

**MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD** held at the Craigellachie Hotel, Craigellachie commencing at 9.00 a. m. on Wednesday, 18<sup>th</sup> September, 2013.

**Present:-**

<b>Chairman</b>	Alan Williams	Carron
<b>Proprietors</b>	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
<b>Co-Optees</b>	Grant Mortimer  Mel McDonald	Strathspey Angling Improvement Association  River Spey Anglers Association
<b>Invitees</b>	Douglas Ross	Moray Council Representative
<b>In Attendance</b>	Anne Anderson Grahame Newman  Roger Knight William Cowie	SEPA SEPA  Director Clerk

**1. INTRODUCTIONS AND APOLOGIES**

The Chairman reported that apologies had been received from Gavin Clark at SNH.

He introduced Board Members to Anne Anderson and Grahame Newman of SEPA. Grahame Newman was to be a permanent invitee to the Board but Anne was attending because of her knowledge regarding water abstraction issues.

**2. MINUTES OF PREVIOUS MEETING**

2.1 Minute of Meeting of 16<sup>th</sup> May, 2013.

There was only one comment to accuracy and adjustments were made for finalisation.

### **3. MATTERS ARISING**

None.

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

The Director's Report was as presented and as attached to the Minute but the following additional points arose.

#### **4.1 Aquaculture and Fisheries (Scotland) Act 2013**

A separate briefing was provided and circulated to Board Members but it was noted that the method of dealing with complaints and the Register of Members' interests still required further clarification.

The main change however related to openness and transparency and in particular Minutes were now to be made public. It was noted that there was a requirement to hold one Public Meeting annually, but after discussion and debate it was resolved that all Board Meetings would be open to members of the public and advertised on the website. It would require to be made clear to members of the public that there would no right to speak at the quarterly Board Meetings. Debate on particularly contentious aspects could be delegated to Sub Committees who would report with recommendations only.

It was important to establish what would be termed "private business" and what would be termed "public". Consensus was reached that the meetings would be advertised quarterly on the website with an invitation to the public and clarification of "open" and "closed" sessions would be provided. Should members of the public wish to raise matters they would be encouraged to do so at the annual Public Meetings, the timing and venue for which would need to be considered carefully.

Additionally, an Annual Open Meeting was also required to be held to consider the Annual Report and audited accounts, and it was proposed that this be held on the same day as the AGM, with details to be worked on nearer the time.

#### **4.2 Water Extraction**

##### **4.2.1 Rio Tinto Alcan**

The Director noted the current position with Rio Tinto and it was suggested that Anne Anderson of SEPA could act as an intermediary to facilitate a meeting between Rio Tinto, SEPA and the Board. Anne

Anderson confirmed that she had held talks and was on track for a meeting to be arranged.

#### 4.2.2 Upper Spey Land Slip

It was reported that there had been a peat slide in connection with the construction of the pylons for the Denny to Beaully power line. Grahame Newman confirmed that SEPA were aware of matters and were in the process of evaluating and putting in place appropriate mitigation measures. All options were open regarding further regulatory control and future mitigation. It was recommended that Spey staff take independent PH levels in the affected burns for the Board's own records. Grahame Newman confirmed that preventing recurrence would form a major part of the SEPA investigation. There was some doubt expressed as to whose responsibility this was, particularly as the ground was owned by Rio Tinto, although the contractors were acting under the instruction of Scottish & Southern Energy. It was recommended that the Board's Clerk via R & R Urquhart write to express the Board's concern regarding the occurrence and reserve the Board's position in respect of future claims, as well as recommending that land owner and SSE notify their insurers accordingly.

#### 4.2.3 Scottish & Southern Energy

The position was as reported in the Director's Report but it was noted that the decision from SEPA was likely by the end of 2013.

#### 4.2.4 Cairngorms National Park Authority

The Director noted that the supply of water was a concern for future housing development and he had been invited to give a presentation to CNPA Board Members on the 26<sup>th</sup> September, 2013.

#### 4.2.5 Spey Catchment Initiative

The report that had been received from Stirling University on the River Mashie had been disappointing and had failed to incorporate important elements. There was discussion of whether the Board should now join with others to engage Professor Gilvear, who had moved onto Southampton University, to finalise the report in accordance with the original remit, but it was felt that it may be too late as payment had already been made. It was suggested that the Director raise this issue with Cairngorms National Park Authority and use their offices to resolve matters.

#### 4.2.6 Coastal Patrols.

As reported in the Director's Report.

#### 4.2.7 Ranunculus

It was noted that the next stage may be “in-river trials” on the Don in 2014 but this will depend on whether research had already been carried out on the proposed chemicals. The matter would be further reported.

#### 4.2.8 Predator Management

It was noted that a new licence for seals will shortly be required but a thorough review of the Moray Firth Seal Management Plan would also be undertaken over the next year.

#### 4.2.9 Public Meeting.

The Public Meeting held in Aberlour was judged a success and encouraged considerable support and attendance.

#### 4.3 Questions

The Director then invited questions.

- 4.3.1 The first question regarded the Tummel Licence and an explanation was sought on the term “building blocks”. The Director responded that this would involve the provision of a constant baseline flow, supplemented by “building blocks” of artificial freshets at certain times of the year. These would be provided in the spring to encourage smolt migration and during the autumn when adult fish were returning to spawn. There was a concern amongst the Board regarding the use of the “Freshets” and simply relying on these to maintain flows.

Anne Anderson from SEPA noted the concerns with Freshets and emphasised that the use of building blocks was designed to reflect more natural flow schemes. She confirmed that her team would be focussed on the impacts of all abstractions on the Spey catchment, although the lead role in the Tummel review was being undertaken by her colleagues in the Tay catchment. She confirmed that the interests of the Spey would be fully considered and offered to invite her colleague from the Tay catchment, Pauline Silverman, to attend the December Board Meeting if required. The Chairman thanked her for her comments which would be considered further.

- 4.3.2 Sir Edward Mountain enquired regarding the Compensation Scheme at Dipple and asked the Director whether the compensation arrangements had been adhered to and if not, what action the Board were proposing to take.

The Director advised that he felt it was unlikely that there had been sufficient water resources available to enable the arrangement to be adhered to and suggested that the matter was remitted to a sub-committee

to review further. In discussion it was noted the agreement had been between the Grampian Regional Authority and the Board and was likely to have been completed in the 1980's. It was suggested that the Clerk circulate the Agreement to Board Members following review and, in particular, focus on whether there were any sanctions for non-compliance etc. The Chairman recognised that whilst this was a specific scheme it was part of a larger picture of the effect of water abstractions and there was now concern about the cumulative impact of the numerous extractions on the river as a whole. In particular, Peter Graham stressed the Boards requirement for a holistic approach across the Spey catchment for new abstractions, as opposed to individual considerations. Anne Anderson responded that existing abstractions had been licenced before the new regime came in, but there was a review that was on-going and all new applications were proceeded with on the basis of taking into account existing licences and the cumulative effect on the river as a whole. A CAR licence could not be granted in isolation and new applications were now dealt with in consideration of "hands off flow" data which had not been previously available.

The Chairman reiterated the Board's concern about the overall impact of abstractions on the whole catchment and the need for a thorough review of all upper Spey abstractions. Anne Anderson confirmed that the way that they proposed dealing with matters was through Management Agreements, which included reports on compliance within each CAR Licence.

In response to enquiry, she confirmed there was no specific plan to review the Rio Tinto Licence, but this would be considered within the overall review of the Tummel scheme.

## **5. FOUNDATION COMMITTEE REPORT**

The following points were noted:

### **5.1 Spey Board Stocking Sub Committee**

Peter Graham explained that the meeting had gone slightly further than its remit, but in summary the Foundation had resolved to continue on broadly the same stocking policy for a 5 year period to enable further monitoring and a full review of data. The fin clipping programme had been a great encouragement to Ghillies and had resulted in them feeling much more involved in the project. Given the resolution to continue in the same way for a 5 year period, the Board would not be seeking additional funding for genetic research at the moment, but would maintain the collection of data for further work in the future.

The Sub-Committee report was as appended to the Minute and the Board expressed its thanks to the Ghillies for all their support and involvement.

## 5.2 Remaining Issues

Peter Graham reported that the Foundation Committee meeting had been productive and had included some discussion on the Pan-Scotland decline in numbers of salmon. There had been a focus on devising a work programme for the Foundation and this would be presented at the December meeting. There were also particular concerns regarding the decline in numbers of stock above the Spey dam and the view that they were possibly heading towards extinction. This was a very important matter for the Board and for the Foundation and should be specifically recognised by SEPA, so that all parties could guard against potentially losing a sub-species completely.

## 6. ASSOCIATION OF SALMON FISHERY BOARDS (ASFB)

The Chairman reminded Board Members that he was also Chairman of the Association of Fishery Boards, although was standing down at the AGM in November. He then reported on the current issues facing the Association and in particular the Aquaculture and Fisheries Act and the focus on political interface between the Boards and the Government.

With his upcoming retiral from ASFB, he felt it was time to examine the representation of the Spey Board on the Association, particularly given that the Board was currently second-equal in terms of its financial contribution to the Association. His recommendation was that Roger Knight be put forward as the Spey representative and he invited comments. After discussion, it was agreed that Sir Edward Mountain would remain as the Spey's representative until February 2014, at which point he was likely to step down. This was accepted by the Board.

## 7. PUBLICITY

Sir Edward Mountain reported that the Publicity Committee had met earlier in the week and the website had had some 90,000 "hits" to date. He recognised we were still struggling to get our message across to the public. The news release regarding the low water and catches was circulated for comment, but he reported that the Publicity Committee would like to focus their activity on aspects of more positive publicity.

He reported that the London Public Meeting had been very good and well attended and they were hoping to have a further meeting in April 2014. He suggested that the Board might commence a drive for fund raising for a specific project or issue at this meeting.

He then invited questions.

The Chairman noted that currently Sir Edward was the only Board Member who sat on the Publicity Committee and there was a need for further Board representation. After debate, Brian Doran indicated that he was content to participate.

Discussion then followed on the news release and whether this should also be expanded to encapsulate the hatchery policy decision. However, after debate it was felt that it should deal with one issue only and the message should be kept simple. The hatchery decision would be dealt with via the website and blog, although a final decision on this was remitted to the Publicity Committee.

The Chairman took the opportunity to remind Board Members of the stocking conference being hosted by the Atlantic Salmon Trust at the end of November in Glasgow.

## **8. FINANCE**

The Director circulated the quarterly figures and spoke to the variances from the budget.

In particular:-

- The figures represented the position at the end of June.
- Although there had been a surplus of £13,000 at that time, he expected that the final outcome would be as forecast.
- The bulk of assessment repayments following revaluations had been made with the exception of two which had yet to be resolved.

Discussion then followed on assessment payments and it was noted that there was one recalcitrant payer. After debate it was felt that the Board should pursue this with full vigour if payment was not paid, including charging interest.

James Carr raised the question that with low catches, the significance of the assessment was becoming much greater and he felt there was a limit to how much of a percentage increase Proprietors would be prepared to stand. In response, the Chairman advised that draft budgets would be available shortly and it may be that the Board would go to a 3 year plan to ensure that future anticipated costs were covered. Once these had been identified, there would be full review of where savings could be made as well.

## **9. AOCB**

9.1 Spey Dam

The issue of Spey Dam was raised again by James Carr, who felt that SEPA should really be at the forefront of policing matters, rather than attempting to engineer a compromise. After discussion, it was noted that SEPA were not altogether aligned with the view as held by the Board that the Spey Dam and the water regime emanating from it were impeding the passage of salmonids. There were other prominent issues, such as the off-take behind the dam and the heck over the River Markie, which also needed to be resolved. These were part of the discussions that SEPA were having, but SEPA would continue to act as an intermediary between the Spey Board and Rio Tinto.

Debate followed regarding the levels of juvenile numbers above the Spey Dam and the Board was very clear that SEPA needed to recognise this. For her part, Anne Anderson indicated that more data would be required and the first time that she had seen the low density numbers was at today's Board Meeting. She was therefore unwilling to provide an opinion at this juncture. The Board still felt, however, that it was vital that SEPA did not allow Rio Tinto simply to dismiss the issue. Anne Anderson confirmed that she would pass the figures presented today to SEPA's Senior Fish Ecologist, Alistair Duguid, who had the lead on such matters.

The Chairman expressed his thanks to Anne for her valuable input and her acceptance of the invitation to attend. She indicated that she was happy to come back, with or without colleagues, as required.

Toby Metcalfe expressed the opinion that Rio Tinto would only move if SEPA took action and the Board must encourage SEPA to do so. If there was no further engagement from Rio Tinto, the Board must consider further legal action.

- 9.2 On the issue of poaching, Brian Doran enquired if Board Members were aware of the recovery of a monofilament net at Craigellachie. The Board were aware of this, but as this had been found close to a main road bridge, it was suggested that a review of the schedule of patrols should be carried out.

## **10. DATE OF NEXT MEETING**

The next meeting was scheduled for Thursday, 5<sup>th</sup> December, 2013 commencing at 9 a.m. and would be the first occasion in which the public would be invited via the website.

The meeting then closed at 12.30 p.m.