

MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Grant Arms Hotel, Grantown on Spey commencing at 9.30 a. m. on Friday 17th August, 2018

Present:-

Chairman	Brian Doran	Craigellachie Fishings
Proprietors	Peter Graham Angus Gordon Lennox William Mountain Oliver Russell Dr CMH Wills Alan Williams	Roths & Aikenway Brae Water Trust Delfur Ballindalloch Knockando Carron Fishings
Co-Optees	Craig Mackay Grant Mortimer	River Spey Anglers Association Strathspey Angling Improvement Association
In Attendance	Roger Knight Brian Shaw Richard Fyfe Jennifer Heatley Joanna Walker William Cowie	Director Biologist SEPA SNH Administrator Clerk
Public Attendees	Brian Fraser	

1. WELCOME, INTRODUCTIONS AND APOLOGIES

Apologies had been noted from Peter Millar who was unwell and the Board's best thoughts were with him; also from Toby Metcalfe, Alistair Galloway and Graeme Henderson from SEPA, although SEPA were represented at the meeting by Richard Fyfe. The Chairman also welcomed the attendance of Joanna Walker who had recently become an employee of the Board in an admin role.

The Chairman advised the Board that the current situation was unprecedented and the likely fish catches for 2018 would be significantly down on averages. As a result of the decline in fish catches pressure had been applied from Ghillies, Anglers, Proprietors and the Public which, in some instances, had gone beyond an acceptable level.

The Chairman personally had been invited to stand aside and there had been calls on the Board to resign. The pressure had been very unfair, particularly on the hardworking staff. He noted that Brian Shaw had been singled out for particular criticism but he noted that Brian enjoys the full and unanimous support of the Board who were satisfied that he was taking the Board in the right direction.

The focus surrounded the question of “stocking” and it was resolved that whilst the Public Meetings would discuss current proposals for stocking, the future planning and long-term stocking recommendations would be reserved for the Closed Session.

2. MINUTE OF OPEN MEETING HELD ON FRIDAY, 18th MAY, 2018

The Minute was proposed as an accurate record by William Mountain and seconded by Grant Mortimer.

3. MATTERS ARISING FROM PREVIOUS MINUTE

William Mountain asked in connection with 4.3 of the previous Minute, whether the Boards that were going to be involved in the trial had been identified yet. He felt strongly that the Spey Board should be included, but the Director advised that a final decision had not yet been made.

Peter Graham enquired regarding the proposed purchase of electrofishing data by the Scottish Government and the Director responded to advise that this was an offer of £10,000 for all past and future electrofishing data. He advised that he did have a concern that if all future data was included, control of that information would pass out of the hands of the Board.

Peter Graham felt that there was not necessarily any harm in publicising electrofishing data and, if the sale to the Government was properly protected by contract, there should be no difficulty in agreeing.

For his part, Brian Shaw did not feel precious about releasing electrofishing data, but the Chairman felt there could potentially be a commercial aspect to consider if, for instance, the Board were using data for Windfarm monitoring etc. He expressed caution that, if the Board were to enter into an arrangement with the Scottish Government for the sale of the data, the terms of any contract would require to be looked at very carefully on a commercial basis, as there could be significant value in the data in the future. There was also the question of maintaining control.

Angus Gordon Lennox enquired whether the Board were comfortable that action was being taken to address the 12 pressures listed in the previous Minute and whether there was ongoing liaison between Fisheries Management Scotland and Marine Scotland.

In response, Roger Knight confirmed that efforts were focussed on prioritising the 12 noted pressures, although Brian Shaw recognised that different Boards and river systems would have different priorities regionally.

The Director and the Biologist would continue to ensure progress through Alan Wells at FMS.

Richard Fyfe from SEPA referred to the electrofishing data and noted that SEPA had been very grateful for data provided by Brian Shaw in the past, which was vital for understanding the classification process. Peter Graham requested Richard to state this publically and he agreed to do so. He also made a plea to the Board to continue to share data with SEPA.

ACTION POINT – RICHARD FYFE – TO ISSUE PUBLIC THANKS FOR ELECTROFISHING DATA

Richard Fyfe also noted that the Scottish Government project for data collection was partly funded by SEPA and was therefore supported by SEPA.

Peter Graham asked Richard Fyfe whether they were able to publicise the principal purpose of the use of the data, so there would be a wider understanding of the classification process for juvenile populations. In response, Richard Fyfe advised that there was a tool to determine population densities for juvenile classification which fitted into the River Basin Management Plan and identified problem areas.

Peter Graham responded to say that there was a perception that where SEPA had stated that juvenile populations were good, these were simply not accurate, so it was important that the Board and the public could understand the setting of the line of definitions, as the impression he had formed was that Anglers did not believe that it reflected the historical facts. He reiterated a plea for SEPA to explain how they derive the definition of “good” habitat i.e. sustainable, harvestable populations, as there was a danger that, unless explanation was given, river users would not accept the definitions given.

Angus Gordon Lennox also noted that the Spey was the only river that had any data on mainstem population and monitoring this systematically and he also felt that an explanation of how SEPA arrived at the juvenile density classifications was important.

In response, Richard Fyfe understood the difficulty and advised that the technical tool was based on a UK-wide classification. He admitted that it was not perfect, but it was the best tool currently in use and looked at measurements of habitat, size, and altitude against what could be expected.

Brian Shaw mentioned there were up to 30 sites around the catchment which would be surveyed this current year for the Scottish Government, which would concentrate on those streams in Category 2 – 4, which would exclude the main stem. Dialogue was still continuing on how the figures could incorporate main stem data to widen the analysis of the Categories.

In summary, Peter Graham requested that SEPA issue an open letter addressed to the Board stating how important electrofishing data was and how it linked to the 12 pressures on salmon stocks.

Richard Fyfe confirmed he would try and put something in writing and would involve some of his colleagues and also Colin Bean from SNH.

Jen Heatley confirmed that SNH would assist with this.

ACTION POINT – OPEN LETTER TO BE ISSUED FROM SNH AND SEPA REGARDING ELECTROFISHING DATA

4. DIRECTOR’S REPORT

The Director’s Report was as circulated and is annexed to the Minute and taken as read.

The Director then provided some updates and invited questions.

The Director reported that one update related to the Spey Dam where there had been a meeting with Duncan Mackison at the dam. It was noted that the reservoir was so low that the original river path was now showing. He advised that a draft specification for the assessment of the Dam had now been produced and once approved would go out to tender shortly. There had been further work by SEPA’s Acoustic Doppler Current Profiler team which was starting to give a more accurate picture of numbers. It was also noted that Doctor Matt Newton would be invited to the next meeting of the Technical Group to discuss smolt tracking. In response to enquiry from Alan Williams, the Director confirmed that the specification would be agreed by the Technical Group, including our Biologist and Bob Morgan.

As far as water abstraction was concerned, the Director confirmed that GFG were maintaining the compensation flow requirements for the abstraction scheme at Spey Dam and by way of passing it was noted that the current dry conditions had started earlier and lasted longer than those in 1976.

Alan Williams enquired whether progress was being made on the Markie Heck and the screens. In response, the Director confirmed that progress was being made, but the priority was the dam itself and there was also a need to understand the smolt passage issue before the technical team could address the issues at the offtake.

Richard Fyfe of SEPA confirmed that this was correct, as the main priority must be fish passage up and down stream through the dam which would also include impingement against the screens at the Crunachden Cut offtake. The emphasis must be on finding a sustainable long term solution and understanding the behaviour of smolts and adults. He could not put a timescale on matters, but they were moving forward as quickly as possible and he confirmed that SEPA would keep the momentum going.

Roger also advised that Duncan Mackison had assured him that the assessment and tender process would be carried out swiftly.

4.1 Rod Catches 2018

The salmon and grilse catch from February to June had been approximately 1,080 compared with 2,677 the previous year. The release rate at been 98%

As far as sea trout were concerned to the end of June, the figure was 673 as opposed to 1,122 the previous year, but this was closer to the 5 year average.

Board Members were aware of the figures which were significantly down on the average and the previous year, although it was noted that one particular beat represented through Savills had not released figures to the Board, despite requests. It was suggested that the Clerk write to Savills to obtain these details and the Director would provide the information required.

ACTION – R&R URQUHART TO WRITE TO SAVILLS FORMERLY REQUESTING CATCH DATA ON RECEIPT OF INFORMATION FROM THE DIRECTOR

4.2 SFB Action Plan

This aspect would be discussed in the Closed Meeting.

4.3 Water abstraction

Q. Angus Gordon Lennox enquired whether the compensation for the Dipple wellfields was being released from the Tromie.

A. The Director responded that as far as he was aware it was.

Q. William Mountain enquired of Richard Fyfe whether there was an audit process to ensure compensation flow. Richard Fyfe responded to confirm that this was audited and that Scottish Water were not taking any more than they had to from the Dipple wellfields.

Peter Graham's concern was that taking any water from the Dipple wellfields in drought conditions would reduce the underlying water table and eventually that would affect the river itself. Board Members also expressed alarm that Scottish Water appeared not to have any forward planning in place and indeed, had not proposed a hosepipe ban or other reductions.

Board Members felt that the current reduced water level was exceptional and the abstractions from Scottish Water not sustainable in the medium term.

Richard Fyfe countered to say that there had been a significant amount of water scarcity planning, but that if the dry weather and drought continued, then Scottish Water would indeed have to have a serious look at matters. In Peter Graham's view, this should also include a thorough review of the CAR Licenses for Distilleries, which abstracted a substantial amount of water, particularly as it had been indicated by SEPA that reviewing the CAR Licenses would take some considerable time to complete.

Richard Fyfe advised that colleagues of his had met with Distillery representatives the previous day and one of the principal topics was the Licences on the Rothes Burn. He agreed with the sentiment expressed by Board Members that it was in no-one's interests for rivers to dry-up and, in response to an enquiry from Peter Graham, he confirmed that it was likely that the Q95 Test would be introduced with the CAR License process in the future.

Q. Alan Williams' concern related to boreholes, both public and private, which had proliferated along the river. He asked Richard Fyfe if any study had been done on their impact.

A. The overall impact and cumulative impact was assessed by Hydro Geologists in providing consent.

Jen Heatley mentioned that there had been a number of meetings between Scottish Water, SEPA and SNH and it was accepted that taking water out of the gravels at Dipple would reduce river water over time. She advised that planning on drought was moving quickly forward, but that a hosepipe ban was a Scottish Government-controlled process and could take up to 35 days to become effective, following consultation periods. It was possible that this would be introduced still, but the lead-in time meant that it was less likely if the weather changed.

Q. Angus Gordon Lennox asked whether it was in SEPA's power to impose a Q95 Flow Test.

A. Richard Fyfe confirmed that they could, but they required to take in cumulative effects throughout and this needed a holistic approach. They were, however, looking to impose restrictions on Distilleries and this could potentially be extended to boreholes as well. He would speak with the Hydrologists within SEPA who dealt with these matters.

Q. William Mountain made a request that a Hydrologist from SEPA be asked to attend the next Board Meeting.

ACTION POINT – FOLLOW UP INVITATION FOR HYDROLOGIST FOR PRESENTATION/STATEMENT

4.4 Predator Control

Q. Angus Gordon Lennox asked whether the Board could press for a “shoot to scare“ programme. In connection with Sawbill counts, he enquired whether the drone could be used to take pictures of big groups at the estuary, which was agreed.

4.5 Enforcement

As far as enforcement was concerned, one net had been taken at Findochty, but otherwise it had been noted that Police Scotland resources were very stretched and the Director anticipated that if poaching did increase, this would become an issue. At current levels, there were simply not sufficient Police numbers to assist.

4.6 ASCTS

William Mountain enquired whether the letter regarding the ASCTS project had gone to proprietors. Angus Gordon Lennox advised that he had spoken to the Trust who were keen to move forward with the project, but were still looking at funding and he requested the Chairman speak with Mark Bilsby, which was agreed.

ACTION POINT – CHAIRMAN TO MAKE CONTACT WITH MARK BILSBY

Alan Williams also asked whether in supporting the AST proposal, the Board could look at the possibility of using the Norwegian non-invasive tracking approach, rather than tags.

4.7 Education

On education, Angus Gordon Lennox felt it was important that the Board target local villiage associations and businesses, in addition to schools.

4.8 Spey Catchment Initiative

A report was circulated to Board Members and congratulations were offered to Brian Shaw for the Alaskan Steep Fish Pass at Tamdhu Distillery, amongst other successes.

5. BIOLOGIST’S REPORT

5.1 Brian Shaw advised that the working groups within FMS were showing

results and that the Board should be thankful for this.

5.2 A9 Dualling

The main concern was now the crossing at Kingussie, which would involve a larger span bridge, but the piles and abutment would be closer to the river.

Duncan Ferguson was working hard on this and looking at a monitoring programme. There was a need to have good information on spawning times and locations for salmon in the river and Arctic Char round Loch Insh. Once Duncan had formulated the monitoring proposals, these would be issued to the contractors, who were Jacobs.

In answer to a question on the cost of monitoring, Brian Shaw indicated that Duncan's time would be charged at £350 per day, with slightly less for others.

5.3 Invasive Species

Brian advised that Hogweed had been cleared on most of the river down as far as Fochabers, which had been funded. Additionally a fixed-wing drone survey had been carried out below Fochabers and had identified some hidden pockets of Hogweed, together with Himalayan Balsam and other invasive species.

5.4 Electrofishing

Whilst this only took 10 weeks of the overall Biologist programme, it was a very important part and they had largely finished timed surveys on the Spey. The results showed that Parr numbers had been good so far along with Fry and he felt that in general the 2017 cohort was strong. Workload, however, had been an issue and whilst some of the work was funded, it was possible that some surveys would have to slip in order to fulfil the funded contract surveys.

In answer to a question from Peter Graham, the Biologist confirmed he had been refused access from a couple of sites, but that it was probable that access would be allowed again when water levels rose.

6. STOCKING PROPOSALS PART I CURRENT PROPOSALS

Peter Graham advised that the current programme had intended to plant out 330,000 fed fry, but they had approximately 425,000 hatched so far, so there were slightly more to stock out. He presented a slide showing the proposed locations. He advised that in particular, upper Spey tributaries would be targeted for improvement and provided details of the numbers throughout the lower, middle and upper Spey, with the hatchery source

correlated. He provided an explanation of the reasons for doing so and then invited questions:-

- Q. Craig Mackay enquired who determined whether the planting out is “mitigation” or “enhancement”?
- A. In response, it was noted that brood stock capture is licensed by the Scottish Government’s Marine Scotland, but the stocking out programme is consented by the Board.

When seeking the brood stock capture licence there would be some indication of where the eventual stocking out is to take place and Jen Heatley confirmed that given the responsibility for the Special Area of Conservation, Marine Scotland Science and SNH would require this as part of a consultation.

The Director confirmed that he would inform the likely areas for stocking out at the time of the application for the brood stock licence and that SNH would be involved.

- Q. Angus Gordon Lennox asked whether Brian could produce an optimal stocking density for each location and he confirmed he would do so.

ACTION POINT – BRIAN SHAW TO PRODUCE OPTIMAL STOCKING DENSITY FOR EACH STOCKING OUT LOCATION

Dr CMH Wills stressed the need for the Board to publicise the stocking out programme and why it was being done. The Board gave unanimous approval to the programme as outlined.

Angus Gordon Lennox, as an aside, asked for an agreed protocol for the planting out process.

Other Questions for the Biologist:

William Mountain asked the Biologist to look at the abstraction screens at Distilleries, in particular at Dalmunach (Chivas Regal).

- Q. Alan Williams asked the Biologist what action had been taken following the hot water leak in July and it was noted that the temperature was above 37 degrees.
- A. Brian Shaw advised that Graeme Henderson was speaking to the distillery at the time and working on a resolution.

As an aside, Alan Williams felt that hot water leaks from distilleries happened far more regularly than was reported and it was simply chance that Brian Shaw had been in the area at the time. He stressed the need for

the Board to be vigilant and for regulators to clamp down hard on breaches.

Richard Fyfe acknowledged this.

7 AOCB

There was none.

8 DATE OF NEXT MEETING

The next meeting would be held in the Craigellachie Hotel, on Friday 23rd November and would commence at 9.30 a.m.

The meeting then closed at 12 noon.