



RIVER DOON DISTRICT **SALMON FISHERY BOARD**

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MINUTES

of

Annual Public Meeting of the River Doon District Salmon Fishery Board:

Thursday 28 April 2022 at 7:30pm
Western House Hotel, 66 Craigie Road, AYR KA8 0HA

1. Present

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| <i>Alan Macdonald ("AM")</i> | <i>Doonside Estate (Chairman)</i> |
| <i>Iain K Clark ("IKC")</i> | <i>Gilson Gray LLP (Clerk to the Board)</i> |
| <i>Stuart Brabbs ("SB")</i> | <i>Ayrshire Rivers Trust</i> |
| <i>David Cosh ("DC")</i> | <i>Doonfoot Fishings, Board Member</i> |
| <i>Martin Donachy ("MD")</i> | <i>Woodlands, Board Member</i> |
| <i>Peter Kennerley</i> | <i>Auchendrane House, Board Member</i> |
| <i>Tom Armstrong</i> | <i>Carluie Beat</i> |
| <i>Bob Beveridge</i> | <i>Macmanniston Beat</i> |
| <i>Tom Stevenson</i> | <i>Secretary, Patna & Bridgend Angling Club</i> |
| <i>Mark Simcox</i> | <i>Patna & Bridgend Angling Club</i> |
| <i>Eddie Muller</i> | <i>Patna & Bridgend Angling Club</i> |
| <i>Alan Shannon</i> | <i>Patna & Bridgend Angling Club</i> |
| <i>Alan McDowall</i> | <i>Bailiff, Kirkcudbrightshire Dee</i> |

2. Apologies

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| <i>Carlos Van Heddegem</i> | <i>Holms Fishing, Board Member</i> |
| <i>Lawrence Dalgleish</i> | <i>Blackhill, Rozelle, Board Member</i> |
| <i>Michael Clark</i> | <i>4 Mount Charles House</i> |
| <i>Iain Campbell</i> | <i>Smithston Fishings Club, Board Member</i> |
| <i>Mark Colman</i> | <i>Smithston Fishings Club</i> |
| <i>PC Steven Prendergast</i> | <i>Police Scotland</i> |

3. Declaration of Members' Interests

In accordance with the Board's good governance obligations, the Board has agreed a Meetings Protocol and Policy on Members Interests. All Board Members have signed a Declaration and the Board maintains a Register of Relevant Interests, pursuant to *Section 46E of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 ("the 2003 Act")*. All Board Members present were invited to declare new/amend existing interests. No such interests were declared or amended.

In addition, the Clerk notified those present of the requirements of the Meetings Protocol. It was agreed that those present would each be noted as representing the interests of

their Beat or organisation; and any other additional relevant financial interest should be declared under the 2003 Act. No such additional interests were declared.

4. Minutes of the Last Meeting

The Minutes of the Annual General Meeting and Public Meeting held on 26 April 2019 had been circulated and were approved by the Annual Meeting of Qualified Proprietors on 28 March 2022. Proposed By: David Cosh and Seconded by: Peter Kennerley.

The Minutes of the Annual Meeting of Qualified Proprietors on 28 March 2022 had been circulated and were approved by those present. Proposed By: Martin Donachy and Seconded by: Peter Kennerley.

5. Matters Arising from Previous Meeting

None

6. Presentation of the Annual Report of the activities of the Board for the year to 31 December 2021:

(a) Chairman's Report

Was presented by Alan Macdonald, Chairman ("AM"). No issues arising.

(b) Report from the Clerk to the Board

Was presented by Iain K Clark, Clerk to Board ("IKC"). No issues arising.

(c) Report on Fishery Assessments

Was presented by IKC. No issues arising.

(d) Consultation Responses

Was presented by IKC.

There was also a general discussion regarding the Report from Scottish Government regarding the North Carradale Escape.

(e) Good Governance

Was presented by IKC. No issues arising.

(f) Code of Practice

The updated Code of Practice was presented by IKC and discussed and particular attention brought again to the Board's Policy that it **strongly urges** Anglers to adopt a 100% catch and release culture throughout the season, with the key aim being to conserve our wild salmon fish stocks for now and the future.

There were members of the Patna & Bridgend Angling Club present at the meeting who spoke about working with the younger anglers in the club to educate and work with them to encourage them to use catch and release. There was also a general discussion regarding bait fishing, and it was noted there was still a preference among many anglers for worming.

There was a comment made that, this season, there had never been as many smolts in the River Doon – the best for many years. This is consistent with the findings of the electro fishing results carried out by Ayrshire Rivers Trust (“**ART**”) over the last few years.

There was also some discussion about the fact that at the back end of the season last year, near Dalmellington, a number of members of the Ayr Angling Club were understood to be catching a lot of large salmon.

(g) Enforcement Issues/Water Bailiffing

The report was presented by Martin Donachy, Board Member (“**MD**”) who explained the investigations which had been undertaken; and the Board’s decision at its previous meeting on 17 February 2022 not to renew Bailiff Warrants, due to the issues identified.

MD explained the view that the Board took was that the laws relating to warranting of Bailiffs is out of date in the 21st century. In particular, there are concerns regarding the exercising of the power of arrest and the power of detention, especially if it is intended that these powers are to be exercised by volunteer bailiffs. The Board was concerned that, if volunteer bailiffs were being promoted, there could be real difficulties, if they sought to apprehend someone – this could lead to comeback for the individual concerned and the Board. In particular, the Board was unhappy asking people to sign Disclaimers which would have the effect of leaving them unprotected. The analogy used was that, if a Special Constable (also a volunteer) was being asked to do something similar, then they would have the protection in place. That is why the Board had decided not to renew or recruit new volunteer bailiffs.

There was some discussion regarding the fact that, over the COVID period little enforcement activity took place, although Alan Shannon (AS), previously warranted as a Bailiff by the Board, was out carrying out some patrols, when he could (subject to ‘lock down’ restrictions).

There was a discussion regarding the fact that there had been no prosecutions for many years; but there were still anecdotal stories, at the back end of the season / start of the closed season, of illicit activities, particularly persons seen on the redds, who were seen to have a hen fish up on the bank, presumed to be taking the fish for salmon roe, to be used for ‘putty’. The Board wanted to make it clear that such activity is illegal and unacceptable; and, if discovered, with the support of Police Scotland and prosecuting authorities, the Board would take all appropriate enforcement action against any individuals involved in such illicit activities, in terms of the legislation.

The Board was considering making representations to Scottish Government (“**SG**”), regarding the Scottish Wild Salmon Strategy; and why the volunteer bailiff approach does not work for rivers like the River Doon.

He further explained the Board has been investigating other ways of securing an enforcement presence on the river; and the Board is encouraging everyone to become part of the Board’s River Watchers Scheme, to become the ‘eyes and ears of the river’.

If there are any illicit activities observed, then these should be reported to Police Scotland on 101. There had also been discussions with Steven Prendergast (“**SP**”), Wildlife Crime Officer, Police Scotland, for the area – and working with him

and others later in the season. SP was enthusiastic about being involved. There are 4 or 5 people in the team, and they work in districts, with 5 officers covering the whole of Ayrshire. There is an Inspector in Cumnock.

Alan McDowall (“**AM**”), a warranted Bailiff on the Kirkcudbrightshire Dee (and former police officer) commented that the whole policing picture had changed. The officers of Police Scotland don’t have the same close working relationships that they had previously. Nowadays, Bailiffs shouldn’t be putting hands on anyone, unless part of a planned policing operation.

There followed an active discussion amongst those present. There were a number of general conclusions reached:

- (1) The position on the River Doon catchment area is a different matter from some of the rivers further north, where they have sufficient income and can employ full-time bailiffs. The Board does not believe that volunteer bailiffs are an appropriate solution.
- (2) If SG are serious about fisheries protection and enforcement, they need to reconsider how that is effected. The Board is intending to feed into the current SG policies
- (3) The Board is encouraging everyone to participate in the proposed River Watchers Scheme for the River Doon catchment area. This would be gathering information from people, including noting car registration numbers of persons observed in suspicious/illegal activities. The idea would be to pass this on to SP and his colleagues and, hopefully, Police Scotland will carry out appropriate investigations, including interviews, if appropriate and resources permit. AS indicated that he is willing to work with MD on the coordination of the River Watchers Scheme
- (4) If there are concerns regarding large groups of people causing disruption by the river, then the appropriate response is not to approach them, but report matters to Police Scotland, using 101 and ask for officers to attend
- (5) Another aspect of this situation is to encourage people to take day tickets, from appropriate proprietors and clubs, rather than fishing illegally
- (6) The Board will make a decision at its next Meeting about setting aside a Budget for enforcement measures, particularly at the end of the season.

(h) Scientific Report

Stuart Brabbs, Ayrshire Rivers Trust (“**SB**”) presented the Report and highlighted a number of points, as follows:

As everyone is aware, it is not just the Ayrshire rivers which have been facing declines in salmon numbers, although the Ayrshire rivers are possibly not as rapidly/drastically affected.

Smolt survival has gone from 30% 60 years ago, to 2 or 3% now. It is critical that we monitor what we have got now. Most of the Ayrshire rivers are holding their own, with improvements in water quality. However, the River Doon seems to be holding its own with increased salmon numbers in the last year (see Catch Returns Report, below).

It is apparent there is a lot more fly life in river. SB believes that the regulatory approach of SEPA and the strategies upon which they have been working very slowly, have been coming to fruition. Also, farmers have been using less artificial fertiliser and are better educated and more on board about how they apply etc

SB referred to the charts in his report, from which it is apparent that the numbers of smolts are improving; and this is not through artificial stocking. Basically, if we allow fish to breed themselves, we are seeing plenty fish spawning. The comment was made that we have never seen the water moving with smolts as much as we have recently and, come May, they will be making their journey to the sea.

It is clear there are salmon in the river, and we are moving slightly away from grilse to Multi Sea Winter (MSW) fish. It seems that, if the river is in spate in June/July, slightly bigger fish are being caught

SB has also seen big fish spawning in January. Regarding timing, the fish appear to be spawning over a longer period. SB is happy to organise a spawning walk for anyone interested, at the end of the year.

SB highlighted that the Board supported improvement works on the Culroy Burn and the trout numbers were now through the roof.

ART have made 2 applications in to the Aquaculture fund for restoration works. ART are committed to helping the Board

The Board is committed to carrying out improvement works, subject to available funding (see below).

It also seems that the salmon are running later in the season. There also seems to be a benefit from the water compensation programme. Based on the records, April is the driest month of the year; and we can seek support from DRAX in increasing the water flow from Loch Doon Dam, to help the smolts get out to sea.

(i) Annual Catch Returns

This was presented by David Cosh, Board Member (“DC”), who highlighted as follows:

The number of salmon in season 2021 was 498, which is a 60% increase in last few years. That is very encouraging.

There was some suggestion that more fish may have come up our river than would normally be the case, because the other rivers were so low and the River Doon has the benefit of the compensation flow arrangements, SB confirmed he thought that unlikely, as the salmon are migratory and go back to the river from which they had spawned.

Certainly, there may have been some benefit from arrangements made in previous years to request increased flow during low water at the time when smolts were leaving the river; and the general improvements in the river over the last few years. The amount of smolts seen in the river this season has been very encouraging, and we are hoping to see improvement in coming years of returning salmon.

There was some discussion about the form of Annual Catch Returns for the River Doon DSFB and the desire to record accurate catch returns which reflect when fish were caught during the season; and whether they were grilse or MSW salmon.

One of the key areas of missing data at present is the amount of rod effort. There was some discussion about improving the reporting of catch returns, whilst not over-complicating matters. Some Riparian Owners (and tenants), particularly some of the angling clubs, indicated they found it confusing (and sometimes difficult to get all the relevant information) to complete and return the Annual Form to Marine Scotland each year.

The Clerk to the Board indicated to those present it is particularly interested to secure the support from the Angling Clubs and syndicates on the river to assist in the gathering of accurate statistics, not only of fish caught (and released), but also of the rod effort; to give more opportunity for accurate analysis.

There was some discussion about the form(s) that might be used and suggestions ranged from a simple diary system, to some way to use electronic data collection, such as an online spreadsheet, or at least a standard form to be downloaded from the Board's Website. There was also the possibility of considering an app perhaps being used by other DSFBs in Scotland. There was a discussion about the challenges which angling clubs and syndicates faced in gathering accurate data about rod effort. SB agreed to make enquiries with Fisheries Management Scotland ("**FMS**"), and fielded the possibility as to whether they might speak to SG about ways of funding such a development if it does not already exist.

7. Presentation of Annual Audited Statement of Accounts:

IKC presented the Annual Audited Statements of Accounts prepared by Azets. The Audited Statements of Accounts were approved as follows:

- (a) Annual Audited Statements of Accounts to 31 December 2019 – approved by the Board at its meeting on 17 February 2022 and published on the Board's Website.
- (b) Annual Audited Statements of Accounts to 31 December 2020 – approved by the Board at its meeting on 17 February 2022 and published on the Board's Website.
- (c) Annual Audited Statements of Accounts to 31 December 2021 – approved by Annual Meeting of Qualified Proprietors on 31 March 2022 and published on the Board's Website.

An opportunity was given for questions arising. No issues were raised.

8. The proposed activities of the Board for the next year – IKCSB/AM

(a) Report on Expected Budget

Was presented by IKC. No issues were raised.

(b) Proposed Works for discussion

SB presented his report on proposed works for consideration by those present, highlighting the following projects and considerations:

Invasive weeds – SB encouraged those present to engage with anglers to pull Himalayan Balsam, particularly coming into July/August, when the flowers are up and the plants are identifiable. ART will deal with any Giant Hogweed reported to them (due to safety concerns). Riparian Owners are encouraged to address any issues with Japanese Knotweed, failing which ART may be able to deal with some areas where these weeds cause erosion of the banks of the river.

Other Projects - ART are seeking funding from two sources one for £17,000 and another for around £18-19,000. They should hear within the next couple of months.

If they are successful, ART make ask for a small contribution from the Board towards proposed restoration works.

It was agreed to continue discussions about the prioritisation of works until the June meeting of the Board, but some thoughts were:

The Chapelton Burn or Purclewan Burn, which are not producing salmon (particularly the Purclewan Burn). Reference was made to the previous success of working on the Curley Burn (as noted in the Annual Report).

The Chapelton Burn would be a considerable restoration project. There is around 2km to be considered and it would need support from a sympathetic landowner. This would need an Assessment and Report from CBEC Engineering or the River Restoration Centre, to assess how we might progress.

Fencing – ART did this in the past for the River Doon DSFB. It protects the watercourse. They are probably quite keen to carry out further fencing projects, particularly around the spawning areas, to protect the watercourse from cattle and erosion of the river bank, affecting the spawning redds.

Tree planting – this is critical, because it helps provide shade and goes hand in hand with fencing.

The Netherton Burn – is another location where ART could do some of these things, if appropriately funded.

There was a question about **debris at Ness Glen** and SB explained that wooded debris is good, because it stops poaching and encourages invertebrates, which is good for the ecosystem.

Two weirs at Patna – These are both redundant. It was explained by SB that there will be a build-up of smolts behind weirs, which means that it is easier for piscivorous birds can then feed more easily on the smolts. SB posed a question to those present as to how it might be thought it would affect the fishing in that area, if those weirs were 'notched out' (with permission with SEPA). Members of the Patna & Bridgend Angling Club who were present indicated that they thought there would be no issues in proceeding with that, if that was recommended. SB will look into these issues regarding dams causing riverside erosion. If it was thought appropriate, SB could help make representation to overcome funding issues with SEPA.

There was a general discussion about funding mechanisms to raise money and the concerns that, because there are fewer anglers, the proprietors are having to bear more costs without appropriate income. SB suggested that people concerned about this should write to Scottish Government about the need to modernize and the need to invest in habitat improvement. It was suggested concerned Proprietors and other interested parties should write to Marie Gougeon, Minister for Rural Affairs

9. Question and Answer Session:

(a) Enforcement Issues/Water Bailiffing/River Watchers Scheme

This session was led by MD, with contributions from IKC and other Board Members. There was significant positive discussion regarding the proposed River Watcher Scheme (as noted above), which included consideration of arrangements for a single point of contact for Police Scotland and particular information being publicised to everyone, to ensure that the general public, anglers (and potential poachers) were fully aware of the enforcement and protection measures being taken by the Board. It was agreed to progress further discussions and table this for the next Board Meeting on 15 June 2022.

(b) Annual Catch Returns

As noted above, there was a general discussion, led by DC, SB and IKC.

There was discussion from those in attendance. SB and IKC agreed to explore different options, in liaison with DC as appropriate, including a possible App for use on mobile phones, some form of electronic form online (e.g. on the Board's website), setting up a WhatsApp group, or Facebook page for the River Doon. It was agreed that we would table this for the next Board Meeting on 15 June 2022.

10. Any Other Business

The Chairman pointed out that the license to carry out the piscivorous bird cull finished on Saturday. The statistics would be collected and coordinated for reporting in terms of the licence.

IKC updated the meeting that there had been ongoing correspondence with Drax regarding the arranging of additional freshets from Loch Doon Dam, to ease the smolts going out to sea.

SB commented that ART and IKC had been working with Drax, building relationships with the new personnel. They had previously been reluctant to invest in the fish counter at Loch Doon Dam. It was noted they invest heavily into Galloway Fisheries Trust. There will be continued discussions between Board, Drax and ART. SB will raise the issue of protecting the smolts.

It was also noted that there had been a development at Kendoon, and there had been no consultation with the Board. The persons involved were reminded of their legal responsibility to consult with the Board.

11. Next Meeting

- **Board Meeting:** Wednesday 15 June 2022, 4pm, Western House Hotel, Ayr

The Chair thanked everyone for attending and for their participation.

The meeting concluded at 21:03