

MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD held at the Grant Arms Hotel, Grantown On Spey commencing at 10:00 a. m. on Friday 14th February 2014

Present:-

Chairman	Alan Williams	Carron
Proprietors	Brian Doran Peter Graham Angus Gordon Lennox Toby Metcalfe Sir Edward Mountain, Bt Peter Millar Dr CMH Wills	Craigellachie Fishings Rothes and Aikenway Brae Water Trust Crown Estate Delfur Fishings Orton Knockando
Co-Optees	Grant Mortimer Mel McDonald	Strathspey Angling Improvement Association River Spey Anglers Association
In Attendance	Roger Knight Sally Worsdall	Director Administrator
Public Attendees	None present	

1. INTRODUCTIONS AND APOLOGIES

The Chairman welcomed everyone to the meeting and advised that Will Cowie was not able to attend the meeting but noted that access to legal advice would be available if required. It was explained that Sally Worsdall, Administrator for the Spey Fishery Board, would be taking the minutes of the meeting instead.

The Chairman reported that apologies had been received from: Councillor Douglas Ross, Moray Council; Anne Anderson, SEPA; Graham Newman, SEPA; Oliver Russell, Ballindalloch; James Carr, Wester Elchies; and Gavin Clark, SNH. It was also noted that there were no Public Attendees present at the meeting, despite a notification on the Spey Fishery Board website inviting members of the public.

The Chairman also noted that the meeting would be conducted under an 'Open' and Closed' session due to the publication of the 'Open' minute on the website, as recommended by the Aquaculture & Fisheries (Scotland) Act 2013.

2. MINUTES OF PREVIOUS MEETING

2.1 The Minute of Meeting held on 5th December, 2013 was considered.

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

3. MATTERS ARISING FROM PREVIOUS MINUTES

3.2 Publication of Minutes

It was noted that an abbreviated version of the Minute of the Board's meeting in September 2013 was still to go onto the website. The Director also reported that the Publicity Minutes would also be published on the website.

4.1 Declaration of Interests

The Director had circulated a form to all Board Members prior to the December Board Meeting to complete and return regarding the Declaration of Members' Interests. It was recommended that interests be published on the website to declare interest in activities in which their firms had involvement. The Director noted that there were still some Declarations outstanding and that these would be pursued.

5.4 Dipple Well Field

Following the suggestion by Scottish Water that in their view the Board should request the additional water when the flow at Boat O'Brig dropped below 19.5 m³, as per the terms of the agreement, the Director reported that the letter to Scottish Water has yet to be issued but that this would be pursued as a matter of urgency.

3.1 Allt Yairrack Landslip

The Director reported that he had received responses from both Scottish & Southern Energy and Rio Tinto Alcan with regards to the possibility of damage to water quality as a result of the peat slide.

4. DIRECTOR'S REPORT TO OPEN MEETING

The report given to the open meeting was as appended to the Minute. The Director introduced the 2013 Annual Report as a prequel to the Annual General Meeting and highlighted the following:-

4.1 2013 Annual Report 2013 Aquaculture & Fisheries (Scotland) Act

The Director noted that there is a briefing on the Act, which came into force on 16th September 2013 with new provisions to enhance openness and transparency, including the following:

- Annual Report and Audited Accounts
- Public Meetings
- Complaints Procedure
- Declarations of Financial Interests

Other provisions within the Act, include carcass taggings, collections of samples for genetic analysis and changes to annual close times etc.

4.1.1 Water Abstraction

An update on the situation with Rio Tinto had been included within the report, together with a section on the Scottish and Southern Energy's Tummel CAR Licence and the proposals to vary it. The Director had been asked to produce a short simple summary for all parties to better understand the issues and this formed the basis of this section of the Annual Report.

4.1.2 Salmon & Grilse

The declared catch for 2013 Salmon and Grilse was 5,780 and the release rate for the conservation policy was 88% for the season, compared with 85% for 2012. The Director also reported that a graph has been produced which shows the catches from 1952 to the present day, as well as catches by River Reach.

4.1.3 Sea Trout Rod Catches

The declared catch for the season for Sea Trout was 1,194 and the release rate for the conservation policy was 76%, compared to 73% in 2012.

4.1.4 Habitat Management & Spey Catchment Initiative

The Director reported that the Annual Report shows a summary of the before and after restoration work completed on the Allt Mor (Achnahannet burn).

4.1.5 Stocking Policies

The Director noted that the Annual Report includes a detailed explanation of the four generally accepted reasons for stocking:

- Reintroduction
- Restoration
- Enhancement
- Mitigation

The Stocking Programme (planting out) during 2013, as well as the fin clipping project which has been conducted for monitoring purposes and involving ghillies and proprietors, was also included in the Annual Report.

4.1.6 Other Annual Report Issues

The Director reported that there are summaries included in the Annual Report on the following:

- An update on the Genetic Analysis Project.
- Updates on Predator Control, Fishery Protection, administration and staffing.
- An extensive Spey Foundation Report, including reports and analysis of our Juvenile Monitoring and Smolt Trap Projects.
- Publicity.
- Finance, with Income and Expenditure and Balance Sheets for both the Board and the Spey Foundation. These incorporated notes to advise that these are draft and subject to approval at the Annual General Meetings, after which they will be published on the Spey Fishery Board website.

4.2 Water Abstraction

4.2.1 Rio Tinto Alcan

Following meetings with Rio Tinto Alcan last November, the Director had sent them copies of the Broodstock Licence applications and Appropriate Assessments, together with extracts of minutes of meetings of the Spey Foundation Committee where they related to our Stocking Policies.

A response was received on 24th January and the Director noted that a further discussion, regarding this letter from Rio Tinto Alcan, would be held at the Closed Meeting, following the Open Meeting.

4.3 **Scottish & Southern Energy**

The Director reported that the Scottish Environment Protection Agency (SEPA) had requested a meeting for 26th February to outline their draft decisions on Scottish & Southern Energy's proposals to vary the Tummel CAR Licence Scheme. A regulatory decision is likely to follow the meetings, held by SEPA with the Spey Fishery Board, the Tay Board and Scottish & Southern Energy, by the issue of a 21-day notice which could fall into middle or late March. For those who have made a valid representation, such as the Spey Fishery Board, and who felt it had not been adequately addressed, may call the issue into Ministers. If there is a call-in to Ministers, the 21-day clock would cease. If Ministers subsequently decide that the process should proceed and that SEPA's proposals are valid, the licence variation would be made. At that point Scottish & Southern Energy would then have the opportunity to appeal, but the variation would take effect whilst that appeal is considered. The Director also noted that the Board would need to decide how and whether to inform proprietors and the wider public.

4.4 **Ranunculus**

APEM had been contracted to conduct a literature review and scope an outline eco-toxicology project regarding Roundup Pro-Biactive and Topfilm. The draft report had aroused considerable comment and the report was finalised in January 2014. The Management Group which consists of the Rivers Dee, Don and Spey, together with SNH and SEPA are hoping to progress trials in the River Don (a non-SAC river) this year.

4.5 **Predator Control**

4.5.1 **Sawbill Licence**

Scottish Natural Heritage issued the Moray Firth Licence for Sawbill Management on 27th January, which is valid for the River Spey until 31st May 2014. Concern was raised over the cormorant quota within the permit and it was felt that this needs to be reviewed following recent surveys showing a significant increase in the number of cormorants. It was reported that Andrew Thin had recently been appointed to undertake a review of the Fisheries Management and it was suggested he might attend a future Board meeting to discuss our concerns.

4.5.2 **Moray Firth Seal Management Plan**

The Moray Firth was granted a Seal Licence on 31st January 2014 by Scottish Government's Marine Scotland. The Director also reported that the Moray Firth Seal Management Plan was in need of a thorough review.

5. SPEY FOUNDATION REPORT

5.1 Peter Graham, Chairman of the Spey Foundation Committee reported that the Spey Foundation had met and had discussed the following principle issues:-

- Biologist's Report
- Spey Action Plan
- Tagging Project
- Smolt Trapping 2014
- Draft Constitution for the Spey Foundation
- Finance

5.2 Biologist Report

The main issue raised from the Biologist Report from the perspective of the Spey Foundation, was the recent fish data report released by Rio Tinto Alcan on the number of fish ascending through Spey Dam via the resistivity counter. Brian Shaw will address the issue of how many of the 221 ascending fish were salmon, as well as the issue of descending smolts at the dam, with Rio Tinto Alcan's Biologist, Bob Morgan and SEPA's Fish Ecologist, Alistair Duguid.

A discussion took place regarding the release of Brown Trout by a local Angling Association above Spey Dam. This area is subject to a Protection Order, with licences for stocking issued by the Scottish Government and therefore does not require consent from the Spey Fishery Board, although the Board is consulted by Scottish Natural Heritage.

5.3 Scottish Gamekeepers Association

Brian Shaw had been looking into the possibility of The Scottish Gamekeepers Association extending a role to have a Scottish Ghillies Association. It was noted that Duncan Ferguson, Spey Fishery Board Operations Manager, may be offered a place as an Executive on the Scottish Gamekeepers Association with a view to adding a Ghillies element into it. A suggestion was made to have a separate organisation such as a Scottish Ghillies Association in order to make effective

representation to the Scottish Government. It will require some unity amongst the other River Boards and ghillies, which Brian Shaw will work on with Ian Gordon, beginning with the River Spey.

5.4 Spey Action Plan

The Spey Action Plan was put out to public consultation, via the Spey Fishery Board website, to allow comments before implementation. The Plan has also been sent out to various agencies including: Highland Council; Moray Council; Scottish Environment Protection Agency; Scottish Natural Heritage; and Cairngorms National Park Authority.

It had been suggested that specific projects be extracted from the Action Plan so that we could target organisations for funding.

5.5 Tagging Project

It was reported that the Aberlour Distillery had agreed to sponsor the Tagging Project, with the offer of miniatures. The project would give data on catch and release but also enable us to engage with the ghillies and anglers. Some of the ghillies had raised concern over whether the tagging would harm the fish and a ghillies meeting would be arranged to discuss the issues further to decide if the project should be taken forward next year.

5.6 Smolt Trapping

As Scottish & Southern Energy do not yet have a variation to their Tummel CAR Licence and because there is sufficient information on the existing flow out of the Rivers Tromie and Truim with 5 years of data, SSE have withdrawn funding to run the Smolt Trap project during 2014. It was noted that one of the Smolt Traps would be utilised on the River Avon for two main reasons: to see if there was any re-capture rate on the fin clipped fish released into the Tormore Burn and to get a better understanding on the age distribution of the smolts coming out of the Avon.

5.7 Draft Constitution for the Spey Foundation

It was reported that the Draft Constitution for the Spey Foundation, with a view to strengthening the terms and conditions, was currently being progressed with assistance from James Carr and Sir Edward Mountain,.

5.8 **Finance**

The Director reported that last year the Spey Foundation had had a forecasted income of approximately £50,000 and ended up with an actual income of some £90,000. Peter Graham noted that although this year's budget of £49,000 had included £20,000 from SSE, which has since been withdrawn, there are a number of other projects on the horizon for the Spey Foundation, particularly with wind farms and other such schemes.

6. **ASFB**

6.1 **Conservation Policy**

The Director noted that the ASFB have recommended a policy that all fish caught up until 15th May should not be killed. Sir Edward Mountain noted that the Spey's Conservation Policy is a recommendation which is voluntary, albeit with a strong urge to abide by it. Following discussion, it was agreed that the Conservation Policy should be reviewed and a revised version circulated to the Board for approval for publication.

6.2 **Mixed Stock Fisheries**

The Director reported that 38 fish were caught last year at the Usan Fisheries nets at Montrose and had been tagged. A monitoring device positioned near Baxters in Fochabers later detected 2 of these fish coming into the River Spey. This evidence reinforced the conclusion that Usan Fisheries are mixed stock and based upon these results, 5% of the fish taken at Montrose arrive at the River Spey. The Chairman noted the effects of mixed stock fishing are summarised in the Chairman's Forward in the Annual Report.

7. **PUBLICITY**

Sir Edward Mountain, Chairman of the Spey Board's Publicity Committee, confirmed that the minutes for the last two meetings would be published on the website. Following a recent Publicity Committee meeting, Sir Edward Mountain asked the Board to agree to a public meeting in Speyside prior to the public meeting to be held in London on 29th April. It had also been suggested at the Publicity Committee meeting that one key message should be given to the Press when promoting the work of the Board, and that message should be the issue of water abstraction.

Sir Edward Mountain asked the Board to encourage proprietors to forward any photographs and fishing reports to Dr. Malcolm Newbould in order to add to the website. It was noted that the number of hits on the website increases at the beginning of the week as soon as the fishing report has been added, which helps to promote fishing on the River Spey.

The Director reported that following the Opening Day Ceremony with guest speaker, Euan McIlwraith, presenter for BBC's programme, 'Landward' and also BBC Radio Scotland's, 'Out of Doors', that Euan McIlwraith had expressed an interest in presenting the issue of water abstraction on 'Landward'.

8. AOB

There were no issues arising.

9. DATE OF NEXT MEETING

The next meetings were to be held on the following dates:-

- 9.1 Friday 16th May, 2014 at a venue to be confirmed.
- 9.2 Friday 15th August, 2014 at a venue to be confirmed.
- 9.3 Friday 21st November, 2014 at a venue to be confirmed.

With no further matters to be discussed the meeting adjourned at 12:15.