

TAY DISTRICT SALMON FISHERIES BOARD

Minutes of the Tay District Salmon Fisheries Board meeting held at Cromwell park, Almondbank, on Tuesday, 29th October 2019.

Present: 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)
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: Inga MacGillivray – Clerk to the Board
Dr. David Summers - Fisheries Director
Nicki MacIntyre (SNH Representative)

Apologies: David Brown (Co-optee)
Tom Monaghan (Co-optee)
Councillor Andrew Parrott (Lower Proprietor Mandate for Perth & Kinross Council)
Brian Roxburgh (SEPA Representative)

4 members of the public

1. Apologies

The Chairman welcomed all to the meeting, and IMacG read out the apologies.

2. Declaration of Interest

There were no new declarations of interest

3. Minutes from Meeting held 13th August 2019

The Minutes were then taken as being read, agreed unanimously and signed by the Convener, with one minor change to be made regarding the Earn.

4. Matters Arising

Stuart Middlemass Presentation

ACTION: IMacG to email Stuart Middlemass with the view to having him attend February 2020 meeting.

Datta Fishing Report

CMN explained that DS had sent all necessary information and she would upload by end of week.

ACTION: CMN to implement Datta blog into web page by 1st November 2019.

Luncarty Weir

DS explained that major works on either the Luncarty or Battleby weirs would require a CAR licence from SEPA. Only small internal improvements within fish passes would not. He intended to discuss with the landowner regarding proposals to be forwarded to SEPA for their consideration. SM asked if these works would be able to be completed after

the A9 dualling process, and after some discussion it was decided this project could proceed independently of the roadworks.

ACTION: DS to contact landowner regarding proposed work on Battleby Dam with the view to getting proposals into SEPA for their consideration.

Water Abstraction – Ericht Fish Farm Intake Footage

DS stated the work had been completed and offered to show the Board clips of the footage after the meeting. After some consideration, DS suggested the intake would benefit from a slot for smolts to pass through and had suggested this to SEPA. The Convener asked if there was any way the Board could encourage SEPA to insist on this, which DS replied that a SEPA review of the fish farm licence was due in the coming weeks. He also pointed out that SEPA were going through a major restructuring exercise and it appeared less staff time might be available to devote to this issue in future.

ACTION: DS to continue to monitor the Ericht Fish Farm situation.

Water Abstraction – Lochay

DS stated he had submitted a paper on Lochay abstraction to Simon Dryden prior to his retirement and he had passed it to SEPA. Simon had produced a list of 54 actions for his successor to deal with. DS confirmed that Simon's successor (Antje Branding) had now started and would hopefully be visiting the hatchery at some point. Obviously, we would want to ensure she picked up on Simon's issues.

AS stated that SSE were looking to replace turbines at Lochay Power Station and that he had asked them for an indication of volume of water they required for new system as opposed to the current system. He suggested that if the new turbines were more efficient a reduction in abstraction could be asked for. DS explained he had spoken to SSE and they had told him they would not be replacing the turbines. It is transformers that are to be replaced and this was being undertaken by the distribution part of SSE not the renewable generation part. There was some discussion surrounding this and it was decided that we need to seek clarity from SSE on the issue.

ACTION: AS to ask SSE for clarity at next Community Council meeting on 10th December 2019.

CMN asked how the effect on fish was monitored, to which DS replied electrofishing was used to gauge fish density.

Website

CMN explained the subcommittee of DS, DG and herself had met and agreed a way forward. DS had updated content for the website and CMN was in the process of getting it uploaded. DG added that Board member emails should be set up so Board members could contact each other. IMacG pointed out she could easily copy Board members in on emails again if that was what was required.

ACTION: DS to set up individual board member emails and staff emails.

Assessor Appeals

IMacG explained the assessor was still awaiting a decision on some appeals.

Finance Sub-Committee

SM explained that the sub-committee had met without DS or IMacG as part of the committee. He stated they had met 3 times in total and would be meeting a fourth time to finalise their report to the Board. He explained that due to other commitments, AS had been unable to join them for much of the discussion.

TGA Meeting Feedback from C'OD

C'OD stated that the general consensus from the ghillies was that the meeting had been constructive and they would like to see more of the same in the future. They would be taking DS's offer up for him to attend TGA meetings in the future.

The Convener stressed that it would not be wise to let things simmer and any complaints or queries from the TGA should be aired in a timeous manner.

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

(members of public left the meeting)

IMacG gave a brief update on the road purchase by TRT as well as a brief financial summary.

ACTION: IMacG to see P&K Council re rateable values for charities.

(members of the public returned to the meeting)

6. Catch & Release Code 2020

The Convener reminded Board members that the Proprietors had been asked their views on mandatory 100% catch and release and had not given enough of an indication of their endorsement of the proposal. He therefore asked if the Board would support 100% voluntary catch and release for 2020.

CMN thought beats could do more to portray the message and, due to an incident on her beat, would be introducing into her terms and conditions that all fish killed on her beat would remain the property of the estate in an attempt to prevent killing of fish.

DG stated he had no problem with C&R across the season but thought this would not change anything on the river.

The Convener stated it was the duty of the Board to promote best practice and educate anglers.

DG stated there would always be killers but agreed anglers required education from the Board and their peers.

C'OD suggested making the Tay a sanctuary, especially on the tributaries. DS explained this was possible, legally. DG stated it would be a better idea to educate the killers rather than alienate them.

The Convener asked for a show of hands to the 100% C&R for 2020 proposal and it was passed unanimously.

ACTION: IMacG/DS to update C&R policy document to show 100% C&R recommendations for 2020 season.

The Convener asked if Fisheries Officers could be deployed to educate those beats suspected of killing fish in the season.

SM agreed that education would perhaps help, as he had fished in the Dochart catchment and had been given no instructions on policy, but the party he was with had used their own policy.

DG suggested challenging beats who killed from the statistics given on their catch returns, to which DS replied we would need hard evidence if it was the case that any beats were killing fish and not reporting them. He suspected most beats would in fact return fish, but there was no place for hearsay, only facts.

AS stated there was a problem with Loch Tay as it was not policed by owners particularly well. DS explained that there needed to be evidence provided of infringements as the Fisheries Officers policed this area but had not caught anyone. He suggested the stories could be exaggerated or perhaps invented.

AS suggested putting a strongly worded letter to proprietors to check their beats more thoroughly. DG suggested having Fisheries officers use the boat on Loch Tay from January to March. It was generally agreed we should do more.

ACTION: DS to provide wording for C&R document to state why C&R should be 100%

The Convener brought up the subject of fish handling and asked if ghillies could be more conscious of the way in which fish are handled and the effects this could have on their health post release.

DG stated he understood the problem but had not come across any research which proved handling fish a certain way was detrimental to their health.

(a member of the public left the meeting)

The Convener stated he had received an email regarding DG's handling of fish but that he thought it could be of a malicious nature. He did not mean to single DG out personally but wanted to put the question to the wider Board.

DG replied if he thought fish were dying as a direct result of the way in which they were handled then he would not handle them in such a way.

AS stated it was very difficult to handle fish correctly sometimes, especially in the middle of a loch in a boat. CMN stated that there was no zero impact on fish when angling.

The Convener suggested if C&R is 100% then we should look at pairing this with best practice on fish handling to get the conservation message across.

AS stated fish handling was a big problem on Loch Tay and suggested a meeting with proprietors of the area to educate them on best handling practice.

ACTION: The Convener to copy email re DG to DG

ACTION: DS to arrange for Fisheries Officers to educate on best practice on fish handling.

7. Marine Scotland Stocking Policy & Hatchery Update

DS had previously circulated a report. The broodstock licence had come through which allowed fish to be taken from Garry, Tilt and Errochty. The numbers to be taken from the Errochty were lower than previous years due to the fish counter number being lower. The fish counter may have some issues as, last year, a new fish counter was installed at Pitlochry and counts have been lower ever since. The number of PIT tagged fish that had been detected relative to the total count suggested there could be an issue. SSE had been made aware of this.

SF asked how many PIT tagged fish had passed through Pitlochry counter to which DS replied he did not have the latest figures to hand. Fish were still passing through and would be tallied once complete.

ACTION: DS to circulate PIT tagging figures to the Board as soon as possible.

DS explained that the broodstock fishing was progressing well with 34 fish being caught in the first three days.

With regards to the licence, he stated that the application to take broodstock from the Fillan had been turned down because it had not been viewed as for restoration or mitigation stocking, although he had argued that stocking the Lochay was for restoration purposes. DS stated he would appeal this decision with regard to the Lochay.

Licence had been obtained to take some fish from the Earn and Eden for similar types of work. This difference was because those two rivers are not part of the SAC.

The Convener stated that if an area is not a SAC then broodstock could be used for enhancement purposes, as the Government had no jurisdiction on planting out. Within a SAC, stocking would only be for restoration or mitigation purposes.

AR asked if the stocks had to get to "rock bottom" before mitigation would be instigated, to which DS replied in essence in the affirmative. They would have to be totally wiped out.

NMcI stated that she thought the policy was being reviewed but was being enforced currently.

SM asked what the statutory provision was for the policy, to which DS replied it is the Scottish Government's policy in issuing statutory licences.

SM stated that the Board had an entitlement by law to stock and was surprised the Government and SNH could stop this. He asked what could be done.

The Convener explained that the policy was in effect "death by a thousand cuts", meaning that so many barriers against stocking will be put in place that it will be difficult if nigh on impossible to stock in the future. He envisaged we might only be able to stock the Garry but that even this would end eventually once the Garry was perceived to be stocked enough.

DS stated that we do have power to stock but we need a licence to catch broodstock out of season. In the past, we had supplied fish within the season for kelt reconditioning but they had been very susceptible to fungus and keeping them proved unsustainable after the fungicide Malachite Green was banned.

DS reminded the Board that the policy had partly been instigated to comply with commitments to NASCO.

AS asked that DS inform SRUC staff member the next time there was a successful Fillan broodstock fishing application as he would be very interested.

AW asked what had happened to hatchery production due to the new stocking policy and the Convener replied that he had lobbied Scottish Government regarding the unique position of the Kelt reconditioning unit but that this had largely been unsuccessful as yet.

There was some further discussion surrounding the subject and the Convener then stated that he and DS hoped to meet with Antje Branding to ascertain where she stood on the whole hatchery and stocking issue before putting our case to her.

8. H&S Report

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

9. Update on 2019 Projects and Review of Priorities 2020

DS updated the board on the following 2019 projects:

- **Bird Predation**
DS confirmed the TDSFB would be carrying out bird counts as usual and would submit a licence application to SNH. He was aware of the TGA bird counting efforts but had heard nothing of them since July 2019.
- **Water Abstraction in Ericht & Lochay, and Luncarty Weir**
These items have been discussed in Matters Arising
- **Beavers**
Key tributaries will be monitored by the Fisheries Officers. C'OD asked if the TGA could help to which DS replied their help would be welcome.
- **Hatchery**
New tanks were due to be installed during the winter but this looked unlikely due to current stocking policy

ACTION: DS/IMacG to discuss potential compensation with Scottish Government.

- **Lunan Works**
DS had applied for the felling licence from the Forestry Commission which was still being progressed.

- **Garry flow restoration monitoring**
Fisheries Officers had been electrofishing the sites over the last two months and samples will be sent to UHI for analysis. UHI will have data available soon from last year's monitoring. Basically, early indications are that wild fish had been spawning in 2017 and hatchery work/stocking had been successful.
- **Signal Crayfish**
The plan was to monitor these in the Ericht but so far TDSFB staff have not had time this autumn.

DS then stated that ALL Board members should have a think about what new projects they would like to see prioritised in 2020 and to submit these ideas to IMacG for inclusion in next Board meeting discussion.

A member of the public asked about the SEPA project involving a dam at Gateside on the River Eden, to which DS replied this could be a partial barrier to migration. However, he did not think best use to stock the limited number of Eden eggs we might get above there. It was more trout habitat. There were better areas for salmon parr downstream.

(SM/AR left the meeting)

JP asked about the eels being caught in the Dalchonzie screen to which DS replied the Board had no jurisdiction over eels.

ACTION: ALL to identify potential projects for 2020 and email to IMacG before next Board meeting

10. Finance Sub-Committee Update

Discussed under matters Arising.

11. TDSFB Flyer concept

AW presented his TDSFB flyer concept, stating that it would be a good tool to promote the work of the Board. There was some discussion as to its design and content. CMN suggested it could be funded with advertising revenue. AW suggested the TGA may want to have a section in it and may be willing to fund. CMN asked about the distribution audience, to which AW replied it could go to hotels, retailers, ghillies' huts and proprietors, amongst others.

The feedback from Board members was very positive.

ACTION: AW/DSCMN & C'OD/John Ross to work on flyer together .

The Convener thanked AW for his hard work.

12. Website

Discussed under Matters Arising.

13. AOB

There was no AOB

There were no further items, and the Convener thanked the Board for attending, and closed the meeting at 12:55pm.