

TAY DISTRICT SALMON FISHERIES BOARD

Minutes of the Tay District Salmon Fisheries Board meeting held at Cromwell park, Almondbank, on Tuesday, 12th June 2018.

Present: Iain McLaren (Convener)
Councillor Bob Band
David Godfrey
Steve Mannion
Lord Mansfield
Claire Mercer Nairne
Tom Monaghan
Cohn O’Dea
Jim Perrett
Mike Smith
Alec Stewart

In Attendance: Inga MacGillivray - Clerk
Dr. David Summers – Fisheries Director
Nicki MacIntyre (SNH)
Robert White (partial attendance – website presentation)
Ted Eadie (partial attendance – PDAA)

Apologies: David Brown
Brian Roxburgh (SEPA)

The Convener welcomed everyone and expressed his grief regarding the passing of Ian Young. He went on to explain that agenda items 11 (website update) and 17 (AOB – PDAA/Kercock issue) would be moved up the agenda.

11. Website Update

Robert White gave a brief overview of his social media proposal to include website, Facebook, Twitter, blog and Instagram. After much discussion ALL agreed a subcommittee would be the ideal vehicle to forward this issue. A subcommittee was formed comprising Robert White, DS, DG and CMN.

ACTION: Website Subcommittee to report to next Board meeting

The Convener thanked Robert White. (RW left the meeting)

17. AOB – PDAA & Kercock Issue

Ted Eadie, President of the Perth & District Anglers' Association, asked that consideration be given to a boundary problem which was causing friction between the Kercock beat and PDAA beat. Essentially, he asked for clarification on whether it was lawful to cast from your beat and allow the line to cross into a neighbouring downstream beat. LS suggested advice may be sought from Scottish Land & Estates (SLE), whose advisor, Richard Blake was a past Board Clerk and had been about at the time of the Fotheringham v Passmore (1984) case, which may be relevant to the situation. Mr. Eadie thanked the Board for their time and left the meeting.

2. Declarations of Interest

There were no new declarations of interest.

ACTION: IMacG to chase Board members for Declarations where not received.

3. Minutes from Meeting held 17th April 2018

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

4. Matters Arising

Luncarty Weir

After some discussion, ALL agreed that Luncarty Weir should be demolished. DS had been in contact with SEPA who were waiting on a morphological report on the area from one of their specialist staff.

ACTION: DS to continue talks with SEPA.

River Braan

DS explained that he had recently written to John Swinney MSP and was awaiting a reply.

ACTION: DS to progress.

Biosecurity

DS explained that in the past, the Board had issued declaration forms to proprietors regarding biosecurity measures.

ACTION: DS/IMacG to issue biosecurity declarations to proprietors.

River Lyon

The Convener explained that he and DS had completed a site visit, and he was now more aware of the Lyon issues.

River Garry

MS stated that it would be a good idea for DS to produce a summary of the Garry situation, together with a good map of the area.

ACTION: DS to produce summary of Garry, together with good map.

TM asked what the issues were surrounding the Edendon Water, to which DS replied there were several, including an impassable waterfall and abstraction.

Finance – FMS Expenditure

ACTION: DS to invite Alan Wells to future Board meeting.

Eden Electrofishing/Broodstock

DS had been hoping to discuss the topic of rearing broodstock from wild parr with staff from UHI or the Ness Board who had already done this. He had spoken to the Board's own Hatchery Manager in the meantime, who had conducted similar trials many years ago when working for what is now Marine Scotland Science. They had deduced that the fish didn't grow fast and were comparatively small, with small eggs. Therefore, broodstock could be kept, but productivity might be relatively low.

ACTION: DS to ask opinion from those involved on the Ness and report at next meeting.

5. Lack of Fish/Conservation Recommendations

The Convener explained that the Spring run had been one of the worst on record, and that 2SW fish were in very short supply. He stated that the recent 100% catch & release communication had been sent out, with very little comment from the recipients. He had deemed it necessary to send it out in a timeous manner, since the current recommendations ended on 31st May. This had necessitated an email asking the Board's views, which had generally been in support of the recommendation.

SM stated that he thought the matter warranted an emergency Board meeting, this thought being echoed by AS and TM. The Convener took their comments on board, but reiterated that a fast decision had been required, and above all it was the Board's duty to protect and enhance the species.

DG mentioned that his only problem was with the fishing already sold on the basis of the old recommendation, but the Convener stressed that the new recommendations were only recommendations and not enforceable by law.

The Convener then explained that he was particularly concerned about the unghillied beats in the catchment where they may not know of the lack of fish, and he would ensure there as greater bailiff presence at these beats.

There followed some discussion on advisory recommendation versus mandatory, and worming.

6. GDPR (General Data Protection Regulation)

IMacG explained that she had been appointed GDPR Officer, and had carried out a data audit, as well as managing data files. She pointed out that there was now a Privacy Policy on the website, and that the Board was now GDPR compliant.

7. Financial Report

Cash Account to 5th June 2018:

As at 5th June 2018, the Cash Account shows a surplus of £37,235, and the overall bank balance stands at £460,510.

Income

The forecast assessment and appeal figure remain the same as budget. Having spoken to the Assessor, all outstanding appeals will be processed at hearings in September and October this year, and the Board will therefore have to wait until later in the year for the results.

The Assessor stressed that all proprietors of Category 3 fishings should appeal individually, as the Scottish Assessors Association (SAA) have agreed that they will not automatically reduce values for Cat 3 fishings unless they are appealed, and indeed it may not be lawful for the Assessor to reduce values on a blanket basis – this subject is being hotly discussed and an answer will be forthcoming shortly.

The Actual appeals figure of £4,287 relates to the Eden/Earn category 3 status from 2016, and the final figure is expected to be £8,368.

The Consultancy Forecast figure has increased by £17k, with £12k being the Scottish Government's electrofishing program, and £5k being the income generated from the Pitcastle smolt survey.

Expenditure

Salary and pension figures are pretty much in line with budget.

The training figure should come in around budget and forecast, as drone training has been planned later this month totalling £2,388, and also spraying training for the bailiffs, the cost of which will be met by the SISI project.

The rent, rates and general insurance total of £16,324 is predominantly made up of our annual insurance charge (£13k) as well as our monthly rates charge.

The road repairs are still under discussion with a neighbouring landowner. Two quotes have been received and we now have to send some information to the Government in order to determine the finer points of our lease. The residents have all received explanatory letters.

IT Equipment & Maintenance forecast has increased by a fraction to accommodate the recent failure of IMacG's pc.

Hatchery spend is £28,215 to date, of which £16,492 is salary related and of the remaining £11,723, £7.8k was spent on fuel, £1.1k on food, £719 on chemicals and the rest on sundries.

Fishtay and website spend of £3,382 largely relates to the Fishpal invoices.

The cost of Opening day, Pitcastle project, smolt project and drone surveys total £1,709 against the £2k projects budget.

Capital Expenditure of £29,415 relates to £12,750 cost of new Jimny and £16,664 for the new hatchery boilers. The forecast has been upped by £2k to take into account the cost of the drone.

We are now looking to be £9,026 ahead of budget, but this may all change once the appeals figures are processed later in the year.

8. Health & Safety Report

DS reported that there had been no notifiable H&S incidents nor near misses since the last meeting. The new bailiff is to attend a first aid course in July.

9. Bailiff Update

Nothing to report

10. Hatchery Update

DS explained that all unfed fry had now been stocked out but some feeding fry remained in the hatchery, but these had struggled with the recent hot temperatures. MS asked how many fry there were and when they would be stocked, to which DS replied there were around 30,000 and they would go out in October.

11. Website Update

This agenda item was dealt with at the beginning of the meeting.

12. Electrofishing Update

DS had previously circulated a summary of electrofishing results in recent years and explained that the trout data still required some work. CMN asked for a summary, to which DS replied that for the vast majority of sites (many of which had been electrofished for nearly 20 years) the averages had seen no significant changes. However, he continued, there had been a few instances where fry had been markedly lower recently, one such incident being in the summer of 2016 after storms Desmond and Frank, but this only impacted some areas. CMN asked that we survey parr, to which DS replied that this already happened.

DS went on to explain in a little more detail the Scottish Government's proposed electrofishing program which the Board had been asked to undertake.

MS stated he had looked over the electrofishing report but could find no dates, to which DS replied that most sites were surveyed in September each year, although the Government program will be done in July/August.

NMcI asked if Government sites would be refined as time went on, to which DS replied it was not known what might happen in future years. The Scottish Government and SEPA had put £300k into the project for this year. Would such funding be available next year? Fisheries Boards could not be expected to carry out this kind of work for nothing.

13. Drone Surveys

Drone has been purchased and training is in place for end of month.

14. Board Priorities for next 3 years

DS asked Board members what they wished to do over next 3 years.

Lack of water on Ericht

The Convener suggested the Ericht and lack of water, to which DS replied that abstraction was still taking place and there had been adult fish deaths in Smedley's pool. There was increasing local concern over the issue. DS stated that the Board no longer held jurisdiction over water abstraction and fish passage and concerns needed to be directed to SEPA. DS had already mentioned the incident to SEPA but thought that the local Blairgowrie Angling Club ought to contact John Swinney MSP. MS asked if there was anything more the Board could do, to which DS replied the Board had no statutory powers in such instances and only SEPA had the power to act.

Lack of water in River Lochay

AS stated that the Lochay had a shortage of water at certain times of the year, and he had witnessed fry and parr die as a result. DS explained that SSE had the right to abstract water from the Lochay, which would make the river more drought prone and that this was recognised under the Water Framework Directive. SEPA had visited the river in 2017 with a view to considering whether any flow restoration work was necessary, but it was not clear where this process was currently at.

15. Tay Foundation Update

The Convener stated that there was to be a TF meeting on 29th June. C'OD asked for clarification on Robert White's involvement with the TF.

ACTION: IMacG to contact Robert White
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16. Piscivorous Birds

MS stated that he had received a query from a member of the public regarding times and dates of the Board's bird counts and had asked DS for the details but was still awaiting a reply. MS had then, along with a few others including AS conducted his own bird count, encountering 244 mergansers and goosanders in 5 separate locations.

DS explained that the information on bird counts could be misinterpreted and thought it more appropriate for this to be discussed and shared at the meeting. He then proceeded to hand out the information to the Board members regarding the counts and confirmed this was sent to SNH.

DG stated that the Board has a licence, and that everyone should just get on with it and leave it as is. His viewpoint being that the licence numbers will not change and it seemed pointless to draw attention to it publicly. NMcI reminded everyone of the furore surrounding the ravens recently. SM agreed with DG.

SM then asked why shotguns only had been stipulated as he believed this method ineffective given the width of the river in places. He also queried why the Board got involved with the type of firearm when it was the shooter's responsibility.

The Convener explained that the Board received the licence from SNH and therefore that made it the Board's responsibility. DS added that when Marine Scotland formerly issued the licences they stipulated shotgun only, but since SNH had taken over, there was no such stipulation on the face of the licence. The Convener explained the reason the Board had stipulated shotgun only was to try to ensure people didn't do silly things, as it had been known in the past.

JP asked why crow scarers could not be used instead. CMN asked whether SNH could stipulate firearms, to which NMcI explained that SNH were keen to look at scaring methods first, with shooting as a last resort. CMN replied that they oiled eggs in Europe and could this be considered here. It was decided to keep the licence as is i.e. shotguns only.

17. AOB:

Board Reports

AS asked that any supporting Board reports should be issued at least a week prior to the meeting to give the Board members time to digest.

ACTION: IMacG/DS to ensure Board reports sent in a timeous manner.

Rainbow Trout escape in Loch Tay

AS reported a rainbow trout escape from a fish farm in Loch Tay. DS asked whether it had been reported to Marine Scotland Science, to which AS replied he had asked the angling club

to report. DS stated that the fish farm had a legal obligation to report escapes, and AS should take this up with Marine Scotland Science.

Replacement for Ian Young

The Convener stated that due to the very sad loss of Ian Young, there was now a place on the Board. After some discussion, it was agreed to approach the next candidate on the list of co-optees who had applied earlier in the year.

ACTION: IMacG to approach co-optee candidate.

Board member responsibilities

SM suggested that Board members should make better use of their skills to further the Board's work and take pressure off Board staff.

ACTION: SM to forward Board paper regarding Board member use of skills.

Timing of next meeting

IMacG asked whether anyone wanted to change the time of the next meeting from 7pm to 10am. ALL agreed to change.

There were no further items, and the Convener thanked the Board for attending, and closed the meeting.