

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 9<sup>th</sup> February, 2018

**Present:-**

<b>Chairman</b>	Brian Doran	Craigellachie Fishings
<b>Proprietors</b>	Peter Graham Angus Gordon Lennox Toby Metcalfe Peter Millar Oliver Russell Dr CMH Wills Alan Williams	Rothes & Aikenway and Laggan Brae Water Trust Crown Estate Orton Ballindalloch Knockando Carron Fishings

**Co-Optees**

<b>In Attendance</b>	Roger Knight Brian Shaw Jennifer Heatley William Cowie	Director Biologist SNH Clerk
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**Public Attendees**                      None

**1. INTRODUCTIONS AND APOLOGIES**

Apologies had been received from William Mountain, Grant Mortimer, Craig Mackay, Alastair Galloway and Graeme Henderson.

**2. MINUTE OF PREVIOUS MEETING HELD ON 24<sup>th</sup> NOVEMBER, 2017**

The Minute was approved and there were no comments as to accuracy. It was proposed for acceptance by Alan Williams and seconded by Oliver Russell.

**3. MATTERS ARISING FROM PREVIOUS MINUTE**

Using numbering from previous Minute

3.1 Enforcement

The Director reported that two of the three suspects had been charged following the poaching incident which was reported at the last meeting.

6 Fin Clipped Fish

Brian Shaw would be in a position to report more fully on this in his report to follow.

8 Kyle Young Paper

Alan Williams requested a synopsis of the Kyle Young paper from Brian Shaw but in discussion it was noted that the paper was relatively short and it was suggested that the paper itself simply be circulated to Board Members. Brian Shaw agreed to do this and advised that he was working with the author of the report on an experiment on the Allt Bhran.

**4. DIRECTOR'S REPORT**

The Director reported matters as noted on the Report appended to the Minute, but the following particular issues arose using numbering in the Report:-

6 Enforcement

It was reported that the Partnership for Action Against Wildlife Crime group had partly lost its way due to funding cuts and the poaching incident at Knockando demonstrated the strain on resources. It was noted that the Director was to produce a first draft of a revised strategy for the group which was to meet in April.

On enquiry from Alan Williams, the Director reported that the Fisheries Management Scotland Enforcement Committee was embryonic but had started, with Richard Whyte being involved on behalf of the Board.

7 Water Abstraction

It was reported that the Waterside Ecology Report would be available at the end of February and progress should be made shortly afterwards.

Roger Knight reported that the quarterly meeting with GFG had been very useful and SEPA's involvement had been positive. All parties had recognised that intervention was required, but it was important that it was the correct intervention.

He then invited questions.

Angus Gordon Lennox enquired whether the Waterside Ecology Report on the habitat above the Spey Dam covered current the year's smolt numbers. In response, the Director reported it was based on the potential for smolt production, rather than on current numbers. It was anticipated that the report would corroborate much of Brian Shaw's previous findings, but the whole issue would be debated further in the Closed Meeting.

Peter Graham noted that some of the questions were science-based, but some of the resolution issues were straightforward engineering problems and there should be a separate examination of an engineering solution. This was agreed and recognised by the Chairman.

## 7.2 SSE

The Director noted a new opportunity for improvements because of the road dualling proposal over the Cuaich near Dalwhinnie. He reported that Duncan Ferguson was taking the matter further, but it was likely a new channel would be required for the Cuaich and this would be reported further in due course.

## 8 Ranunculus

Further representations had been made to Paul Speight countering and appealing the initial response from the Commission. In particular, emphasis had been made on the translocated nature of the species within the Spey and the SAC designation for pearl mussels, for which the Site Condition Monitoring had shown significant decline, as supported by the SNH report. A request to reconsider the decision to prevent situation becoming worse had been made.

In response to an enquiry from Angus Gordon Lennox about whether the Habitats Directive was a devolved matter and what the appropriate jurisdiction was, the Board would seek particular advice.

Jen Heatley noted there had been liaison with the Pesticides Directorate which is UK wide, so it appeared that there would be elements of UK involvement. The Chairman would request an opinion from R & R Urquhart about jurisdiction for complying with the Habitats Directive.

## 9 Predator Control

### 9.1 Sawbill Management

It was noted that the licensing system appeared to be working well. Angus Gordon Lennox offered Ghillies involvement again to monitor bird numbers.

Brian Shaw advised that there was no evidence from the Board's counts that sawbills were increasing in numbers, but he was certainly happy to involve Ghillies as required.

He also advised that the Dee were running a project which may involve targeting a particular 20 km stretch for management and further details on this would be reported in due course.

Jennifer Heatley offered to find out what was in the public domain about the Dee project and it was recorded that, if asked, the Board would state that they would be watching the Dee project with interest, but were content with the current licensing arrangements.

## 9.2 Seal Licensing

This was not working well.

Allan Williams reported that he had seen reference to the Dee “resolving their seal issue” although this was not explained further. The Director indicated that the Dee had been given licence to shoot one male Common seal and to relocate one female Common seal to Orkney, with resultant significant cost. The Board felt that this result did not recognise the state of the problem in the Moray Firth and in debate it was felt that FMS should now be taking matters up with the Scottish Government. This was agreed. Brian Shaw noted that the direction of travel was towards more restriction, which should be resisted.

For her part, Jen Heatley advised that the change in the licensing period was apparently to coincide with the duration of the Fishery Board’s Open Season, although SNH had not themselves been consulted. The Board would challenge the time restriction on the basis that control should be throughout the year and not simply during the fishing Open Season. It was agreed that this would be challenged and that FMS would be further involved.

## 10 Beavers

In response to enquiry, Jen Heatley advised that the involvement of the RSPB was because beavers would moderate wetland areas such as Insh Marshes, which could affect and benefit bird life.

## 12 Spey Catchment Initiative

The Director reported a new appointment had been made to fill the post and Penny Lawson had started in post.

In response to enquiry, it was reported that the contractors for the works at Delagyle would be Rattrays. They had represented the best value for money, particularly when various logistical issues became more apparent.

Angus Gordon Lennox asked whether the Delagyle re-watering was important and in response, the Director confirmed it was very important because it would open-up excellent additional spawning opportunities. Brian Shaw concurred with

this and said that whilst the initial cost may be seen as high, over a period of 10 years it would look very good value.

Finally, Peter Graham asked whether Penny Lawson could be invited to attend the next meeting to meet Board Members.

## **5. BIOLOGIST REPORT**

The Biologist Report was appended to the Minute. The following questions arose:-

Q Alan Williams asked who it was that James Symonds reported to for the SISI Project.

A In response, Brian Shaw advised that his manager would be Calum Sinclair.

Q Alan Williams enquired why an Alaskan Fish Pass was chosen for the Knockando Burn and who was responsible?

A In response, Brian Shaw advised that technical appraisal of the weir had taken place and because of its steepness, this was the only possible method. The construction was to be overseen by Envirocentre.

Q Alan Williams asked whether Envirocentre were aware they may have to replace the fish pass if it was wrongly installed or did not work.

A Brian Shaw advised that Tamdhu were paying for the work and it would be well monitored.

Peter Graham felt that assurances from Envirocentre should be enough for the Board.

Q Toby Metclafe enquired what Brian's view on the River Temperature network was.

A In response, Brian Shaw reported that there had been discussion on the timings of the growing season on the river and the use of mean temperatures rather than extreme temperatures.

Q Angus Gordon Lennox asked how reports were publicised.

A In response, Brian confirmed that they were all on the website and on the blog. Alan Williams commented that there was so much information available on Board/Trust websites and blogs, but precious little from the Scottish Government. So there was no collected and coordinated information and interpretation. The Chairman replied that he would raise this with FMS amid a general call of action to educate.

Q Toby Metcalfe asked whether the Biologist was aware of recent reports concerning “cold tunnels”, caused by overhanging vegetation and branches on spawning grounds with snow cover and whether this had any effect on population?

A In response, Brian Shaw advised that the Spey did not have many conifers, but overhanging snow could be an issue on other trees such as Alders. Although it was not likely to be a big issue, habitat work could be targeted to address this.

## 6 FMS

The Chairman reported that FMS were continuing to evolve and were “finding their feet”, but overall they were establishing a positive direction of travel. In particular:-

- They were developing close and good working relationships with the Scottish Government. Alastair Mitchell, Head of the Aquaculture and Recreational Fisheries Department within Marine Scotland might be invited to attend the May Spey Board meeting to provide an indication of possible future legislation.
- On aquaculture, the negative point was that the FMS Committee seemed to materialise without any debate on membership or remit, although there did appear to be representatives from the West Coast rivers’ who are most affected.
- On representation, there had been some progress made particularly in the responses to consultations. Alan Wells had been called to give evidence on sea lice and had made some positive progress in raising the profile of the issue.
- Overall, the FMS remit, sub-committees and tasks were progressing and were moving in the correct direction. He also felt that it did not appear that there was an obvious attempt to overrule the Board’s positions.

The Chairman then invited questions.

Peter Graham accepted the general position, but still had concerns that FMS needed to be seen to be representative and to consult with their member bodies before presenting what would be stated as a “unified view”.

There was a need for the organisation to be managed properly and for Alan Wells to be fully briefed on the position to adopt on aquaculture, before appearing at the Scottish Government’s Rural Economy and Connectivity Committee.

Angus Gordon Lennox stressed the need for FMS to update the economic benefit model of fisheries in Scotland for presentation to the Scottish Government.

Alan Williams enquired whether there would be consultation before any new legislation was proposed. The Chairman felt that, although it was too early to say for certain, he would imagine there would be, but there may be an opportunity to question the Civil Servants on this at the next meeting.

## **7 AOCB**

Alan Williams felt that the Board should note the sad passing of their previous Board colleague, Bernard Gordon Lennox, who had always been a helpful and supportive Member of the Board with an energy to deal with complicated and important matters on all of the Board's behalf.

In particular, he was responsible for finding Roger Knight, who had served as Director for some 12 years now, and in connection with Water Abstraction, his work led to the introduction of Professor George Flemming and the eventual positive outcome regarding SSE's water diversions. So all Board Members and fishery owners owed him a huge debt of gratitude. The Board concurred.

Peter Graham asked for an update from Brian Shaw on the planting-out from the hatchery and Brian Shaw advised there were approximately 500,000 eggs at the hatchery currently, with 66,000 fed fry to specifically be planted out in the upper river. There was also a plan to plant out approximately 20,000 eyed ova in the Calder, which would then be monitored closely. He felt a lot could be learnt from a small exercise such as this and it was welcomed by all.

## **8 DATES FOR 2018 MEETINGS**

Date of the next meeting was fixed for Friday 18<sup>th</sup> May, with a 9.30 a.m. start.

Thereafter Board Meetings would be held on

Friday 17<sup>th</sup> August.

Friday 23<sup>rd</sup> November.

The meeting then closed.