

MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD held at the Dowans Hotel, Aberlour commencing at 9.00 a. m. on Thursday, 5th December, 2013.

Present:-

Chairman	Alan Williams	Carron
Proprietors	James Carr Brian Doran Peter Graham Angus Gordon Lennox Toby Metcalfe Sir Edward Mountain, Bt Oliver Russell Peter Millar Dr CMH Wills	Wester Elchies Craigellachie Fishings Rothes and Aikenway Brae Water Trust Crown Estate Delfur Fishings Ballindalloch Orton Knockando
Co-Optees	Grant Mortimer Mel McDonald	Strathspey Angling Improvement Association River Spey Anglers Association
Invitees	Gavin Clark	SNH
In Attendance	Roger Knight William Cowie	Director Clerk
Public Attendees	Craig Mackay James Seivewright Peter Austin Brian Herbert Michael Glass	

1. INTRODUCTIONS AND APOLOGIES

The Chairman noted that the meeting represented the first occasion that Members of the Public had been invited to attend the Fishery Board Meetings following the introduction of the Aquaculture & Fisheries (Scotland) Act 2013.

He advised that the Meetings to be held on the day would comprise an initial Open Meeting of the Board with Public attendees, which would involve a discussion of mixed stock issues, followed by a Private Closed Meeting of the Board when decisions would be made and discussion on confidential management issues would be undertaken.

He welcomed the Public Attendees to the Meeting and a list of attendees was obtained.

Finally, the Chairman reported that apologies had been received from Councillor Douglas Ross, the Moray Council representative, who was unable to attend.

2. MINUTES OF PREVIOUS MEETING

2.1 The Minute of Meeting held on 18th September, 2013 was considered.

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

3. MATTERS ARISING FROM PREVIOUS MINUTES

3.1 Allt Yairrack Landslip

The Clerk reported that a response had been received from both Scottish & Southern Energy and Rio Tinto Alcan following the information by the Clerk of the possibility of damage to water quality as a result of the peat slide.

The response from Rio Tinto had indicated that they, in turn had a right of relief against Scottish & Southern Energy in the event of any loss arising. The response from Scottish & Southern Energy had indicated that they were monitoring the situation and that as at 12th November, 2013, had seen no adverse impacts. The Director reported that no rectification work had been carried out yet because of Health & Safety issues, but the Board would continue to monitor the situation closely.

3.2 Publication of Minutes

It was noted that abbreviated versions of the Minute would be published on the website with some confidential issues and those matters considered to be work in progress being omitted.

4. COMPLIANCE WITH AQUACULTURE AND FISHERIES (SCOTLAND) Act 2013

4.1 Declaration of Interests

There was circulated and appended to this Minute a briefing paper prepared by the Director regarding the Declaration of Members' Interests. It was recommended that interests be published on the website and a form would be circulated to all Board Members to complete and return, with a request that they provide the information prior to Christmas. Further advice would be sought from the Association on what potential interests were required to be noted and it was agreed that those involved in a professional capacity should declare interest in projects in which their firms have involvement.

4.2 **Complaints**

There was circulated and appended to this Minute a briefing paper prepared by the Director regarding the complaints procedure that he recommended should be adopted by the Board.

It was noted that the public must be in a position to complain and that the Board must be transparent about dealing with complaints. After debate it was suggested that a two stage complaint procedure as outlined in the paper would be adopted by the Board, but it was not possible to give clear guidance on what constituted a complaint at this stage, as the matter had not been expanded upon in the legislation. It was, however, suggested that if the complaint was about the Director, that the complaint be referred directly to the Chairman and the Board to consider.

5. **DIRECTOR'S REPORT TO OPEN MEETING**

The report given to the open meeting was as appended to the Minute, but the following additional points arose:-

5.1 **2013 Catch Figures**

The Director stressed that the figures had not yet been finalised and a press release would be issued once they had. Until then, he requested that all Board Members and Members of the Public attending keep the figures private, pending finalisation.

The overall summary of the catch figures was clearly lower than average, but the conservation policy and release rates had increased to a figure of 88% for salmon and grilse and 76% for sea trout.

5.2 **Rio Tinto Alcan**

The Director noted that further discussion would be held regarding the Rio Tinto Alcan issue at the Closed Meeting to be held following the Open Meeting.

5.3 **CNPA**

It was noted that in addition to the abstraction issues alluded to in the Director's report, Pete Cosgrove had contacted the Director for access to various sites to carryout fresh water pearl mussel surveys. Although not officially disclosed, he had noted that of the 25 sites previously monitored, only 3 remained in a satisfactory condition. This had clearly set alarm bells ringing as pearl mussels

were a good barometer of quality and quantity of water and habitat. Further discussion would follow in the Closed Meeting.

5.4 Dipple Well Field

In addition to the position reported in the Director's briefing note, the Director reported that Scottish Water were now suggesting that rather than the onus being on them to release compensatory flow, it was in Scottish Water's view incumbent upon the Board to notify low flow levels and to request the additional water release as laid down in the terms of the agreement. Sir Edward Mountain viewed this as an excuse to avoid responsibility and to sidestep requests to contribute funding to research projects on low water flows and high water temperatures. He felt that Scottish Water should be pursued vigorously on this aspect and all Board Members agreed.

5.5 Spey Catchment Initiative

The Director reported that SEPA had confirmed a financial contribution for the current year and he was hopeful that funding would be available for the next 2 years.

5.6 Ranunculus

The Director reported the executives' position that they remained unhappy with the content and the production of the report on Ranunculus. Matters were currently a work in progress and the position would be reported more fully at the subsequent meeting.

5.7 Predator Management

5.7.1 Moray Firth Seal Management Plan

It was reported that the licence for seal control should be in prior to the Christmas break. The Director had assumed responsibility for the submission of the 2014 licence for seal control, following the departure of the previous licensee from the Kyle of Sutherland DSFB. Furthermore, the 2014 licence had been applied for.

5.7.2 Sawbill Licence

The Director was now responsible for the application for a number of Moray Firth rivers, including the Spey. It was reported that the Spey was

once again coordinating the Moray Firth Sawbill Licence application, which had been submitted to the licensing authorities at the end of November.

5.8 Beavers

The Director reported that at a meeting on 18th November, 2013, arranged by the Cairngorms National Park Authority, various presentations had been made, including one from an expert from Norway who did not consider the introduction of European Beaver as a problem for fisheries. The Board's position, however, remained that if reintroduction was to take place, there must be suitable monitoring and a control mechanism in place. Following discussion it was noted that the Knapdale experiment would conclude in 2014, although the Board noted that Knapdale did not contain a significant salmon river. The Board also noted that the Minister of Environment was expected to take a decision in 2015 on the re-introductions of European Beaver to Scotland.

The status of European Beaver as a protected species was to be confirmed by Gavin Clark.

The Director then invited questions on his report. In response to enquiry, he confirmed that regular Sawbill counts had been undertaken in river and that counts out to the mouth of the estuary would be instigated also.

6. SPEY FOUNDATION REPORT

6.1 The Director reported that the Spey Foundation had met and had discussed the following principle issues:-

- Biologist
- Electro-Fishing
- Future action plan
- Constitution
- Finance

6.2 Brain Shaw had presented an analysis of recent Spring runs, which showed a marked decline in the middle section of the river.

In particular, return rates from the marine environment had dropped significantly from approximately 25% thirty years ago, to 4% now, although there was now a need for historical research to be carried out to put catches into context.

As far as the action plan was concerned, it was noted that the Foundation had previously put in place a 5 year plan which had now run its course. Brian Shaw had now begun the process of reviewing this, which will result in a more concise future plan which would then be put out for public consultation. This revised plan would then be placed before the Foundation Committee in 2014 for further consideration and approval.

6.3 Constitution

Sir Edward Mountain reported that some of the work originally envisaged had conflicted with the current Memorandum and Articles and discussion followed on the process required to adjust these. The Clerk reported that the Foundation had charitable status and any adjustment to the Memorandum and Articles themselves would require OSCR approval and a number of formal general meetings. It was suggested that the way forward would be to produce an amended set of working rules, which would still be compliant with the Memorandum and Articles, but would not require formal adjustment of the founding documents.

In response to questions, Peter Graham, as Chairman of the Committee, made a plea to all Proprietors and Board Members alike to respond to the consultation on the 5 year action plan so that all views could be taken into account.

7. ASFB

The Chairman reported that the Annual General Meeting of the Association of Salmon Fishery Boards had been held and that the Chairmanship had now passed to Alasdair Laing of the Findhorn Board.

8. MIXED STOCK FISHERIES

Sir Edward Mountain noted that there had been a general increase in activities involving netting stations around the coasts and, in particular, George Pullar had been vocal in advocating an increase in netting operations.

It was believed that the Deveron Netting operation had possibly accounted for up to 2,500 fish in the previous year.

He reported that although there had been a voluntary moratorium on Spring netting, there had been a recent indication that George Pullar was seeking compensation for continuing to give up the right to fish during this period. Suggestions had been made that the Boards approach the Scottish Government through the Association of Salmon Fishery Boards, to endeavour to seek a ban on killing all fish during the Spring run, so as to prevent any expansion in netting operations. The alternative was for the local Fishery Boards to continue to reach negotiated agreement with local netmen, with the suggestion that the question of compensation be put to an independent adjudicator. Sir Edward Mountain reported that a meeting was to be held with the ASFB Council the following week to determine which route the ASFB would follow i.e. a direct approach to the Scottish Government for a ban, or a decision to leave negotiation to individual Fishery Boards and their respective local netting interests.

By way of background, it was noted that there was clearly a relationship between coastal netting and the Spey catchment and indeed research undertaken on fish taken by Usan's nets at Montrose had shown that even at those distant nets, five per cent were destined for the River Spey. This showed that netting was having a broad and significant effect on rivers throughout the Moray Firth.

The approach to be adopted by the Board and to be reported back to the ASFB Council Meeting was to be determined at the closed session to follow.

9. PUBLICITY

9.1 Minutes

Sir Edward Mountain, as Chairman of the Publicity Committee, confirmed that the Minutes from the Committee's Meetings would henceforth be published on the website.

9.2 Principal issues in 2014

Sir Edward Mountain felt that the Publicity Committee should concentrate on a particular issue in the 2014 Season, which could form the basis of presentations to the London meeting. In his view, the obvious primary issue for the Board was water abstraction and he recommended that the London meeting concentrate on this and encourage a campaign to be generated by interested parties in that area.

Debate followed and some Board Members felt that the London public meeting was better suited as a fund raising meeting, rather than a campaign meeting and that it should concentrate on generating funding for a shovel ready project.

Following discussion it was felt that the advantage of the London gathering offered was not only fund raising, but influence. Therefore it would be relevant for the Director to produce a “wish list” of matters that the Board would like to secure during the year (such as high level meetings with Rio Tinto Executives), as well as shovel ready projects, which could be raised and discussed at the Public Meetings.

Dr CMH Wills felt that the decline in pearl mussels that had been noted in connection with the Foundation Committee work must correlate with the decline in fish numbers. She felt that our publicity should concentrate on this aspect particularly and the effect of ranunculus and water extraction on the pearl mussel populations. Gavin Clark for SNH cautioned that the Board should not jump to conclusions until full details for the reason for the decline of pearl mussels had been evaluated, but it was noted that SNH were taking these matters very seriously.

10. AOCB

There were no issues arising.

11. DATE OF NEXT MEETING

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

- 11.1 Friday 14th February, 2014 at a venue to be confirmed commencing at 10 a.m. for the Board Meeting.
- 11.2 Friday 14th February, 2014 at 2 p.m. at a venue to be confirmed for the AGM.
- 11.3 Friday 16th May, 2014 at a venue to be confirmed.
- 11.4 Friday 15th August, 2014 at a venue to be confirmed.
- 11.5 Friday 21st November, 2014 at a venue to be confirmed.

The meeting then closed.