

NITH DISTRICT SALMON FISHERY BOARD
MINUTES OF
BOARD MEETING
HELD AT BUCCLEUCH & QUEENSBERRY HOTEL, THORNHILL, DUMFRIESSHIRE
ON
6 AUGUST 2024 AT 10 AM

PRESENT

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| 1. Percy Weatherall | (Chairman (Cowhill – Upper Proprietor) |
| 2. David Kempself | (D&GAA– Upper Proprietor) |
| 3. James Hunter-Paterson | (Barjarg– Upper Proprietor) |
| 4. Peter Landale | (Dalswinton – Upper Proprietor) |
| 5. Matthew Law | (Portrack– Upper Proprietor) |
| 6. Ivor Hyslop | (Dumfries & Galloway Council– Lower Proprietor) |
| 7. Anna Austin | (Caerlaverock Estate – Lower Proprietor) |
| 8. Tom Brown | (Drumburn– Lower Proprietor) |
| 9. Tom Florey | (Angling Representative) |
| 10. Raymond Mundle | (Angling Representative) |

MEMBERS OF THE PUBLIC IN ATTENDANCE

None

IN ATTENDANCE

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

The Chairman opened the meeting and welcomed all present.

1. APOLOGIES

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| Freja Grant | (Buccleugh Estates – Upper Proprietor) |
| Nick Wright | (Closeburn Castle - Upper Proprietor) |

2. DECLARATION OF FINANCIAL INTERESTS

The Chairman asked Board members to intimate any financial interests that might impact upon or cut across a Board member's duties. David Kempself asked for clarification on what conflict of interest might involve. FD provided an explanation. There were none intimated

3. BOARD MINUTES OF THE MEETING OF 26 APRIL 2024 and MATTERS ARISING

(a) Annual Assessments and Rate in the Pound.

The Chairman referred to the draft Minutes, confirming that they had been circulated among Board members and asked if there were any comments on them, stating also that he wished to raise the continuing matter of the rate in the Pound for the Assessments for the current financial year. The Chairman advised of the previous discussions among Board members over the last two Board meetings. Owing to presentational issues it was felt by David Kempself that the decision on the rate in the pound hadn't been decided at the previous meetings. The Chairman advised that he had spoken to David Kempself . It was now agreed that the rate in the pound for 2024 assessments would be £2,31 and that the misunderstanding at the meeting of January 2024 had thus been avoided.

David Kempself advised that the Board had the dearest rate in Scotland and quoted examples of lower rates charged by a number of Boards throughout Scotland. The Chairman pointed out that a 75% rebate on gross assessment had been given. He asked Mr Kempself if other Boards had offered their proprietors a similar discount. David Kempself stated that he did not know, but as regards the giving of rebate by the Board, proprietors are made to feel that they should be grateful.

FD related the history of the earing of consultancy income and the giving of rebate to proprietors over many years.

Peter Landale stated that the model of management of finances used by the Board was different from that of other Boards. He felt that there should be a review of the model.

David Kempself handed over to the Chairman a cheque for the D&G AA's assessment stating that he did so grudgingly. The Chairman stated that he accepted the cheque gratefully.

(b) Replacement and Co-opted Board Members

The Chairman introduced Anna Austin as the new mandated representative of Caerlaverock Estate, noting that she replaced former Board member Robbie Cowan who had left Caerlaverock Estate's employment for a new job. Tom Brown advised the Board that he had spoken with Ronnie Clark who was a tenant netsman and who was prepared to be co-opted onto the Board in that capacity. The Board agreed to co-opt Ronnie Clark as a representative of Tenant Netsmen.

(c) Hatchery

FD advised of the remit given to him to investigate the possibility of further hatchery operations and of his contact with Mike Keggans on the subject. Mike Keggans had produced a two page paper with suggested recommendations on the subject. This paper was then circulated among Board members for their consideration. The paper stated that the Euchan Water would be the best tributary on all bases to try hatchery operations.

FD reported that verbal contact had been made with Marine Directorate officials who advised that a formal application for new hatchery operations would have to be submitted to them. If the paper on the subject was approved by the Board, FD and Mike Keggans would take forward the application process.

Peter Landale asked at what age the juvenile fish would be introduced to the Euchar Water. FD replied that it was proposed that unfed fry would be used, per official recommendations.

Peter Landale asked to see a plan of what was being proposed. If that was produced it would then allow questions to be asked as to whether stocked fry should go in.

Raymond Mundle offered huge thanks to Mike Keggans and FD for producing the paper. He stated that Murdo on River Cree fin clipped his juvenile fish at two inches in length. The produced paper is a worthy way forward.

Tom Brown stated that he backed up Raymond Mundle. Despite the work done by the Board, fishermen feel that nothing is being done, although the project of catching up may be a huge exercise. FD replied that it would not be a big job to catch up brood stock and plant out the resulting fry.

Peter Landale stated that a baseline must be established. FD replied that he had all relevant information on Euchar Water, from various sample sites. going back more than ten years, including water quality surveys and that he was contracted in respect of various consultancy contracts to produce survey monitoring on the sites for another seven years.

Mike Keggans stated that Peter Landale made a fair point. The Board needs to get to an agreed position on the subject. The proposal is for one that can be taken forward without too much planning. The paper detailed what the aims of the project were. The Chairman commented that it was a solid proposal.

Mike Keggans stated that if FD had baseline information then the detail of this could form part of the approach needed to take the project forward. FD advised that he did have baseline information and would have to carry out more survey work in any event and during 2025. If after 2025 surveys there was shown to be a presence of juveniles then smolt trapping could be undertaken.

Mike Keggans asked Peter Landale for details of what he would like to see. Peter Landale stated that a well-balanced documented approach could hopefully show success. Mike Keggans agreed. Peter Landal stated that he would check up to see if the use of fry was the way to go.

The Chairman asked that the Board agreed to what was being proposed as regards application for a licence to permit the hatchery and stocking program. After discussion, it was agreed to accept in total the following recommendations made in the paper produced by Mike Keggans:-

- That the Board notes this (Mike Keggan's) paper, and approves a five year pilot project to restock the Euchar Water, subject to an implementation plan, & annual Board review of progress.
- That the Board seeks licensing and approval from Scottish Government for this project.
- That the Board notes that there are no budget implications, and that the project will be delivered within existing resources with no additional marginal costs.
- The Board approves that, subject to a successful pilot project, the Director considers other suitable sites in the Nith Catchment

(d) Staff

FD reported that Shalom Oyenekan had left the employment of the Board, taking up a job with SEPA. The new Assistant Fishery Biologist, Morag Maguire had been engaged as agreed per the Board's decision at the last Board meeting and was now employed by the Board as a replacement for Shalom. This was approved by Board members.

The Minutes were approved.

4. QUARTERLY REPORT

FD referred to the circulated report. There had been a staggering number of planning applications made for forestry, windfarm and other projects affecting the catchment.

There had been an instance reported to FD about someone in the town water trying to impersonate a water bailiff, asking a young angler suspicious questions. The young angler's mother had contacted FD, who in turn had contacted the police.

David Kempzell asked what the updated position was regarding the discharge of sewage by lorry at Airds Point. FD replied stating that he had taken the matter up with both SEPA and Scottish Water. He had been told that because the pipeline takes human waste and because it had ruptured the lorries were taking the waste to the area of the tanks at Airds Point and discharging the waste directly into the estuary. The reason for direct discharge was because the lorries had no coupling that would allow them to discharge the sewage into the tanks. FD had challenged this approach, taking the matter to FMS, who in turn were using the circumstances with very senior SEPA officers as a worst example case of pollution and breach of the law that should be pursued by SEPA. A decision was awaited.

Tom Brown stated that Scottish Water had a generic licence which made no mention of the type of waste that they were permitted to discharge. The discharges from lorries were taking place at all states of the tide, rather than on an ebb tide, as was

the case when the tanks were used, which were programmed to discharge at the correct state of tide. Human waste and sanitary products were clearly visible and being washed up on the shores of the estuary.

FD reported upon numerous complaints to him about unauthorised discharge of pollution in the Sanquhar area from a Scottish Water facility. He had contacted both SEPA and Scottish Water to report the incidents to get the matter resolved, but to no effect. He had raised the matter with MSP Oliver Mundell.

FD reported upon pollution by gross siltation in the Shinnel Water arising from a FLS site. Dents were the sub-contractors employed by FLS on the site. Repeated complaints had been made. SEPA had attended and spoken with the contractors. They had now been thrown off the site by FLS.

The Chairman suggested that a SEPA representative should be asked to attend at future Board meetings. It was agreed that a request to this effect should be submitted to SEPA.

FD reported on a large build up of salmon in the town water as far as the College Hole during the previous weekend. With the subsequent rainfall and rise in river levels, these would hopefully be moving through the river system.

Mike Keggans asked if the Penpont Hydro Scheme referred to in the Quarterly Report was a community scheme. FD confirmed that it was. The scheme had been running for some time. The scheme operators had sought permission to abstract more water to increase the generating capacity of the scheme. FD had responded to the request by advising that the Board should survey the watercourse to be affected by the increase abstraction for a period of three years, the cost of survey to be borne by the community project. If it was discovered that the watercourse was adversely affected by the abstraction process then increased abstraction was to cease. Conditions to that effect should be provided for in the grant of planning consent. The community project leaders had agreed to accept these conditions.

GREEN FINANCE

(a) SPEN Habitat Funding

FD reported that constant contact and negotiation with SPEN over the last couple of years had been productive. It had been agreed that SPEN would provide green funding and that the Nith catchment and the Board would be used as Guinea Pigs for the taking forward of SPEN's Green Finance Initiative. SPEN had £5,000,000 to use on green finance initiatives on a "use it or lose it" basis. FD had agreed through the Trust with SPEN upon a contract for the carrying forward of a project of habitat enhancement on a full cost recovery basis, including payment of wages and Board expenses. In addition, SPEN were offering the availability of some of their staff to assist in the environmental work, which would primarily involve tree planting.

Peter Landale stated that the upside of developing this initiative was good. He asked for full details of what FD and FB were doing and where it was to be done. FD replied

that depleted areas of habitat at Upper Scaur Water, Mennock, Laggan and Wanlockhead would be involved in the green finance initiative.

Peter Landale stated that he completely welcomed the approach and that it would be very helpful to have a presentation on the project.

FD advised that he and FB had applied to undertake training in environmental monitoring to an industry standard. Both AST and FMS were arranging training to an industry approved standard. Peter Landale stated that he was delighted and that Alison Baker (AST) and FMS were involved.

The Chairman stated that the subject of availability of administrative staff to assist FD and FB had been discussed at the Trust meeting held the previous evening. If projects of this size and frequency are to develop and FD and FB are the personnel dealing with them then it would be of benefit to have administrative staff. The Board might have to become bigger and organisationally capable of taking on the work. Peter Landale stated that he had raised this point years ago. The Board needed to look at the Trust as being the model to take projects forward and that the model of how Board and Trust operate needs to be reviewed. He stated that the Missing Salmon Alliance were to convene a conference between 25 and 27 January 2025 the last day of which would deal with Green Finance Initiatives, the talks being coordinated by Wendy Kenyon.

David Kempell raised the matter of the Board expanding, suggesting following on from the Trust's discussions on this the previous evening that 1.5 days might be allocated to employing an administrative assistant, with which he agreed. FB pointed out that it was proposed that the Trust would pay for the employment and wages of the administrative assistant, so there should not be a cost implication for the Board. Peter Landale stated that Alison Baker may be the person to contact to advise the Board on Trust structure.

(b) Extreme E funding.

FD reminded those present of the involvement of the Board with the Extreme E racing event held in 2023 and again in 2024. Electric racing cars are used for racing at sites throughout the world. The Glenmucklock OCC site had been used for racing in each of these years. Part of the event involve the supporting by Exteme E organisers of legacy environmental conservation projects. The Board had undertaken these projects, involving schemes of tree planting on the Crawick Tributary. The whole Extreme E event took place over two days, was televised to an estimated worldwide audience of in excess of fifty million people. In addition to the tree planting, electrofishing surveys were carried out in the presence of Board staff with guest participation. FD was a guest speaker along with Professors Lucy Woodall and Richard Washington of Oxford and Exeter Universities on the subjects of the habitat enhancement projects and related matters for the benefit of salmon and the local environment. Films of the project work in each of years 2023 and 2024 were shown to Board members.

David Kempzell asked if the Board could emphasise the work being carried out related to the event on Social Media. Peter Landale agreed with David Kempzell on the subject of the need for administrative staff to assist, but did not agree with the use of Social Media to promote the activities of the Board, exposure of which should flow through the Board's website. Mike Keggans asked if there was a standard format for showing the Board's activities in environmental and other projects. Peter Landale stated that there doesn't appear to be any such national standard, with each Board following its own initiative. Mike Keggans stated that there needs to be a template for the passing on of information on the Board's activities and in respect of the Board's decision making processes.

FD asked for clarification on the proposed employment of and administrative assistant. The Chairman stated that the format for reporting and decision making should be produced and the matter of employment of an administrative assistant should be taken forward to the next Board meeting.

7. ENOCH HILL WIND FARM GRID CONNECTION

FD reported on the subject. He had discovered that even after consultation with the contractor employed by SPEN on the very significant environmental implications of making the crossing of a watercourse, he had discovered that the work had commenced without having the appropriate pollution control measures in place. He had shut down the site as a result, advising that it could not re-open until relevant investigation of the site and daily supervision of the crossing work involved was agreed at the expense of the contractor. This had been agreed to after ten days, with the Board's costs and environmental compensation to the value of in excess of £30,000 having been paid to the Board. All had thereafter gone well, with a different, fully cooperative attitude being shown by the contractor and negotiations were ongoing to deal with the crossing of another watercourse.

8. CATCHMENT TOUR

FD advised that it had been many years since Board members had last seen the work undertaken by the Board throughout the Catchment and suggested that a bus tour be organised before the next Board meeting to allow Board members to see the various projects and issues affecting the river system throughout the catchment. The Chairman asked that a proposal to this effect be circulated for uptake by Board members for mid-September.

9. STAFFING

It was agreed that this subject had already been discussed and dealt with.

10. A.O.B

FD reported that he had with the consent of the owner removed a man made obstruction on the Laggan Burn.

Mike Keggans raised the subject of the Board's finances and when it was that the Board would need to consider next year's budget and fixing of the rate in the pound.

The Clerk stated that there was only October's meeting before the close of the financial year end and the January 2025 meeting, when the budget and assessment decisions could be made. He suggested that a sub-committee should be set up to review the subject and report back to the Board for the October meeting. The Chairman suggested Richard Gladwin might be a suitable candidate for the sub-committee, which was agreed to. After discussion, it was agreed that the sub-committee would also involve Mike Keggans and Tom Florey. The Chairman undertook to approach Richard Gladwin to undertake the roll of sub-committee member.

The Chairman asked if anybody had any other points to raise. There being none, the meeting was closed.

DRAFT