

**NITH DISTRICT SALMON FISHERY BOARD**  
**MINUTES OF**  
**BOARD MEETING**  
**HELD AT FRIARS CARSE COUNTRY HOUSE HOTEL,**  
**AULDGIRTH, DUMFRIES**  
**11<sup>th</sup> September 2017**

**PRESENT**

Danny Marshall  
Thomas Florey  
David Kempself  
Wally Wright  
Percy Weatherall  
Peter Hutchison  
Richard Gladwin  
Alan Nisbet

**IN ATTENDANCE**

Simon Dryden - Marine Scotland  
Scott Kerr – Buccleuch Estate  
Raymond Mundell – Dumfries and Galloway AA  
Roderick Styles (Clerk)  
James Henderson (FD)  
Debbie Parke (FB)  
David McMichael – (head bailiff)  
Ruth Davies

**APOLOGIES**

Robbie Cowan, Nick Wright, Peter Landale

The chairman opened the meeting welcomed Simon Dryden from Marine Scotland Wild Salmon and Recreational Fisheries.

It was intimated that John Charteris will become the representative of Dumfries and Galloway Council.

**1. DECLARATION OF FINANCIAL INTEREST**

There were no declarations of financial interest that gave rise to conflict of interest.

**2. APOLOGIES**

Already given – see list above.

**3. BOARD MINUTES OF THE MEETING OF 3 JULY 2017**

These were put to the floor of the meeting and were unanimously approved.

**4. (a) MATTERS ARISING**

The opening ceremony for the new season on the River Nith was discussed, with specific regard to the 2018 season. It was suggested that somebody representing the children's interest could be asked to attend. FD is to investigate that for the opening day on 25<sup>th</sup> February.

**(b) SITES FOR FISH COUNTER**

Peter Landale has spoken to John Jenks who is not in support of the idea for a fish counter being sited at Portrack

**(c) FISHERY MANAGEMENT PLAN**

The current plan life expectancy expires in 2017. Scottish Government (SG) want all fishery boards to follow a government-approved template currently being designed. Simon Dryden was asked if the Board should wait for completion of the government template or prepare its own. Simon Dryden advised to hold off on updating the Board's existing fishery management plan pending arrival of the SG template.

**(d) RESEARCH TAGGING**

FD reported that there had been plans to use haaf nets to catch and tag salmon. Due to excessive rainfall this has not proved possible. Fish tags have been supplied for the river tagging and the board was going to trial the method next year.

**(e) SCAURFOOT – OWNERSHIP**

Alan Nisbet reported on meetings with solicitors and the Nithsdale angling association to try to resolve the issue.

**(f) Blackwood Pond**

FD reported that Blackwood pond had been cleaned out to assist and enhance the youth angling project and the youth educational project. Board employees had removed felled trees and woody debris. The pond had been cleared by mechanical diggers and grass sown. The sluices at both ends had been rebuilt so that the water could be controlled and wood has been supplied for decking.

**5. Management Report**

FD referred to the printed quarterly management report circulated for the meeting. Reference was made to the Marine Scotland tagging regime. The board have a tagging monitor at the lower section of the River Nith.

Simon Dryden had reported that his team had managed to tag only 80 salmon out of a target of 750 fish. It was hoped that monitoring results could be reported upon at the end of March. It is possible that the tagging project could be followed through upon next year given the continued availability of tags already bought at a price of £250 each. They have a life expectancy of 3 months after activation.

It was reported that there would appear to have been a very poor grilse run compared with previous years.

Peter Hutchison said that he liked the information provided in the report but would like to see a list of matters raised within it that were of most concern to FD and therefore the board.

FD reported that there are a number of concerns on the poor efforts of Irish Gas concerning the running of their pipeline through the catchment. There had been considerable delays, The project would not be finished by this autumn meaning that ground would be left exposed over winter, giving rise to soil run off into the nearby water courses and consequently the risk of pollution and a bad effect on spawning redds. FD reported that he was continuing to do everything that he could, encouraging SEPA to take an interest, liaising with WGFT concerning the route that the pipeline was to take and the likely impact of the work relating to it.

David Kempself asked how long it was expected to take for the pipeline to go through the catchment. FD responded that he had been told that initially that it would take 6 months but it was now admitted by the company that it would take longer. David Kempself reported that whilst Irish Gas had not denied access to anglers there had been no access signs erected on the river bank. Irish gas had stated that anglers could get access.

The Chairman raised a matter previously discussed about Scottish and English rivers cooperating with each other and the possibility of an independent unit being formed for acoustic tagging for salmon rivers flowing into the Solway Firth in the same way as happens on the Moray Firth.

## **6. Fish Counter Project Update.**

FD reported that in conjunction with Alan Nisbet and Scott Kerr from BEL a site had been chosen for the proposed fish counter. The architect had visited. Final drawings had been prepared. All neighbouring property owners had been consulted. FD asked Simon Dryden if there was a possibility that business rates might be reduced or if there was power to seek to have them waived on ecological grounds. FD had applied to SEPA for a CAR license but it needs to be referred to the fishery experts. FD had asked SEPA if it might be possible to be exempt from a CAR licence fee based on environmental grounds. FD reported that planning permission would be granted before Christmas. Peter Hutchison reminded the board that the project funding would have to be produced and approved by the board.

Thomas Florey asked if the Irish Fisheries consultants previously engaged by the Board about advice on fish counters been kept informed and had approved the planning process. FD responded that they have and it was hoped that they will continue to support it.

The River Nith had been looked at downstream of Portrack Viaduct as a potential site for a main stem location for a fish counter. FD had asked Richard Gladwin if part of his fishery might be made available for the siting of a fish counter at Blackwood if it was thought to be a suitable site. Mr Gladwin had expressed a positive attitude to the suggestion. FD reported that the Scaur water was also being looked at again but SEPA are pursuing a flood management project there.

The Chairman stated that he was keen to get on with the Crawick project to gain experience for other fish counter projects.

FB reported that the Board should put in an expression of intent to Fisheries Action Group for European funding support. Detailed drawings would be needed to try to justify the production of funding. FD asked if it might be possible for Marine Scotland to be interested in funding the project. Peter Hutchison suggested that FD write to Marine Scotland to ask for an explanation on how the information would assist on promoting facts and data for future fisheries management modelling.

David Kempzell stated that the board also needed to have hard science statistics on numbers of fish in the rivers based upon fish counter returns rather than catch statistics analysis but funding should not be at the expense of assessments being raised because Dumfries and Galloway Angling association are struggling for income.

The Chairman asked if there were other rivers in Scotland troubled with the same issues who are pushing for fish counters. FD responded that every river system in Scotland feels that catch statistic returns is not a reliable means of establishing population and therefore that fish counters would be of benefit not only to the river but to Scotland. FD stated that other rivers would like counters but he was not aware of these Boards actively pursuing the construction of them. Peter Hutchison asked for a paper from Marine Scotland on how catch statistics could provide guidance on coordination and standardisation on data sets. Richard Gladwin stated that he presumed that the data would be available to all.

Thomas Florey referred to the river counter in the River Luce, which was not used. Might the board encourage the Luce people to reactivate it? FD reported that it couldn't function properly because of its location.

Chairman reported that he believed all information for the whole project and any results should be made available to other boards.

FD asked for information on the consultation approach for categorisation of Salmon rivers for 2018. Simon Dryden stated that it would be Friday of this week before the results would be issued.

## **7. ENFORCEMENT ISSUES**

FD reported on the seizing of a gill net on the foreshore, which had been taken to the police. The owner of the net wanted to pursue the matter of its removal by FD. He had consulted the police and his solicitor. The police had interviewed FD. FD wanted to pursue the matter. He is trying to work with Simon Dryden on the national policy on controlling and restricting the use of gill nets. However, it would appear that Scottish Government (SG) are wholly committed to dealing with BREXIT at the moment and there is no parliamentary time to take the matter forward. FD asked for guidance from the Board as to what to do. David Kempself suggested the Board should take the matter the distance with MSPs if necessary. Peter Hutchison reported that it was a coastal problem and it needed to be taken further if possible. Alan Nisbet suggested that a briefing note to MSPs would be a useful idea. FD reported that a briefing note had been prepared. It was agreed that the briefing note should be sent to all MSPs and interested parties.

FD reported to Simon Dryden that both SNH and SEPA did not attend meetings anymore because they do not have the resources to be able to do so.

## **8. ANNUAL MONITORING SITES**

FD reported that the Board had 10 monitoring sites in the river system checked each year. Electrofishing results on the sites were encouraging and there was a presence of salmonids on most sites. Reference was made to a power point presentation graph. There has been a substantial rise in 2017 of average salmon fry densities.

## **9. SHINNEL CULVERT**

FD reported on the fishery management plan policy that dealt with concerns regarding free passage and migration for salmonids in the river system. He had discovered a culvert which had been placed in the Shinnel Water approx. 18 months ago. FD had asked to see the CAR license and the fish passage mitigation records. SEPA had no records so the culvert had been placed illegally. FD advised that it had taken until the last month to get SEPA out to the site and it had been agreed by SEPA that the culvert needed to be taken out and replaced with one of the correct specification to allow for the free passage of fish. SEPA had then "gone cold" and expressed concerns at the cost. SEPA are now saying that it is not necessary because there is another culvert further downstream that itself prevents passage of fish. SEPA says that the Board should supply guidance to plant operators to alert them to the Board's requirements on the proposed placing of culverts in watercourses. FD reported that this is a priority for fishery management. The Clerk was asked for his views on the legality of the position adopted by SEPA. He expressed the view that it seemed to him to be ridiculous that as part of Wild Fisheries Review, the Board had been asked to jump through administrative hoops to be seen by SG to be fit for purpose in carrying out its statutory function of protecting salmonids. When the Board did do its duty by providing professional opinion to SEPA on the lack of following proper protocol for the process of installing a culvert to the required specification in a water course, which was accepted by SEPA as enforcing authority as being the case, no action was being taken by SEPA on cost grounds, particularly when the costs of rectifying the problem would fall upon the land owner and the contractor responsible and not SEPA.

## **10. ANGLING MEETING REQUESTS**

FD reported that he had been asked by a member of Dumfries and Galloway AA to commit to involve the Board in further anglers meetings. David Kempself advised that that none of the committee of DGAA had approached with a request for a meeting.

After full discussion it was decided to decline the convening of such a meeting. There had already been two meetings with substantial attendance of DGAA members. All Board meetings were open to the public. It was open to anybody to DGAA to attend such meetings.

### **11. GALLOWAY COUNTRY FAIR**

FD reported that the Fair had been well attended with the tent shared with "Border Lines". FD extended thanks to BEL and the Duke of Buccleuch for the use of the facilities.

### **12. SEA TROUT EVENT**

FD reminded the Board that seven beats had offered sea trout fishing on Friday evenings during the course of the season. The project had done well this year. A barbeque had been held at its end. FD said that he would support the idea of running the scheme again and the proprietors were prepared to do so as well.

### **13. A.O.B**

FD reported on an application for windfarm on Euchan Water. Difficulty had arisen in connection with this project. The developer would not engage the Board to carry out the environmental assessment report, having obtained authority and electro fishing licence from SG to carry out its own environmental survey of the site of the proposed development. In addition the developer would not make available the contents of its environmental report to the Board. The matter of electrofishing within a catchment is either carried out by the Board as part of its statutory functions to look after the welfare of the salmon populations within the catchment or is the subject of licence application by a private contractor to Marine Scotland. FD pointed out that rather than engage the Board to carry out an environmental assessment of the proposed site for development, developers would occasionally insist upon using their own biologists and would therefore apply for a licence to Marine Scotland.

FD and the Clerk asked Simon Dryden if there could be a change of licencing policy for the future. The example of the circumstances just given made a nonsense of trying to manage the river system. The Board's involvement in pre operations survey work to the required SFCC standard applied to all of its survey sites and created a continuity of approach for the production of such reports and the mitigating measures recommended to minimise the potential for damage to the fishery if the project was given permission to proceed. If the developer chose to instruct the production of a private environmental report and then would not give to the Board a copy of the report then how was the Board to know if damage mitigation measures have been adopted, if any, would be suitable and what damage might have occurred as a consequence of the development taking place. FD asked Simon Dryden to take back to Marine Scotland the matter of how licences were issued and the future requirement for availability of reports emanating from the issue of such licenses to be passed free of charge to the Board. Mr Dryden undertook to do so.

The matter of rates was raised. Simon Dryden had understood that it was possible that net fisheries that had been affected by the ban on the taking of fish may have assessors look at their rate of value with the view to zero rating them. The Clerk advised that at present nobody had intimated to him from the assessor's office that any rateable values had been changed to zero ratings. Certain proprietor's assessments were outstanding. The Board can raise court action for recovery of rates. Peter Hutchison's position in particular was discussed.

The matter of SG grant of £100,000 paid to Fishpal in an attempt to mitigate the loss of revenue to salmon fisheries as a consequence of the conservation policy put in place by SG was discussed. The general feeling was that it had been of little or no assistance to salmon fisheries within the Board's jurisdiction.

There being no other business to deal with, the Chairman thanked Mr Dryden for attending and then closed the meeting.

