

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 10th February, 2017

Present:-

Chairman	Brian Doran	Craigellachie Fishings
Proprietors	Peter Graham Angus Gordon Lennox William Mountain Toby Metcalfe Peter Millar Oliver Russell Dr CMH Wills Alan Williams	Roths & Aikenway and Laggan Brae Water Trust Delfur Fishings Crown Estate Orton Ballindalloch Knockando Carron Fishings
Co-Optees	Grant Mortimer Craig Mackay	Strathspey Angling Improvement Association River Spey Anglers Association
In Attendance	Roger Knight Brian Shaw Graeme Henderson Jen Heatley William Cowie Alan Wells	Director Biologist SEPA SNH Clerk Fisheries Management Scotland
Public Attendees	Sandy Lewis	Seafield Estates

1. INTRODUCTIONS AND APOLOGIES

Apologies had been received from Douglas Ross MSP.

The Chairman introduced Alan Wells, the Chief Executive of Fisheries Management Scotland, who was to make a presentation to the Board at the meeting on the role and scope of Fisheries Management Scotland.

2. MINUTES OF PREVIOUS MEETING

2.1 The Minute of the Open Session Meeting held on Tuesday, 15th November, 2016 was tabled, proposed by Peter Graham, seconded by Angus Gordon Lennox and approved for signature.

3. MATTERS ARISING FROM PREVIOUS MINUTES

There were none.

4. WILD FISHERIES REFORM ANNOUNCEMENT

The Director reported that the picture had started to change early in December, when the Committees formed to progress the Wild Fisheries Reform Programme were suspended until consideration of funding issues had taken place. This resulted in a political statement issued a week before the current meeting, advising that the focus of Scottish Government would now be on “protecting the rights of anglers”. This they would achieve by:-

- Ruling out rod licences and fresh water levies
- Ruling out changes to Board structures
- Encouraging and empowering voluntary mergers
- Refining and finalising conservation limits

In effect, this meant that after all the effort and input involved from all parties, the proposed Fisheries Management Organisations were now no longer to proceed. The principal reason for this was that the funding structure was simply not available and it had been estimated that to fully implement the arrangements would have cost in the region of £4million. It was most disappointing that this message, which had been repeatedly stated by the Fishery Boards, had not been heeded at an earlier stage and that as a result, a lot of time and effort had been wasted. The fact that the government had backtracked and reverted to the existing Board Structure was generally to be welcomed by the Board however.

5. DIRECTOR'S REPORT

5.1 The Director's Report was as presented in the annex to the Minute but the following additional points arose using the numbering in the report:-

4 Water Abstraction

4.1 Spey Dam

After the delivery of the report on the progress with Spey Dam, Peter Graham welcomed the different tenor of discussions with the new owners, but still wanted reassurance that action would take place rather than words. He advised that the Foundation were focusing on gathering as

much and as accurate genetic information as possible to keep the pressure on the new owners so that action was assured.

Craig Mackay enquired what action the Board actually wanted to see. In response, the Director advised that there was an extensive wish list, but overall: we had concerns over the efficacy of the fish pass and the water flows emanating from the Dam, the screens at the off-take were failing to prevent fish from being drawn to the Crunachden Cut and the water flows there exceeded regulatory requirements; the heck across the Markie needed to be removed, or at least fish access around it should be provided for; and the Mashie needed to be re-meandered with sediment re-introduced; and the surrounding land managed to maximise possible fish passage and open the maximum area of habitat. It was noted that representatives of the new owner had already been to see the Mashie offtake personally which was a positive step and, whilst they had not indicated what they would be prepared to do, they had offered to meet with the Board to discuss the issues and understand the solutions.

Toby Metcalfe suggested that they should be encouraged to appoint a Project Manager to deliver solutions and this was agreed as a very sensible suggestion by the Board. It would also come at a fruitful time whilst the owners were still considering investment. The Chairman confirmed that an invitation would be issued to the new owner's representatives to meet again very shortly.

Alan Williams enquired of Graeme Henderson whether Anne Anderson was still the SEPA officer in overall control of the Spey Dam issue and he confirmed that he thought so, but would have to check. He also confirmed that the CAR Licence was still in existence and had transferred to the new owners. The Licence still recorded the site as "failing" and would continue to do so until compliance work had been undertaken. SEPA would continue to police this aspect.

The biologist also noted that it was likely that the new owners would employ someone for general environmental concerns, and there would therefore be a contact to deal with.

Craig Mackay enquired whether it was known what the new water regime would look like, but in response, it was confirmed that there would require to be considerable reassessment of the fish pass involving specialists. Alan Williams also indicated that it would need to look at both access to the habitat above the Spey Dam and, egress from it, and would also include shingle movement/replacement.

The offtake would also require to be revised and replaced as the screens were not sufficient to prevent juveniles being swept to Loch Laggan or trapped against them. It was however a complicated solution and would require considerable reassessment with expert advice.

In summary, the Chairman confirmed that he was determined to push home the advantage now and see progress made.

4.2 Tummel Scheme

As reported previously, it had now been confirmed that the River Garry would be re-watered without taking additional water from the Spey as SSE would absorb the minor reduction in renewable energy. However, SSE were still looking at the possibility of a fish pass on the Allt Bhran and the Board would continue to press for this.

In response to enquiry from Angus Gordon Lennox, the Director confirmed that there could be as much as 49% of the natural flow of the Spey above Aviemore being diverted out of the catchment in certain conditions.

5 Predator Control

It was stressed, that there must be a balance between seal and salmon protection by Government officials as it appeared that any suggestion of Common Seal control was automatically rejected by Marine Scotland. This was despite anecdotal and clear evidence of increasing levels of seal predation on Moray Firth rivers.

8 Spey Catchment Initiative

It was reported that SNH have approved their funding contribution to the project for a further 2 years, but the Board and others were actively looking for additional funding.

The Delagyle and Aviemore re-watering schemes were looking positive with Aviemore due to start during the week, although Delagyle was a little more complicated.

Brian Shaw also advised that £10,000 had been secured from Crown Estate for the control of invasive species and he reported that the Scottish Invasive Species Initiative had now been taken over by SNH.

In response to enquiry, the Biologist confirmed that the aim was to expand the hogweed control programme on the Mulben burn to a much wider extent, and this would be a long term continuing project which would include training.

6. SPEY FOUNDATION REPORT

- 6.1 Peter Graham reported that the Foundation Committee had met the previous day and had concentrated on two main areas as follows:-

- Smolt Trapping

It had been reported that the smolt trap would be moved from the Avon, from where we had obtained as much data as we were reasonably likely to get, and moved to the Dulnain. This had resulted in an enquiry from Steve Brand of Ballindalloch, who was concerned about removing the smolt trap at a time when the Avon smolt numbers were declining. In response, he had been advised that the intention was to carry out electro fishing on the Avon and to try to classify the Avon almost as a separate river against the 1, 2 or 3 Categorisations to see if any particular action was required.

- Spey Catchment Initiative

Peter Graham passed on the Foundations thanks and congratulations to Liz Henderson on her efforts in producing the Spey Catchment Initiative document, and would very much like to target funding to enable her to continue.

There was a need for the wider community to realise just how much effort and work went in to this area and the excellent data which had been collected following the continual programme undertaken by the Board over the last 6 years.

He then invited questions on the Foundation Committee work, and Angus Gordon Lennox enquired what type of organisation the Spey Catchment Initiative was.

In response, the Director confirmed that Liz Henderson was employed by the Fishery Board as an administrator with finance coming from partners such as Diageo, Forestry Commission, SEPA, CNPA and SNH. Liz Henderson acted as a facilitator and instigator but, in effect it was a Spey Fishery Board project and it was the Board who were the driving force with significant back-up from SNH. In effect, it was a private/public partnership.

7 PRESENTATION BY ALAN WELLS, FISHERIES MANAGEMENT SCOTLAND

Dr Alan Wells introduced himself to Board Members who had not made his acquaintance and advised that he had recently been appointed Chief Executive of Fisheries Management Scotland. The body formed following the amalgamation of the Association of Salmon Fishery Boards (ASFB) and RAFTS in November 2016. In effect, the ASFB constitution had been altered to allow RAFTS members to join as well as Boards, and the RAFTS organisation itself would cease to operate after March 2017.

FMS would then become a representative body for the previous members of the ASFB and RAFTS. The main focus would be to concentrate on the following:-

- Wild Fisheries Reform
- Aquaculture
- Hydro and water abstraction
- Predation
- Project and research development

In order to achieve these aims the following practice areas would be covered:-

1. Communication

This would involve:-

- Website
- Members updates
- Members support
- Annual reviews
- Annual conference
- Highlighting and celebrating the work of the FMS membership where possible.

2. Members

FMS would:-

- Represent the interests of members at National level through various stakeholder groups and NGO's
- Provide guidance on key issues and pressures and respond to consultations.

3. Policy priorities

The main policy priorities would be:-

- Wild Fisheries Reform, which although reduced in scope because of lack of resource, would still result in legislation being brought forward. There was therefore still a need for the interests of fishery groups to be represented on working groups to inform legislation.
- Salmon Liaison Group.

FMS would make sure that the output and reporting from the Salmon Liaison Group was accurate and the resulting

model that was suggested was understood and communicated effectively.

- Water Framework Directive.

The priorities under this head would be to:-

- Develop a better understanding of River Basin Management Planning; and
- Study hydro electric impacts and mitigation

- Marine renewables

FMS would study the effect of marine renewables and it was noted that construction had already started on tidal generation in the Pentland Firth.

- Aquaculture

FMS would have a specific remit to inform policy development including regulatory intervention, public information, research and information. It would also maintain interaction between the wild fisheries and the salmon producing industry.

- Beaver introduction

It had been reported in the Press Release issued by the Scottish Government that the Environment Secretary was “minded” to allow controlled beaver introduction subject to an Environmental Impact Assessment and a habitat risk assessment. This did not necessarily therefore mean that beaver introduction would be allowed. Further studies would be carried out.

FMS were aware that a beaver management plan arising from any release must be fit for purpose and not contrary to the needs of migratory fish.

It would also be important to establish reinstatement and mitigation and clarify who would pay if there was clear damage to fish stocks.

- Predation (Seals and Piscivorous birds)

FMS would highlight:-

- Concerns on effect on the fish stocks.

- The need for a balance between the management of competing protected species.
- The need to be aware of the high profile campaign against seal shooting.

He then invited questions:-

Doctor CMH Wills enquired whether FMS as an organisation had sufficient workforce to manage the remit outlined. In answer, Alan Wells confirmed that most of their involvement with stakeholders group would be in partnership with members of the organisation and a full work plan would be put together as a first step which would identify how to achieve the policy priorities. Personally he felt the workload was manageable with the support of FMS members.

Alan Williams enquired about the criticism of Marine Scotland from overseas bodies and suggested that it may be appropriate for Fisheries Management Scotland to liaise with overseas bodies operating in similar fields, such as those in Iceland and Norway. In response, Alan Wells confirmed that the general principle of this was sound and was certainly something to look at. Communication was of course key.

In answer to an enquiry from Alan Williams, Alan Wells did not believe that if beavers were introduced there would be the same system of licenced control as for seals. In his view, he felt it was highly unlikely that a similar system would apply as illegal releases had already shown a significant increase in population, so it was likely to be a looser framework. He confirmed that currently, beavers were not protected under legislation but, if the decision was to re-introduce beavers, then there would be some licencing arrangement made.

Alan Williams enquired whether FMS specifically were to address salmon netting. This would be covered in the closed meeting.

Peter Millar was concerned about the use of the word “management” in the name of the organisation and enquired whether this heralded an interference with management on the rivers. Alan Wells responded that they were appointed on behalf of managers of rivers, hence the use of the word and there was no other intention meant by the use of the word, as it was a body purely acting on behalf of members. He made it clear he did not think there was anything for members to fear.

There were no more questions and the Chairman extended a vote of thanks to Alan Wells. There was a request for him to return to speak at a future meeting of the Spey.

8 AOCB

Brian Shaw indicated that he still had raffle tickets for the Spey Foundation to sell and reminded every one of the opening programme on the Spey at 9 a.m. on the following day.

9 DATES OF NEXT MEETING

These were fixed for:-

9.1 Friday 19th May, 2017

9.2 Friday 18th August, 2017

9.3 Friday 24th November, 2017

Finally, the Chairman concluded the meeting by reporting that the Annual Report was available and had been circulated and that, as a result of the reformatting of the production, there had been a saving of over £1,000. He also commended the Director and the Biologist on an excellent report and recommended all Board Members study it thoroughly.

The meeting then closed at 11.45 a.m.