

MINUTE OF MEETING OF THE SPEY  
DISTRICT FISHERY BOARD IN OPEN  
SESSION held at the Craigellachie Hotel,  
Craigellachie commencing at 9.30 a. m. on  
Tuesday 15<sup>th</sup> November, 2016

**Present:-**

<b>Chairman</b>	Brian Doran	Craigellachie Fishings
<b>Proprietors</b>	Peter Graham Angus Gordon Lennox William Mountain Toby Metcalfe Peter Millar Duncan Dunbar Nasmith representing Dr CMH Wills Alan Williams	Roths & Aikenway and Laggan Brae Water Trust Delfur Fishings Crown Estate Orton Knockando Carron Fishings
<b>Co-Optees</b>	Craig Mackay	River Spey Anglers Association
<b>In Attendance</b>	Roger Knight Brian Shaw Graeme Henderson William Cowie	Director Biologist SEPA Clerk
<b>Public Attendees</b>	None	

**1. INTRODUCTIONS AND APOLOGIES**

Apologies had been received from Dr CMH Wills (who was represented at the meeting by Duncan Dunbar Nasmith), Oliver Russell, Grant Mortimer, Douglas Ross MSP, Gavin Clark, Jennifer Heatley and Anne Anderson.

**2. MINUTES OF PREVIOUS MEETING**

2.1 Minutes of the Open Session Meeting held on Thursday 11<sup>th</sup> August, 2016.

There were no comments as to accuracy and the Minute was approved for signature.

**3. MATTERS ARISING FROM PREVIOUS MINUTES**

3.1 There were none.

#### 4. **DIRECTOR'S REPORT**

The Director reported matters as per the Report annexed to the Minute but the following particular points arose:-

##### 2.2 **Scottish Government Working Groups**

The Director indicated the various Working Groups established by the Scottish Government to develop the key issues. Representatives of the Board were on many of the various Working Groups.

Peter Millar expressed concern that the Board had been “out-manoeuvred” on SRG involvement, but the Director responded that this was more of an issue with the Association of Salmon Fishery Boards which would be discussed in the closed meeting.

Angus Gordon Lennox concurred with Peter Millar that the Board needed to be as forceful as possible in putting its case so that the Board's views were not side-lined.

#### 4. **Water Abstraction**

Following confirmation of Rio Tinto's decision to sell the Fort William Plant it was noted that the Director and the Biologist were to attend a meeting with SEPA on the 30<sup>th</sup> November 2016 to discuss Spey Dam. They acknowledged the need to be extremely robust at that meeting to ensure that the Spey Dam issue was properly notified to any prospective purchaser.

It was also noted that SSE were unlikely to wish to purchase as the intention of Rio Tinto was to sell as a going concern with the smelter in operation, rather than simply the dam and electricity generation elements being sold separately.

In response to enquiry it was advised that the reason that the fish passage numbers counted by Rio Tinto had been grossly over-estimated was as a result of double-counting on video records and counting fish that were moving upstream without taking into account those moving back downstream.

#### 5. **Predator Management**

##### 5.2 **Moray Firth Seal Management Plan**

The Director reported continuing problems with Common Seals throughout the Firth and it was noted that SNH was robust in its adoption

of the precautionary principle, rather than drawing a balance between the two protected species in the Firth i.e. Salmon in the River Spey catchment SAC and Common Seals in the Dornoch Firth Special Protection Area. Given the Board's responsibility in the legislation for the preservation and enhancement of the Salmon stocks and their responsibility as a management organisation under the SAC, there was felt to be a conflict in that SNH were effectively preventing the Board from maintaining their legal obligations by protecting seals in preference to salmon. When the Director approached SNH they were sympathetic to that position, but recommended that the Board provide further evidence to back-up their stance and to take further advice from the Sea Mammal Research Unit over the deployment of Acoustic Deterrent Devices.

In answer to further questions it was noted that no Common Seal licences had been issued on the whole of the East coast of Scotland from Dunnet Head south.

The Biologist advised that Acoustic Deterrent Devices do work in water and operate at a frequency that is unlikely to affect Salmon.

Toby Metcalfe then enquired whether or not the Board had a conflict in being part of the Seal Management Group which had responsibility for the whole of the Moray Firth including the Dornoch Firth, which was a Special Protection Area for Common Seals, and the River Spey which was a Special Area for Conservation for Atlantic Salmon. The issue was, could the Board be involved in predator control on the one hand, for protection of Salmon, and on the other, through the Seal Management Group, deal with a protection for Common Seals within the wider Moray Firth.

The Board resolved specifically to address this conflict to SNH and to highlight the fact that the way SNH were dealing with matters was preventing the Fishery Board from fulfilling their obligations under the SAC for the Spey.

## 6. **Ranunculus**

Following advice from Jamie Whittle, of R & R Urquhart LLP on the options for the Board, the Director made contact with the Scottish Government to inform them that, as no response had been received, the Board would be referring the matter to Europe. This elicited an immediate response and a meeting was held on the 24<sup>th</sup> October where, as part of the discussions, it was disclosed that Diquat had been recently used on an English river. SEPA and SNH would investigate if an application could be made to trial diquat in the Spey and the Dee and a further meeting was to be held in mid-December.

## 7. **Spey Catchment Initiative**

It was noted that the work which had been anticipated, following the possibility of funding from the Pearls in Peril surplus, to re-water side channels in Aviemore and Delagyle had now been placed out to tender. It was hoped these would both proceed during the winter.

Congratulations were also expressed by the Board to Liz Henderson for all her work in helping to secure the Tomintoul and Glenlivet Partnership Project funding. The Director would prepare a short briefing note to all Board Members on what the project would involve.

Angus Gordon Lennox noted that the Spey Catchment Initiative seemed to have had remarkable success in attracting funding and had asked members of the Spey Trust for an idea of what area the Trust would like any funding to focus upon. The Spey Trust had concluded it would like the focus to be on the eradication of non-native invasive species. This would be taken forward.

## 8. **SPEY FOUNDATION REPORT**

Peter Graham presented a summary of the discussions held at the Spey Foundation meeting the previous day, these included:-

- A review of the scientific work involving Spey Dam and its genetic project. It was hoped an update would be available relatively soon and with luck early the following year.
- An overall review of smolt trapping, particularly focusing on the migration of fin-clipped smolts and a review of the continued use of the Avon smolt traps.
- Discussions on Conservation Limits and the calculations for the numbers of running salmon in the river.

The Committee felt there remained major problems with the calculations for a variety of reasons. In particular the “one size fits all” model did not translate easily to larger rivers such as the Spey where there were clear problems with electro-fishing on wider stretches of river. The Biologist was seeking to encourage recognition of timed electro-fishing as an acceptable methodology.

- Salmon fry index surveys were also discussed and a view taken that there would now be fixed 5-year averages, rather than a rolling average. In another words, comparison would be made between 2011 and 2016 and then 2016 to 2021 etc. This meant that there would be a clear average for the previous period when looking at future surveys.

- It was noted that in the future the Foundation would seek to identify three priorities on the Spey Action Plan on which it would concentrate.

As far as future development the following had been decided:-

- Following a review of the Avon smolt trap, it was decided to re-site the smolt trap within the Dulnain. It was remitted to the Biologist to determine the location and timings and it was made clear, however, that this would only operate if time and resources permitted.
- As far as the budget was concerned, it was noted that because of the additional genetic fund restriction, depreciation and a possible reduction in contract work, there would be a deficit of approximately £18,000 on the Budget. This would reduce the overall capital balance from a current position of approximately £100,000 to circa £80,000.

### **Foundation Future**

The final aspect which exercised the Foundation Committee was the possibility of winding down the operation of the Foundation and bringing it back into the fold of the main Fishery Board as a Sub Committee operation. The Foundation were to investigate this possibility, although the biggest caveat was the “all species” remit within the Foundation as opposed to the salmonid remit of the main Board. If the Foundation ceased to exist as a stand-alone vehicle, the Committee felt there was no need for them to be part of RAFTS any longer and the whole process tied-in with the new Fishery Management Organisation regime.

Peter Graham then invited questions on Foundation discussions.

A question was raised regarding re-stocking above Spey Dam.

It was recognised that the main issue with Spey dam was fish passage and, in any event, SEPA had requested that no stocking was carried out above Spey dam until they were able to verify the existing situation.

Discussion also followed on how the excess funds in the Foundation were to be utilised and it was recognised that from now on some of the services provided by the Board would be fully charged. Otherwise, there may be a requirement to maintain the Foundation to ensure that restricted funds were secured.

Brian Shaw, for his part, welcomed the recognition within the Foundation of invasive species as a target priority and had been pushing this for some time. This was an important development and he welcomed it.

As far as the future of the Foundation was concerned, the most important aspect was the Peer Review facility and that any Sub-Committee would continue with that remit. There would need to be future discussions on the makeup of the Sub-Committee to ensure appropriate scientific involvement.

Angus Gordon Lennox made the point however that, if the Foundation were to become part of the Board as a Sub-Committee once again then the remit and direction of the Sub-Committee must be set by the Board.

In summary, further reports on progress on the future of the Foundation would be given to Board Members in due course.

#### 9. **AOCB**

Peter Graham noted that it had been reported that the results had been released of an acoustic array trial following tagged smolts released in the northern Moray Firth in connection with the marine windfarm development. Contrary to expectations, rather than for the tagged smolts heading immediately north-east across the North Sea, the information appeared to suggest that smolts headed across the southern edge of the Moray Firth. This was to be followed up with a further review on the Dee in due course. Results were, however, only recently obtained and could not yet be relied upon.

#### 10 **Close of Meeting and Date of next meeting**

The 2017 meeting were fixed for:-

- Friday 10<sup>th</sup> February for a Board Meeting and an the AGM
- Friday 19<sup>th</sup> May
- Friday 18<sup>th</sup> August
- Friday 24<sup>th</sup> November.

The Open Session then closed at 11.20 a.m.