MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Craigellachie Hotel, Craigellachie commencing at 9.30 a. m. on Friday 16th August, 2019

## Present: -

**Chairman** Dr Alexander Scott Craigellachie Fishings

**Proprietors** Angus Gordon Lennox Brae Water Trust

David Greer Seafield Estates

Peter Graham Rothes & Aikenway

Toby Metcalfe Crown Estate

William Mountain Delfur Fishings

Oliver Russell Ballindalloch

Dr CMH Wills Knockando

**In Attendance** Roger Knight Director

Brian Shaw Biologist

Richard Fyfe SEPA

Jennifer Heatley SNH

Dr Kenneth McDougall (Envirocentre)

Penny Lawson Spey Catchment Initiative

William Cowie Clerk

**Public Attendees** Peter Kyte

Chris Davis

**1.** **WELCOME,** **INTRODUCTIONS AND APOLOGIES**

Apologies had been received from Callum Robertson, Craig Mackay and Alistair Galloway.

**2. ENVIROCENTRE PRESENTATION**

2.1 Background to 2008 Report

Kenneth McDougall introduced himself to the meeting and advised that he had been asked to revisit the 2008 Report on Spey Abstraction. They were currently still working through things and awaiting data from SEPA and others, but the remit had been to look at the change since 2008, including climate change implications.

He commenced his presentation with a background to the 2008 Report which was commissioned in response to new abstraction proposals in the vicinity of Aviemore and for the Tummel Scheme. The Board had required evidence to respond to consultation and the remit then had been to look at a catchment-wide abstraction effect.

The Report had provided a good reference point for the Board and allowed fuller discussion with regulatory bodies. Much of the 2008 Report was still relevant. He advised that abstraction at that time was governed by various Acts of Parliament, including electricity Acts.

2.2 2019 update

Dr McDougall confirmed that Envirocentre were having considerable liaison with SEPA, who had updated their systems considerably since the date of the original report. Hydrology information was also much more detailed and there had been a further 12 years of detailed information that would be available. In addition, there had been more abstraction return information available on discharges, which meant that they did not have to rely on assumptions, as was the case in 2008. Overall there had been an increase in abstractions within the last 10 or so years.

2.3 Climate change influence

One of the aspects that they had tried to identify was climate change influence and whether this resulted in messages for future management. The main changes here were real time water levels and rainfall data and the review would consider monthly reviews of hydrological conditions, regular updates on regional resources and scarcity and a forward forecasting for contingency planning.

2.4 Climate projections

Dr McDougall had referenced the UK CP18 in 2018, which was the first for 10 years. Whilst this was necessarily expressed in probabilities and not definitive it did include a significant range of forecasts for the period to 2100. The updated report would focus on river valley resilience and therefore not just the river itself, but its placement within the whole catchment. They were well aware that periods of drought would draw more from ground water.

2.5 Next steps

Dr McDougall advised that the next steps would be: -

* A review of the SEPA flow data between 2007-2019.
* An update of natural flow estimates pre-hydro abstractions.
* A comparison of changes in the licenced abstractions, 2007-2019.
* Further meetings with SEPA to understand what had been done in the intervening period between 2007-2019.
* Extrapolation of climate change predictors.
* All of which he aimed to report on in November 2019.

He then invited questions: -

Q Angus Gordon Lennox enquired what affect would the Scottish & Southern Energy abstraction have on the overall abstraction if it were to go ahead.

A In response Dr McDougall confirmed that it would dwarf the current abstraction level, although he was not able to put a fixed number on it because of the “hands off” flow at certain times.

Q Angus Gordon Lennox asked whether the report distinguished between abstractions that were then returned, such as cooling water used for distilleries, and abstraction which was not returned.

A Dr McDougall confirmed that the findings were adjusted to take account of these.

Q Angus Gordon Lennox enquired of Richard Fyfe whether SEPA look at abstractions holistically and consider the cumulative impact on the whole of the catchment, or whether they look at each abstraction individually on its own merits.

A In response, Richard Fyfe confirmed that SEPA consider all other abstractions as part of the licensing considerations.

Q In follow-up, Angus Gordon Lennox also enquired whether there was a limit on abstraction in the catchment that SEPA were working to and were they close to that limit.

A In response, Richard Fyfe advised that this was a difficult question to answer but there was an overall requirement on larger extractors such as Liberty and SSE to maintain compensation flows, even when they were not diverting water. In times of low flow, that might mean releasing all the water available, but it was suggested by Angus Gordon Lennox that abstraction should stop well before that point was reached, so that more could be retained.

Q Peter Graham enquired whether the cumulative effect was a concern for the report as relatively small drops in flow would eventually total a significant amount.

A Dr McDougall agreed that the issue was going to be important, as was the seasonality of rainfall.

Q Angus Gordon Lennox enquired whether the Licences were adapted to future changes.

A Richard Fyfe confirmed that SEPA do have powers to review CAR Licences at any time.

Q William Mountain enquired whether that power had been used and whether SEPA had the resource to do so.

A In response, Richard Fyfe did confirm that they did indeed have the power and had spent a lot of effort and time increasing data collection, insisting that abstractors provide accurate data and he confirmed that Licences were enforced. He also confirmed that historically there had been patchy information, but now there was much more available and he was happy to share this with Envirocentre.

A In response to enquiry, Richard Fyfe advised that they were focusing on ensuring that enough data was available to confirm whether the Q95 indicator had changed.

Dr McDougall also noted that the Spey had a good network of gauging stations, although these were monitoring flows that had already been modified. There may require to be some work in equating “level” with “flow” which would need specific gauging.

Q Brian Shaw asked Dr McDougall whether climate change would be likely to have an effect on the ecology of fish and whether this would be covered in the report.

A Dr McDougall indicated that for them to do that there would require to be a look at temperature and this had varied over the years. It was therefore unlikely the report would express an opinion about fish ecology and it would be more up to the Spey Biologist to interpret. He did acknowledge that temperature change would have an effect on fish and Brian Shaw made the point that regulators would need to look at temperature change, snow loss etc. and the effect of abstraction together.

Q Angus Gordon Lennox sought reassurance from SEPA that they do take the effect on fish into account in granting licences and that they clearly have the power to enforce abstraction licences if there was proven to be a negative effect on salmon.

A Richard Fyfe confirmed that this was looked at and there were powers which would be enforced if evidence was available. It was also recognised there would be a number of land use issues to be taken into consideration in the future.

Q Angus Gordon Lennox asked whether it was possible to monitor the water table i.e. in the surrounding Dipple Well fields.

A Dr McDougall thought that would be possible and the Board felt that pressure should be brought to bear on SEPA and in turn Scottish Water to maintain Well Field equipment, rather than use emergency piping. The feeling of the Board was that Scottish Water needed to be pressed much harder to comply.

**3. MINUTES OF OPEN MEETING HELD ON 17TH MAY, 2019**

There were some small issues to adjust and the Minute was then proposed by Angus Gordon Lennox and seconded by William Mountain.

**4. ACTIONS POINTS AND MATTERS ARISING**

At page 2.2.2 in the previous Minute, the planning matter required to be confirmed. In response, Richard Fyfe confirmed that methods of abstraction were a planning matter.

At page 6 William Mountain asked whether the Twelve Pressures matter had advanced and the Director confirmed that he had approached Simon Dryden, but he had now moved on from the Scottish Government. His understanding, though, was that it had progressed.

Action point 8 – the Chairman confirmed that he had met with the Tweed but noted they had their own tagging project, which was independent of the Spey’s. It was felt, however, that continued dialogue with the Tweed would be an advantage.

Otherwise the Director confirmed that all action points had been either dealt with or would remain on the action plan.

**5. DIRECTOR’S REPORT**

The Director then presented his report and an extract would be attached, but it would now reflect the Board’s four main areas of attention: conservation; protection, enhancement; and promotion of understanding.

5.1 **Mission Statement**

5.1.1 **Catch Returns**

One more catch return had been provided since the Director’s Report had been prepared so the total catch from February to June was now 2052.

In response to enquiry, he confirmed that there was only one small beat outstanding and the figures could be made public now.

5.1.2 **Spey Strategy and Action Plan**

It was agreed that this should be reviewed in spring 2020.

**ACTION: SFB Strategy and Action Plan to be reviewed in spring 2020**

5.2 **Conservation**

5.2.1 **Water Abstraction**

Peter Graham enquired of Dr McDougall whether he could confirm that in looking at the abstractions, they would also investigate the effect if there had been no abstraction. He also enquired whether he would be looking at the management of flow in sterile rivers, such as the Truim, where gravel movement had been an issue.

Brian Shaw advised that he had been in discussions with SSE to move gravel, but highlighted that at the Spey Dam there was a moratorium on sediment reintroduction as local residents felt it would affect the village of Laggan.

Richard Fyfe confirmed that it was on the radar and Dr McDougall confirmed that sediment was taken into account in the Envirocentre Report, which was looking at it the other way round i.e. what effect does flow have on gravel movement.

Peter Graham suggested that this area should be specifically looked at and Jen Heatley agreed there would be some effect on flow speeds.

Angus Gordon Lennox also asked Richard Fyfe who it was who policed Geomorphology of the gravel. In response Richard Fyfe advised that it was a very complicated area, but it would generally be SEPA who would police this. The person involved would be Alasdair Matheson and it was within SEPA’s Mandate, but was a very technical area as gravel movement had all sorts of other effects, with predicted movement being very difficult to model.

Toby Metcalfe enquired regarding the Multiconsult assessment and was pleased to note that maintenance was being undertaken. He asked whether the timescale reported was to complete the work or carrying out a survey. In response the Director advised it would be a survey first and completion within 2 months. He advised that the surveyors were due on the 17th September and would produce a draft report to GFG. Angus Gordon Lennox suggested that the Director should request simultaneous distribution of the report to SEPA and to the Board and this was agreed.

**ACTION: Director to request simultaneous distribution of the Multiconsult Report to GFG, SEPA and SFB.**

5.2.2 **Stocking**

The Director had reported that the application had been successful and a licence issued for the requested number of broodstock, which were expected to yield 544,000 eggs.

5.3 **Predator Control**

5.3.1 **Sawbills**

The Chairman understood that shooting birds in the morning was not a good time if they were to be retrieved for stomach content analysis and that guidance should be given to advose against this. The Director agreed and would attend to it.

5.3.2 **Enforcement**

The Director noted the joint patrol with the local Wildlife Crime Officer and reported that this had been a great success.

5.4 **Enhancement**

5.4.1 **Tomintoul & Glenlivet Partnership Project Support**

The Director made a visual presentation of some issues at Fordmouth and Delnabo, but advised that the Board’s Operations Manager was working hard to resolve some last-minute concerns about the project.

5.4.2 **Allt Bhran, river Tromie**

Toby Metcalfe questioned just how important this small element of river water diversion was to the seven power generating stations and suggested that SSE should be challenged.

5.5 **Promotion of understanding**

5.5.1 **Ghillies Committee**

The Minute of the Ghillies Committee meeting was circulated.

5.5.2 **Smolt Tracking, Research and Monitoring**

The Director had met with Mark Bilsby and the AST had again requested central reporting of the Missing Salmon Project’s findings, rather than reporting by individual rivers.

5.6 **Staffing and Administration**

In relation to Health & Safety, Peter Graham suggested the Board engage Greens of Haddington, who were better on cost and revision planning. David Greer also recommended Greens and the use of a lone working app named “Stay Safe”. He also suggested that “spot trackers” for lone working be introduced.

**ACTION: Director to commission Greens of Haddington to conduct Health & Safety Review.**

6. **SPEY SCIENTIFIC COMMITTEE INCLUDING TOMMORE BURN PROJECT REPORT**

Peter Graham reported that two sets of Minutes had been circulated: the first one mostly relating to water flow data and stocking; and the second relating mainly to kelt reconditioning.

As far as the second set of Minutes were concerned, the following particular issues arose: -

* **Kelt reconditioning**

The Committee had invited David Summers to give a presentation and were considering approaching Alan Youngson and Jon Watt to produce a report. Jon Gibb from the Lochy had also been invited to join the Scientific Committee and he was looking at lessons to be learned in maintaining genetic stock from some investigations on the Lochy. He would be looking at this in more detail and compare information with the Spey. They would also be looking at the cost/benefit of broodstock collection.

* **Fish Counters**

The Committee looked at the possibilities of deploying counters and conducting snorkelling in the Avon for counting purposes, which Brian would investigate further.

* **Tommore Burn**

Peter Graham felt that this had reached a level of completion and a report had been produced, but had not yet been peer-reviewed. There would be an opportunity to look at this project in relation to Eyed Ova Release, which was preferred by the Scottish Government, and monitoring the success of this against stocking fed fry. This could be a piece of work of national and international significance. The Committee would like to approach Ballindalloch to identify whether this could continue and he sought approval from the Board to do so. They were also looking to introduce an adult fish trap at the bottom of the burn, to monitor the numbers of returning adults. Recommendations to the Board were presented at number 7 of the Committee Report.

In response the Chairman noted that the stocking proposal for 2020 recommended 10 burns, but the Scottish Government had indicated that these must be stocked with eyed ova or unfed fry only. This meant that the Tommore Burn project would be especially useful because it was already producing first class data.

Oliver Russell would certainly consider extending the project and the Board gave the Scientific Committee authority to talk to Ballindalloch. The Biologist confirmed that there were no major infrastructure changes required to change the Tommore Burn smolt trap to an adult trap and suggested that it would be a 5-year project. He also advised that they may well be able to re-deploy the Hatchery Manager as an additional bailiff after the ova had been planted-out. After discussion, though, it was resolved that the Chairman was to take matters forward with Ballindalloch Estate.

**ACTION: Chairman to discuss the future of the Tommore Burn Project with Ballindalloch Estate.**

Finally, the Committee were considering a first draft of a Scientific Strategy document produced by the Biologist and the Director, in support of the Board’s Strategy. The intention would be for the success of the Committee to be measured against this document.

The Chairman confirmed that there were some areas to add once decided such as kelt reconditioning but invited comments generally.

William Mountain agreed that the Strategy document was a great start and would be a “living” document.

Peter Graham then invited questions: -

Toby Metcalfe enquired whether the Committee were looking at the temperature of water discharge from Distilleries etc. in connection with water quality issues.

Peter Graham advised that this was a good point that was not specifically discussed, but he recognised that this would be a very important factor. SEPA were the body who would police matters and Richard Fyfe confirmed that as far as he was aware there were temperature conditions in licences, although they were likely to be monitored by the discharger rather than SEPA. This would be an area that could be looked at. Angus Gordon Lennox asked whether the Gillies could be doing this and the Biologist confirmed that this would certainly be something to look at, with guidance from SEPA on how to do it being sought.

Toby Metcalfe asked whether there should be an annual report given on abstraction and temperature from SEPA. Whilst Richard Fyfe could not commit, but again reiterated that where there were breaches, then SEPA would enforce.

**7. BIOLOGIST REPORT**

7.1 **Missing Salmon Project**

Brian Shaw now had the data to hand, but he was limited in his power to divulge this. The report from the Atlantic Salmon Trust would be available in September and information would be provided to the participating Boards and Trusts then.

With regard to the National Electrofishing Programme Scotland, it was noted that only two Rivers south of the Great Glen remained Category 1 for juvenile fish populations; the Spey and the Findhorn.

7.2 **Adult Tagging**

This had been a very useful project and would see the same numbers of fish tagged this year as had been tagged over the three years of the previous project. There had been some very comprehensive data produced.

7.3 **Salmon Disease**

The Biologist reported some serious issues on the Helmsdale, the scale of which had not been seen since the days of UDN in the 1970s. There had been no evidence to confirm cases of UDN this year, but every angler must be vigilant and disinfect carefully. There was a possibility that this could be a similar problem the following year, so no-one should be complacent, even though there had been no particular evidence this year. Post-mortems of fish had shown no causative agent.

8 **MAXIMISING THE NUMBER OF SMOLTS GOING TO SEA**

This remained the Board’s primary mission and the Board reaffirmed that all efforts were going towards this.

9 **PUBLIC AWARENESS**

This had been broadly covered in the Director’s report and the Biologist’s Report, but it was suggested that the Director’s Summary of Board Meetings, which was currently sent to proprietors, should also be sent to the ghillies. With the new administrator at the Board it would also be possible to produce new briefings etc.

**ACTION: Ghillies to be added to the distribution of post-Board Meeting summaries to Proprietors.**

The Chairman felt strongly that a summary should be sent as soon as possible following the meeting on topics such as: -

* Tagging
* Sawbills
* Salmon numbers
* Stocking proposals

10 **DATE OF NEXT MEETING**

The next meeting was scheduled for Friday 22nd November at 9.30 a.m. with the venue possibly Macallan or Ballindalloch, but this would be confirmed nearer the time.

The meeting then closed at 12 p.m.