



## NESS DISTRICT SALMON FISHERY BOARD Board Meeting Minutes

**Time:** 14:00

**Date:** 14<sup>th</sup> March 2019

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

### **Present:**

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

Alexander Patience: Netsman, Co Option (AP)

Angus MacGruer: River Oich, Proprietor (AM)

Gordon Armstrong: Ness Castle, Mandate (GA)

Graham Mackenzie: Co-Option (GM)

Janet Campbell: Highland Council, Mandate (JC)

Walter MacKay (WM)

### **In Attendance:**

Alastair Stephen (AS)

April Conroy: Board Secretary (AC)

Chris Conroy: Chief Executive/Clerk (CC)

Iain McMinn: SSE (IM)

Mark Coulson: UHI Rivers and Lochs Institute (MC)

### **Observing:**

Dougie McDougal

David Haas

Tracey Stronach

### **Apologies:**

Andrew Steel: SEPA (AS)

Ben Leyshon: Scottish Natural Heritage (BL)

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

David Sutherland Ness Castle Lodges, Proprietor (DS)

Dr Diego del Villar (DV)

Eric Craig: Angling Club, Co Option (EC)

John MacColl: Head Bailiff (JM)

Melanie Smith: UHI Rivers and Lochs Institute (MS)

Michael Martin: Dochfour, Mandate (MM)

Ryan Rutherford: Ness Castle, Mandate (RR)

Stephen Gray: Glen Moriston Estate, Mandate (SG)

## **1. APOLOGIES**

Neil Cameron (NC) introduced the meeting. CC noted apologies as above and noted that Diego del Villar (DV) and John MacColl were called away to an incident.

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

CC invited comments on the minutes. No comments were raised and the minutes were approved as follows:

- 2018 Annual Meeting of Qualified Proprietors (13th December 2018); Approval approved GM and Seconded by GA.
- Board Meeting (13th December 2018); Approval approved GA and Seconded by GM.
- Annual Public Meeting 2019 (17th January 2019). Approval approved WM and Seconded by GM

## **3. ACTIONS LOG**

The Actions log was reviewed:

- **18.03 Arrange a meeting with HIE to explore potential funding.**  
Action remains open.
- **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. The decision whether to continue will be discussed later.
- **20.01 CC to produce a corrected version of the management accounts**  
Action complete
- **20.02 AP asked for support from CC in seeking a meeting with Andrew Steel for himself and Dougie MacDougal, at a mutually convenient date that would need to be after the 21 January 2019.**  
Action still to be arranged.
- **20.03 Review the current situation with regards to smolts escapement at Ceannacroc and report back on next steps.**  
Action remains open.
- **20.04 Dec-18 Arrange meeting between CC, AP and the salmon netsmen.**  
CC reported the action as complete. The Meeting was scheduled for the 11<sup>th</sup> March 2019

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

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

CC reviewed the latest version of the smolt trapping risk assessment. He reported that SSE were kind enough to complete repairs to the trap over the winter period. They had also fabricated a safety rail at our request to prevent operators slipping into the rotating drum when stepping onto the trap.

AS noted, that the standard of the Risk Assessments was very high with more detail than he had seen elsewhere.

CC also reported that Greens of Haddington have been commissioned to complete a full external review of our current health and safety policy and procedures.

## **5. GOOD GOVERNANCE**

CC introduced the Good Governance Paper and commented that this is largely unchanged since the last meeting.

MM invited comments on the paper. None were raised.

## **6. FINANCE REPORT**

CC presented the finance paper.

### **Management Accounts**

CC presented the management accounts for the period 16<sup>th</sup> November 2018 to the 15<sup>th</sup> February 2019. No questions were raised.

### **Draft 2019/20 Budget**

CC presented a draft 2019/20 budget for consideration by the board. He noted that Andrew Duncan (accountant) had been kind enough to assist him in producing the draft budget. Andrew's support is greatly valued and appreciated.

CC explained that income includes an enhanced contribution from SSE (rising from £75,500 in 2019 to £130,000 in 2020) and increasing overall income from £195,900 in 2019 to £248,400 in 2020. This follows discussions surrounding the suitability of the existing 'compensation' agreement. It should be noted that the official SSE/DSFB financial agreement has not yet been updated. As such this should be seen as an interim enhancement, with no guarantee at this point that it will continue into future years.

AS qualified that the proposed increased funding from SSE has come about as part of a planned review, across all fishery boards. He recognised that the financial agreements have not yet been updated, but was hopeful that they would be in due course.

CC reported that the budget includes an increased contribution from the NBFT to reflect staff costs. CC commented that the NBFT required an income of £50,000 in commercial work last year and the workload required to deliver this income put a considerable strain on its staff. NC acknowledges the considerable challenge that it has been to balance the NBFT books with a profit of just £68 last year. NC expressed thanks to AS for working constructively with CC and AD.

Key areas of expenditure include the employment of a new 'Ness Catchment Officer' and associated costs including office costs, insurance, training, equipment and vehicles to name a few. The Catchment Officer would not only support the existing head water bailiff in terms of fisheries protection across the system, but would also be qualified to assist the NBFT biologists in the delivery of monitoring programmes and research projects

If the budget is approved, recruitment could then commence for a new Fisheries Biologist post that made possible by the new funding from SSE.

Approval was proposed by GM and seconded by WM.

### **Fisheries Assessment Debtors**

CC reported that the deadline for payment of the 2018/2019 Fisheries Assessments passed on the 28th February 2019. A total of £27,373 of debt for this period remains outstanding, including three large unpaid assessments (totalling £24,428). CC reported that he was confident that these three accounts will be settled in due course. A further £2,309 previous year's assessments and late payment fees are also outstanding.

GA asked about progress with the persistent debtors. CC reported that the issue would be escalated. DH asked to speak, NC granted permission. DH offered to speak to Brian Muirison who could offer advice on options the Board could take to escalate the issue.

***ACTION – CC to follow-up with David Haas regarding legal advice for the outstanding debtors.***

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

CC introduced the Director's report.

### **Upper Gary Restoration Project**

CC summarised the current progress in this project. He described this as a time-limited intervention to kick-start the population recovery within an area that was historically affected by the Hydro scheme.

AS noted, the importance of the genetic sampling within the stocking project in order to ensure that in-breeding does not take place. CC introduced Mack Coulson and invited him to speak about the project.

MC described how the fin clip samples that are provided to the lab are analysed in order to identify the best breeding outcome. For example, identifying fish that should not be interbred, as they are too closely related, or in order to exclude fish that have Norwegian DNA.

AS explained how each of the wild fish that have been bred on in the hatchery are tagged and how a scanner is used, in real time, in the hatchery to identify the fish.

CC explained how complex and unique the project is in terms of the application of science and technology. BBC Springwatch have shown interest and it is hoped that they will head out with the team to capture more information about the project and the process.

CC noted that detailed consideration had been given as to whether to strip fish in the hatchery more than two time. Whilst there is evidence that fish to spawn multiple times in the wild, the team have also observed that handling of the fish in the hatchery proves much more difficult a second time. A third stripping is considered not to appropriate.

Further consideration has been given as to whether to release the brood fish back into the wild after stripping. CC explained that, for multiple reasons, the decision has been made to humanly dispatch the fish and return their carcasses to the river in the areas where restocking will take place. The nutrient enrichment in these areas is considered key to the fitness of the juvenile salmon.

AS noted research that had been carried out in the Conon that proved that nutrient enrichment enhanced the fitness of salmon parr in the vicinity of these carcasses.

### **Garry Screens Project**

CC described the project which aims to increase smolt escapement from the upper Garry by allowing the fish to pass through the turbines of Garry Dam, rather than through the adult fish pass as is currently the case.

AS described in detail the configuration of the screens and the experiments that have been carried out with dead and live fish, in order to determine the effectiveness of the proposed new regime. He described that there will be a requirement to change the screening arrangements at the power station tailrace. The screens should enable smolt migration downstream, whilst stopping adult fish from travelling up into the Hydro generation turbines. The goal to have these improved systems in place before the time of the 2010 smolt migration period.

### **The Missing Salmon Project**

CC described the details of the details of this impressive Atlantic Salmon Trust led acoustic tagging project, including new 'predator tags'. The role of the NDSFB is to help capture the fish that will then be tagged. There is no capital cost to the Board for participating in the project.

### **Proposed Torvean Hydro Power Scheme**

CC described the mechanisms in the proposed scheme and the response that the Board have put in place.

GM asked what was there to stop the smolts from getting stuck in the boating pond. CC confirmed the plans show screens to stop that from happening.

GM noted that the Highland Council have built a fence near to the Skateboarding area. The reason for the fence is believed to be to stop children from potential harm in the river. GM noted that the new position forces pedestrians who are walking, such as dog walkers, onto the other side. In effect the fence is on the wrong side of the path. The anglers cannot now gain access to the river. CC noted that safe exits are vital, in case an angler get stuck in the water

***Action - David Haas to have a site meeting with GA and CC including Debbie Sutton and Janet Campbell.***

### **Proposed Red John Pump Storage Scheme**

Discussion was dedicated to understanding the current status of this project. It was noted that the project has consumed considerable time and that the work is considered important. Proposed schemes of this nature require scrutiny to consider the short and long-term potential impacts on salmon migration.

## **Other**

CC noted that there would not be time to go through every part of the report but invited questions.

AS asked about a landslip at Quoich Dam, CC explained that a major landslide had occurred in November 2018 which washed away the road and almost took out the dam. Large amounts of material have ended up in the Gear Garry.

AS reported Approximately 9,000 tons of material have entered (or are about to enter) the Garry system. CC explained that fortunately, fish populations are already depressed in this area, due in part to a lack of suitable spawning habitat. The general consensus from SEPA and others is that any short-term negative impacts will be outweighed by the positive impacts associated with fresh sediment input.

**[BREAK]**

***[David Haas and Iain McMyn departed the meeting with apologies.]***

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

CC introduced the Bailiff Report in JM's absence. CC invited questions and comments.

AS asked about any progress with the current Beauly case. CC reported that 3 of 4 have pleaded guilty with a date set for court for the fourths case.

There was a brief discussion about responding to incidents on the Beauly system. AS confirmed that SSE have been advised to report any incidents on the Beauly to Alastair. CC confirmed that the NDSFB staff have been asked not to respond but to notify the Beauly directly. This is the course of action that will be taken.

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

CC introduced the NBFT Senior Biologist Report in DV's absence. CC invited questions and comments.

CC noted the Scottish Invasive Species Initiative funding that should allow the work to be carried out without the need for the trust staff to carry out the works directly. A proposed new Project Officer post, across a wider area, will hopefully take on more of the volunteer coordination work.

CC noted that a trust newsletter will be circulated in the near future.

CC mentioned the potential loss of smolts into the Caledonian Canal at Dochfour. AS described experimental deterrents including a wall of double-bubbles, a bubble curtain. CC confirmed that the Scottish Government have asked for evidence of the extent of the problem before any funding could be made available for mitigation.



## 10. CONSERVATION REGULATIONS

CC confirmed that the Ness has gone from a grade 3 to a grade 1. The situation has not changed, rather the method of grading has changed. The NDSFB position is that there is still concern for the fragility of the population and the recommendation is to retain the conservation policy as it stands.

CC confirmed that the netsman can fish, under this revision. A meeting took place on Monday 11<sup>th</sup> March 2019 with Chris Conroy, Rory Adams, Alexander Patience, Dougie MacDougal, Graham Sutherland and Neil Cameron. NC commented on the constructive nature of this meeting.

AP stated that as the law stands, the netsman are allowed to go back and fish. He said that at the meeting they discussed where they are intending going and at this moment in time. Until something is put on the table, they intend to fish.

AP noted that last year, he thought that there was a very good indication that stock was in a better state than when he last operated for a year in 2012, going on the number of days they operated. Never the less, this does not say that the stock is healthy again. Bearing in mind the need more science, then the netsman are concerned that the Scottish Government refuses to pay any compensation. He said that if you take the figures, the present value of net caught salmon, and you take an average of what was caught at our own station, then 300 fish at 300 lb per kilo, 500, is £31,500.

AP stated that if they are going to get an agreement, then it must come up to the loss that the netsmen have suffered in recent years. AP noted that they had a very good meeting on Monday 11<sup>th</sup> March and if we can resolve this in a proper, fair and just manner, then they will decide whether the matter is fair and just.

NC acknowledged that the netsmen do have a right to fish.

CC noted that he has been in touch with Simon Dryden and highlighted the potential for research. Simon did call back the same day for a lengthy call. He does see the benefits of the research work. CC explained the current state of the research project which is in peer review. CC highlighted the benefits of carrying out a project this year, whilst the acoustic monitoring is already in place for the Missing Salmon Project.

CC explained that the netsman in the Ness District are classed as 'in-river' due to the district demarcations under the 1868 Act. This means that the Government do not class them as 'coastal fisheries' (on which there is currently a moratorium), and as such they have not received compensation from the Government.

AP added that it is very unfair, with net and coble fisheries being denied the use of their title without compensation because the stocks have declined. The Scottish government is saying that they can hold onto their title, but that they will not get paid compensation. It is slightly unjust that we are being treated by the Scottish government.

GM asked who else is affected. AP confirmed that every estuary is the same if the grading is the same as here. AP said he knew of one netsman on the Tweed who will be fishing. The Esk fishery has been bought out, so will not be fishing.



GM commented that the Angling Club could hand-out flyers or seek a petition, it this would help to measure the level of support for the netsman. GM commented that it will be widely understood that if the netting starts up again that the fish available to catch by rod and line will decline.

GA noted that their guests don't need to be told about the conservation limits. They understand that there just isn't the fish.

AP spoke directly to the final letter dated 8<sup>th</sup> March. It states that now the river is a category 1, that they can go back to fishing.

***Action – CC to add an ongoing Agenda item regarding compensation for the netsmen.***

## **11.AOCB**

NC invited AOCB. None were raised.

NC commented that there had recently been an article in the Scotsman showing the scale of predator control carried out in Invergarry at the end of the 1800's – he read it out for interest

The meeting closed at **16.46**