

MINUTES
of the Meeting of the
River Cree District Salmon Fishery Board
Held at The Belted Galloway, Newton Stewart
On Wednesday 23rd November 2016 at 5.30pm

Present

(A) Board Members/Mandatories

Terence Flanagan – Chairman
Duncan Baillie
Murdo Crosbie
Jim Davidson
Dougal Evans
Gene Fryatt
John Galloway
Jamie Hyslop
Norrie McIntosh
George McShane
Iain Service
Steve Smith

(B) Attendees

Billy McHarg (Treasurer)
Matthew Pumphrey (Clerk)
Jamie Ribbens (GFT)

(C) Members of the Public

There were two members of the public in attendance.

1. Apologies for absence

Apologies had been received from Tom Kenyon. Mr Evans indicated that he had been appointed Mr Kenyon's mandatory for this meeting.

2. Minutes of the Meeting of 8th September 2016

Mr Ribbens said that paragraph 6 of the Minutes were not correct in that what had been stated in both the second and third paragraphs of that section were not what was said or intended at the previous meeting. After some discussion it was considered that the second paragraph was a true reflection of the discussion. However the third paragraph should be changed so that after the words "pointing out that" in the second line of the third paragraph there should be substituted the words "the original strain of high Cree fish had probably died out" and the remainder of the existing sentence should be deleted. With these alterations the Minutes were approved without other demur.

3. Matters Arising from said meeting not otherwise on the Agenda

The Chairman said that he had been to the meeting where it had been suggested/proposed that ASFB and RAFT should amalgamate. Mr Flanagan opposed this proposed merger and gave his reasons for so doing. No vote was taken at that particular meeting but at the AGM of ASFB last week the merger was duly approved. He was the only person opposing it. The new organisation would be called Fisheries Management Scotland.

4. Chairman's Report

The Chairman said that the River seemed to be full of fish. This was good news. He however said that catch returns for the 2016 season were down, but not dramatically, given the reduction in fishing effort. As regards the 2015 season, while the Board had been told that some 317 fish had been caught Marine Scotland had only recorded 259. It appeared therefore that some proprietors were not making the statutory returns to Marine Scotland. It was emphasised at this point and at a later time in the meeting that catch returns were essential to ensure the proper categorisation of the River. It was up to individual proprietors to make the returns direct to Marine Scotland. By failing to do so, the fish catch would be down with consequent detriment to the river's categorisation. Mr Jamie Hyslop sought clarification as to what the basis of categorisation of the river was. Jamie Ribbens said that it was in the main on the basis of the catch return made to Marine Scotland.

5. Treasurer's Report

The Treasurer reported that most levies had been received. However there were six outstanding and the total outstanding from these six non-payers was over £6,000. Andrew Stewart owed £3,375 and the Glentool Estate owed £2,272. This accounted for a good proportion of the outstanding levies. He said that Andrew Stewart was always slow but always paid in the end. Mr Evans indicated that it was likely that Glentool Estate would pay very soon.

Mr McIntosh asked what would happen if the levies remained unpaid. The Chairman said that there was no remedy other than to sue the defaulting proprietors as interest could not be charged or threatened and there was no sanction equivalent to barring a non-paying proprietor from participating in Board matters.

The Treasurer said there was £9,090 in the Bank. The delay in collecting levies this year was partly due (he thought) to the reluctance of proprietors to pay the levy in circumstances where no effective fishing could be carried out.

6. GFT Report

At this point Mr Evans moved that item 10 should precede item 6 in the Agenda. Mr Service said that this was preposterous as the Agenda was the Agenda and there was no reason to alter the running order of it. Mr Ribbens said it would affect the GFT if a hostile line was being taken against them and funding suspended. Mr McIntosh however said that the GFT report had already been done and what item 10 was looking at was not what GFT had done in the past but what the Board might do in the future if the motion was carried.

Mr Flanagan said that the funding was by way of donation and it was up to the Board at all times whether to make a donation or not.

Mr Evans on hearing that there might be a vote on the matter withdrew his motion and accordingly the Agenda was in the order as written.

Mr Ribbens then gave his report speaking to a handout which was circulated at the meeting. He emphasised under "Conservation Limits" that accurate catch returns were essential to the

categorisation of the River although he confirmed what was said in the handout namely that it was unlikely that the status would change for the 2017 season. Under the head "Rowantree Burn" (Minnoch Tributary) Water Sampling he said that the high aluminium quantity was affecting fish populations and he was pleased to be able to report that Forest Enterprise accepted that this might be a problem and had agreed to discuss the matter. Under "New Sampling Proposal" Mr Evans said that the land in question was not suitable for sheep and that was why, probably, Scottish Woodlands were proposing to plant it. The Chairman asked whether it might be a good idea to ensure that SNH and SEPA advised the Board of any new planting proposal but Mr Ribbens said that it was sufficient that The Forestry Commission should be involved and should be the point of contact about any proposed planting affecting the River.

7. Fish-Eating Birds

Murdo Crosbie said that there had been another count and there were fewer goosanders than before but more cormorants. Mr Crosbie felt that even if the licence only allowed three birds to be shot or killed this would be better than none. It was accordingly agreed that the Chairman and Mr Crosbie should re-apply for a licence for the forthcoming year.

8. RCHHT Report

Mr Crosbie said that there was no handout on this occasion. He said that broodstock capture for the hatchery had been the easiest ever. The Minnoch was stuffed with fish and the Penkiln and the Cree also held excellent numbers. It was a better situation than last year.

Mr Crosbie however mentioned a problem with communication with Lord Grantchester. Mr Evans said that he would do his best to try and open up a better line of communication with Lord Grantchester.

9. Wild Fisheries Reform

The Chairman said that there would be no legislation until September 2017 at the earliest. He said there would be a meeting of the Chairmen of the six Galloway Salmon District Fishery Boards on 11th January 2017 such meeting to be also with the Chairmen of both the RCHHT and the GFT.

10. Motion "In light of recent actions of the Galloway Fisheries Trust (GFT) and certain people who are associated with or part of the governance of GFT in relation to the River Cree DSFB, it is resolved that all future funding by the Board to GFT is suspended pending a full investigation by the Board of those actions"

Mr Smith said that had the Chairman not agreed to have this item on the Agenda then he would have lodged an application for an EGM because he considered that the matter was so important.

Mr McIntosh queried the purported withdrawal by Dougal Evans of his letter of 5th September 2016. He felt that this was inappropriate as the letter had been written and formed part of the records of the Board. Mr Evans said that although he was the author of the letter and it had been written on his firm's notepaper, he had written it on behalf of those proprietors who opposed a wider Solway FMO as opposed to a Galloway FMO. At no time had any of the persons who he was representing ever said privately to him or publicly that they wished to dissociate themselves from the letter or had changed their minds or wished no longer to express any view.

Furthermore Mr Evans made it clear that he was speaking as a Board Member not as a director of Galloway Fisheries Trust.

The Chairman said that he would have to raise the question of declaration of interest (given that Dougal Evans and Jim Davidson were both directors of GFT) but having raised it he would then “un-raise” it in the sense that he was not going to press the matter on this occasion. On enquiry, no other member wished to press the matter.

Mr Smith said that his main complaint was that in late June 2016 a consultation document on FMO areas had been sent to by ASFB/RAFTS to GFT and the Ayrshire Rivers Trust but the Board had not been made aware of the consultation exercise until the Chairman was informed by Mary Nicholson of those discussions on 22nd August 2016.

Mr Ribbens said that at no time had he ever told anybody including Messrs Wallace and Laing that the Cree Board had changed their minds or had expressed any different opinion to that which had been expressed following the decision made in October 2015 that a Solway wide Board was the Board’s preferred option.

The Chairman said that one cause for concern was that the new proposal put forward without reference apparently to the Cree Board was that the Galloway Boards should form an FMO with the Ayrshire rivers. This however according to Mr Ribbens was simply a proposal which had not been put to anybody in authority and it was never suggested that the Cree Board would support an FMO consisting of Ayrshire rivers as well as Galloway rivers.

Jamie Hyslop said that the financial viability of an FMO consisting simply of the six Galloway rivers was highly dubious and thus that was the reason why the Cree Board had decided to favour a Solway wide FMO to include the Annan and the Nith.

Jim Davidson asked whether the Annan and the Nith favoured a Board consisting of the Galloway Rivers as well as their own two Rivers. He suggested that if they did not want to include the Galloway Boards this might not be a good start for a Solway wide FMO. He further pointed out that it was one thing for the Board to be concerned about the apparent lack of consultation between the Galloway Fisheries Trust and the Board but quite another to suspend funding or impose any other financial penalty because that would impede and deleteriously affect the very good work that the Galloway Fisheries Trust had done for the River Cree over a large number of years.

Mr Flanagan pointed out that it was merely a suspension of funds not a withdrawal or cancellation of them. He further pointed out that the funds that were transferred to GFT were by way of donation rather than any legal obligation and he expressed the hope to Mr Ribbens that the GFT would not cease work on the River Cree in the event of the Motion being carried. Mr Ribbens said that that would be a matter for the Directors.

Ian Service said that he would be voting for the Motion on the basis that there should have been better communication between GFT and the Board and there had not been. It was irrelevant whether it would or would not have made any difference to any final decision because the absence of any opportunity to make representations was critical. He endorsed what Mr Hyslop had said earlier namely that the Galloway Boards could not stand on their own financially.

Taking into account the mandatories the voting went 8 in favour of the Motion and 5 against.

It was determined that following the vote in favour of an investigation the Chairman and Clerk should be the Investigating Committee and should report their findings to the next Board meeting.

11. Conservation Code

The Chairman's proposal was that the 2015 conservation code should be readopted for this year but that it should be revisited annually.

Mr Hyslop made an alternative proposal namely that the 2015 conservation code should be adopted subject to the further condition that no visiting angler could take a fish unless he or she was fishing for three days (i.e. had a permit to do so) or two fish per week.

There was some considerable discussion about the possibility of policing the code through tagging but it was thought that this might be too complicated and the unanimous decision of the Board was that Mr Hyslop's proposed amendment should be adopted and should form part of the 2016/17 conservation code.

12. J&T Scotts' Fishing Levy

This had now been paid so there was no issue.

13. AOCB

The Chairman mentioned an application by a netsman who asked that he should be relieved from having to pay his levy because he was self-prevented from catching any fish. It was however the Board's view that unless there had been any long term commitment with the Board not to take fish such application should be refused. This was unanimously agreed.

14. Date of Next Meeting

The next meeting would be held on 11th January 2017 at the same time and place.

The meeting concluded at 7.55pm.

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Chairman