olivant.

AD noted that MM had called on Sunday evening noting that he has been unable to attend a number of meetings lately and had requested that AD ask the Board whether they wish a new chair be

elected. The matter was discussed and MM's ongoing contributions were noted and valued. No change in chair was deemed necessary at this time.

GMcK asked whether it was legal for Scottish Canals to advertise canoe routes on rivers outwith their ownership or control, rather than the canal itself. CC said that he believed that as long as not for commercial, gain it was legal to canoe on the rivers. JMcC and AG confirmed that some of the groups are organised commercial canoe groups and that these groups wish to camp. CC commented that he believed that the right of access, over private land, is not granted where it is for commercial gain. BL noted the Great Glen way officer, may be able to direct and re-direct people. NC noted that Roger Knight from the Spey may also have some suggestions.

Action 7.08 – *CC to contact the Great Glen Way Officer and Roger Knight for further advice on the issue of canoes on rivers and Scottish Canals promotion of such activities.*

AS asked for an update on the Electric Burn barrier and dewatering issues. CC explained that this was now in the hands of the local SEPA Officer who had contacted the Highland Council some time ago regarding the need to licence the abstraction for the burn and ensure a flow of water. CC agreed to contact SEPA for an update

Action 7.09 – *CC to contact Andrew Steel from SEPA for an update on the Electric Burn.*

CC informed board members of a forthcoming press release and leafleting campaign regarding the sale and possession of salmon. This incorporates illustrations produced by the Atlantic Salmon Trust (AST) which they have been kind enough to let us use. In return it is suggested that a voluntary contribution of £200 should be made to the AST. All agreed this was appropriate.

Action 7.10 – *CC to arrange for a contribution of £200 to be made to the AST.*

AD invited AOCB. No further items were raised. AD then thanked the board members and closed the meeting.

THE MEETING CLOSED AT 17:30