

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

following on from AMQP

15 March at 10:35 am

PRESENT

Percy Weatherall – Chairman
Peter Hutchinson
Thomas Florey
Wally Wright
David Kempself
Danny Marshall
Jim Gregory
Robbie Cowan
Brian Fox
Erin Hunter

IN ATTENDANCE

Roderick Styles – Clerk
James Henderson – Fishery Director (FD)
Deborah Parke – Nith Catchment Fishery Trust (FB)

APOLOGIES

Nick Brown
Nick Wright
Derek Bathgate
Richard Gladwin
Peter Landale

1. DECLARATION OF MEMBERS' FINANCIAL INTERESTS

None.

2. BOARD MINUTES OF THE MEETING OF 10 DECEMBER 2015

Already circulated and on the website – approved.

3. MATTERS ARISING

Peter Hutchison's email and Brian Davidson's response were circulated.

The Clerk summarised the position by making reference to the email that Peter Hutchison had submitted to the Board and which had been discussed at the Board Meeting on 10 December 2015. DSFBs, their powers and duties were constituted by legislation. There were to be a representation of netting proprietors and tenant netsman and angling proprietor's angling interests. A balance was to be struck in respect of the representation of both. All

Proprietors were given duties under the legislation and the Act empowered Proprietors to look after the fishery.

ASFBs public endorsement of the banning of netting had seemed contrary to the powers and duties of the Board. The ASFB was an umbrella organisation for Fishery Boards. How could its policy be different from that which Boards were supposed to enforce? ASFB had previously responded that its views were that the salmon were to be protected.

Reference was made to the response from ASFB. It was still arguable that ASFB's response was contrary to the powers and duties of a Fishery Board.

The Clerk asked Peter Hutchison if this was a reasonable summary of his complaint. Peter Hutchison stated that it was and he thanked the Board for taking the matter forward to ASFB.

FD reported on the latest apparent relaxation of killing salmon in the Annan Catchment by half netting. He had spoken to Jeff Gibbons of Scottish Government and it was proposed that netting be permitted after representation for scientific purposes.

Robbie Cowan suggested that the Annan initiative, while not affecting the Nith directly, is likely to create bigger divisions between anglers and netsman.

FD referred to the Annan Box, used by both English and Scottish Half netters. It was possible that this had had an influence on a review of the Annan position.

FD suggested that netting could have been used as a basis for trying to establish what was likely to be available to a River System for running fish. It might be possible to use netting in the future to tag fish and release them both by half netters and the stake nets. Strathy nets used to operate a similar policy prior to its Proprietor having died.

Peter Hutchison stated that there was no coherent policy about conservation on a scientific basis. Removing netting will remove a basis of recording statistics for conservation policy.

David Kempell reported on Joan McAlpine, MSP stating that mortality of salmon was stated to be 10% - 20% from angling and therefore, similar ratios might apply to taking of net caught fish. FD reckons the figure is nearer 10%. If fish are badly treated mortality results and a hook should be cut from a fish rather than forcibly removed.

David Kempell asked for mortality rate of net caught fish. FD replied that it was very low with half netting. The net was dipped and the fish simply removed. The fish was barely in the net for any length of time. A stake net can release salmon without touching it simply by being unlaced.

Thereafter, the Minutes were approved.

4. RIVER REPORTS

FD made reference to the Management Plan – Quarterly Report. There were no questions.

SEPA Reports – FD referred to pollution incidents which in fact were being largely reported by FD to SEPA. Not much prosecution was forthcoming. Stiff warnings were issued.

FD referred to point 8 of the Report – unauthorised works had been carried out on the Tynron Road, a fish barrier detected as a consequence of the building of a new road with the installation of culvert pipe underneath it resulting in the blocking of passage of fish. This had been checked with SEPA. No Controlled Activities Licence had been applied for. The matter was being investigated with a view to it being repaired.

Brian Fox asked for the collation of data in relation to fish caught for future reporting. FD advised that this was being worked upon and that Peter Landale was particularly interested in it.

Peter Hutchison suggested that there would be an easy win for the Nith by assessing effort and likely decline over the last fifteen years because of the involvement of Angling Association Membership.

Decline in numbers angling will come out with a different set in stock numbers.

FD reported that he could get data from Burgh Anglers. Danny Marshall stated that data was available for very many years from Upper Nithsdale Angling Club.

Brian Fox advised that data could be available from other Beat owners who might co-operate to provide river averages.

It was agreed that FD should get in touch with all Proprietor for this information.

5. Update of the Freshwater Fisheries Reform and consultation on Draft Fisheries Bill

FD made a report on the draft Wild Fisheries Bill out for consultation. Responses had to be made by 2 May 2016. FD and the Clerk would provide responses in draft form, circulate for comment and respond as appropriate.

ASFB has issued a response to the Draft Wild Fisheries Reform that is currently out for public consultation.

It is likely that there will be 12-18 FMO's in Scotland. The FMO's will be all species. As to the timetable for this, responses to the public consultation are to be detailed and towards the end of the summer the next stage of the process will be published. Royal assent would not be granted until end 2017. The Nith will look to align with local boards and trusts to go into the future. The Trust and Board will no longer exist.

David Kempzell enquired if the resources of the NDSFB would be taken over by the new FMO. ASFB had issued a letter to remind Fishery Boards that when FMOs started to function they would require funding to start up operations. FD had responded that Board members should try to seek assurance that any funds gathered from consultancy should be ring-fenced so that it was used for Nith only projects. Thomas Florey enquired if there was a chance that this may not go ahead at all give the financial issues in Scotland at the moment? FD stated that the future was unknown but that The Board and its interests for the river were at a stage where it needed to negotiate for the most favourable terms for best future representation for the river.

FD and FB will continue to attend meetings with Scottish Government.

6. Conservation Plan

This had been discussed during the Annual Qualified Proprietors Meeting and it was agreed that a sub-committee would be set up to take this forward. Members on this committee are Danny Marshall, David Kempzell, Peter Hutchinson, Robbie Cowan, Peter Landale and Nick Brown.

7. AOB

Danny Marshall raised concerns regarding the decline of sand eels and Jeff Walter stated that the Russian fleets take a lot of sand eels. Raymond Mundle enquired why Scottish Government wasn't taking a stronger line on aquaculture. They quote that aquaculture is a major employer in a rural note.

Thomas Florey asked how would the Board communicate to all anglers that it is 100% catch and release for salmon. It is difficult due to the late release for the legislation and that all proprietors must inform their anglers. It is presumed that proprietors may be responsible under vicarious ability to insure that salmon are not killed on their beat.

The Board Meeting thereafter closed.