

**NITH DISTRICT SALMON FISHERY BOARD
MINUTES OF
BOARD MEETING
HELD AT FRIARS CARSE COUNTRY HOUSE HOTEL,
AULDGIRTH, DUMFRIES**

on

10th December 2015 at 10:00am

PRESENT

Percy Weatherall – Chairman
Thomas Florey – Angling Representative
Wally Wright – Netting Representative
David Kempzell – Dumfries & Galloway Angling Association
Danny Marshall – Upper Nithsdale Angling Association
Nick Wright
John Kingan – Netting Representative
Peter Landale – Dalswinton
Robbie Cowan
Dereck Bathgate – Buccleuch Estates Limited
Richard Gladwin – Blackwood Estate

IN ATTENDANCE

Roderick Styles – Clerk
James Henderson – Fishery Director (FD)
Deborah Parke – Nith Catchment Fishery Trust (FB)
David McMichael – Water Bailiff (WB)
Erin Hunter - Buccleuch

APOLOGIES

Nick Brown – Friars Carse
Peter Hutchinson – Netting Representative

1. DECLARATION OF MEMBERS' FINANCIAL INTERESTS

Peter Landale has been appointed a member of the Atlantic Salmon Trust.

2. BOARD MINUTES OF THE MEETING OF 15th SEPTEMBER 2015

The minutes from 15th September 2015 and were approved. Proposed by John Kingan and seconded by Thomas Florey.

3. MATTERS ARISING

The FD confirmed that the habitat scheme at the Crawick has been taken down and cleared up.

The sea trout event was discussed and the catches from the event will be passed to the landowners. It was felt that the event was too long and could be shorter in the future. Davie Kempzell suggested that the event should be cut from eight days to four. Dalswinton, DGAA,

Rosehill, Blackwood, Friars Carse and Closeburn are supportive of running the sea trout event again in 2016 and it is likely that the Burgh Water would take part. FD stated that he thought that the event had been popular and well received, that it had promoted ticket sales for fishings and had raised the profile of the river through the publicity generated. It was agreed to pursue a sea trout event for 2016.

4. RIVER REPORTS

(a) River Report – Quarterly Report

The Fishery Director referred to the quarterly report and briefly ran through some of the items completed in 2015. The piece done for Autumn watch was discussed and was considered as positive PR. The Fishery Director spoke about the decline in the number of salmon caught throughout Scotland. In the River Nith it was felt that there were more sea trout seen during 2015. Electro fishing had revealed good numbers of juvenile trout, hence the possible rise in sea trout numbers. The initial numbers coming back from returns are looking more positive than last year. Beats that tend to be producing better numbers appear to be those that have ghillies. There are concerns about reduced numbers of anglers on the river. Danny Marshall commented that there was no back end run this year again. Richard Gladwin stated that it would be interesting to see how the rainfall affected numbers caught. The issue of aquaculture was discussed. It was observed that the best times for salmon seemed to have moved forward by a month to late August/Early September. November had been a washout with too much rain. Overall it had been a disappointing year for salmon.

(b) Report from SEPA – provided by Paul Outrum

Questions were invited. The Fishery Director informed that there had been a subsequent pollution incident on the Cairn where slurry was being spread on flooded land. It was suggested that a report from SEPA be forwarded to the Agricultural Department as it would be seen as an infringement of relevant regulations, the result of which might have impact upon the agricultural subsidies available to the farmer. John Kingan suggested that a report should be sent to SGRPID, who seem to have more power through the ability to restrict the award of subsidy in such situations.

The police are pursuing the case at Nunholm where the flood banks were raised without relevant authority, in contravention of EWD. Statements have been given.

The proposed flood embankment on the Whitesands was discussed. The Board is involved in all discussions relating to flood management within the catchment.

The Fishery Biologist informed the Board members of the Trust's proposal to explore the possibility of getting a fish counter in place on Nith. SG are apparently keen to put in place a fish counter network throughout Scotland. Rivers would need funding and a Government controlled fund will open up next year, from which it might be possible to get funding for the counter. This could be quite a long process but one that would benefit the management of the river.

The Director reported that he is attending meetings with the government regarding the WFR. There have been no changes to the proposed timetable, with a draft Bill to be made available in early 2016 for consultation. Thereafter the Scottish Parliament elections would take place and then the Bill was expected to be back on SG agenda in late 2016. It is still expected that Royal assent would not be granted until the end of 2017. There would then be a transition period, with FMOs evolving over a two to three-year period.

The SG proposed salmon conservation limits were discussed. It was noted that the Nith in common with all Solway Rivers and most West Coast rivers had been given a category 3 status (total catch and release). The Board had put forward a response to the consultation and a response was awaited. FB is to attend a meeting on 15th Dec with Marine Scotland to discuss the science behind the categorisation. The proposed conservation measures would mean that the nets outside the estuarial limit will be banned from taking salmon for the next three years. The haaf nets and rod fishery will be 100% CR for salmon for the next year, but no categorisation is proposed for sea trout. A conservation plan will have to be written and the government will be advising on its format. Peter Landale suggested that it would be cumbersome trying to deal with this at full Board level and that a sub-committee be put together to discuss the conservation plan. FD suggested that the angling code will have to be reviewed, updated and given force. Any new conservation management plan will be enforceable by reason of the 2003 salmon fishery legislation.

Concern was expressed by the representatives of the Angling Associations and clubs about the issuing of permits for 2016. The Clerk suggested that all proprietors issue a note with any permit sales to state that the rules attached to the permit may be subject to alteration by new legislation from the Government. The Government would enable powers under the 2003 Act so that any legislation could be brought in at any time. There are grave concerns from the associations and haaf nets about their futures. FD reported that these concerns were being reported to Scottish Government and at this stage can only keep the proprietors updated.

Peter Hutchinson's letter was circulated in which it was suggested that the Board write a letter to Scottish Government regarding the suppression of netting. It was agreed that as a rate paying proprietor the Board should write on behalf of all nets and rod anglers regarding the issue. The various views around the table were discussed. Peter Landale stated that he supported ASFB's views and could not support Peter Hutchison. It was agreed that the NDSFB write to ASFB with Peter's letter and ask them how they suggest we deal with this.

DGAA have written to MPs and MSPs and have had responses from a number of them regarding the situation. They would encourage other proprietors to do the same.

5. BUDGET

The budget was reviewed by the Board members. The Clerk advised of funds held. The consultancy income can fluctuate depending on the amount of construction in the catchment. There has been a considerable amount of work carried out by the employees in 2015. The Clerk pointed out that the rates have not risen for the last two years and as a

result the Board was having to use more and more consultancy funds to support annual expenditure, notwithstanding refunds that had been given over many years. The Board, having considered the budget and the state of the Board's consultancy income, decided to provide a refund on assessment of £55,000 to Proprietors.

6. ASFB FMO TEMPLETE

It was agreed that the Board would not complete the critical analysis circulated by ASFB until there is further information about the proposed geographical area of an FMO.

7. AOB – No other business was discussed

DM asked if the Board was aware that James Woodcock is selling salmon permits upstream of the UNAA. The Board decided that it would investigate and pursue will pursue the information. UNAA must contact the assessor to take into account the 2 miles of fishings that they have lost.

The Board will be hosting the National Bailiffs conference in 2016.

Erin Hunter would like to become a volunteer bailiff and the Director would like to support Erin in this. It was emphasised that as a Bailiff, Erin would be working for the Board not Buccleuch Estates Limited and that Mr Hunter would have to comply with to the Board's working policies for Health and Safety reasons.

Nick Brown suggested that provision should be made for the redundancies as a result of the creation of future FMOs and the extinction of the Board.

The Board would host a grayling day on Saturday 9th Jan and we would like to thank everyone that has donated water for the day.

The Board Meeting thereafter closed 12.23pm.