

MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Craigellachie Hotel, Craigellachie commencing at 9.00 a. m. on 15th August, 2014

Present:-

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

1. INTRODUCTIONS AND APOLOGIES

Apologies were noted from Peter Millar and Mel McDonald.

2. MINUTES OF PREVIOUS MEETING

2.1 Minutes of Meeting held on 16th May, 2014.

There were no comments as to accuracy and the Minute was approved by Peter Graham and seconded by Sir Edward Mountain.

3. MATTERS ARISING FROM PREVIOUS MINUTES

- 3.1 It was reported that Mel McDonald had raised the issue of representation and had asked to have a representative attend the meeting in his place given his absence. He had been advised that the Board would require to debate the issue and advice was sought from the Clerk. The Clerk reported that there was no provision in the Act for a proxy for a Co-Optee and the feeling of the Board was that the appointment, even though representative of an organisation, was a personal one and not interchangeable. It was suggested that as a compromise a representative be allowed to attend and speak if a Co-Optee was unavailable but would be precluded from voting and would be entitled to attend the Open Session of the meeting only.

Gavin Clark enquired whether the same would be true for Invitees who were unable to attend and the Board agreed that a similar approach could be adopted for Invitees, recognising however that the expectation would be that the same individual would attend on each occasion. It was also noted that Invitees attend the Closed Session on confidential matters in any event.

3.2 **Dipple Well Field.**

On enquiry from Angus Gordon Lennox, the Director confirmed that a response had come from Scottish Water, but it had been too late for prior circulation for the meeting. This was covered in any event in the Director's Report to follow.

4 **DIRECTOR'S REPORT**

Reference was made to the Director's Report Notes annexed to the Minute and in addition to the points listed the following additional matters arose using the numbering in the report:-

1 Rod catches

It was noted that catches had tailed-off in mid-May and this appeared to be reflected elsewhere. There had however been an increase in released fish.

3 Water abstraction

The Director passed on the Board's particular praise and thanks to Steven MacIntyre of SEPA for his proactive involvement in respect of Spey Dam issues.

3.3 Scottish Water

The response received from Scottish Water to the letter sent by the Director had confirmed that there had not been any additional

releases. The water level at Boat o'Brig fell below the minimum level on one occasion on Sunday 27th July, but water levels had subsequently increased before any additional release could be made. No subsequent requests had been made.

4

Wild Fisheries Review

The Director's Report was noted and questions were invited. Sir Edward Mountain enquired regarding the proposed quota system and reported that the problem with it was that it relied on historical data. This was relatively accurate with respect to rods but not necessarily in respect of nets. It was important to ensure that the levels were set on sustainable current data rather than inaccurate historical levels.

Alan Williams concurred, and made the point that it was essential that there was a formal recording of net catches, although he was pleased that the quota system would include net fisheries.

The Director advised that the review team may look at licence arrangements with attached conditions. Board Members recognised that there were considerable differences in regional treatment of netting; in Norway the government had stepped in to control netting rights and this may be the route that the Scottish Government would take.

It was expected that the review would report at the beginning of October, following which there would be comments from civil service departments and then a first committee review. The next important stage would be the consultation stage at the conclusion of this initial review. As far as the Board were concerned, it was probable that the detail would not be available to it until the first committee stage had been reached and it would have to wait and see as far as timescale was concerned.

Brian Shaw suggested that the Board should consider their own position well in advance, even though they will not necessarily have access to the information until the first consultation.

Peter Graham reminded the Board that there were a number of particular issues that needed to be clarified such as:-

- The possibility of generating additional funding through a Trust.
- The spreading of resources between catchments.
- The maintenance of local control.

Brian Shaw also indicated his concern that netmen were doubling their efforts so as to generate higher catch records. He felt this could set a precedent and pressure should be applied to insist on real time collection of data for quota calculation. In addition, it was recognised that additional conservation measures were likely to be introduced.

In summary, it was agreed that the Board should continue to make their own representation very strongly, and it was recommended that a sub-committee be formed to formulate the Board's expected response as soon as the report from Andrew Thin was available. This was agreed.

4.5 Pollution events

The Director reported that it was now thought that the pollution incident from the Balmenach Distillery had resulted in the killing of up to 16,000 Salmonids. He reported that a number of Ghillies had asked for confirmation of what action the Board was taking in response. Discussion followed about a press release but in the past it had been felt that this had been counterproductive. It was however reported that the Director had approached the Distillery and had sought compensation up to a level of £25,000 per annum for a 4 year period. There was to be a meeting on Tuesday, 19th August and the Director was to report further on the result.

In discussion it was suggested that if the distillery had a difficulty in making such a large donation then it might be more palatable for them to make a charitable donation and this was accepted as a possibility. The Director however reported that SEPA, as the regulator, were taking the lead in enforcement action on this matter.

4.5.2 Roths Burn

In addition to the position as reported in the Director's Report, it was noted that historical electrofishing data was available and so comparisons were possible. The Combination of Roths Distilleries (CORD) had apologised for the incident and indicated their willingness to assist with reparations. The Director however invited questions from Board Members.

Angus Gordon Lennox enquired as to the effect of the pollution incidents on fish upstream of the incident, but information was not available.

Sir Edward Mountain reported that he had spoken to SEPA in 2012 regarding removing an obstacle on the Roths Burn and had

received the response that this was not a priority. He felt that given the pollution incident they should now be pressured into making removal of the obstacle a priority. In response, Grahame Newman reported that SEPA were continuing in their work to identify the impact of the pollution incident at Rothes and were actively taking enforcement action on both incidents. He reported that SEPA would look at issues such as the overall use of caustic soda etc and an evaluation of historical data to find out whether there had been previous incidents involving caustic soda.

Debate then followed on the benefit or otherwise of publicising such an event. There was a feeling from some Board Members that a gentle approach from SEPA in the past had done nothing to prevent further incidents. Grahame Newman reiterated that SEPA would be robust and appropriate with the set of actions taken, but the resultant fines and prosecution issue would not be within their hands.

Sir Edward Mountain felt that publicity at an early stage may still be counterproductive. However, there remained serious concerns with the failure of SEPA to carry out risk assessments regarding a pipe carrying caustic soda that could lead into an SAC river.

Grahame Newman responded that the conduct of risk assessments was not a SEPA responsibility. This was a matter for the respective operator. However, he informed the Board that SEPA would be carrying out a nationwide review of all distilleries in respect of caustic soda issues.

It was resolved that in response to any pollution incidents in future, the Board would issue a short factual account, which did not apportion blame, on its website and probably via the Blog. Board Members and Ghillie Representatives would also be informed.

Finally, the Chairman suggested that the compensation from Rothes should be at the same level as the compensation from the Cromdale incident. This was agreed.

4.6 Ranunculus

It was noted that the date of the trial was actually the 17th July and not the 18th as reported. The Director indicated that if the trial was successful it may be replicated on the Spey.

4.7 Spey Catchment Initiative

The Director reported that funding had been approved for the Allt Mharcaidh Burn.

4.8 Publicity

This would be debated as a separate agenda item.

5. Foundation Committee Report

Biologist's Report

- 5.1 It was reported that the reaction to the Biologist's report and the Foundation Committee Meeting had been difficult and in particular that some issues had been addressed to the Biologist which questioned the scientific information. It was important from the Biologist's point of view to have a clear statement on the purpose of the Foundation in order to challenge those who questioned the scientific information and Peter Graham, as Chairman of the Foundation, reported that it had been disappointing that some Foundation members had adopted this position at the meeting.

It was recognised that marine survival was still the major issue and the Foundation's aim was to maximise the number of smolts that the river produced and that went to sea. There were many components to achieving this, including habitat enhancement etc.

Angus Gordon Lennox said that part of the issue was the use of "good" or "excellent" wording for the numbers of juveniles, when Ghillies were failing to see such numbers in the river. The problem was a question of an "everything is fine" message coming from the Foundation.

Dr Catherine Wills advised that there was a strong view amongst the Ghillies that there should be stocking in the main stem rather than "tinkering round the edges", but James Carr noted that this came back to the whole issue of stocking, which had been debated separately and extensively.

Alan Williams reminded Board Members that a 3-year survey was ongoing and that until the results of our stocking monitoring were known, there was little point in debating stocking matters further at this stage.

Sir Edward Mountain reiterated disappointment that doubts had been expressed on the biological information, although he agreed that the message of "all is fine" was not working, particularly this year when catch numbers would be down.

- 5.2 Historical research.

The Chairman of the Foundation wanted it to be noted that Polly Burns had done an excellent job on historical research.

- 5.3 Stocking sub-committee report.

It was noted that a review of the stocking locations had been presented to the committee and there would no longer be stocking above natural barriers, in compliance with the Wildlife and Natural Environment Act.

5.4 Conservation Policy.

The aim of the conservation policy was to maximise the number of spawning fish in the river and the Foundation Committee's recommendation was that there should now be a 100% release rate on the river. However, it was recognised that this was a matter for the Board to determine.

Peter Graham, as Chairman of the Foundation Committee, then invited questions from Board Members.

Discussion followed on the locations for stocking and whether it was possible to stock the main stem. In response, the Biologist confirmed that it was possible, but that it was unlikely to be effective.

In addition, there was discussion on the locations for stocking following the recent spate. The biologist outlined the proposals to address this.

Alan Williams suggested that there should be a change to 100% voluntary catch and release, but other Board Members were against this, particularly as the latest figures showed an overall release rate of 91%. They felt that adopting a policy of complete catch and release would send the wrong message and could adversely affect potential lettings.

After discussion, it was proposed by the Biologist and supported by a majority of Board Members that the conservation policy should remain unchanged in the meantime.

6. **Publicity**

6.1 Retirement of Sir Edward Mountain.

The Board acknowledged that Edward had indicated that he was to step down as Chairman of the Publicity Committee and thanks were expressed to him for his contribution over a number of years.

Debate followed as to whether a Publicity Committee was still required. The general feeling was that a separate committee was not required, provided the Director or Chairman were able to convey a consistent message.

Peter Graham felt that the Board should set the general direction, but the delivery should be left to the Director, with involvement from the Chairman. He felt the issue should also cover "marketing" as well as publicity.

Alan Williams suggested that it might be advisable for Peter Graham to produce a paper on marketing and publicity in general that could be debated. However, Peter Graham thought it may be advisable to involve outside expertise to establish a framework in the first instance.

After debate it was agreed that the Board would be the Forum to define the message and the Director, with assistance from the Chairman and Biologist, would be responsible for conveying that message in an appropriate manner. Board members recognised that it would be sensible to speak with other Boards to find out how they operate and to use external help as required.

6.2 London meeting.

The Chairman expressed the view that with finances under considerable pressure at the moment, the London meeting should only proceed if there was sufficient sponsorship to cover its cost. The Director reported that he had been unable to secure sufficient sponsorship so far, but after discussion, Toby Metcalfe indicated that Smiths Gore would be willing to provide sponsorship of £2,500. Peter Graham also indicated that he was willing to contribute £500 through Peter Graham & Associates and, in any event felt that the meeting should go ahead whether or not additional sponsorship was available. Alan Williams felt that the financial support for the meeting should be a matter for proprietors and not the Board, but after debate it was felt that as more than half of the costs had already been covered following pledges during this meeting, it should go ahead. It was recognised that any shortfall would be underwritten by the Board.

7 **AOCB**

7.1 Macallan and Consultation

Sir Edward Mountain reported that there would be an additional 6 million litres produced by the new whisky plant at Macallan and enquired whether the Board had been consulted on the project. The Director confirmed that they had been consulted and responses had been made on behalf of the Board.

Sir Edward felt that the Board should have a firm policy to respond to significant applications such as that made by Macallan and that it should not be left to employees to determine. It was suggested that this item be put on the next Agenda for a policy decision.

In response to enquiry, SEPA confirmed that the Board would be consulted in connection with such proposals.

Finally, the Director confirmed that the whole issue of the Board not being a Statutory Consultee had been raised with Andrew Thin as part of the Wild Fisheries Review process.

8. Date of next meeting

The next meeting of the Open Session of the Fishery Board would be held on Friday, 21st November, 2014 commencing at 9.30 a.m. at a venue to be determined.

The Open Session then closed.