

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  
Friday 28<sup>th</sup> August, 2015

**Present:-**

<b>Chairman</b>	Brian Doran	Craigellachie Fishings
<b>Proprietors</b>	Peter Graham Angus Gordon Lennox Toby Metcalfe Peter Millar Sir Edward Mountain, Bt Oliver Russell Alan Williams	Roths and Laggan Brae Water Trust Crown Estate Orton Delfur Fishings Ballindalloch Carron Fishings
<b>Co-Optees</b>	Grant Mortimer  Mel McDonald	Strathspey Angling Improvement Association River Spey Anglers Association
<b>In Attendance</b>	Roger Knight Gavin Clark Brian Shaw William Cowie	Director SNH Biologist Clerk
<b>Public Attendees</b>	Craig Mackay	River Spey Anglers Association

**1. INTRODUCTIONS AND APOLOGIES**

Apologies had been received from James Carr and it was noted that due to health reasons James had resigned from the Board in the intervening period since the last meeting. The Board Members wished him well and a vote of thanks was given. Apologies had also been received from Dr CMH Wills, Grahame Newman and Douglas Ross.

**2. MINUTES OF PREVIOUS MEETING**

2.1 Minutes of the Open Session of the Meeting held on 22<sup>nd</sup> May, 2015.

The Minutes of the previous Meeting were tabled and approved with Mel McDonald proposing and Peter Graham seconding.

### **3. MATTERS ARISING FROM PREVIOUS MINUTES**

#### **3.1 Foundation Road Show event**

Sir Edward Mountain provided an update to the Road Show issue and it was noted that whilst he had tried to find a host at the Scottish Parliament there had been no interest in doing so immediately before the Summer Recess and so the event was still pending.

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

The Director's Report was as annexed to the Minutes but the following particular points arose using the numbering from the Report:-

#### **3 Wild Fisheries Reform**

##### **3.1 Consultation Response**

The Director reported that the June meetings had been particularly useful in informing and gathering opinion from outside interests.

##### **3.2 ASFB Rafts Joint Working Group**

The Director reported more positive movement in the Joint Working Group arrangements.

##### **3.3 Scottish Government as Stakeholder Reference Group**

The Director reported that Alister Jack had spoken very well at the first meeting, with emphasis on the Fishery Boards running as businesses rather than as proprietors clubs.

#### **4 Kill Licences & Carcass Tagging**

In addition to the points noted on the Director's Report, the Director commented that when the announcement was originally made by the Scottish Government, the interpretation had been that coastal netting had been banned entirely, but this turned out not to be correct. What had actually been determined was a period of prohibition, whereby Licences for coastal netting would not be granted for a period of 3 years from 2016. He then invited questions.

Sir Edward Mountain enquired what this actually meant for the Board and Brian Shaw suggested that netting out-with estuary limits would be prohibited for the next 3 years.

The Chairman was of the opinion that the refusal of Licences was aimed at fixed engine fisheries and not net and cobble. There was still detail to be worked out and an online consultation was proceeding, although he had found it very difficult to gain access to that.

Toby Metcalfe was of the opinion that Fishery Boards needed to direct Ministers, rather than waiting to be directed and needed to be more proactive. This was supported by other Board Members who felt that the Director would be best placed to present the Boards position.

Sir Edward Mountain enquired whether it was possible to obtain a list of nets and to find out how many had responded to the carcass tagging proposals. In response the Director advised that no figures had been made available.

Finally, Alan Williams cautioned the Board against a blanket encouragement for the proposal, because this could be seen as support for carcass tagging as a price worth paying.

## **5 ASFB**

It was noted that the overall relationship with the ASFB was to be discussed in the Closed Session to follow but, Peter Graham, who had been in attendance at the recent joint members' meeting, suggested that the greatest part of the debate had surrounded the merits of having one larger organisation in each area as opposed to two, in the form of both Boards and Trusts. The Spey and the Tweed had made strong objections and were of the opinion that there should be as many organisations locally as would be required to deliver, rather than seeking a "one size fits all" approach.

## **6 Water Abstraction**

### **6.1 Rio Tinto Alcan**

Brian Shaw reported that he had been present at the draining of the fish pass and that there were no salmon in evidence at all. Toby Metcalfe enquired of Brian Shaw how big a job it would be to ensure that the fish pass worked properly. Brian Shaw felt that whilst there were some positive aspects, it was a very large structure and he suggested that a survey would need to be completed, although following this it could be redesigned at a

reasonable cost. The suggestion was to employ a specialist through SEPA and ask SEPA to resource it. Alastair Stevens would be utilised to raise this and in answer to enquiry from Angus Gordon Lennox, the Biologist was of the opinion that the habitat above Spey Dam could support approximately 12,000 smolts.

## 8 **Ranunculus**

Following the trials conducted in July, the Director reported there would be a meeting of the working group in approximately 2 weeks after the date of this meeting and, if the trials had had no impact on Ranunculus, it was anticipated that this would be reported back to the relevant agencies with a request that they now take appropriate action. In response to enquiry, Gavin Clark advised it would not necessarily be an easy solution to remove the weed and it could be present for a number of factors. Sir Edward Mountain felt, however, that discussion on this had been delayed for far too long and a solution must be found which, in his view, should include consideration of overturning the ban on “Midstream”. He felt that given the impact on the habitat of the river and on fresh water pearl mussels, it was simply not good enough to say that nothing could be done about it. The onus would be on SNH and SEPA to find a solution through the working group which they had established. The working group should not, however, rule out any solution, including the reintroduction of “Midstream”.

## **Questions**

The Director then invited any questions on any aspect of his report:-

1. Toby Metcalfe enquired whether there had been any evidence of poaching activity and any nets recovered. The Director was able to report no nets had been recovered and there had been approximately 16 attempts at poaching. No arrests had been made.
2. Sir Edward Mountain felt that it would be advisable for all people employed through the Board to go through Bailiff training, including scientists. This was endorsed by the Chairman, who felt that this may form part of Central Unit control in due course and confirmed that an overall review of Bailiffing was already underway. Oliver Russell requested that Bailiffing be included as a separate agenda item at the following meeting.

It was reported that there appeared to be a feeling amongst the Ghillies that fewer boat patrols were now taking place, including situations where net leaders could not be lifted

because of poor weather. There had been a request from the Ghillies to demonstrate more use of the Patrol Boat.

## **5. Spey Foundation Report**

Peter Graham then presented a brief synopsis of the work of the Foundation Committee over the period May to August and the following was noted:-

- It was noted that the electro-fishing had shown evidence of good fry numbers, although parr numbers were slightly down.
- The departure of Polly Burns to a job in Edinburgh was noted.
- The stocking Sub Committee had met and identified stocking locations for 2016, including the experimental location of the Tommore Burn.

The Foundation Committee recommended that the Board apply for consent to capture circa 105 adult salmon to produce approximately 300,000 eggs and subsequently 250,000 fed fry for the next year.

- In the investigation of “red vent” syndrome, the Committee recommended that the Board permit the donation of 30 kelts for analysis.
- Following Polly Burns’ departure, the Committee had discussed the possible replacement of a scientist, but had decided to review the current resource and workload prior to making any decision. There may be an opportunity for out-sourcing, together with additional utilisation of Steve Burns and the Committee therefore felt that there was currently no need to immediately replace Polly Burns. However, this may result in some less vital projects being put on hold.

Peter Graham then sought approval from the Board of the recommendations to capture the broodstock and to donate the kelts for red vent analysis. This was given unanimously by the Board.

Peter Graham then invited questions:-

Angus Gordon Lennox enquired whether it was possible for a summary of electro-fishing results to be given by Brian Shaw. In response, he reported that there had been some good news from the early results on the main stem river, but some concern about the periphery with regard to fry numbers. It was also noted that parr numbers were down, almost certainly due to the big spate in August 2014.

Alan Williams enquired about the Conservation Limits and asked how many fish might be required to achieve the Limits sought by the Government. Brian Shaw responded that approximately 15,000 hen fish in the river would be sufficient to maintain the levels sought.

Sir Edward Mountain advised that he had joined the Biologist as a volunteer electro-fisher and had enjoyed the experience. He recommended that others take the opportunity likewise. Mel McDonald enquired whether Health & Safety precluded volunteers, but Brian Shaw confirmed that it did not.

## **6. AOCB**

Sir Edward Mountain enquired whether the Closed Meeting would deal with the allocation of the compensation funds from the distillery pollution event and this was confirmed.

Gavin Clark gave apologies that he would not be able to attend the Closed Meeting. He also reported the position of SNH with regard to Spey Dam, in that the Dam had already been in existence prior to the designation of the river as a Special Area of Conservation, distinct from the Water Framework Directive.

Craig Mackay of the River Spey Anglers Association invited all Board Members to the Spey Anglers AGM which was to be held on Monday the 9<sup>th</sup> November 2015 at the Eight Acres Hotel in Elgin, with Richard Lochhead as principal speaker.

## **7. Date of next meeting**

The next meeting was scheduled for Friday 20<sup>th</sup> November, 2015 at 9.30 a.m.

The Open Session then closed at 10.45 a.m.