

MINUTE OF MEETING OF THE SPEY
DISTRICT FISHERY BOARD IN OPEN
SESSION held at the Craigellachie Hotel,
Craigellachie commencing at 10.00 a. m. on
Friday 19th May 2017

Present:-

Chairman	Brian Doran	Craigellachie Fishings
Proprietors	Peter Graham Angus Gordon Lennox William Mountain Toby Metcalfe Oliver Russell Dr CMH Wills Alan Williams	Rothes & Aikenway and Laggan Brae Water Trust Delfur Fishings Crown Estate Ballindalloch Knockando Carron Fishings
Co-Optees	Grant Mortimer	Strathspey Angling Improvement Association
In Attendance	Roger Knight Brian Shaw Graeme Henderson Jennifer Heatley William Cowie	Director Biologist SEPA SNH Clerk
Public Attendees	None	

1. INTRODUCTIONS AND APOLOGIES

Apologies had been received from Peter Millar and Craig Mackay.

2. MINUTE OF PREVIOUS MEETING ON 10TH FEBRUARY 2017

There were no comments as to accuracy and the Minute was proposed by Peter Graham and seconded by Toby Metcalfe.

3. MATTERS ARISING FROM PREVIOUS MINUTE

There were none.

4. DIRECTOR'S REPORT

4.1 The Report was as appended to the Minute but the following additional issues arose using numbers in the Director's Report:-

4.1.1 Spey Dam

The Director reported that the March meeting held with the Gupta family representatives had been the first opportunity to explain in detail the workings of the Board to the Gupta Family Group (GFG). The meeting had also involved explanation of proposals for a research project to track smolt movement in the upper Spey.

Generally the meeting had been positive and productive and a further meeting would be held in June.

The Director then invited any comments:-

Peter Graham appreciated the good relationship that had been established but noted that the Gupta family had employed John Watt as a Water Biologist. Whilst John Watt represented a credible appointment there was a concern that he had been commissioned to conduct an Upper Spey survey which the Board had already extensively produced. The danger was that the Upper Spey survey may go over old ground and would enable negotiation to be extended unnecessarily. Peter was therefore very anxious that as SEPA already had this information there must be progress to act now and not to allow a fresh Upper Spey survey to delay enforcement.

The Director thanked Peter Graham for his comments and noted that he had raised this issue with Anne Anderson at SEPA.

Graeme Henderson cautioned however that, as long as the Gupta family were working to a resolution date of 2027 and showing that they were actively undertaking steps to achieve that, there was not much that SEPA could do to accelerate the process.

The Chairman enquired what benefit any additional data would have if reclassification of the dam had already taken place and he was supported by Alan Williams who reminded the meeting that the dam had been categorised as a "barrier", which had been confirmed as such by Anne Anderson last year. In his view, it was for GFG to disprove this and the resolution should be completed within the second phase i.e. by 2021 and not 2027. He felt strongly that allowing further surveys was allowing for further delay.

Peter Graham also felt strongly that carrying out a further survey suggested that the information and evidence was not already there, which it clearly was and resolution works should commence without further delay.

The consensus of the meeting was that, from a commercial point of view, it was understandable to have further surveys carried out, but the Regulator must act to ensure compliance and removal of the barrier as soon as possible. It was recommended by Angus Gordon Lennox that SEPA provide the Board with a timeline of dates and action they were working to.

In response to the various points, Graeme Henderson indicated that he would double-check the timescale, but he reassured the Board that if there were time limits that the Gupta family had to work to, SEPA would police these without fear or favour. It would be up to the Gupta organisation to obtain any derogation they felt necessary.

Toby Metcalfe enquired what sanction there would be from SEPA if the Gupta family failed to take action. He felt the Board needed to escalate the issue with a clear path and plan and identify the correct channels within SEPA to pursue.

For his part, Brian Shaw agreed that a specific timeline should be agreed with SEPA, but he was of the view that it may be possible for the Gupta family to succeed in a derogation given the Brexit decision and the fact that the continuation of aluminium production was important to the Scottish Government. It was noted that the Board were in direct discussions with SEPA and his strong view was that the best way to succeed in ensuring compliance was to continue to assist and cooperate with the Gupta family, rather than to take an adversarial stance.

In summary, the Chairman asked Graeme Henderson to outline the Board's concerns to the SEPA Board, which he undertook to do. It was also noted that the Director would shortly be meeting with the Area Manager of SEPA and that the relevant Area Manager would be invited to attend the August Board meeting.

1.2 **Tummel Scheme**

The Director reported that the Allt Bhran had been preferred as a candidate for re-watering during the second River Basin Management Plan, rather than the Cuaich, for various reasons.

Alan Williams enquired why it was not possible to re-water both the Cuaich and the Allt Bhran but, in response, the Director reported that the resolution of the Garry re-watering had had to be decided first and it had then been proposed to prioritise the re-watering of the Allt Bhran.

Alan Williams still felt there was a case for re-watering both the Cuaich and the Allt Bhran and that Anne Anderson of SEPA had undertaken to look after the Board's interests. He therefore enquired of Graeme Henderson what action SEPA would be taking. In response, Graeme Henderson reported that the Tummel Scheme was of national significance and so they had had to deal with the Garry re-watering first. Now that this had been resolved, he advised that it was a very complicated matter to consider how to reallocate flow and it had been a lengthy discussion to determine that the best way forward would be to propose the re-watering of the Allt Bhran.

In terms of benefit, on enquiry from Toby Metcalfe, it was reported that the Allt Bhran was a bigger catchment. Initially the proposal had been to re-water the Cuaich ahead of the Allt Bhran and the proposal now favoured the Board and worked to its advantage. It was recognised that the Board would require to be realistic about how much could be achieved.

In summary, the Director felt that the re-watering of the Allt Bhran would be a significant success for the Board. Angus Gordon Lennox also emphasised that it was not a question of choosing the Allt Bhran over the Cuaich, but that the Allt Bhran would be prioritised and this was confirmed by Brian Shaw.

2. **Wild Fisheries Reform**

As a commentary, it was noted that the Government may still seek to introduce some changes to the governing legislation for Boards by way of secondary legislation but, given the withdrawal of the previous reform bill, it was unlikely that there would be Parliamentary time for primary legislation.

3. **Fisheries Management Scotland**

The Director reported that the Chairman had been co-opted onto the FMS Board and had attended a brief FMS Board meeting in March. At the ensuing FMS Conference, the overall feeling was that the Government's aspirations for Wild Fisheries Reform appeared to be "wishful thinking" in a lot of respects and many details were still to be verified. The Chairman concluded that FMS matters would be discussed in more detail during the Closed Session.

4 **Predator Control**

4.1 Moray Firth Sawbill Licence

It was reported that a high number of birds had been counted in March, but the May count had seen the lowest count for a number years. These counts, together with those conducted in October and December last year, would provide the supporting data for the next application in July. It was confirmed in response to enquiry that these counts were carried out around the same time each year, so as to be an accurate comparator.

4.2 Moray Firth Seal Management Plan

The Director reported a better reaction in face-to-face meetings with the Scottish Government and the Sea Mammal Research Unit at St Andrew's University than there was by correspondence and there was now a better understanding from them of the issues facing the Board. A separate paper would follow in the Closed Session. Peter Graham advised that a recent paper on the effect of acoustic scarers and fish farms may have an effect on any decisions made.

5. **Ranunculus**

The Spey Foundation Committee had recommended that if no further progress had been made within six weeks, the matter should be referred directly to Europe without further delay. It was noted that Graeme Henderson was still to be contacted by officials from the Health & Safety Executive on progress.

Peter Graham advised that the Foundation's position was that the opposition to the use of chemicals was now shown to be without foundation and that the Board had done everything to explore options and to negotiate with regulators. Given that no action had been taken it was appropriate that the Board report to the European authorities the Scottish Government's breach of its obligations to maintain the SAC, so that they could now pursue matters. The Foundation also recommended that the referral to Europe was copied to all the major agencies including the Scottish Government, SNH and others.

6. **Spey Catchment Initiative**

This was as reported in the Director's notes appended to the Minutes.

7. **Publicity**

7.1 Possible speakers at the next Open Day were to be dealt with in the Closed Session.

7.2 "Lost at Sea" film preview

It was noted that the film had had a successful preview and was likely to be broadcast in due course by BBC Alba. Angus Gordon Lennox stressed that this did not present a positive picture but hopefully would act as a “wake-up call” to politicians with regard to the problem. Peter Graham enquired who the intended audience was for the film. In response, Angus Gordon Lennox replied that it had not been intended as a film for “general interest”.

The Director then invited questions on any of the aspects of his Report.

Angus Gordon Lennox was very supportive of the Spey Catchment Initiative but wanted to know more about the reporting lines. In response, the Director confirmed that it operated as a partnership which reported to a Steering Group which consisted of representatives of all major stakeholders, including the Cairngorms National Park Authority, SEPA, SNH, Local Authorities, Forestry Commission Scotland, National Farmers Union and Diageo. He did however advise that the Board took a leading role in this.

Angus Gordon Lennox also enquired who resourced the work. In response, the Director explained that the Board employed the Project Officer for administrative and line management purposes, but that she was resourced by the other stakeholders and it was noted that this was working well. Toby Metcalfe noted the Board’s appreciation to the local MP for congratulating the work of the Board in the Spey Catchment Initiative process.

5. SPEY FOUNDATION REPORT

5.1 It was reported that sadly James Carr had died the previous week and the funeral was to be held the week after. A letter from the Board and Foundation had been sent to express condolences.

5.2 Smolts

Peter Graham reported that the smolt capture on the Dulnain had been relatively good and the Tomore Burn had also showed good numbers. Brian Shaw was very keen on the Tomore Burn smolt project and felt it was building good relationships. The project was continuing, but a final report would not be due for another couple of years.

In connection with the current season, it had been noted that there had been some smolt death from high temperatures and low water, but the biologist team would continue to monitor the situation and liaise with Marine Scotland.

5.3 Reserve of Funds

This was to be discussed separately during the Closed Session.

5.4 Freshets

The whole freshet release system had been reviewed and it was noted that the timing of the release of freshets in May was not necessarily advantageous and there would be further discussion about the best timing for these.

5.5 Review of Foundation activities

This was to be discussed in the Closed Session.

5.6 Spey Catchment Initiative

This had been discussed and was as per the presentation delivered by the Director.

5.7 Ranunculus

There had been a lot of discussion on ranunculus and about hogweed control which had targeted recreational access points and which had been positive. The biologist wished to express thanks to the Crown Estate for its contribution and to other land owners for their support.

5.8 Drone use

The biologist reported that the drone was now a very useful tool and could show baseline information for hogweed too. Brian Shaw noted that the necessary personnel would be trained and licenced to use drones. So far, Steve Burns had qualified and others would be introduced in a programme to be organised by the biologist.

5.9 Questions

Angus Gordon Lennox reported that he was aware there were still smolts in the Tay catchment and enquired of the biologist if we were in the same cycle on the Spey and whether smolts were still in the river. In response, the biologist confirmed that there were still many smolts in the river, although most would make it out to sea shortly.

6. AOCB

In response to enquiry, it was confirmed that Alan Wells would be attending the meeting in August and the Director would send a reminder to him.

7 CLOSE OF MEETING

The date of the next meeting was fixed for Friday 18th August 2017.

The meeting then closed at 11.30 a.m.