



RIVER AYR DISTRICT **SALMON FISHERY BOARD**

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MINUTES

of Board Meeting

of

RIVER AYR DISTRICT SALMON FISHERY BOARD

held at

The Mauchline & District Kilmarnock FC Supporters Club

8 Earl Grey Street, Mauchline, KA5 5AD

on

Tuesday 19 September 2023 at 7.00pm

1. Persons Present

| | |
|----------------------------|---|
| <i>Alan Hill (AH)</i> | <i>Barskimming Estate, Board Member (Chairperson)</i> |
| <i>Iain K Clark (IKC)</i> | <i>Gilson Gray LLP (Clerk to the Board)</i> |
| <i>Gordon Millar (GM)</i> | <i>Mauchline Ballochmyle Angling Club (Salmon Fishers' Rep)</i> |
| <i>Max Stobbs (MS)</i> | <i>Mauchline Ballochmyle Angling Club, Board Member</i> |
| <i>Charles McDade (CM)</i> | <i>Sorn Angling Club, Board Member</i> |
| <i>Stuart Brabbs (SB)</i> | <i>Ayrshire Rivers Trust</i> |

2. Apologies

| | |
|---------------------|---|
| <i>Iain Walker</i> | <i>Cumnock & District Angling Association, Board Member</i> |
| <i>Nick Wright</i> | <i>Sorn Angling Club, Board Member</i> |
| <i>Robin Wilson</i> | <i>Ladykirk Angling Club, Board Member</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 present 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**").

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 additional interests were declared.

4. Approval of Minutes of the Last Meeting

The Minutes were approved on the motion of GM and seconded by AH.

5. Matters Arising from Previous Meeting

None

6. Good Governance re District Salmon Fisheries Boards

To address the Board's Good Governance obligations in accordance with the *Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003* ("**the 2003 Act**"), the Clerk presented the following documents which were discussed, revised and approved as follows:

(a) Draft Meetings Protocol

The Board agreed the scheduling of Meetings and contents will generally be as follows:

April: Proposed Fishery Assessment Rate, Draft Accounts and Annual Report

May: Board Meeting for ½ an hour, followed by Annual Meeting of Qualified Proprietors

June: Annual Public Meeting

September: Optional Board Meeting

December/
January: Board Meeting

Proposer: CM

Seconder: GM

(b) Draft Policy on Members' Interests

Proposer: CM

Seconder: AH

The monetary limit for declaration was agreed at £150.

(c) Draft Declarations of Members' Interests

Proposer: AH

Seconder: MS

All Board Members present signed a Declaration of Relevant Interests. It was agreed that the other Board Members not present would also require to do so, so that the Clerk can maintain the relevant Register in terms of the 2003 Act.

(d) Draft Complaints Procedure

Proposer: GM

Seconder: CM

7. Board Membership/Proposed Co-Options

It was noted that the following persons were previously elected at the previous Triennial Meeting (or subsequently Co-opted) as Board Members:

| | |
|----------------|--|
| Alan Hill | Elected Board Member, Mandatory for Barskimming Estate (Chairperson) |
| Alex Reid | Elected Board Member, Mandatory for Cumnock & District Angling Association |
| Max Stobbs | Elected Board Member, Mandatory for Mauchline and Ballochmyle Angling Club |
| Nick Wright | Elected Board Member, Mandatory for Sorn Estates |
| Iain Walker | Elected Board Member, Mandatory for Cumnock & District Angling Association |
| Robin Wilson | Elected Board Member, Mandatory for Ladykirk Angling Club |
| Charlie McDade | Co-opted Board Member, Mandatory for Sorn Angling Club |
| Gordon Millar | Co-opted Board Member, Representative of Salmon Anglers |

The Clerk also provided information to the Members present on the voting protocols for meetings in accordance with *Section 46 of the 2003 Act* (essentially each Board Member shall have one vote, unless a person is both an upper and lower proprietor in terms of *Section 40(5) of the Act*; and the Chairperson shall have a casting and deliberative vote).

The Board discussed that it was considering the Co-option of additional members to provide more representation and contribution from across the River Ayr catchment area, It was agreed that informal approaches would be made to appropriate individuals and would report back at the next meeting [Richard Merry from Annbank Fishing Club and someone from Muirkirk Angling Association]

8. Report from the Clerk to the Board

(a) Correspondence/Actions since last meeting

The Clerk gave a verbal report on correspondence entered into on behalf of the Board, following his appointment with effect from 11 April 2023, and his outward facing role for the Board since 1 May 2023.

The Board noted, with thanks, the efforts of the Clerk, with support from Stuart Brabbs of Ayrshire Rivers Trust, in making a detailed Response to the SEPA Sea Lice Risk Assessment Framework Consultation, submitted on behalf of the Rivers Doon, Stinchar and Ayr DSFBs on 15 September 2023.

(b) Financial Report

The Clerk updated the Board as follows:

| <u>Date</u> | <u>Narrative</u> | <u>Debit</u> | <u>Credit</u> | <u>Balance</u> |
|-------------|--|--------------|---------------|-------------------|
| 18/05/2023 | Transfer from Ayrshire Rivers Trust | | £49,985.54 | £49,985.54 |
| 18/05/2023 | Gilson Gray LLP - Settlement of Feenote No 071779 - Handover, Good Governance Pack - to 28/04/23 | £1,200.00 | | |
| 18/05/2023 | Gilson Gray LLP - Settlement of Feenote No 073961 - 1st Quarter - 11 April to 30 June 2023 | £1,500.00 | | |
| | Current Balance at 19/09/23 | | | £47,285.54 |

The Board discussed and approved the immediate budget as follows:

| <u>Narrative</u> | <u>Amount</u> | <u>Balance</u> |
|---|-------------------|--------------------------|
| Ayrshire Rivers Trust - Printing and Postage from 08/03/2023 to 24/04/2023 | £134.11 | |
| CE Project Management - IT Support comprising Web site hosting plan to June 2024 + renewal of ayrshirefishing.co.uk | £65.00 | |
| Ayrshire Rivers Trust - Administration to the River Ayr DSFB from October 2022 to April 2023 – pro rata | £1,500.00 | |
| Ayrshire Rivers Trust - Annual Affiliation to the Ayrshire Rivers Trust 2023 | £6,789.20 | |
| Reimbursement to Alan Hill for vehicle hire and fuel for the vehicle used to remove Catrine Hatchery | £105.51 | |
| Ayrshire Rivers Trust - Additional administration for handing over to new Clerk | £1,625.00 | |
| Gilson Gray LLP - Settlement of Feenote - 2nd Quarter - 1 July to 30 September 2023 | £1,500.00 | |
| Gilson Gray LLP - River Watch Scheme Documentation - Fixed Fee arrangement | £1,200.00 | |
| River Watch Scheme Expenditure - Remuneration, Phone, Publicity, signs, wind cheaters, contingency etc | £1,500.00 | |
| Sub-Total of Payments | £14,418.82 | |
| Projected Balance thereafter | | <u>£32,866.72</u> |

(c) Fisheries Welcome Pack

The Clerk explained that it was his intention to prepare and issue a Fisheries Pack to all Riparian Owners and Tenants and it was agreed that this should be issued for the new season.

(d) Board Website

The Clerk has access to and will be updating the website over the coming months.

(e) Code of Practice

This will be kept under constant review and discussed at future meetings.

(f) Outstanding Fishery Assessments

The vast majority of Proprietors/Tenants have paid the Fishery Assessments for 2023/2024.

However, the Board is particularly concerned about the outstanding Assessments (some of which are for more than a year) owed by one particular Association. The Chairperson has spoken with the office bearers involved by telephone and in person and payment arrangements had been agreed but not fully met. The Board also discussed that, if the matter is not addressed, this may create issues for the Board Members having a conflict of interest in remaining Board Members, due to the non-payment. The Board agreed that a final demand letter should be sent to the Association; and to review the position at the next Board Meeting.

9. Report from Ayrshire Rivers Trust

SB presented a Report from ART (attached), with highlights being:

There is a fair bit of Japanese Knotweed and there has been considerable work put in by ART, particularly in high trafficked or high density areas.

ART have been tackling a new stand of Giant Hogweed and will send a bill to the Board.

ART have fitted timber baulks on Stair Dam to help salmon and trout migrate over the dam in low flows.

An agreement has been reached with Nick Wright and Sorn Castle regarding a timber baulk fish pass.

Electrofishing is ongoing. There are good and bad results. ART will report further in due course. They have also completed the work under the National Electrofishing Programme for Scotland (NEPS). There were 7 assigned sites on the River Ayr.

ART is also moving. They will inform us in due course of their new address.

10. Fisheries Management Plan

The Board agreed to defer further discussion on this to the next meeting

11. Bailiffing/River Watch Scheme

The Board discussed the River Watch Scheme which had been introduced on the River Doon Catchment by the River Doon District Salmon Fishery Board. The Clerk was able to provide information, as he was one of the key persons involved in introducing that scheme.

The Board discussed and agreed to pay £1,000 + VAT for Gilson Gray LLP to prepare the necessary paperwork and documentation (including agreements with River Patrol Coordinator and River Watch Coordinator), and appropriate literature, publicity etc. The Board also agreed to a £1,500 River Watch Budget for establishing the Scheme for the first year.

Proposer: AH

Seconder: GM

It was proposed that William Torrance would be the River Watch Patrol Coordinator

There would be further discussions about the appointment of a River Watch Coordinator and arrangements to be made similar to what was done on the River Doon.

There was some discussion regarding incidents at Nether Mills, with a board being put across and possibly incidents of netting between the dams. It was noted this had happened on 4 occasions in the last few months. Crown Estates are going to pay for signage for the Board to put up.

The Board also discussed siting a solar powered camera – and seeking permission from hydro operator to put on their building. This would be low cost, with a budget agreed of:

Solar powered Camera - £300-350

SIM Card – WIFI network, everyone - £6 – 10 per month

Proposer: CM

Seconder: AH

12. Bird Count/Cull – Application for Licence

AH is preparing the Application to cull piscivorous birds such as goosanders, mergansers, cormorants etc, with assistance from ART.

13. Future Work of the Board

(a) Discussions with Clubs, Associations and Syndicates

AH informed the Board that discussions are ongoing. As discussed above, there is a desire to have more engagement and contribution by the Co-option of additional Board Members, as appropriate.

(b) Project Work

The Board will discuss this further, as part of the discussions at the next meetings regarding the Fisheries Management Plan.

(c) Consultation Responses

As noted above, the Clerk and ART had submitted a response to the SEPA Sea Lice Risk Assessment Framework Consultation

(d) Pollution Control

There had been a number of pollution incidents (one on the Lugar in May 2023 and another where dirty untreated water was spewing from Scottish Water's Treatment works at Mauchline on 28 July 2023) which ART had managed on behalf of the Board and made contract with both Scottish Water and SEPA out of hours. Scottish Water immediately raised an emergency team and had a burst repaired that would have run until the plant was next manned over the weekend. At least they responded to this incident very quickly and resolved it and called ART to let them know when the works were complete. The Board thanked SB and ART for their efforts in this connection.

(e) Hatchery and other options

Since the last meeting, the Board has been to Catrine Hatchery, with the exception of sand filter and other piping has dismantled and now secured the equipment in storage. The Board is considering how best this might be progressed and there is long term strategy to be further discussed and other options being discussed.

(f) Fish Counter

As noted in the ART report, there is ongoing review and investigation of issues with the fish counter and further meeting tomorrow.

(g) Annual Catch Returns – App and other options

The Clerk proposes to send out a form of Annual Catch Return Form used by him for the River Doon DSFB to help capture Rod Effort, as well as catch and release statistics from all the beats. This is essentially a more simplified version of the Marine Scotland form.

14. Date of Next Meeting

Wednesday 6 December 2023 7pm

15. Any Other Business

None



Ayrshire Rivers Trust

working to improve Ayrshire's rivers and lochs

19th September 2023 - Biologists report for the River Ayr DSFB

Invasive Weeds Control

Giant Hogweed

ART completed the Giant Hogweed control this summer. The prolonged cold spell last winter seemed to be good for this plant breaking the seed dormancy. Consequently, there was a lot of plants to deal with and will be again next year. However, exhausting the seed bank means progress towards the aim or eradication but that is still some way off.

The Scottish Government were slow to instruct us to control this plant on Tarbolton landfill despite our efforts to secure early entry. We are already in discussion with them regarding an earlier entry next year.



A new stand of Giant Hogweed discovered behind the cemetery at Ligh Coylton, now treated

Japanese knotweed

Further to the DSFB agreeing to provide additional funding for the INNS control programme, we have performed considerable Japanese knotweed control this year (much more than the contribution covers) but we felt that 2023 provided a good opportunity to tackle riverside stands that otherwise would have been damaged by spates.

We focussed efforts on the Stair Bridge to Lugar confluence and again at the Glaisnock in Cumnock where there are very public stands that are often broken by council workers or the public. We also visited a stand at the Haugh where inappropriate treatment previously failed to remove it.

An additional high-risk area in Annbank was also treated as it is often spread by children making paths through it. This will require much more work next year as we couldn't treat it all but we started with the highest risk area adjacent to a footpath.

Most of the knotweed we have treated has been visited twice and should only require a quick inspection for any regrowth next year. We wouldn't expect much regrowth and will treat the remaining canes.

We have mapped the areas covered and will complete this once the injection season is over as we may still perform more if time allows.

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Next year we should continue around Cumnock working downstream on the Lugar and revisiting stands already treated. That will more than use the available budget for control.

Stair Dam

ART fitted two 6m timber baulks to the face of the Stair Dam this summer. We heard frequent comments that this was pointless as salmon can pass this dam with ease however, the purpose of the baulks is to extend the window of opportunity for both salmon and trout. With the hydro now operational and abstracting some of the flow, the benefit of these baulks will be most notable as levels drop.



Two 6m timber baulks added to help salmon and trout migrate over the dam in low flows

Indeed, as levels dropped during the prolonged drought this summer, salmon were still able to pass over this dam but only due to the increased depth behind the timbers. Salmon were noticed in good numbers in holding pools upstream and their numbers appeared increased as the drought endured.

Sorn Castle Dam

ART agreed terms with Sorn Castle estate and installed a timber baulk fish pass at the dam instead of attempting to finish the Larinier fish pass mid river. ART consider the Larinier to be badly designed and requiring so much work to complete, that an alternative was the best approach. SEPA agreed to allow this.



Sorn Castle Dam baffles in low flow on the left and in a small spate on the right. This will make fish passage easier and poaching harder

A fish pass was constructed and the holes in the dam backfilled with sediment. This may wash out in high flows but should at least serve to protect the structure until such times as repairs can be undertaken to the dam.

Shortly after installation, there were two or three small spates and we saw salmon using the new baffles to make it over the crest of the weir. Reports were forthcoming of fresh fish taken upstream at Sorn.

Electrofishing and monitoring

ART completed the annual rapid assessment of recruitment success and survival. Results were not unsurprising following such a poor run of salmon last year. The report will be completed and circulated in due course.



Recording habitat features at a new electrofishing site

We continue to perform further and more detailed electrofishing surveys and are finding mixed results. Again, a more detailed analysis will be included when the report has been prepared.

It is important to remind readers that natural population fluctuations will always occur. The current and widespread crisis facing wild Atlantic Salmon affects different rivers in different ways depending on their latitude and local pressures. Marine survival is a major challenge for all salmon produced and there won't be a river in Scotland that isn't suffering as a result. Marine survival is currently estimated to range between 1 and 5% depending on river and season. Therefore, improving in river survival should be the main focus for the Board's efforts.

The National Electrofishing Programme for Scotland (NEPS)

ART have completed the NEPS across Ayrshire for 2023. The data generated is used by Marine Scotland Directive to determine conservation categories and measures appropriate for each river.

ART are instructed on where to survey and this is determined by computer models rather than selected and potentially biased by human decisions. We have no bearing on how the results are determined and we work to strict protocols set by MSD. It is part of a 10-year strategy that MSD are following.

The Proposed Conservation Gradings for 2024

MSD are currently consulting on the proposed conservation gradings for 2024. The Ayr system is proposed to remain a category 3 river with mandatory catch and release of salmon in 2024. We consider this appropriate given the stocks and crisis facing wild Atlantic Salmon.

ART have submitted our response. We recommend the DSFB also submit a response.

Nethermills Fish Counter

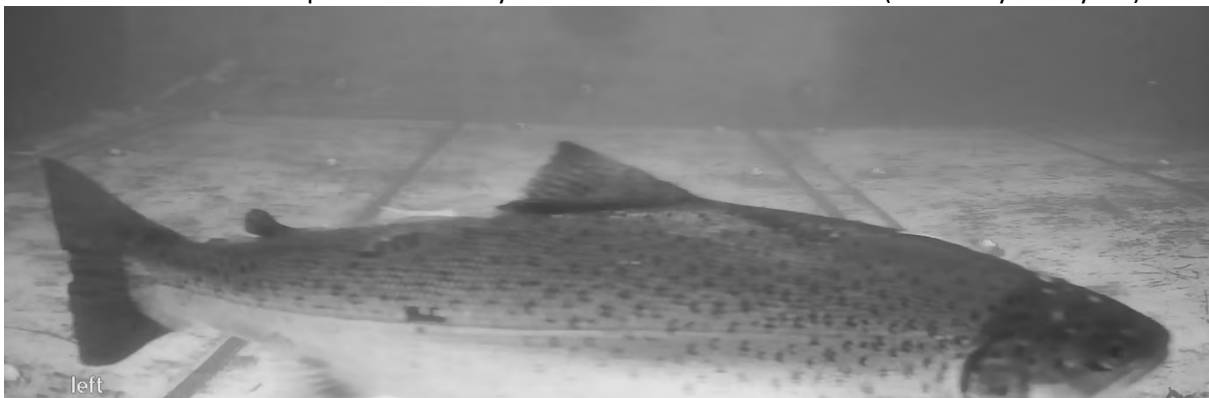


The counter within the upper fish pass at Nethermills after a weekly clean

There continues to be anomalies with the fish counter operation and ART are working with MSD and Fishtek to identify problems and sources of error. This is a slow and difficult process that has many potential weak points that each require to be identified and then resolved.

None the less, we continue to capture video footage daily and once analysed this will then be used to determine the error factor of the counter across a range of flows. Every effort is being taken to improve accuracy in the counter system. There been considerable advances made in terms if AI to analyse fish signals and video and we hope that MSD will be able to roll this out shortly as it can only save us considerable work.

We keep hearing from anglers that there are 'no fish' in the river. Of course, this is hyperbole but the underlying concern is that there are fewer and fewer fish entering the river. With exceptionally dry weather prevailing throughout the year since February (excluding July), we have had very few spates to encourage salmon to enter the river, yet they still do. The benefit of the fish passes at Nethermills are that fish can enter at any flow level but probably not during the peak period of larger spates. Consequently, while spates have been in very short supply, salmon continue to appear but in an inconsistent manner as there's no fresh water to attract them to the river. Sea trout have been notably absent from video to the point where only a handful have been observed (in the days analysed).



The counter system is already proving invaluable in that for the first time ever, it allows some quantification of salmon and sea trout numbers entering the river. Removing the guess work has to be beneficial. While our analysis for 2023 is far from complete, we have observed salmon entering the river since April. The early summer run appears to be the most important on the Ayr although we await any analysis of August through to the end of the season.

Angling

Rod effort appears to be considerably down in 2023 and this is not unsurprising due to the two prolonged periods of drought and lack of water. In turn, catches to date are expected to be poor but we have observed salmon in middle reaches since June right through to September with little obvious rod effort made to catch them except in 'honey pot' areas. It is encouraging that salmon are making it over Stair dam even in the lowest of flows. We receive reports from some anglers that they also are seeing resident fish in some of the better known holding pools.



A September grilse going back

It is worth pointing out that recording rod effort is required by the Marine Scotland Directive and would help quantify the situation when related to catch returns at the year end. Both catch return and rod effort are mandatory requirements. Clubs and syndicates should find ways to ensure their members accurately return both submissions.

Poaching

Poaching by rod and line is apparent particularly on the lower River near UWS and Nethermills. ART staff reported an incident of illegal angling at the Nethermills fish pass. Police Scotland apprehended the person and have sent this to the Procurator Fiscal. SB provided a statement to the Police. Unfortunately, they failed to confiscate the equipment.

Elsewhere, there have been rumours circulating of multiple net marked fish caught around Muirkirk beats. While it is difficult to substantiate this as many things other than nets may cause marks and scale damage to fish, it is equally difficult to disprove it. We have seen no images so really can only highlight that without evidence, these reports can only be treated as speculation.

It is difficult to reconcile the claims that there is wide scale gang poaching going on when on the other hand there are calls that there are no salmon and there has been virtually no water. Most illegal netting relies on capturing running fish using gill nets in a falling water that are set and left for a period of time. Dragging a net around a pool is not something experience poachers would often attempt and for many reasons but it is possible in low flows although requires different nets.

Poaching and enforcement are Board issues and again we suggest that the Board continue to write to Antje Branding (Head of MSD) on these issues and funding shortfalls. Little will be achieved by a single letter and it is essential that the Board put pressure on MSS to resolve these difficulties. I'm certain Iain Clerk will be able to assist with this.

Wellwood Riverbank Stabilisation projects – Update

Further work was undertaken at Nether Wellwood where additional bank stabilisation was installed to protect the garden at one of the new properties.



Nether Wellwood has benefitted from two bank stabilisation installations recently

Across the river, the bank stabilisation performed towards the end of last year has held up well and is naturalising although tree survival has been challenged by the prolonged periods of drought. We will replant more trees from our stock during the winter.

At Upper and Mid Wellwood, our worked areas have held up well despite a few sheep still gaining access and damaging trees. Of course, there's been some movement in some areas but nothing that concerns us. All in all, we are pleased to see this section of the river improving and expect the benefits will become increasingly apparent in the next few years. The long term benefits this project will bring for fish and bio diversity are expected to be high. However, the scale is small and therefore this type of approach needs to be extended widely over the rest of the upper catchment areas. That's why ART continue to seek landscape scale projects as it is with these that the desired benefits will be achieved.

Future Project Funding

Upper Ayr Restoration

ART are developing a submission to the NFR in partnership with the Atlantic Salmon Trust. This will include many aspects aimed at reducing mine water influences/improving water quality, habitat restoration and defending against future water temperature rises due to climate change.

Greenock Restoration

We were unsuccessful with our bid for restoration on the Greenock Water. NRF considered that the partners were not ambitious enough to warrant the level of investment sought.

This was disappointing but unsurprising as ART had pushed for more extensive riverbank protection and restoration but this was declined by landowners. Effectively the project did not deliver landscape scale change as desired.

It may be advantageous to work with one landowner as part of another upper Ayr project as they seemed more supportive of transformative changes. ART will continue to develop our aims when we can.

Re connecting habitat and restoring river function on the Lugar Water

Another project in development aims at reconnecting around 1km of habitat on the Lugar Water where the course of the river was altered in the 1950's to avoid mine spoil erosion. Inadvertently this led to accelerated agricultural land erosion which was only exacerbated by unrestricted livestock grazing. Again, this is a highly ambitious project that may find favour with the funders.

Defending against Climate change in upper catchment tributaries

Another project is well developed across the upper catchments that would allow widespread tree planting and fencing in areas where the greatest benefits can be achieved. Working in partnership with the landowners, Scottish River Temperature Monitoring network and the Marine Scotland Directive, we are hopeful that we can secure adequate funding to deliver these ambitions.



Barren but typical landscape in the upper Ayr and Lugar catchments. Water temperature in these habitats are warming and already limiting salmonid survival