



NESS DISTRICT SALMON FISHERY BOARD Board Meeting Minutes

Time: 14:00

Date: 12th September 2019

Location: Telford Board Room, Inverness Caledonian Thistle Football Club

Present:

David Sutherland: Ness Castle Lodges, Proprietor (DS) Acting Chair

Angus MacGruer: River Oich, Proprietor (AM)

Graham Mackenzie: Co-option, Ness District Anglers (GM)

Walter Mackay: Co-option, Inverness Angling Club (WM)

David Haas: Highland Council, Mandate/Alternate (DH) **Late arrival*

In Attendance:

April Conroy: Board Secretary (AC)

Chris Conroy: Chief Executive/Clerk (CC)

Iain McMinn: SSE (IM)

John MacColl: Head Bailiff (JM)

Observing:

Alex Elliott, Inverness Angling Club (AE)

Harry Fraser, Inverness Angling Club (HF)

David McDonnell: River Garry, Mandate (DM)

Apologies:

Michael Martin: Dochfour, Mandate (MM)

Ryan Rutherford: Ness Castle, Mandate (RR)

Janet Campbell: The Highland Council, Mandate (JC)

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

1. APOLOGIES

David Sutherland (DS) introduced the meeting as acting chair and noted Michael Martin's apologies.

CC noted apologies as above.

CC noted that the quorum for any vote is five voting members and that only four were present at the start of the meeting, however MM and RR have both communicated their opinion regarding the future of the Ness and Beaully Fisheries trust by proxy should a vote be required.

CC noted, with sadness, the tragic loss of Tony Donnelly, who had recently taken up the post of River Director at the Cromarty Firth District Salmon Fishery Board. He died very suddenly after being taken ill at home. Tony was 35 years old and our thoughts and condolences go to his wife, his young daughter and family.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

DS invited comments on the minutes from the *Ordinary Board Meeting (14th June 2018)*. No comments were raised and the minutes were approved.

3. ACTIONS LOG

The Actions log was reviewed:

- **20.02** CC to seek a meeting with SEPA and Dougie MacDougal (netmen) to discuss results of water quality monitoring at a mutually convenient date - No progress.
- **20.03** CC and IM to review current situation with regards to smolt escapement at Cean-na-Croc Heck on the River Moriston – Action ongoing.
- **21.01** CC to follow-up with David Haas regarding legal advice for outstanding debtors - Action ongoing.
- **21.02** CC to write to John Macdonald from SSE to get an updated timeline for Garry Dam Screens Project - Action complete, updated provided in Activity Report.
- **21.03** CC to take up responsibility for collecting data from the counters and reporting this via the fish counting system – Action ongoing, time has not permitted this action to be progressed.
- **21.04** CC to make enquires regarding recent water levels on the River Garry and Oich - Action complete, CC contacted SSE Transmissions who apologised and have promised to inform the Board of any planned outages in the future. IM also offered to provide some additional local contracts within the Transmission Team.

4. HEALTH AND SAFETY REPORT

CC reported no reportable incidents or accidents and that all Health and Safety Risk Assessments and the Ness DSFB Health and Safety Policy has been reviewed internally and updated (as is routine for the Board in September each year). The external review from Greens of Haddington has been chased again.

5. GOOD GOVERNANCE

DS introduced the Good Governance Paper. CC highlighted that the Register of Members Interests and General Voting Procedures would be updated after the triennial elections.

6. FINANCE REPORT

DS noted that Andrew Duncan has kindly prepared the annual accounts on behalf of the Ness DSFB. His continued support is greatly valued and appreciated.

Annual Accounts

CC presented the annual accounts for the year ended 15th May 2019, reporting that the accounts show a surplus of £5,652 (against a budgeted deficit of £1,500). CC explained that the variance is largely due to unbudgeted 'other income' associated with a fish rescue carried out on the Beauly on behalf of SSE. CC invited comments and questions, none were raised. CC invited approval, DS proposed approval and this was seconded by GMcK.

2019/20 Fishery Assessment

CC reported that the annual fishery assessment notices are due to be issued by the Ness DSFB in October for payment by the end of February. As such, he requested that members formally agree the levy for the 2019/20 period. CC noted the proposal to maintain the levy at £1.55 in the pound. Comments were invited. None were raised. DS proposed approval which was seconded by GMcK.

Management Accounts

DS noted the Management accounts. CC reported that they cover the period from the 16th May to the 15th August 2019, representing the first quarter of the 2019/20 financial year. CC reported that they show a net profit for the quarter of £13,013 (compared to a planned profit of £675).

7. ACTIVITY REPORT

CC introduced the Director's report.

National Electrofishing Programme for Scotland (NEP)

CC reported that the Ness DSFB team are delivering this year's NEPS programme on behalf of the NBFT. The team had completed 25 of the 30 Ness sites. The next stage will complete the final sites and input all the data to the Marine Scotland 'FishObs' database.

MOWI Genetic Introgression Sampling

CC reported that the Ness DSFB team are also delivering the genetic introgression sampling programme. This involves taking tissue samples from juvenile salmon at ten sites across the Ness system as part of a partnership project involving MOWI, UHI Rivers and Lochs Institute, Lochaber Fishery Trust and NBFT.

Moray Firth Adult Salmon Acoustic Tracking Project

CC reported that Ness DSFB staff had acoustically tagged and released 60 adult salmon caught in partnership with netsmen this summer. The aim of the project is the movements of wild adult Atlantic salmon within the Inner Moray Firth and determine which rivers they are heading to. Effective management of the net fishery will benefit from information relating to the river of origin of fish making up their catch. The project is being delivered in partnership by the NBFT, the Ness District Salmon Fishery Board, Local estuarine salmon netsmen, the University of Glasgow and the Atlantic Salmon Trust. The project is funded by Marine Scotland, with 60 acoustic tags kindly donated by Aberdeen Harbour Board.

SSE Fish Counter Data

CC reported that responsibility for reporting on the dam counts moved from SSE to the NBFT last year. In the absence of a senior biologist at the trust, responsibility for reporting now falls to the Ness DSFB team.

CC reported that Ness DSFB staff found a significant blockage in a culvert below Garry Dam, which is likely to have acted as a complete barrier to upstream passage of salmon. SSE were informed and they proceeded to remove the blockage. Unfortunately, the fish counter was not reset properly, resulting in no counts before 11th July 2019 (completely missing the spring period).

IM noted apologies on behalf of SSE Staff. Staff have been asked to be more vigilant with regards to debris that may block the culvert again. With regards to data, IM confirmed that a decision was taken by SSE to provide the data in its raw data format.

GMcK offered to support the review of the fish counter data. CC agreed to contact Andy Jacobs from SSE to arrange a counter software training session to which GMcK would be invited.

ACTION - CC to contact Andy Jacobs from SSE to arrange a counter software training session to which GMcK will be invited.

Enforcement

CC invited JM to comment on the report.

JM asked IM for assistance with the deployment of 'Fishing Warning Signs' at SSE installations across the Ness catchment.

ACTION - CC to provide standard fishing warning sign to IM so he can check whether it is appropriate in line with SSE's standard templates.

CC reported that a high-profile case that the Ness DSFB team were involved with on the River Beauly last season. One individual was fined £400 for two counts of 'gang poaching' without permission. Two other individuals were sentenced 200 and 250 hours of unpaid work for two counts of 'gang poaching' without permission.

A final individual was sentenced to 270 hours of unpaid work for one count of 'gang poaching' without permission and retaining salmon in contravention of The Conservation of Salmon (Scotland) Amendment Regulations 2018. This was the first such conviction since the Scottish Government introduced the Conservation Regulations.

Consultations

CC reported that, following a long (two-year consultation) with the applicant for the Red John Pump Storage scheme, they have now addressed our key concerns. As requested, they have produced a 'Ness Weir Fish Passage Assessment', including an assessment of upstream adult passage and also a smolt tracking proposal. Given that our concerns have been addressed, we have no grounds to hold our objection - as such our objection has now been lifted.

CC checked with AM that he had been consulted by Scottish Water regarding directional drilling under the River Oich as part of the Loch Ness Regional Project. He confirmed that he had been consulted.

Communications

DS noted that the social media from the Ness DSFB is of a high quality.

8. CONSERVATION REGULATIONS

DS introduced the proposed 2020 Conservation Regulations and asked CC to expand.

CC summarised the Scottish Government's proposed conservation grading for the 2020 season. He reported that Marine Scotland have proposed that the Ness district will fall from its current Grade 1 status to a lower Grade 2 status. This is to reflect the lower grading of the River Moriston Special Area of Conservation (SAC).

CC reported that in the past the Scottish Government has applied a two-phase approach to the Ness system, with a lower grade on the River Ness up to the 1st July to protect the early running Moriston fish. It seems that this year they are proposing to move away from this and apply the status of the Moriston to the rest of the Ness system for the entire season.

CC advised that, given a general decline in Ness salmon catches, the Ness DSFB should support the proposal to apply Grade 2 status to the Ness District. He added that it would add weight to the existing Conservation Policy and strengthen our ability to protect our salmon populations, without putting any additional pressure on the socio-economics of the fishery. All agreed.

CC explained that the Scottish Government state that for 'Grade 2' river systems, management action is necessary to reduce exploitation. They go on to state that catch and release should be promoted strongly in the first instance, with the need for mandatory catch and release reviewed annually. In the first instance, the local management organisation (i.e. the DSFB) is responsible for ensuring that appropriate management action is put in place to reduce exploitation. On the Ness system, this has taken the form of a robust annual 'Salmon Conservation Policy'.

CC reported that there was some resistance to the implementation of the 2019 Conservation Policy. CC asked board members to consider whether the Ness District Salmon Conservation Policy in its current form should be carried over to the 2020 season as per the draft 2020 Conservation Policy, or whether it should be reviewed and amended to ensure that exploitation is further reduced.

GMcK proposed retaining the Conservation Policy in its current form and carrying it over to the 2020 season. This was seconded by AM.

ACTION – CC to produce a final 2020 Salmon Conservation Policy based on the 2019 version.

CC went on to describe how in future years the Scottish Government plans to develop a juvenile assessment tool based on the results of the NEPS programme. This will complement the adult rod catch data and inform the overall Conservation status of a river system.

Based on the results of the 2018 NEPS programme, the Ness system would be assessed as being at the lowest 'Grade 3' status. The key reason for this is that almost half of the 30 Ness system NEPS sites

were located in poorly performing areas of the catchment, including the upper Garry system and the upper Moriston above Cean-na-Croc Heck.

15:31 David Haas (DH) joined the meeting. CC reviewed the meeting to date for DH's benefit.

CC asked DH for an update on the proposed Archimedes Screw on the River Ness at Whin Park. DH reported a current delay associated with a reconsideration of the finances, but that the scheme is expected to go ahead.

9. FUTURE OF THE NESS AND BEAULY FISHERIES TRUST

DS introduced the paper and noted a conflict of interest from GMcK who is a trustee of the NBFT and and CC who is the NBFT's voluntary CEO.

CC summarised the staff changes that have recently taken place at the NBFT and that the trust currently had no employees. The Ness DSFB team has stepped in to ensure the successful delivery of the NBFT's 2019 monitoring programme.

CC described that the NBFT is at a cross roads and that the trustees are currently considering the following three main options:

1. Retain the NBFT as a charity with staff (i.e. retain the status quo)
2. Retain the NBFT as a charity without staff
3. Wind up, or dissolve the NBFT

IM provided some background to the historic role of Fisheries Trusts and the AST. A number of Trusts have come under pressure to generate commercial work in order to financial sustain staff to the detriment of their core workload and goals.

CC explained that any decision regarding the future of the NBFT sits with its trustees, rather than the Ness or Beaully DSFBs. However, any decision that the Ness DSFB makes regarding its support for the trust will undoubtedly have a bearing on the future direction of the trust.

CC We recommended that Option 2 may be the best option for the Ness DSFB going forward, i.e. retaining the NBFT as a charity without any staff. Under this scenario, the Ness DSFB would deliver what would have traditionally been the trust's remit in the Ness district (e.g. fisheries monitoring and development).

GMcK notes that there are significant funds held by the Trust for the purpose of benefiting the Ness district. DS concurred and agreed that the trust would retain good governance throughout any period of change.

DS invited the Board to support Option 2, with an approach that works honourably for the trust and in practice, for the current staff. DS noted that this option is only acceptable if it does not put additional strain on either the CC or JM in their current position.

CC noted that there is existing contract work that could bring in some additional income, which could fund future short- or long- term enhanced staffing.

DS noted that the relationship with the Beaully DSFB is to be protected.

CC asked whether the proposal for Option 2 is approved, pending further advice in terms of the Ness DSFBs ability to delivery contract and project work currently led by the NBFT. AM proposed approval and this was seconded by WM. DS and GMcK noted approval on behalf of Ness Side (RR) and Dochfour (MM) by proxy.

10. 2019 ANNUAL REPORT

CC summarised the obligations on DSFBs regarding the preparation, content and publication of annual reports and accounts.

CC asked the Board whether the annual report format used in previous years should be retained. All agreed.

CC proposed the same number of copies and approach to funding of printing via sponsorship. All agreed.

The dates for forthcoming 2020 meetings were agreed as follows:

- **16th January 2020** – Annual Public Meeting (evening event open to the public)
- **19th March 2020** – Board Meeting
- **18th June 2020** – Board Meeting
- **17th September 2020** – Board Meeting
- **17th December 2020** – Annual Meeting of Qualified Proprietors and Board Meeting

11. TRIENNIAL ELECTIONS

CC briefly explained the protocol for the forthcoming triennial elections which would be held after this meeting. It was agreed that the appropriate maximum number of representatives of qualified upper proprietors should be **six** and that of lower proprietors should be **two**, as per the existing board.

12. AOCB

No further business

The meeting closed at approximately **16:05**.