



NESS DISTRICT SALMON FISHERY BOARD Board Meeting Minutes

Time: 14:15

Date: 17th December 2020

Location: via Zoom, online video conference

Present:

Michael Martin: Dochfour, Mandate (MM)
Angus MacGruer: River Oich, Proprietor (AM)
Bob Morgan: River Gary, Mandate/Alternate (BM)
Graham Mackenzie: Co-option, Ness District Anglers (GM)
Neil Cameron: Ness Castle Lodges, Mandate (NC)
Scott MacKenzie: Ness Side, Mandate (SM)

In Attendance:

April Conroy: Board Secretary (AC)
Chris Conroy: Chief Executive/Clerk (CC)
Alastair Stephen: SSE (AS)

Observing:

None

Apologies:

Andrew Adamson, Wildlands
Andrew Steel, SEPA
David Haas, Highland Council
Janet Campbell: The Highland Council, Mandate
Kenneth Knott, Forestry and Land Scotland
Nathan McLaughton, NatureScot
Paul Williamson: Lower Garry, Proprietor
Steven Gray: Moriston, Mandate

1. APOLOGIES

MM introduced the meeting as chair. CC noted apologies as above.

CC noted that, with the continued risk associated with COVID-19, this meeting was being held electronically using 'Zoom'. This had posed difficulties in terms of facilitating public participation and as such it had to be held in private.

The latest advice from Fisheries Management Scotland states that, should a board decide to hold a meeting electronically, public participation would not be possible under the current restrictions. As such the board may elect to conduct the meeting in private, but must state the reason for this decision in the minute of the meeting.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

MM invited comments on the minutes of the September 2020 meeting.

Proposed by NC and seconded by BM.

3. ACTIONS LOG

The only open action was:

20.03 Review the current situation with regards to smolts escapement at Ceannacroc and report back on next steps. AS reported that he has taken 'people' to site so they can see what the issue is.

4. HEALTH AND SAFETY REPORT

CC reported there have been no RIDDOR reportable H&S incidents since the last meeting.

MM reported that MM and CC had a lot of discussion when lockdown was first announced and agreed how to safely operate whilst not leaving the river unattended.

CC reported no one in the team has had COVID-19 to date. He briefly outlined the safety measures in place to keep staff safe from virus transmission.

5. GOOD GOVERNANCE

MM asked for comments.

CC confirmed that 'alternates' as well as 'mandates' should submit Conflict of Interest forms and he confirmed who still needed to complete a form.

CC confirmed details of an Environmental Information (Scotland) Regulations 2004 (EISR) request that had been received and subsequently actioned.

6. FINANCE REPORT

MM reported on the finance report.

These accounts show a net loss for the quarter of £7,831 compared to a planned loss of £6,900. This variance is largely due to an overspend in terms of bailiff salaries, relating to the fact that staff were furloughed for two rather than three months. This was buffered by an underspend in a wide range of areas.

The accounts also show a loss of £1,250 against project income budget. This doesn't account for a total of £3,573 of project and contract income yet to be invoiced which will now appear in the next

quarterly accounts. MM noted that contract work will be a necessity next year due to the loss of proprietor income of 50% from the reduced fees.

The Finance report was approved. Proposed by NC and seconded by BM.

7. NESS SIDE FISHERY BOARD PROPOSALS

MM introduced a paper from SM on behalf of Ness Side Estate, which suggested a number of actions that could possibly be taken in the short-term to address falling catches in the River Ness.

This was circulated in advance with board members asked to contribute their views to MM. He wanted to take an impartial view and circulate a summary of the consensus view prior to the meeting, for discussion at this point. Each key point was tabled in turn:

Piscivorous bird counts:

- SM commented that the vastness of the area has meant some areas, such as Loch Ness, have not been targeted for the bird count and that there are people willing to help with this.
- GM asked that potential volunteers be notified well in advance of the count.
- AS sits on the Scottish Government's Wild Salmon Strategy Group. They have stated that salmon are on the edge of a critical point of survival. AS noted, that one of the key issues that we can do something about is to ensure that as many smolts as possible get to sea.
- MM commented as a Dochfour mandate, and stated that his proprietor may not be willing to have piscivorous birds shot on his estate.
- SM commented that this would be fine if only one estate does not want to, this but that the ghille would still need to scare birds.
- Neil Cameron commented that Ness Castle Lodges would also be concerned about the shooting of piscivorous birds and would want to consider its impact on guests. SM challenged this.
- CC noted that the team was unable to complete this year's spring bird count due to COVID. Lockdown restrictions could also mean reduced volunteer effort going forward.
- CC noted that the licence process takes account Loch Ness without requiring a full count of that area. This was discussed at a site visit by the entire NatureScot licencing team to the Ness system.
- GM asked whether drone could be used to help with the bird count. CC noted that this was a good idea, but that the range and battery life of current drones would limit its effectiveness. Drones may also act to scare any birds away, resulting in an inaccurate count.
- MM concluded that the board are happy for a more comprehensive count to be done, however this will continue to be coordinated by the Ness DSFB team as the licence holder. MM noted that some proprietors will not want birds to be shot on their water and that this must be accepted.

Predation by Pike

- SM discussed in detail the location of large numbers of pike and that his recommendation was to target 'pinch point' areas and the 'real offending ones'.
- BM asked what objective evidence exists to show that such limited targeting has an impact on the overall survival of smolts. SM responded that the stomach contents of fish killed provided this evidence.
- MM noted that, as the chairman of the board, he is not in favour of bringing people together to catch and kill pike and that this should be minuted.

- SM asked AS to comment. AS spoke from a scientific perspective and summarised a number of previous studies. He commented on a fishery that netted and removed large numbers of pike. Over a period, they found that the average size of pike in the fishery reduced, but the overall numbers of pike increased. AS concluded that there is no evidence to suggest that culling would reduce predation on smolts. AS further summarised other examples.
- CC noted that in his early career at the Environment Agency, they used to cull pike on trout rivers. This was subsequently stopped as evidence proved this method of reducing predation to be ineffective. He explained that man-made barriers to migration (or 'pinch points') are the primary issue as they act to delay the smolts, leaving them more prone to predation. CC recommended that the board's efforts should focus on 'easing' these barriers.
- AS reminded members that SSE were currently working with the Ness DSFB to improve smolt passage at Garry Dam at a cost of £150k. This will remove a significant pinch point and hopefully reduce predation.
- AG asked whether the cameras will be in place at this point too. AS reported that acoustic cameras will be put in place at Garry Dam this spring to confirm whether the improvements to smolt passage are working.
- MM asked whether board member collectively choose to target brown trout and pike? The general consensus was no.
- MM stated that to bring this to conclusion, the Board would not take coordinated action to cull trout or pike. Individual proprietors were free to implement their own initiatives, should they so wish, within the legal framework.
- SM asked what the legality is of someone going down on their own and fishing for Pike with dead bait. CC confirmed that the rights of riparian owner's civil law mean a land owner can stop it.

Predation by Brown Trout

- MM noted that data on the movements of predatory brown trout are being captured through the ferox tracking project.
- CC again stressed that predation is an important issue, but is made worse by the presence of man-made barriers to migration. He hoped that the information gained from the ferox study will help to identify if and where these fish are taking advantage of man-made barriers to target smolts. This will in turn provide evidence to help us ease these barriers smolt passage, not target or cull the ferox which are themselves worthy of protection. CC pointed out that trout and salmon have evolved side-by-side for thousands of years.
- MM noted that no coordinated action will be taken by the board against brown trout.

Impacts of Caledonian Canal system

- MM summarised that data is now being gathered regarding smolts survival in the Ness system via the Moray Firth Smolt Tracking Project.
- MM noted that this is not a new issue, but it was not given much attention until now. CC noted that the difference is that there now more scientific evidence upon which we can act.
- MM noted that the smolt pass at Dochgarroch was left closed during COVID lockdown. Considerable work was carried out by CC to agree permission for our team to open the loch gates themselves.
- MM noted that a long-term solution to smolt entrainment in the canal will cost more than the Board alone can afford. MM stated that the general consensus was that it is not financially or logistically possible for the board to pursue a long-term solution alone.
- AS state that the email from Andrew Steel (SEPA) was very useful in demonstrating how complex the situation is and it shows that SEPA are now well engaged.

- AS noted, that the only way to get a solution is to work with Scottish Canal to address the issue. An acoustic bubble screen will only work to deflect fish if they have somewhere to go. AS noted previous experience with bubble screens in which considerable sums of money were spent and it didn't work because the bypass channel was not suitable. AS noted, the complexity of the permissions and process involved.
- GM noted that the email from Andrew Steel (SEPA) was encouraging, but that action is needed to address the year-on-year losses.
- Lots of detailed potential short and long-term solutions were discussed by board members, including not running the canal during the smolt migration.
- AS stated that an options appraisal may be required. CC confirmed he has already made this recommendation, but that SEPA are the lead organisation who need to formally request it.
- MM stated that this is a top priority issue for the board. The issue has been here for 200 years and it is not one that can be solved easily or quickly. The board do not have the resources or authority to resolve it alone, but have a very strong desire to see the issue addressed as quickly as possible.
- MM noted that by continuing to gather the required data and push for it to be addressed, we are suffering from a negative backlash with some asking 'what are the board doing about it'.
- AS commented that the board have gathered a strong body of evidence. The Scottish Government have highlighted the need for the protection of salmon. Now is the time to ask to speak to senior civil servants.
- CC noted contact that had been made with senior civil servants to request funding and action. The result was a request to senior management at SEPA. We also raised a parliamentary question, which makes a formal record that this issue has been raised as a concern.
- CC recommended that there should be another SEPA chaired meeting in the new year.
- MM stated that board members and proprietors should be asked for their support to add pressure and weight to this issue.
- AS noted, that SSE have recently spent over £100k on salmon mitigation at Garry Dam. It is a significant issue for them if the fish are then getting caught up in the canal. AS stated that, when the time is right, SSE will write a letter stating this. When required, MM will also write a letter to Scottish Canal highlighting the issues. In the meantime, SEPA should take the lead.
- MM summarised that SM had suggested that board funds be used to construct a 'bespoke' bubble screen, but that the general consensus was that this is not appropriate at this time.

Ghillies Association

- MM summarised that SM has asked for the formation of a Ness Ghillies Association.
- Although ghillies already attend many of the meetings of the Ness DSFB, the general consensus was that this was a good idea.
- MM summarised that either SM who had raised the idea or GM as the board's representative of anglers should help to progress this, with the ghillies group potentially feeding through these board members to express views.

Commission of an Independent Juvenile Survey

- MM summarised that on balance, there is not support for an independent survey to be carried out. He noted that whenever there is a reduced level of fish, it is natural to want to challenge the result.
- MM summarised that CC and the team have carried out extensive surveys. The results suggests that the River Ness is relatively well populated with juvenile salmon

- MM pointed out that we have a professional and experienced team, with Chris Daphne (Fisheries Officer) being a national electrofishing trainer. It would not be appropriate to employ others to carry out our surveys.
- MM summarised that if there is a desire to increase the number of smolts, the way to do this is to increase and improve the available habitat. GM noted that there is £20k available in the Ness & Beaully Fisheries Trust.
- AS questioned whether this issued related to the desire for a hatchery on the River Ness. He suggested that to draw a line under stocking, the Ness DSFB should share the latest Scottish Government guidance which would not permit it under the circumstances.
- SM reported that when he fished in late summer, other rivers were “stuffed with fish” and that in Ireland they were “stuffed” and that yet the Ness catches were down. The lower ness is “off the scale” and down more than other areas. An independent survey would shut the doubters up. SM said that the “lower ness has a problem out with the national decline”.
- BM sought clarity on the criticism. BM rejected the criticism.
- AM stated that he did not see that we should get an independent survey done.
- SM question the selection of survey sites on the River Ness.
- AS noted, that there are proven scientific reasons why the sites are selected.
- NC pointed out that there is a methodology to electrofishing. He said that our scientists know how to electrofish. There is no point in surveying the areas where fish are not expected to be. NC stated that he did not see the need to get someone in to survey our rivers and that parr numbers have remained relatively stable.
- GM stated that if there are criticisms from the IAC, then their representative should attend these meetings. GM went on to say that his view is that, if there was the capacity, then maybe two additional electrofishing sites could be looked at, but not withstanding depth requirements. Any ‘doubters’ could be invited to watch.
- MM stated that, as a Dochfour mandate, he would support taking on a couple of extra survey sites and speaking to doubters, but wholly rejects bringing in an external source. MM stated that CC and the rest of the team have our full faith and support.
- SM stated that as the mandate for Ness Side Estate, the proprietor is reporting that he is not happy with the juvenile numbers. If we wade down the river, we are not seeing them, but the data from the survey says they are there? We’re not catching them the way we were in the past.
- AS reported that there was a river he worked on where the doubters were taken out to watch electrofishing and that it helped.
- MM noted that it is the board’s responsibility to address the concerns of doubters, but the way of doing this is not to get an independent view, as it would suggest we do not have faith in our own team which absolutely not the case.
- GM spoke of times in the past where he remembers seeing ‘clouds’ of salmon. The river was subsequently dredged and since then it’s been dead. GM concluded that CC and the team are as well qualified as any and we should not be spending money to get someone else in to tell us the same thing.
- MM concluded the general consensus was that the board will not commission an external survey.
- MM asked CC to identify with Scott, the individuals who have expressed concerns and invite them along to see surveys and to address their concerns.

Tagging smolts vs River Ness habitat survey

The discussed then turned to a paper tabled by CC regarding options for gathering further information relating to the significance of the Caledonian Canal as a barrier to downstream smolt migration.

Discussions revolved around whether the board should use a grant from the NBFT to purchase additional smolt tags to look more closely at the issue of smolt entrainment at Dochgarroch in 2021, or alternatively wait until 2022 when the cost of the additional tags would be covered by the Atlantic Salmon Trust. The latter would allow the NBFT grant to be used to fund a 'River Ness Habitat Restoration Feasibility Study', with two projects to be delivered rather than just one.

Extensive discussion was had on this subject. NC's view on balance was that we should proceed with the habitat survey. AM and AS agreed with the habitat survey however with proprietor buy-in. GM and BM preferred the smolt tagging option. SM agreed that the habitat survey would demonstrate practical action on the River Ness. CC stated that he thought it would be worth waiting a year for the additional tags and delivering the River Ness Habitat Restoration Feasibility Study first.

After detailed discussion, there seemed to be a split view between board members. MM concluded that further consultation was required in terms of the River Ness Habitat Restoration study to ensure that all are in support. If proprietors or their mandates are not happy, then then CC should progress the option of purchasing more smolt tags.

Action 25.01 – MM and CC to consult further on the River Ness Habitat Restoration Feasibility Study

8. ACTIVITY REPORT

Not discussed.

9. EXTENSION OF FISHERIES ASSISTANT CONTRACT

MM noted that a decision was needed on whether to extend the contract.

NC asked why not extend for 3 years. If the board need the post and wish to retain staff, this would be a better outcome. CC confirmed that his would be much better outcome but that agreement is needed with SSE to confirm future funding.

The Board agreed to extend the Fisheries Assistant Contract for 1 year just now and to seek to extend both the Fisheries Officer and Fisheries Assistant for longer-term contracts as soon as financial agreements are in place that allow this.

Action 25.02 – CC to extend the Fisheries Assistant Contract for 1 year and to seek to extend both the Fisheries Officer and Fisheries Assistant for longer-term contracts as soon as financial agreements are in place that allow this.

10. BOARD COMMUNICATIONS (NO PAPER)

MM noted that the communication he receives from CC is very frequent and complete and that all action is taken with full consultation of the chair. However, there are others who have asked for more sight of what is going on.



It was agreed that a very short 1-page monthly briefing would be issued by CC each month.

Action 25.03 – CC to produce a very short 1-page monthly briefing to be issued each month

MM called on the Board Members to communicate onwards about the huge amount of work that is being done by the Boards and the quality of the work.

11. AOCB

MM invited AOB. None was raised.

The meeting closed at **17:45**