

## **NESS DISTRICT SALMON FISHERY BOARD Board Meeting Minutes**

**Time:** 14:00

**Date:** 14<sup>th</sup> September 2017

**Location:** Telford Board Room, Inverness Caledonian Thistle Football Club

### **Present:**

Michael Martin: Dochfour, Mandate (MM) Chairman

Alexander Patience: Netsman, Co Option (AP)

Annie Girvan: River Moriston, Mandate (AG)

Bob Morgan: River Gary, Mandate/Alternate (BM)

Helen Gray: River Moriston, Mandate (HG)

Graham Mackenzie: Co-Option (GM)

Neil Cameron: Ness & Beaully Fisheries Trust (NBFT), Co-option (NC)

Gordon Armstrong: Ness Castle, Mandate (GA)

### **In Attendance:**

Alastair Stephen: SSE (ASt)

Chris Conroy: Chief Executive/Clerk (CC)

April Conroy: Board Secretary (AC)

Iain McMinn: SSE (IM)

Alan Wells: Fisheries Management Scotland (AW)

### **Apologies:**

Andrew Steel: SEPA (AS)

Angus MacGruer: River Oich, Mandate (AM)

Ben Leyshon: Scottish Natural Heritage (BL)

Eric Craig: Angling Club, Co Option (EC)

Janet Campbell: Highland Council, Mandate (JC)

John MacColl: Head Bailiff (JM)

Kenneth Knott: Forestry Commission (KK)

Melanie Smith: UHI Rivers and Lochs Institute (MS)

Nick Barker: NBFT, (NB)

Ryan Rutherford: Ness Castle, Mandate (RR)

## **1. APOLOGIES**

Michael Martin (MM) introduced the meeting and noted apologies as above.

## **2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

NDSFB Board Meeting (June 2017) meeting minutes were reviewed and one minor change required – David Haas initials to be DH. The meeting minutes were approved unanimously.

### 3. ACTIONS LOG

- 14.01 All voting board members to complete a new declaration of financial interest form at the earliest opportunity: **Outstanding, members to ensure that they provided completed declaration of interest forms to CC at the earliest opportunity.**
- 14.03 CC to arrange for a solicitor's letter with a 7-day notice to be prepared and sent to two proprietors whom have continued not to pay: **Outstanding, the solicitors' letter is still required for two outstanding debtors.**
- 15.01 CC to arrange meeting with UHI to explore collaborative research opportunities with local salmon netmen: **Outstanding, to be discussed later at the meeting.**
- 15.02 CC to formalise the Unmanned Aerial System/Drone Service Agreement with Marcus Valente: **Complete, drone operator has successfully achieved first part of training.**
- 15.03 CC to ask NB why there are no River Oich sites in this year's electrofishing survey programme: **NB has spoken with AM and has agreed an additional survey site on River Oich.**
- 15.04 CC to Raise the issue of range testing the Armadale Tagging Project Acoustic receivers with MSS: **Outstanding, AW agreed to raise this with John Armstrong from Marine Scotland Science.**
- 15.05 CC to invite Dr Alan Wells (CEO of Fisheries Management Scotland) to the next board meeting to discuss Fisheries Management Scotland's priorities going forward: **Complete, Alan Wells present for QA at this meeting.**

### 4. DR ALAN WELLS – FISHERIES MANAGEMENT SCOTLAND Q&A

Item brought forward on Agenda as AW needed to leave to another meeting.

AW explained that Fisheries Management Scotland (FMS) are a new organisation established last year, replacing the Association of District Salmon Fishery Boards (ASFB) and Rivers and Fisheries Trusts of Scotland (RAFTS) as the representative body for both fishery boards and. AW reported that a new Board has been appointed with 12 members, including CC. AW explained that the function of FMS was to represent and provide guidance and support. FMS will form a number of committees also. Three to date committees have already been formed on Fish farming, Enforcement, and SFCC.

MM commented on how the Wild Fisheries Reform Bill has used a great deal of energy and time and asked for more info on what to expect next.

AW commented that the biggest issue is financing the work required and that the cabinet secretary was not willing to make the decision to fund or create a rod license to make it viable. There have been changing political leaders during the time period. The outlook is much more limited in focus going forward. FMS would still look to facilitate voluntary mergers of DSFBs. FMS would be keen to hear ideas from the sector.

AMcG asked whether the powers that be understand the damage that has been done during the past 4 years, including reduced angler numbers and reduced income to fisheries. AW explained that that the conservation work, including new measures, are independent and that these may be more closely linked to the reduced angler numbers. AW recognised that angler numbers needs to be protected and promoted.

NC commented on the concept of voluntary mergers. He explained that this has been considered locally, but that they cannot make it balance financially.

AW commented that FMS would look at the possibility of funding packages for DSFBs. NC commented on how the very short-term funding, such as three years, would not resolve the long-term problem.

AP asked about predation at sea. He drew on the example of a seal predating within a known site solidly for a week. AW commented on the current limited measures available, including an example where the Dee have permission to translocate a seal to another location. AW suggested that more might be done to deter seals from entering rivers, but that this may not work at sea, at netting sites. AW said the FMS are looking closely at predation, of seals and of birds.

BM asked about the working groups and asked about Fish Passage. AW clarified that Fish Passage through Hydro, for example, was a key issue but that a committee was not currently formed. BM asked if this was a conflict with SEPA's enforcement role. AW did not feel there was a conflict and thought the role of FMS was to influence thinking. BM asked if FMS was a lobbying group. AW said he does not like that term but that yes, the role is to represent views.

GA returned to the issue of seal predation and recounted a specific example experienced on the River Ness this year. AW returned to another example on the Dee. This time an example of the extensive efforts that had to be taken before the particular problem seal was allowed to be relocated. CC commented on the difference between the resources available on the Dee, and that available on other rivers.

AW highlighted the need for more technology and better technology, however that in the real world lots of small issues come into play, such as the man power to maintain and check battery levels. CC commented again on how this returns to a resourcing issue.

NC returned to conservation limits and explained that there is a particular issue relating to the application of a 'Latitudinal Effect', which is felt to be inappropriate for the Ness. AW confirmed that the Latitudinal Effect is being proposed in the consultation paper due to be release on 15<sup>th</sup> September 2017, but that there is a month to return comments. The 'Biologists Group' are keen to ensure a better explanation of the model is provided this year, so please take a look at that.

GM asked whether the 2018 conservation regulations proposal would be online tomorrow, on 15<sup>th</sup> September 2017. AW confirmed, yes.

CC raised concerns that the Scottish Government is still not considering the quality of habitat when carrying out its conservation assessments. He believes that this has led to a significant over estimation of the egg requirement for the River Moriston (and neighbouring River Beaully). AW confirmed that a habitat scoring mechanism had been requested by other rivers, that a precedent exists in Norway. This may not be straight-forward, but the need is recognised. AS commented that the Moriston offered an opportunity for improving the model given the information available in terms of habitat surveys, fish counts and scale reading data.

MM summarised some thoughts to be taken away by FMS:

What boards like this one do seems to be undervalued by Scottish Government. The Ness DSFB has faced up to the challenges of wild fisheries reform. Our salmon net fisheries representatives are eager and willing to contribute to research projects, but feel that their voice is often not heard or supported by the Government. The representation and support provided by SSE through its

representation on the Ness DSFB, together with the extremely constructive and productive working relationship, does not seem to be recognised or supported by the government. The local angling community make significant contributions to fisheries management and conservation in the Ness district. The CEO works too hard for little thanks. It is felt that the Government does not recognise the effort that is made. As a board, we have taken an approach of collaborative working with the fish farming industry, even though our firm and clear view is that the industry should move to closed containment. We would ask for a higher recognition and support from the Government. MM asked AW to take these thoughts away.

In summary, MM concluded that Ness DSFB are doing a pretty good job, with diverse interests, and that the Government ought to be recognising and supporting efforts like this.

AS commented that from an SSE perspective, after 20 years, the relationship now is better than ever. This is due to a very adult effort to make constructive decisions, looking forwards not backwards. The only way forward is for us all to work together.

## **5. HEALTH AND SAFETY REPORT**

CC introduced the paper and reported that there have been no reportable H&S accidents or issues since the last meeting.

CC also reported that he had completed an annual review of the 'Staff Health and Safety Policy', together with the full set of Generic Risk Assessments. He intends to contact Greens of Haddington over the winter period regarding a full external review of our current health and safety policy and procedures (in collaboration with the Ness and Beaully Fisheries Trust).

CC acknowledged that the MECAL safety certification for the board's patrol boat had recently expired, but that he was in the process of arranging an inspection. The boat would not be used in the meantime.

***Action 16:01 – CC to arrange for a MECAL inspection of the patrol boat and its subsequent certification as being fit for use at the early opportunity***

AS asked if SSE could have access to the Ness DSFBs set of genetic risk assessments for their own use. All agreed.

## **6. GOOD GOVERNANCE**

CC reported that all good governance requirements are currently fulfilled, but the current published 'Register of Members Interests' required updating following the triennial elections in September 2016. All but one member had completed a new 'Declaration of Financial Interests Form'.

CC drew members attention a new DRAFT Version 4.5 – 06/09/17 and asked whether the interests could be published once the final members interests had been added. All agreed.

***Action 16:02 – CC to update and publish a revised version of the 'Register of Members Interests' once the final members interests have been received and added.***

## **7. FINANCE REPORT**

CC noted the finance paper and invited questions and comments.

CC highlighted that the variance from the quarterly budget relates to a continued underspend on the Upper Garry Salmon Restoration Project genetics support. He qualified that the budget for this project is due to be spent in this financial year. AS asked when the genetics report was due. CC noted November 2017.

MM noted the need to call a meeting of the 'Finance Sub-Committee' and begin considering all options required to produce a sound financial structure for the future (expenditure is currently exceeding income by some £27,000 per annum).

***Action 16:03 – MM to convene the Financial Working Group prior to the next board meeting.***

CC summarised the situation in terms of outstanding fisheries assessments, which (including late payment fees) currently stand at £2,954. MM stated that he is in favour of arranging for a solicitor's letter with a 7-day notice to be prepared and sent to proprietors whom have continued not to pay.

***Action 16:04 - MM/CC to take forward the preparation of a solicitor's letter for fishery assessment debtors.***

CC reported that the District Assessors office has completed a revaluation of the Ness district salmon fishery effective from the 1<sup>st</sup> April 2017. The total district value has increased slightly from £68,120 in 2010 to £70,400 in 2017.

The value of the River Ness has reduced, whereas as Loch Ness, Oich and Moriston have increased. Proprietors have six months to appeal the new valuations and so the total value may vary slightly. This means that some fisheries face a significant increase in value when compared to existing levels.

The Ness board now needs to consider at what level it wishes the new fishery assessment to be set, taking into account its statutory duties and the unsustainable deficit described above, but without over burdening our proprietors. CC recommended the following three key options for consideration:

- A. Apply a new reduced levy of £1.50 in the pound to allow a maximum fishery assessment income of £105,600 (compared to a current maximum of £105,586);
- B. Retain the levy at £1.55 in the pound to allow a maximum fishery assessment income of £109,120 (increasing the Ness DSFB maximum annual income by £3,534); or
- C. Delay the decision until the December 2017 board meeting when the outcome of any appeals, and the final valuation of the fishery, will likely be known.

GM noted that a delay would delay income to the board, as 3 months' notice to proprietors is required. AW clarified that interest can be charged after 3 months. AS clarified that a recent internal review of SSE contributions confirmed that the current committed contribution from SSE to the Ness DSFB will remain.

MM proposed that the levy remain at £1.55. GM seconded this. GA drew attention to the continued financial loss being experienced by the Board, and by many fisheries.

MM encouraged AW to take note and to take this away. Without the support of SSE, the catchment would not be viable at all. The board currently face an unsustainable situation yet they cannot pass these costs on the fisheries as this would be unsustainable for them.

CC clarified that any reduction in current income would result in a reduction in resources available for the Ness DSFB to deliver its statutory duties. CC also reminded the board that there may be a number of outstanding appeals to the new valuations which could result in a reduction in fishery assessment income, however this may not be clear until the new year

MM offered a final opportunity to vote on the rate. All were in favour of retaining the rate at £1.55. MM asked CC to issue the 2017/18 fisheries assessment notices at £1.55 in the pound.

***Action 16:05 - CC to issue the 2017/18 fisheries assessment notices at £1.55 in the pound***

## **8. DIRECTOR / CLERK REPORT**

CC provided a review of the Director/Clerk report. CC noted that this has been an extraordinarily busy time with regards to major projects.

**Ness Weir upgrade** - CC reported on progress with the Scottish Canals refurbishment of Ness Weir. He reported that communication has been particularly poor, AS agreed. MM offered to attend a meeting the Scottish Canals to improve communication and raise their general awareness of fisheries issues.

**West Link Bridge Works** - CC reported that communication with the contractor has generally been very good and they have accommodated all of our requests.

The Highland Council have announced in the press that they are proposing the development of an Archimedes Screw hydro scheme at the head of the Whin Park Lade. The Board has not yet been formally consulted, however CC has proactively arranged a meeting to clarify the requirements in terms of fisheries assessments. BM commented on experience of other Archimedes screws that have been shown not to be fish friendly.

**Holm Burn Fish Pass** - CC reported that fish passage improvements at Holm Weir are now complete. He noted that the contractor was advised to reinforce the bottom stone pre-weir with concrete, but they had chosen not to implement this measure. The contractor will be responsible for fixing this, should the bottom step move, in time.

**Garry Dam Screens Project** - AS confirmed that there have been a number of trials which were unsuccessful. A new trail is planned for tomorrow and once the new screens are in place, dead fish would be fed into the system and the outcome would be evaluated.

**Marine Harvest Loch Garry** – CC reported that Marine Harvest has applied a 20 per cent increase in production a Loch Garry. Given the potential for significant negative impacts on salmon, the Ness DSFB has objected. We suggested that the implementation of a genetic monitoring programme to establish any changes in genetic variation in the wild Garry salmon populations could potentially



reduce the risk. CC reported that Marine Harvest is seriously considering this approach and has now produced an initial genetic assessment proposal.

## **9. HEAD BAILIFF'S REPORT**

CC introduced the Head Bailiff report in JM absence and invited comment. MM noted the reports of good numbers of large sea trout.

## **10. NBFT SENIOR BIOLOGIST REPORT**

CC introduced the Biologist Report in NB's absence and invited comment. CC noted the excellent footage that NBFT staff had captured of a freshwater pearl mussel 'spatting'. He also recognised the considerable technical expertise that they have developed in this area.

CC noted that the normal routine monitoring programme will not be delivered in full this year. The NBFT has been tied up with delivering contract work associated with the numerous large-scale development and enhancement projects that have taken place across the Ness system.

Discussions took place about the temporary fish pass at Ness Weir as part of Scottish Canal's refurbishment works. CC explained that a camera monitoring system had been included in the design of the pass at the request of the Ness DSFB. The NBFT would be charging with operating the system, interpreting the information gained and assessing whether the pass was effective.

## **11. CONSERVATION REGULATIONS UPDATE**

CC reported that we have not received an official Scottish Government update regarding Conservation Limits for some time. However, AW had confirmed that an update on the 2018 Conservation regulations was expected imminently. The expected conservation assessments were discussed in general terms.

## **12. WILD FISHERIES REFORM**

CC introduced the paper on Wild Fisheries Reform (WFR). He reported that the ambition of the WFR process has been reduced by Scottish Government, but the intention to bring forward a Wild Fisheries Bill remains. CC confirmed that, through his role as an FMS board member, he would continue to pushing for the best interests of the network.

## **13. PACIFIC PINK SALMON**

CC summarised the order and occurrence of observations of the Pacific pink salmon within the River Ness. This included the fact that the Ness DSFB had managed to captured the first ever footage of pink salmon spawning in the UK.

BM questioned whether there was a potential correlation between reduced Grilse numbers and a bi-annual occurrence of Pink Salmon.

GM asked whether pink smolts would potentially eat Atlantic salmon smolts. CC confirmed that this was unlikely given their small size (30mm) and that it was much more likely that Atlantic salmon or trout parr would eat the pink salmon smolts.

CC reported that the Dee DSFB has taken the decision to destroy pink salmon 'redds' (or nests). To date CC had decided not taken this approach, considering it to be extremely labour intensive yet unlikely to be effective. This is due to the fact that the fish have originated in other rivers systems and strayed into our waters. It is highly likely that they would do the same again in the future. CC sought input from the Board. MM expressed a view that there are other priorities on a limited resource at this time. Until such time as there is a proven threat and the method is proved viable, it should not be progressed. All agreed.

#### **14. 2017 ANNUAL REPORT**

CC presented a paper outlining the proposed approach to the 2017 Annual Report. He asked whether the board members were happy to follow the same template as last year in terms of style, content and price of printing. All were in favour of this approach.

The following dates were agreed for 2018 Ness DSFB meetings:

- 18<sup>th</sup> January 2018 – Annual Public Meeting (evening event open to the public)
- 15<sup>th</sup> March 2018 – Board Meeting
- 14<sup>th</sup> June 2018 – Board Meeting
- 13<sup>th</sup> September 2018 – Board Meeting
- 13<sup>th</sup> December 2017 – Annual Meeting of Qualified Proprietors and Board Meeting

***Action 16:06 - CC to proceed with the production of the draft 2017 Annual Report for consideration at the Annual Meeting of qualified proprietors on the 14<sup>th</sup> December 2017.***

#### **15.AOCB**

AS agreed to keep all posted on the Garry Screens Project.

**The meeting closed at 16:37**