

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

**Time:** 14:00

**Date:** 13<sup>th</sup> September 2018

**Location:** Press and Journal Suite, Inverness Caledonian Thistle Football Club

### **Present:**

Michael Martin: Dochfour, Mandate (MM) Chairman

Alexander Patience: Netsman, Co Option (AP)

Angus MacGruer: River Oich, Mandate (AM)

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

Gordon Armstrong: Ness Castle, Mandate (GA)

Graham Mackenzie: Co-Option (GM)

Janet Campbell: Highland Council, Mandate (JC)

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

Ryan Rutherford: Ness Castle, Mandate (RR)

### **In Attendance:**

April Conroy: Board Secretary (AC)

Chris Conroy: Chief Executive/Clerk (CC)

Dr Diego del Villar: NBFT Senior Biologist (DV)

Iain McMynn: SSE (IM)

John MacColl: Head Bailiff (JM)

### **Observing:**

Dougie McDougal

Scott Mackenzie (SM)

### **Apologies:**

Andrew Steel: SEPA (AS)

Ben Leyshon: Scottish Natural Heritage (BL)

David Sutherland Ness Castle Lodges, Proprietor (DS)

Eric Craig: Angling Club, Co Option (EC)

Melanie Smith: UHI Rivers and Lochs Institute (MS)

Stephen Gray: Glen Moriston Estate, Mandate (SG)

## **1. APOLOGIES**

Michael Martin(MM) introduced the meeting.

CC noted apologies as above and welcomed Dr Diego del Villar (DV), the new NBFT Senior Biologist.

## 2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

MM invited comments on the minutes. No comments were raised on the minutes from the Ordinary Board Meeting (14<sup>th</sup> June 2018). These minutes were approved.

## 3. ACTIONS LOG

The Actions log was reviewed:

- **16.03 Convene the Financial Working Group prior to the next board meeting** – Action progressing. First meeting has taken place, including constructive discussions with Alastair Steven from SSE regarding a review of current funding arrangements.
- **18.03 Arrange a meeting with HIE to explore potential funding** – Action ongoing.
- **19.01 Seek update regarding Garry genetics, ASIG Project and pink salmon from UHI Inverness College.** MM reported that he had a productive meeting with Melanie Smith from UHI Rivers and Lochs Institute, however the results are still not available. Action ongoing.
- **19.02 Organise an Upper Garry Salmon Restoration Programme Meeting** – CC reported that meeting date confirmed as the 31<sup>st</sup> October 2018 in Fort William. Action closed.
- **19.03 Ensure there is follow-up between SSE Generation Control Room and Transmission in order to avoid future issues regarding outages.** CC confirmed that ASt has made great efforts to improve communications and prevent future re-occurrence of the issue. Action closed.
- **19.04 Complete a review of review of the Upper Garry Salmon Restoration Project supportive breeding programme to inform any future extension** - Ongoing due to the time of year, review will be completed in early new year.
- **19.05 Work with SEPA to assess whether refurbishment works at Ness Weir have altered the structure of the pass and affected fish passage (a long-term action)** - CC described current observations of catches in different flow conditions. BM asked about the impact of effort data. CC commented that further observations are required. Ongoing long-term action.
- **19.06 Look at the Moriston tailrace site and consider potentially security/health and safety measure that could be put in place** – Site visit between IM and JM complete, this is an SSE rather than Ness DSFB issue. MM commented that the H&S of our own staff will be carefully considered. Action closed.
- **19.07 Investigate potential fisheries development funds** - CC confirmed this would be covered in Agenda Item 11 (Fisheries Development). Action closed.

#### **4. HEALTH AND SAFETY REPORT**

CC reported that there had been no reportable incidents in this period.

CC recapped that the board had asked for a reviewed quote from Greens of Haddington for carrying out an external review of the board's current health and safety policy (without a site visit). CC reported this would not be significantly different to that already quoted, perhaps a couple of hours less time. The greatest saving would be the share of travel expenses. The fee would therefore be around £1,100 plus VAT.

MM invited comments from the Board. GM commented that this would exclude the NBFT office location. CC commented that the review of the office locations should perhaps be conducted by the Beauty Syndicate. All agreed for CC to commit to this external review, on the basis that the costs would be shared with the NBFT. The current protocol should also continue with internal reviews conducted annually and an external review at least every 5 years, and more often where required.

***Action 20.01 – CC to arrange Green's of Haddington external review of the Ness DSFB health and safety policy and procedures.***

CC reported that he had recently completed an internal review of the Ness DSFB's staff 'Health and Safety Manual' together with a 'Generic Risk Assessments' and produced updated versions.

#### **5. GOOD GOVERNANCE**

CC introduced the Good Governance report and commented that this is largely unchanged since the last meeting. MM invited comments on the paper. None were raised.

#### **6. FINANCE REPORT**

CC introduced the Finance report.

##### **Annual Accounts**

CC presented draft annual accounts for the year ended 15<sup>th</sup> May 2018 for consideration by board members in advance of the Annual Meeting of Qualified Proprietors in December. CC report that they had been produced by Andrew Duncan & Company, with the accounts show a deficit of £22,473 for the year (against a budgeted deficit of £49,888). CC requested the Board review and if appropriate approve these accounts.

MM invited questions. None were raised. MM commented that the Board has not achieved the deficit planned due to delays in the Garry Project, but that these funds still had to be ringfenced for the project exclusively.

The account approval was proposed by GMcK and seconded by NC.

---

**Planned Budget for 2018/19**

CC confirmed that a 'root and branch' review of the budget had taken place, with those items deemed as 'non-essential' having been cut from the agreed 2018/19 budget. Progress against this budget in the first quarter was discussed. CC reported a net profit for the quarter of £10,016, compared to a planned profit of £250, with variance largely due to a continued underspend on the 'Upper Garry Salmon Restoration Project', together with unplanned income resulting from the 'SSE Smolt Rescue' at Aigas Dam on the River Beauly.

MM commented that the Board has been running at a deficit with costs higher than income. Savings in the order of £40,000 had therefore been applied to the 2018/19 budget, however whether these cuts were sustainable would be discussed further later.

**Fisheries Assessment Debtors**

CC reported that the outstanding debtors have been reduced. The remaining outstanding debts are primarily due to one single debtor. Actions are in place to follow-up. The total moneys owed are down to £3,428 (from £16,136).

**2018/19 Fisheries Assessments**

CC reminded board members that fishery assessment notices are issued by the Ness DSFB in October for payment by the end of February. The monies raised via the fishery assessment enable the Ness DSFB to deliver its statutory duties.

CC reported that budget savings had put a significant strain on already limited resources at a time when salmon populations are particularly vulnerable. There are no further savings to be made within the budget and ideally under these circumstances the Ness DSFB should look to raise its levy.

CC recognised that the board should not over burden salmon fishery proprietors with an increased levy at a time of declining catches (and income). He therefore recommended that the current levy should be maintained at £1.55 in the pound, allowing to Ness DSFB to break even against the current annual expenditure.

MM invited discussion and comment. MM confirmed that the valuation of the fisheries is set by the district valuer and that the NDSFB cannot influence this. The Board is only able to set the rate to be charged against this.

AP commented that there are currently a number of appeals lodged against the revaluation. CC confirmed that if the valuation changes, a recalculation of the assessment would be carried out, and a refund or charge would be made accordingly.

SM commented that nearly a quarter of a million pounds seemed generous. MM confirmed that the actual budget for operating the board is £107k after the root and branch review, and taking out current SSE funding that is 'ring-fenced' for specific remedial project work in the upper system. MM added that it is nearly impossible to carry out the Board's remit within the existing budget and that if anyone can propose further savings to be made these would be very welcome.

SM commented that he was asked by proprietors David Sutherland and Donald MacDonald to specifically feedback concerns that their catches have reduced in recent years, yet contributions to

the Ness DSFB had increased. MM sympathised and confirmed that this was a situation reflected for proprietors across Scotland. MM emphasised that the current achievements of the board are well over and above that of the current resourcing, that the current obligations of the board are being expressed more clearly and that those are onerous alongside health and safety obligations and working practice obligations. Equally it is recognised that the proprietors cannot make a viable business as proprietors without the catches.

NC commented that the doomsday scenario is that there would be no viable proprietors left.

DV commented that this year the water temperatures have been very warm and that there is evidence that fish are likely to stay in the sea longer. In the long-term, there will be good years and bad years. The only change we can make is to attract anglers in different ways and look long-term. DV confirmed that the recent surveys show good number of juvenile salmon and that the long-term indicators are not to panic over single-year fluctuations.

NC commented that the system is bound by hydrogeneration. NC commented that less is being generated through dams than they used to. IM commented that SSE are meeting their Controlled Activities Regulations (CAR) obligations, but that over time there have been fluctuations in water management and water levels in rivers and lochs.

GM commented that the river levels can be seen to drop in the morning. The water is coming from the loch, a very cold loch, and therefore you'd expect Dochfour Fishings to have a good season.

GA commented that the River Ness was measuring at 19 degrees last week. He went on to add that there is an appreciation of what those on the Board do, but equally there is a concern. The Government may have to step up.

CC reported that the trust has been able to secure addition income including £24K for the Scottish Government's National Electrofishing Programme for Scotland (NEPS) and £12K for the Moray Firth Adult Salmon Tracking Programme. However, this income has been absorbed wholly by the costs of the projects. CC noted that the value of our NEPS work is greater than many other areas because there are two rivers (Ness and Beaully), however the additional work is being delivered by just one team. It has been proving difficult to deliver the 30 Ness surveys within the required time period.

NC commented that it sounds like there is £24K of additional income yet this is not the case. The trust staff are now fully occupied delivering these contracts during the peak season and therefore unavailable to deliver other contract work. Contract work is essential to the sustainability of the trust staffing. The only benefit of these particular contracts is that the source of funding could be more reliable than contract work.

SM commented that he is genuinely concerned for the Ness as a viable fishery based on the number of fish personally observed by him. The videos and the work done by the Ness DSFB to evidence the fish that are there should be commended. However, if the catches keep falling there could be a significant problem. SM added that this year the Ness has benefited from attracting anglers who would have fished elsewhere, where the water levels were too low this year, given that there is some buffering by the loch and water levels were maintained.

SM suggested that the potential for a hatchery on the River Ness be discussed and that the board needs to do more to protect the stock that is there. MM reminded the Board that the subject had

been given a thorough investigation in the past, but agreed that the matter could be discussed again under AOB.

MM returned to the proposal to maintain the levy at £1.55. This was proposed by GM and seconded by NC. NC commented further that it is appalling that the current budget cuts have resulted in reduced bailiffing resources and that there is no point carrying out projects like the Upper Garry Restoration Project if the fish are simply going to be illegally exploited.

MM directly asked RR, GA and BM as mandates to confirm their position on the comment. They commented that they would have to take council. MM stated that 7 days would be allowed to seek council and return with a comment. The proposal was subsequently supported.

***Action 20.02 – CC to issue the 2018/19 Fishery Assessments at £1.55 in the pound***

## **7. DIRECTOR / CLERK REPORT**

CC introduced the Director's report and took it as read.

BM asked whether egg size and egg viability would be monitored as part of the Upper Garry Salmon Restoration Protect. CC confirmed that it would not.

BM asked how the impacts of the proposal to return carcasses of the salmon broodfish would be monitored. CC reported that this had not been considered as yet, but would likely take the form of targeted electrofishing surveys.

BM asked about whether anything can be done to improve the turnaround time for getting the genetic profiling results - could further work be redirected elsewhere? MM confirmed that it could be directed elsewhere, but that it is the board's desire to keep the work where it is.

MM confirmed that at the last meeting with UHI these concerns were expressed as a client. However, if they cannot meet the demand for services, other options would have to be considered. MM commented that having false timescales, that are repeatedly not met, cannot be sustained.

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

MM introduced the Bailiff Report. JM provided an overview of the Head Bailiff Report and added that there have been four joint patrols with the police and a one-hour meeting with them.

MM invited questions and comments. None were raised.

## **9. NBFT SENIOR BIOLOGIST REPORT**

MM introduced the NBFT Senior Biologist Report.

DV confirmed that this report includes the work of his predecessor Nick Barker and also Chris Daphne, with only one month at the NBFT to date himself. DV reviewed key sections within the report including a summary of the educational outreach and the challenging timetable of the current electrofishing

survey work. DV confirmed that when this first round of surveys is complete and the assessment is carried out, he hopes to feedback on the insight gained.

The discussion turned to the Scottish Invasive Species Initiative (SISI) and mink. GM asked about how to get rid of them within the town water. DV confirmed that traps are very effective. CC commented that they had worked effectively in the past, particularly when there were additional board staff resources to manage them. CC reported that the NBFT had requested volunteers to help as part of the SISI project, but the uptake to date had been very poor. DV confirmed that the traps have to be checked every 24 hours and that this required willing volunteers. He added that existing mink rafts in the city of Inverness had also been prone to vandalism. GM indicated that he would be willing to volunteer.

AM asked whether wild pigs or boar are seen as invasive. CC confirmed that they are not necessarily seen as a priority issue for the river and fish populations.

## **10. CONSERVATION REGULATIONS UPDATE AND WILD FISHERIES REFORM**

MM took the paper as read and invited comments. GMcK asked whether the 2019 conservation assessments had been completed by the Scottish Government. CC reported that they had not yet been made available, but he expected there to be a public consultation imminently.

## **11. FISHERIES DEVELOPMENT**

MM took the paper as read and invited comment. None were raised.

## **12. ANNUAL REPORT**

CC presented the 2018 Annual Report paper and proposed that the board follow the same basic template again for the 2018 report. GA commented that they were well received by guests. NC commented that more adverts would be needed. CC confirmed that 75% of the printing costs were covered last year.

CC asked board members to consider the proposed meeting dates and raise any potential clashes, noting that the Triennial Elections date is fixed. No clashes were raised.

MM asked for confirmation that the board were happy to follow the same format and printing arrangements again this year. All confirmed.

***Action 20.03 – CC to proceed and produce the 2018 Annual Report in advance of the Annual Meeting of Qualified Proprietors on the 13<sup>th</sup> December 2018***

## **13.AOCB**

### **River Ness Hatchery**

MM returned to the discussion point raised by SM regarding the proposal for a hatchery on the River Ness.

CC first pointed out that the Ness DSFB is running an existing 'restoration stocking programme' on the River Garry as part of the Upper Garry Restoration Programme. As such the board is certainly not 'anti-hatchery'.

In terms of the current situation on the River Ness, in particular the status of its salmon populations, CC referred to three key sources of information – rod catch data, fish counter data and electrofishing survey data.

CC reported that salmon rod catches on the River Ness are following both the wider Ness District and Scottish National trends very closely. Comparison of five-year average catches with those from neighbouring Moray Firth salmon districts suggests that the Ness is actually performing relatively well.

CC reported that dam counts, in particular those from the fish counter in Dundreggan Dam on the River Moriston, show a steady increase in the five-year average counts since the mid-1990's. A discussion was had regarding the need to validate fish counts to avoid the double-counting of fish or the counting of other species such as pike.

CC reported that electrofishing surveys on the River Ness mainstem indicate a year on year improvement, with all sites producing 'excellent' numbers of both salmon fry and salmon parr. By comparison, juvenile salmon are completely absent from large areas of the Garry catchment, hence why current restoration stocking programme efforts are concentrated there. GM and GA asked about the impact of predatory birds. CC responded that this could be an issue, but salmon parr numbers in the River Ness seem to be relatively good at present.

CC explained that the system seems to be producing relatively good numbers of juvenile salmon, but they are not returning from the sea in the expected numbers as with rivers across Scotland. This points to a problem with marine survival.

CC outlined two example cost/benefit analyses for smolt ranching programmes on the River Ness, taking into consideration estimated survival rates of hatchery reared fish, together with estimated exploitation rates:

- (1) **Potential benefit of releasing 50,000 ranched smolts** – For an annual production cost of approximately £100,000, would expect in the region of 250 returning adults (at a 0.5% marine survival rate), 20 rod caught fish (at an 8% exploitation rate) or 5 rod caught fish per Ness beat (cost per fish £5,000); and
- (2) **Increasing catch to 20-year average (an extra 240 rod caught fish)** – This could potentially require the production of 600,000 ranched smolts at an annual cost of approximately £1.2M, resulting in approximately 3,000 returning adults, 240 rod caught fish to the River Ness and 60 rod caught fish per beat.

CC concluded that the concept of enhancement stocking and smolt ranching programmes can appear attractive, but in reality, very few have been successful in improving the performance of a fishery. There is evidence that fish produced in a hatchery environment are less fit than those produced by naturally spawning fish. As such there is a real risk that a hatchery programme on the River Ness could make the situation worse.

SM commented that hatcheries are seen to be a good thing by anglers, they are seen to be doing something. SM questioned whether such a low figure would return. CC responded that the survival of

'ranched' smolts could actually be lower than the 0.5% quoted. SM asked whether, if someone was willing to fund it, we could have a similar programme to the River Lochy. CC reported that the River Lochy had actually just scaled its smolt rearing programme back as it was not viable.

MM sought commentary from the other fisheries professionals around the table, specifically BM, DV and IM.

IM commented that he has been on both sides. IM noted that this area of the highlands benefits from a very long season due to its diversity, compared to a very short season in places like the Ranga in Iceland, which is a very artificial system. IM commented that the current system is very wild. There are potential habitat improvements that could be made in terms of climate control, if the fishery is willing to look at these. IM noted the risk involved in running a hatchery. All your eggs are in one basket and it is possible to lose all the eggs overnight.

DV commented on his background and knowledge in this area. He said that there is not enough space in this room to print all of the scientific research that has been conducted in this area. Hatcheries can be successful where a population is at risk of total collapse. DV noted that the board has, for a number of years, been analysing the specific problems on this system and that there is work that can be done to fix those problems.

MM stated that the board is categorically not against a hatchery. Careful consideration will continue to be given as to where and how hatcheries are used. The Ness DSFB are running a hatchery programme on the Garry right now. It involves cost and risk, but that is being carefully managed. If there was any evidence that this was the right solution for other areas of the catchment, this would absolutely be given priority.

SM asked why not look at it, if there are people willing to fund it. MM confirmed that this is exactly what was done in 2014 when a working group was formed and papers were prepared. People should look back at that evidence.

In terms of anglers wanting to see action on the ground, CC pointed out that the Ness DSFB is already delivering cutting-edge work in a number of key areas. We should all be doing more to promote this existing work, including the Garry restoration programme.

DV noted evidence from a study in Denmark that showed farmed fish are not as well prepared to deal with natural hazards. They suffer much higher levels of mortality. SM replied that it depends on when you release them.

SM asked why we don't just get some quotes? NC commented that it's just not that simple. Even if we could fund it, and even if was accepted that the returns didn't make any financial sense, there is no guarantee that you would get permission from the Scottish Government or that you would not damage the wild stock in the process.

MM noted that the proprietors upstream would also have to give their consent and may seek evidence that the fish being taken do not come from their genetic groups.

AP noted that the fishing this year has been better than it has been in a long time. The tracking project has shown how just how many fish are running and how many fish are being eaten taken by predators in the Moray Firth. AP stated that he is very disappointed that the work that has been done to date



does not seem to be appreciated in this discussion and that the 'doom and gloom' being expressed is not in line with what has been seen by their research project this year.

AP went on to add there were possibilities of attracting funding, the funds could be a lot more positively used to carry out alternative work. For example, the blue charities have granted funds to reduce fishing in the Faroe isles. It may be possible to attract funds to continue the kind of research work carried out this year.

MM returned to issue of predation. Further Resources are needed to assist with bird counts. CC added that the license to shoot as an aid to scaring is based on the evidence gathered during the counts.

DV commented that he does not yet have enough data to confirm the degree to which bird predation is an issue. His work in the future could include a quantitative assessment of the degree to which bird predation is an issue. DV explained that we have certain indicators, for example by surveying and measuring juvenile salmon densities, we must assess and monitor so that we can then safeguard the population.

MM noted that predation by other species cannot be as easily controlled. Further discussion took place. AP suggested that the dolphin population has doubled in the last few years. It might be possible to look at how Dolphin conservation funding could be attracted to help support salmon populations and to direct towards acoustic control measures.

In summary, the board members were asked whether they can help to secure and attract resources to assist with the following areas of predatory control:

- Bird Counts;
- Bird Scaring;
- Bird Controls;
- Mink Trap monitoring; and
- Applications for funding and match-funding for further conservation projects.

MM concluded that the board will continue to welcome and consider any proposals or presentation of facts regarding potential ways to improve the river.

MM asked the employees of the board and trust to leave the room whilst a private discussion took place.

MM brought the employees back to the room. MM fed back that the staff have the overwhelming support of the board and that there is a recognition that CC and JM are doing too many hours. MM reinforced that the real risk is that if they do too many hours they could come to harm. MM instructed both to reduce their hours and to accept that they cannot continue to try and accommodate the work that was previously being carried out with more resources.

MM reinforced that it is important that staff know that the discussion about what more can be done for the river is not a criticism and that nothing more can be taken on with the current staff levels. It is not a criticism in any way shape or form of the contribution by current members of staff.

MM invited any other business. None was raised.

The meeting closed at **16.51**