

TAY DISTRICT SALMON FISHERIES BOARD

Minutes of the Tay District Salmon Fisheries Board meeting held at Cromwell park, Almondbank, on Tuesday, 13th August 2019.

Present: David Brown (Co-optee)
Simon Furniss (Upper Proprietor – Mandate for Burnbane)
David Godfrey (Lower Proprietor – Mandate for Tay Salmon Fisheries Company)
Cohn O’Dea (TGA rep)
Steve Mannion (Co-optee)
Iain McLaren (Convener and Upper Proprietor Mandate for Kinnaird Beat)
Claire Mercer Nairne (Upper Proprietor)
Councillor Andrew Parrott (Lower Proprietor Mandate for Perth & Kinross Council)
Alec Stewart (Co-optee)
Jim Perrett (Vice Convener and Upper Proprietor Mandate for River Earn Improvement Association)
Alastair Riddell (Upper Proprietor)
Allister Wallace (Co-optee)

In Attendance: John Apthorp
Inga MacGillivray – Clerk to the Board
Dr. David Summers - Fisheries Director
Nicki MacIntyre (SNH Representative)
Eric Verspoor (Chairman of Tay Rivers Trust)
Alan Wells (Chief Executive of Fisheries Management Scotland)

Apologies: Tom Monaghan
Brian Roxburgh (SEPA Representative)

1 member of the public

1. Apologies

The Chairman welcomed all to the meeting, and IMacG read out the apologies, noting that due to a restructuring, Brian Roxburgh would no longer be able to attend as SEPA representative, but that his successor, Calum McGregor would be attending in the near future.

2. Eric Verspoor – Tay Rivers Trust Chairman Presentation

After being introduced by the Chairman, EV explained that the TRT was looking to change their focus to look at the wider aquatic system in the Tay Catchment and build upon work done in the past. He stated that salmon would definitely be a major part of this focus and that the Trust were now looking for funding and were indeed considering a heritage lottery application in conjunction with other groups regarding lochs in the upper system.

He explained that one main area of focus was to develop collaboration projects with angling groups, riparian owners and other associations to establish working relationships and attract volunteers.

DS reminded ALL that a paper had previously been circulated to the Board to outline the potential relationship between the TRT and the TDSFB. EV assured the Board that their relationship with the TRT would be a priority.

SF asked how the TRT would prioritise salmon over other species, to which EV replied that salmon were the top species in the system and so any work done to improve the river would improve conditions for salmon. He stated that the TRT would work with the TDSFB to establish salmon priorities.

DG stated that he thought monies had been ringfenced by TRT regarding salmon specific projects. There was some discussion surrounding this with the following actions resultant:

ACTION: IMacG to ensure funding and restricted funds are on next TRT agenda
ACTION: IMacG to send list of restricted funds to all TDSFB

(CMN arrived)

The Convener explained his role in the TRT and explained that the rotary screw traps were an excellent example of how the TDSFB and TRT had worked together in the past.

EV explained that the TRT wanted to grow their board by appointing a fundraising expert and a social media expert to join the small, enthusiastic group, and that their strategy was beginning to take shape.

SF thanked EV for getting involved and moving it forward.

SM stated he had read many of EV's papers and that research had been voluminous but hoped that the practicalities of improving the river environment were also given priority.

The Convener thanked EV for his time, and EV asked ALL to forward him any queries they may have.

(EV left meeting)

3. Alan Wells – Fisheries Management Scotland Presentation

On being introduced by the Convener, AW gave a brief history of FMS, stating it had been formed in 2016 with the amalgamation of the Association of Salmon Fishery Boards (ASFB) and RAFTS, and now comprised 41 Boards and 25 Trusts. He explained the structure of FMS, how it was funded and how it functioned.

He then explained the work of FMS including influencing Scottish Government, working with Government, SNH & SEPA, sitting on around 24 stakeholder groups (including SEPA, beaver groups and aquaculture groups) and trying to shift salmon conservation up the agenda.

He informed the Board about the upcoming regional members meetings (Callander on 23rd August and Banchory 27th September) and that he and DS sat on SEPA's Fisheries Advisory group which looked at pollution and hydros amongst other issues. Indeed, he explained he had been raising issues with SEPA for a while such as downstream smolt passage through hydro systems. Waterflows and abstractions have been another issue and SEPA are developing a water scarcity plan and the Ericht fish farm is one area where an interim improvement has taken place.

AW explained that fisheries enforcement was another area that FMS is involved with, running bailiff training, setting policy and issuing bailiff cards on behalf of Boards and Government. The training has been increased specifically involving police and wildlife protection, and FMS are currently discussing training at police training college in Tullieallan which could provide excellent outcomes.

AW stated that FMS was also involved with beaver management (sitting on the Scottish Beaver Forum along with DS) and fish farming committees (for which FMS has a specific committee). It has been recognised that wild fish fall "through the cracks" in the regulatory system and FMS hopes to redress this.

AW also explained he sat on a fish farm health committee in an observatory capacity which looked at sea lice and disease issues in farmed fish but was also pertinent to wild fish.

As to predation, AW explained that bird counts had been increasing in some areas and FMS was working with SNH and other bodies to see how salmon can be helped in their migration. He stressed that the SNH licencing system was not about culling but about scaring first and foremost. The Scottish Government has agreed that predation is an issue and has granted £750k over 3 years to carry out stomach content analysis studies.

He then briefly mentioned angling development and the need to encourage more anglers (SANDS project).

CMN asked whether there was a communication issue between FMS and the Boards as the recent stocking policy had come as a bit of a surprise, and indeed the TRT had spent over £20k on fry tanks that may never be used. She went on to

say that Simon Dryden had stated that FMS had been consulted. AW replied that he was aware of the issue and had been aware that Simon Dryden's team had been working on a stocking policy. AW had been consulted and given his views on the proviso that a full consultation would take place with the Boards but sadly this had not happened. He was aware however that Simon Dryden had carried out an informal consultation after the event.

(member of public left the meeting)

DS asked if the stocking policy could be changed to which AW replied that he thought it could be amended and that FMS would have the opportunity to make a representation.

The Convener explained that the TDSFB has one of the largest hatcheries in the UK and it is unique due to the kelt reconditioning function. He was concerned that in future the hatchery would not comply with policy. He stated that there were some big decisions ahead and the Board required certainty, but its view on hatcheries was perhaps different from FMS view and this had to be taken into account.

AW stated that FMS was looking into further developing the policy and was certainly not against hatcheries, but some high profile cases of incorrect use of hatcheries had come to light recently which had speeded up the need for a policy.

SM asked if the TDSFB could be the exception to the rule and asked that an exemption be made. He explained that JA, who had funded much of the hatchery work over the years, was sitting at the table and that he felt the hatchery should be represented more strongly with the continuing crisis on the river. JA and AR concurred.

The convener stressed the board did not release smolts but mainly eyed ova and fry, to which AW stated this was consistent with Scottish Government stocking policy.

CMN asked about the time constraints regarding stocking of up to 4 years, and AW replied he thought this would be flexible if a case was made.

DG stated that the hatchery was a beacon of hope for ghillies and anglers alike – something tangible where we use “free” eggs to stock the river. He stated that if Scottish Government policy were to shut the hatchery, then the anglers would not be best pleased. DB as an angling representative, agreed with DG and was regularly asked by club members what the board was doing to help the river, to which he cited the hatchery.

The Convener explained that the Board had held a frank meeting with Simon Dryden and he had handed Simon a paper on how stocking is more than just a biological activity, but creates hope for the angling community and this was vital.

SM stated that the hatchery had restocked the Garry.

The convener stated that the Board would fight their case to save the hatchery. DG stated that the TDSFB were paid up members of FMS and would like AW to note that our hatchery operation was somewhat different and that AW should bear this in mind when discussing hatcheries.

The Convener stated there was an ongoing case on the Earn concerning net and coble fishing for sea trout, the view being that they would invariably catch salmon also. The situation was causing angst in the catchment and did not fit well with the no netting policy. AW replied that FMS were keeping a close eye on these situations and were discussing with Scottish Government. Indeed, Scottish Government had pronounced that salmon could not be adequately released from fixed engine nets. SF asked if there were still fixed engine nets on Lunan Bay to which AW replied there were none, and DG enquired about East Coast to which AW replied there were none.

DB asked if SEPA were fit for purpose, to which AW replied they had a number of issues on the enforcement side but FMS were in talks with SEPA to resolve.

4. Declarations of Interest

There were no new declarations of interest.

5. Minutes from Meeting 18th June 2019

The Minutes were then taken as being read, agreed unanimously and signed by the Convener.

6. Matters Arising

Stuart Middlemass Presentation

Not discussed.

Datta Fishing Report

DS had been in contact with Samantha Datta who was keen to use the blog which had been created previously.

ACTION: CMN to implement Datta blog into web page.

Eden

DS had received Ranunculus survey and would work through it.

Luncarty Weir

DS explained he couldn't make meeting with landowner but had sent one of the Fisheries Officers, with the upshot that permission from another landowner would be sought before enlarging the mouth of the fish pass. DS explained that Battleby Dam has a big Malloch type fish pass but more water could be put down it by opening up top of dam.

DS stated SEPA were already aware of concerns at the dam and that there would possibly be a longer term proposal in future to dismantle the dam gradually. DB raised his concerns about pollution from the silt.

ACTION: DS to contact SEPA for guidance over proposed work on Battleby Dam

ACTION: DS to keep an eye on proceedings and progress project.

Piscivorous Birds licence - Firearms

AS had passed on names of individuals wishing to be included in SNH licencing agreement. As to the bird count, nothing had been seen but this was because of the time of year. AR stated he knew nothing of the bird count and the Convener explained that Jim Henderson had decided to organise a separate count.

NMcI stated that Jim Henderson's bird count would have to be submitted to the Board for inclusion in licence application and not SNH and she had confirmed this with him.

The Convener had received names of individuals wishing to use firearms and these would be progressed.

Water Abstraction

ACTION: DS to edit Ericht fish farm intake footage and pass on to SEPA by end August 2019.

Regarding the Lochay abstraction, AS reported that there was not much to say other than that new more efficient replacement turbines were to be installed at Lochay and that provided a case for SSE abstracting less water.

The Convener asked what was happening with Simon Dryden's replacement, to which AW replied he understood someone had accepted the job offer and that the salmon crisis was moving up the agenda and therefore more people would be required in that department. The convener then stated it would be interesting to know what had happened to the Board's proposal to trap and truck on the Braan and Lochay.

ACTION: DS to keep up to date on Lochay abstraction and Braan proposal.

Riverworks

CMN explained that a licence was being sought from the Forestry Commission for the works on the Lunan and were planned to commence after the harvest.

Invasives

In TM's absence, JP explained the River Earn Improvement Association now had quotes from a contractor to carry out the invasives work and enquired about funding from TRT. IMacG replied there had been a TRT meeting the previous week where this issue had been discussed. The TRT had little money to spare and with regret asked that the REIA got in touch with landowners, whose responsibility it was to control invasives, to go through the landowner route.

DS explained he had spoken to a representative for an estate on the Earn who would perhaps be willing to donate £1,000 to the project.

Catch & release Code 2020

To be discussed later in meeting under agenda item 8.

Eden

DS explained that BR had passed details of SEPA's Eden diffuse pollution priority catchment coordinator to the Eden Angling Association and that a meeting is to be arranged.

TGA Meeting Feedback

The Convener thanked the Board for attending the TGA meeting and stated he found it very useful. He felt it important that the two organisations had met and acknowledged a lot of the criticism from the TGA of the Board was down to a lack of communication. He expressed his pleasure that IMacG would sit down with C'OD after Board meetings and go through the Minutes to pick out salient points that C'OD could then take back to the TGA.

He then pointed out his job was as a convener not a Chairman and also expressed his pleasure that DS had agreed to attend TGA meetings to communicate first hand about river issues. CO'D thanked DS on behalf of the TGA.

The Convener acknowledged the TGA's criticism of the Board website and suggested a sub committee be set up to look into the website.

ACTION: A Subcommittee of DS/DG & CMN to be set up and present website way forward at next meeting.

7. Financial Summary and road/TRT potential purchase of site update

(AW left the meeting)

IMacG presented the financials (papers had been circulated previously) and gave an update on the road and potential purchase of Almondbank site by TRT.

DG asked about appeals figure.

ACTION: IMacG to get update from assessor regarding appeals

8. Catch & Release Code 2020

IMacG explained the methodology behind the proprietor consultation, stating that 46% had responded with a 58/42 split in favour of the proposal. The Convener stated this was not a huge majority and unlikely to be backed by Scottish Government and asked for the Board's views.

After much discussion it was felt the Board could not uphold the continuation of the proposal, and the Convener expressed his belief that this was the wrong decision but was the will of the majority.

DB asked if it was possible to bring an injunction against any beats found killing fish, to which DS replied the Board could bring in Conservation regulations for specific beats but this could not be based on hearsay and must have factual evidence. In any case, he was not sure if Scottish Government would sanction this.

ACTION: IMacG to draft communication to proprietors for Board approval.

ACTION: IMacG to ensure 2020 C&R code on October agenda

9. Marine Scotland Stocking Policy

Discussed under AW presentation.

10. H&S Report

DS reported no incidents or near misses since the last Board meeting.

11. TDSEB Plan for the Future

CMN asked for this in summarised form so it could be put on the website.

ACTION: DS to summarise 10 point plan for website inclusion.

DS then explained there had been progress on the Ericht and as of 10th July SEPA had introduced a new regime which means the fish farm has now to recirculate some of the flow in very dry weather. The process appeared slow to some stakeholders but was moving in the right direction.

DS stated that there had been the unexpected opportunity via Simon Dryden regarding the Braan and he had submitted a paper.

ACTION: The Convener/DS to keep in touch with AW re Simon Dryden's replacement

12. Website

Discussed under TGA meeting.

13. Steve Mannion paper

SM asked if the Board wished to pursue his paper's ideas, and after some discussion it was decided that the Board would like a modified version of the paper. Many saw no point in having sub committees for the sake of them but saw merit in appointing sub committees for specific tasks and it was agreed this should be implemented.

After some discussion surrounding the costs to proprietors, it was decided to form a sub committee to look at finances as a cost cutting exercise.

ACTION: IMacG/DS/CMN/SM/AR to form subcommittee to look at finances and potential savings.

ACTION: JA/CO'D to speak to Taymount Timeshare Chair to see if he would be on sub committee representing Timeshare owners

13. AOB:

TGA Meeting

The Convener asked ALL for feedback from the meeting, particularly on his role as convener. He stated that some of the quotes in the TGA letter were incorrect and this was upsetting.

DG asked the convener not to take the negative comments personally. C'OD explained the TGA had not met since the meeting but he would canvass opinion and feed back to the board.

ACTION: C'OD to canvass TGA opinion on TGA/TDSFB meeting and feed back thoughts at next board meeting.

(C'OD left meeting)

River Earn

JP explained that a SEPA biologist had a feeling that the Earn invertebrate community had receded over the years and that the River Earn Improvement Association was paying for SEPA's Earn invertebrate sample records to be analysed by Stirling University to see if this was the case or not.

Tree Planting

JP explained that Scottish Government were trying to encourage more tree planting. The Convener replied that the TRT had already been approached by a tree planting organisation and would be looking into the proposal.

There were no further items, and the Convener thanked the Board for attending, and closed the meeting at 1:05pm.