
NESS DISTRICT SALMON FISHERY BOARD MINUTES FROM BOARD MEETING

Time: 14:00

Date: 24th March 2016

Location: Telford Suite, Inverness Caledonian Thistle Football Club

Present:

Andrew Duncan: Ness Castle, Mandate (AD) *Acting Chair*
Graham MacKenzie: Co-Option (GM)
Neil Cameron: Ness & Beaully Fisheries Trust (NBFT), Co-option (NC)
Annie Girvan: River Moriston, Mandate (AG)
Ryan Rutherford: Ness Side, Mandate (RR)
Bob Morgan: River Gary, Mandate/Alternate (BM)
Eric Craig: Inverness Angling Club, Co-option (EC)

In Attendance:

Alastair Stephen: SSE (AS)
April Conroy: Board Secretary
Chris Conroy: Chief Executive/Clerk (CC)
John MacColl: Head Water Bailiff (JM)
Chris Daphne: NBFT Biologist (CD)
Kenneth Knot: Forestry Commission (KK)

Observing:

Alasdair Laing: Chairman Association of Salmon Fishery Boards (AL)

Apologies:

Michael Martin: Dochfour, Mandate (MM)
Alexander Patience: Netsman, Co Option (AP)
Angus MacGruer: Co-Option (AM)
Cllr Ken Gowans: Highland Council, Mandate (KG)
Ben Leyshon: Scottish Natural Heritage (BL)

1. WELCOME & APOLOGIES

AD welcomed Eric Craig (EC) and raised a proposal for him to be appointed as a replacement to Alan Scott as the co-opted representative of Inverness Angling Club. Unanimous agreement was given.

AD welcomed Kenneth Knott (KK) as a non-voting attendee who at the last meeting kindly agreed to attend Board Meetings in order to represent the Forestry Commission.

The passing of board member Willie Armstrong last year left a vacancy on the board. Section 47(5) of the 2003 Act states that where a vacancy in their number occurs, the board shall, so far and as soon as is reasonably practicable, fill that vacancy by the appointing by the elected members of a qualified proprietor in the district as a representative of qualified proprietors according to the rules regarding the balance between upper and lower proprietors.

Angus McGruer (not present) was put forward as a representative of qualified upper proprietors, mandated by Mr Alla McGruer of the River Oich. Unanimous agreement was given.

Alasdair Laing, Chairman of the Association of Salmon Fishery Boards (ASFB), was welcomed to the meeting.

CC read an apology note from Cllr Ken Gowans and represented apologies from Michael Martin and Angus MacGruer.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the previous meeting were circulated and AD invited comments. Minor amendments were noted with agreement that an updated final version would be circulated as the final version. Taking these changes into account, the minutes were approved.

3. ACTIONS LOG

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

8.01 – CC to produce and circulate a similar set of canoeist guidelines to that developed on the River Spey. He also agreed to contact a local operator to enquire as to whether they are operating in this area and whether some common good guidelines may be agreeable. This item remains open as it is not currently a priority.

8.02 - Next member who witnesses the group of canoes in action should politely enquire which group they belong to. The opportunity has not yet arisen.

8.03 – Review the potential to elect a new representative of qualified upper proprietors. This item is now closed following the election of Angus McGruer as a mandated representative of upper proprietors.

8.08 – An example biosecurity declaration be sent to all proprietors in time for the start of next season. This item remains open and is not currently a priority.

9.01 – Review potential options for replacing the Ness DSFB's Toyota Hilux. This item remains open and not currently a priority.

4. H & S REPORT

CC provided a brief overview of the health and safety update. He noted in particular that there had been no reportable incidents and that body armour had now been issued to volunteer water bailiffs Graham Mackenzie and Ryan Rutherford.

5. GOOD GOVERNANCE

AD noted the Good Governance Paper, drawing attention to each section in turn:

- Register of Interest
- Voting procedures
- Upper Proprietor Board Member

Comments were invited. No comments were raised.

6. NETTING AGREEMENT (NO PAPER)

The Scottish Government (SG) has announced new conservation regulations. The Ness District has been categorised as a 'Grade 3', meaning the Scottish Government believes that exploitation is unsustainable. Mandatory catch and release (all methods) is therefore in force across the Ness District for the 2016 season (reviewed on an annual basis).

The new regulations mean that the Ness district net and coble fishery will be closed for the season. Currently, the Ness DSFB has an annual voluntary conservation agreement with the two main net fisheries where, in return for a financial contribution, they agree not to operate. The most recent agreement will expire on the 15th May 2016.

Given that the SG has imposed mandatory catch and release and closed the net fishery, all present felt that the SG should provide compensation to the netsmen rather than the Ness DSFB. However, it was agreed that should the SG not be forthcoming, the Board should continue its annual conservation agreement with the two main netsmen for a year from the 15th May 2016.

7. FINANCE REPORT

Management Accounts

AD introduced the Financial Report and invited comments. No comments were raised.

Draft 2016/2017 Budget

AD noted the increased cost of introducing an additional seasonal water bailiff. AD noted the potential cost of replacing the vehicles, due this year, and coding of the new patrol boat. The intention is to absorb this using the surplus that has been built up.

The budget assumes the levy rate will remain at £1.55, however this matter will be raised at the June meeting ahead of notices due to be issued in October.

Comments were invited. No comments were raised.

8. ASFB CHAIRMAN – ALASTAIR LAING (NO PAPER)

AD welcomed AL. AL gave an overview of the events and consultations that have led to the draft bill being announced and the consultation that is now on-going. ASFB and RAFTS have begun to gather views from DSFBs in order to take these into account within their response.

AS asked where funding for the new management system will come from? AL stated that this is not yet clear. The current levy system raises in the region of £2.5million, with the proposed wild fisheries regime estimated to cost in the region of £6 to 7million. There is a discrepancy. The current system only caters for salmon and trout, whereas the proposed new system will take a multi species approach, with further funding being required.

The issue of conservation levels was raised. It was widely acknowledged that the current methods are not deemed to be appropriate. AL noted a proposal to create a biologist group, to represent views. CC noted the critical analysis of the conservation limits that the Ness DSFB is currently developing in collaboration with a number of partner organisations.

BM asked what water users in Scotland are using the water for, and how are they paying for using those waterways. AS noted that SSE is taxed on water use and that with the introduction of CAR licences, additional costs have been created to a value exceeding £1.6million.

AD invited KK to comment. KK noted that they recently attended a Water Resilience Conference. There had been attention paid to how all parties concerned contribute to the pot. He acknowledged that the biggest financial contributor was SSE, imposed through planning. He noted that others often contribute through other conditions such as habitat improvements.

AD asked AL to comment on proposals for revaluation. AL responded that the levy system is likely to contribute a large proportion of the proposed future funding regime. It therefore seems logical that this be based on the most current information with a valuation applied consistently across the country. After discussion, a conclusion was drawn that the DSFB could request a revaluation, but that any one single proprietor could not request it alone.

AD asked what would happen to any surplus held by individual boards. AL confirmed that his understanding of the current law is that any surplus must be redistributed to the proprietors. It is therefore important to evaluate the current use of funds in terms of ensuring they are used appropriately for the purpose for which they were raised. CC highlighted that a number of funds are ring-fenced for particular projects.

With potential merging of neighbouring boards and trusts, how would the substantial differences between levy rates and reserves be handled? NC expressed concern about the level of local control and management in terms of funds raised locally being applied locally, for local benefit. This concern was echoed around the table.

AS noted the potential loss of funding from SSE.

BREAK

GM made reference to £100k of funding available to Angling Clubs relating to the new conservation regulations – did AL know any more about how this could be applied for? AL did not have an update on this.

AD asked that AL and the ASFB raise the issue of TUPE for all staff of the DSFBs. This would give comfort to the current staff and without funds being required for redundancy. AL indicated that his understanding is that TUPE would likely apply but that advice would be taken. AL confirmed that civil servants have gone on record to say this.

AD summarised that the Wild Fisheries Reform and the future of fisheries management was of great concern to the Ness DSFB. The board gave their support to AL and thanked him for taking time to come to the meeting.

9. REVALUATION

CC confirmed that both the Beauly and the Lochaber are now undertaking a revaluation. CC explained that if the board was to request a revaluation, the Valuation Joint Board would issue a notice to all proprietors in the district asking for various details including catch returns.

AD invited the Board to consider whether or not to request a revaluation.

GM represented the views of the Inverness Angling Club and indicated that this would not be in the interest of the club. GM accepted the view that it was really only a choice between doing it now, or being forced to do it in 12 months' time.

CC noted that the minutes of past meetings clearly show that the Board have resisted this measure until now and that is only being reconsidered following pressure from the Association of Salmon Fishery Boards.

A majority vote agreed that the revaluation should go ahead with GM and EC voting against.

Action 10.1 – CC to contact the Valuation Joint Board and request that a revaluation be completed for the Ness salmon district.

10. WILD FISHERIES REVIEW UPDATE

CC provided an explanation of the SG's conservation limits and how they were calculated. He explained that the current 'egg requirement' is based on the entire wetted area of the Moriston SAC, including Loch Dundreggan and areas of slow water that would not be utilised by spawning fish. CC described how he has used Google Earth to gain a more accurate estimate of spawning habitat.

The resulting area is significantly less than that used by the SG. CC is concerned that they may have overestimated the conservation limit for the River Moriston SAC. If so, this will have resulted in a lower categorisation than is actually the case.

CC recommended quantifying the amount of spawning habitat in greater detail. The option of an aerial habitat survey was considered. AS explained there are 2 ways of doing this:

- Option 1 – An aerial walk-over, with higher grade photography with polygons used to quantify the habitat; and
- Option 2 – Use of an infrared survey, which gives depth and up to 2 cm resolution.

AS recommended Option 1 given that the latter is twice the price. AS indicated that the Kyle DSFB are opting for option 1, and that based on current enquiries the proposed supplier would be in a position to go ahead quickly.

GM asked whether the Scottish Government are likely to accept this data. CC confirmed that they have been asking for the data we have. We've only been able to provide limited data to date. This would improve things, however there is no guarantee they will accept it.

AD asked whether we would get wider benefits from the data gathered by the aerial survey. All agreed that there we would. CC also suggested that this data would be made publically available in order that other parties may agree.

AD clarified that the NDSFB would expect SSE to claim the VAT and not pass this on. AD suggested we should go ahead and ask the Scottish Government whether they will accept the data however we should expect the response may be slow and unclear.

CC explained that the proposal would be to use some of the funds ring-fenced for the upper system, originally from SSE, for the purpose of this survey. AS confirmed this would be deemed relevant use of the funds. CC asked whether this was acceptable to the Board. All agreed.

Action 10.2 – CC to arrange for an aerial habitat survey to be completed at the earliest opportunity.

AS explained that there is PhD work being undertaken at UHI to further quantify the number of juveniles, egg deposition and validate fish counter data. CC described some of the equipment in the UHI Rivers and Lochs Institute and how this might be used to inform sex ratios from scale samples collected over the last few years.

CC reported that he had contacted the Scottish Government with regards to support for a project aimed at using the net and coble fishery to collect scientific data whilst conserving/publicising the cultural heritage of the netting industry. GM asked whether the netting would be non-lethal. CC confirmed yes.

The potential for radio-tracking fish as part of a netting project was discussed. All agreed that, whilst expensive, this would be a fantastic indicator of their migratory patterns. In particular, it would provide a great opportunity to learn more about how salmon behave in Loch Ness.

11. DIRECTOR/CLERK'S REPORT

CC reported that the Ness DSFB now represents the ASFB on the Highland branch of the Partnership Against Wildlife Crime (HPAW). Salmon related actions include the introduction of a River Watch scheme, addition of all water bailiffs in the area to the Wildlife and Rural Crime alert system and delivery of two specific operations annually to combat salmon poaching and freshwater pearl mussel crime ('Operation Salmo').

CC noted that a press release will be going out next week in partnership with HPAW. Its aims will be to raise awareness of the new salmon conservation regulations.

Upper Garry Salmon Restoration Project

CC reported that the smolt trapping period starts 1st April. Ardtoe Marine Facility have indicated that since their buy-out they will no longer be able to hold the fish. Marine Harvest has indicated they may have an alternative. CC had asked whether the site was fresh water or salt water, and this was unknown. CC indicated that creating a financial agreement within the next week could be an issue.

An alternative would be to hold the fish at the Drimsallie freshwater hatchery in Lochaber. AS indicated he had spoken with Jon Gibb the hatchery manager. Jon had indicated he had space that would be suitable for holding the smolts.

CC reported that Marine Harvest will not be able to transfer the smolts to their sea pen until September due to the site being fallowed. BM indicated holding them in freshwater at Drimsallie until September would not work. If they were kept in fresh water until maturity it would take two years before good quality eggs could be produced. The following options were discussed in detail:

- Option A – Transfer the smolts directly to an alternative saltwater facility such as Altbea. However, time is short in terms of agreements and the appropriateness of the site is unknown;
- Option B – Hold them in the Drimsallie freshwater hatchery in Lochaber. The fish could either be kept there in freshwater until maturity, or alternatively transferred on to the Altbea saltwater site once agreements were in place
- Option C – Hold fire. Take no fish into captivity this year.

AS indicated that the first year of producing eggs never produces quality eggs. It is the second year where the fish produce quality eggs. Some fish would be lost during reconditioning.

BM commented on the use of ATPase. BM suggested trying to catch them much lower down the system and this would be fed back into a monitoring system. CC noted an intention to electro fish further downstream and take ATPase samples. AS noted last year smolts were not transported till end May. AS suggested that a site visit to Altbea should be arranged as soon as possible if we want to pursue a similar deadline.

AD asked whether the Board would be happy to delegate the decision to CC, AS, BM. All agreed.

Action 10.3 – CC to discuss options further with AS and BM before making a decision regarding an appropriate plan for holding this year's Garry smolt.

AD invited further comments and queries on the Directors report.

GM asked about Whin Park Lade. CC clarified that a hydrological assessment of Whin Park Boating Pond and Lade has been completed by EnviroCentre on behalf of the Highland Council. The assessment included an options appraisal for improving fish screening and passage in the Lade, together with potential solutions regarding the brash weir in the canoe slalom reach. The report is designed to support a Controlled Activities Regulations (CAR) abstraction licence and impoundment application. BM requested a copy of the Envirocentre report.

Action 10.4 – CC to provide BM with a copy of the EnviroCente hydrological report for Whin Park Boating Park and Lade.

AD asked about the smolt screening arrangements at Garry Dam. AS noted a meeting onsite with CC, NB and SEPA. This resulted in a paper being produced by AS describing the current screening arrangements, potential issues in terms of smolt passage and potential options to improve smolt survival. This has been shelved just now whilst AS reports internally.

A possible solution would be to remove the screens and allow smolts to pass through the turbine as is currently the case at other sites across Scotland. Reports produced by the Freshwater Fisheries Laboratory in the 1960's highlight the relatively high survival of smolts passing through the machine at optimum load with approximately 80-90% survival.

AS reported that he is investigating the use of 'balloon tags' to assess survival rates through the turbine. Further work is required to try and replicate the work carried out in the 1960's and confirm that survival is high. AS confirmed that SEPA would have to approve any changes to the current arrangements. NC asked whether the smolts were too small to trigger the counter. AS confirmed.

AD noted the work carried out day to date and thanked all those involved.

12. HEAD BAILIFF'S REPORT

JM noted the numbers of spring fish being caught recently. The Toyota Hilux is now fixed following a collision with a deer. No signs of poaching this last weekend.

AD asked RR about bird control. GM noted increased sightings. CC confirmed end of April was the main deadline for the licence, with the shooting of two male goosanders permitted before the end of May (with a number of caveats).

AD invited questions and comments. None received.

13. NBFT SENIOR BIOLOGIST REPORT

NB was not present.

CD reported that the online mink application cannot be accessed now that the Scottish Mink Initiative has ended, so the Trust is now reporting this manually.

CD reported on the FISA Static Gear Fisherman's Recording Project.

14. AOCB

AD invited any other business. None was raised.

THE MEETING CLOSED AT 17:32