MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Craigellachie Hotel andcommencing at 9.30 a. m. on Friday 18th November 2022

## Present: -

**Chairman** Dr Alexander Scott Craigellachie Fishings

**Proprietors** Angus Gordon Lennox (AGL) The G.C. Gordon Lennox Estate Company Ltd

David Greer (DG) Seafield Estates

Guy Macpherson-Grant \* (GMG) Ballindalloch

Peter Graham (PG) Rothes & Aikenway

Toby Metcalfe\* (TM) Crown Estates

William Mountain\* (WM) Delfur Fishings

**Co-Optees**  Sandy Howie River Spey Anglers Association

**In Attendance** Roger Knight Director

Paul Hughes Digital Marketing Manager

Atticus Albright Biologist

Neil Torrance\* Clerk

Jennifer Heatley (JH) Nature Scotland

\*Attending via video conference

**WELCOME,** **INTRODUCTIONS AND CONFLICTS**

The Chairman noting that the meeting is in fact a blended meeting with some attendees (\*) participating by video conference.

1. **APOLOGIES and CONFLICT**

Apologies had been received from Callum Robertson, Grant Mortimer and Lisa Forsyth (SEPA).

The chairman then asked those present to record any conflict of interest they may have and there were none.

1. **MINUTES OF THE OPEN SESSION OF THE MEETING ON 2ND SEPTEMBER 2022**

The Chairman requested any comments on the minutes. Sandy Howie advised that he had been omitted from the Minutes while he had in fact been present.

Other than that, there were no other comments or questions.

WM commenting that we should have someone to approve and second the minutes. The Chairman advising that at a previous session the board had decided to dispense with the need to do that.

1. **MATTERS ARISING FROM PREVIOUS MINUTES**

The Action Point Summary documentwasproduced to the Board by the Director in advance of today’s meeting with list of points and current status referred to.

The Chairman commenting that he was pleased to see that almost everything has been actioned. Inviting the Director to run through it.

Commencing with item no 4. The Director commenting that the working groups to be established to evaluate future board and Spey Catchment Initiative (SCI) relationship hasn't happened yet, but it hadn’t been forgotten about. In his view it is in fact a little premature. The SCI needs to be incorporated, get the board of it established and get it functioning properly. Only then will it be possible to have a meaningful discussion. The timescale for that is estimated as six months hence. The launch is envisaged as being in the spring of next year, hopefully at the end of March, and it is envisaged that it will take until then to get the Board of Trustees up and running. The Chairman commenting that he envisages that we will be able to have meaningful discussions before then.

Moving on the Director commenting that

* PG was going to look at the economic value of the water contributions the Spey makes to Fort William
* He and PH were to make minor alterations to the strategy, which with apologies for the delay, was circulated a couple of days ago. PG suggesting that it is agreed that the alterations made are fine and it is approved. The Chairman confirming agreement to that proposal with the members.

As no further comments were made the Chairman inviting the Director to deal with his report.

1. **DIRECTOR’S REPORT INCLUDING 2022 CATCH STATISTICS**

The Director seeking to share the screen for those attending via video conference. Referring to the Report produced to the Board, as usual, in advance of today’s meeting, but thereafter specifically reporting on or highlighting a number of specific aspects including: -

**2022 Season Catches**

The declared catch for 2022 was 5439, which was a better result than many people had expected. It was a strange season, which began with a strong run of early running spring fish that headed straight for the top of the system, which was a pattern reflected on many other Scottish rivers and resulted in some very good catches in the upper and some of the middle river beats. It was then followed by a prolonged period of low water and warm water, interspersed with a rise in July that led to a good week pretty much river wide, a slower and a smaller rise for a week in August. His view is that the overall result is a welcome result, which is above the five-year average and just under the 10-year average, and with almost 2200 grilse, it bodes well for next year.

The Chairman then invited any comments or questions

AGL querying whether there had been any scientific view achieved on any river as to the reason for the early running fish and that it would be worthwhile to see if we could correlate in any way the information available in relation to rainfall for various different months, with temperature or even river height versus catches. That would allow comment to be made as to the likelihood of it re-occurring next season. Comments made that it is likely just a result of climate change, and while it may not be a pattern, it may be a pattern we see more often than before. AGL also commenting that he would also like the Board to look at the North Atlantic oscillation to see whether that has an impact.

PG commenting that he thinks this work has already been done. That historic data shows It is to do with the temperature, travel and many other things. His belief is that it is a random change. That work he advised was undertaken with Brian Shaw and it was quite clear that there was this changing pattern of run timing and sizes of fish and so on.

The Chairman suggesting AA to see if that can be located and then talk to PG with a view to reporting at the next meeting.

**ACTION: Biologist to identify previous work on run timing and discuss with Peter Graham.**

AGL than commencing a discussion on the disappointing sea trout numbers, especially when compared with what was noted as happening in the North Tyne, where this year they caught more than they have ever caught by a country mile to save their early season, which was pretty bad. The Chairman expressed his worry on the numbers and that there is a trend with those caught being largely big fish, which the senior ghillies view as a very bad sign. Seeking PG as our science lead to provide any comments he may have and querying whether we should have a policy of 100% catch & release on sea trout. Concluding that PG will take the matter to the science committee.

**ACTION: Sea Trout Conservation Policy to be referred to Scientific Committee for review.**

**Scottish Government Wild Salmon Strategy**

Published by the Scottish Government in January, it is a bold vision for the management of salmon over the next eight years, to address the 12 pressures across the five priority themes he highlighted on the screen. Commented that the Advisory Group for the Implementation Plan hasn't met since June, with Marine Scotland noticeable by their silence over the last few months. He advised that in his discussion with Alan Wells at the end of last week, that the salmon team within Marine Scotland had indicated that they are still aiming to publish the Implementation Plan by the end of this year, although it may slip into January of next.

PG commenting to JH that he heard that NatureScot have no funding, are going to find it very difficult to be dealing with any of this at all, and any money that they have will be put straight into frontline work.

JH confirming that in terms of frontline services, they are going to be told soon what they must prioritize, and as such expect that they may be pulling back on some things to release resources. NatureScot’s focus will be still very much on the nature, the biodiversity crisis and climate crisis, but how that transpires in the work to be undertaken is at present unknown. Commenting that hopefully more will be known by Christmas.

PG making refence to action recently taken, his view that the funds for peatland restoration provide opportunities to slow water down and that the Board, through the SCI, ought to be helping where we can, any landowner within the catchment from farmers upwards to do that work.

JH confirming that the Peatland Action Fund is £250 million over the next nine years. She has colleagues who can advise the estates on feasibility and the Board’s help with getting projects off the ground for people. She is to discuss how that might work with them. PG advising as to issues re resources and restrictions on people allowed to do the surveying work. Suggesting interaction with and use of the SCI resources

**Spey Dam**

Reported that following completion of the first phase of modifications to the fish pass, completed back in May, and since the last board meeting, GFG’s fisheries consultant Bob Morgan, who had been with them for years, passed away back in September. That has created a real problem for GFG, partly because all of the data that they had on the fisheries was held on Bob's personal computer, not centrally within GFG, and the access passwords are unknown. They are trying to retrieve it.

Reported that GFG have a very switched-on young engineer within SIMEC, who has reported to us that from the topographical survey that they conducted back in May, they have links with a company affiliated to Cambridge University, where some of the PhD students are analysing the 3d topographical survey and modelling it in order to produce designs for the notches within the compartments for the fish pass, and mirror the flow processes. The aim is to have that work complete by the New Year, and they have programmed into their budgets to have engineers on site in the second quarter of 2023. That firstly will be to do an initial trial of those new notches, and assuming those are successful, they are then confident that they could roll those out within all of the compartments during the second quarter.

The Technical Working Group met at the end of October. The smolt trapping and tracking program that we had proposed was discussed and agreed with the other biologists to begin in March next year. SIMEC, in Bob Morgan's absence, needed to check that the funding mechanisms were in place for that, because full cost recovery on our part has been asked for. That confirmation is still needed.

On being queried, confirmed that they are going to build the Wolf Trap that catches the smolts as they come out of the fish pass at the bottom of the dam. Our six-foot Rotary Screw Trap is deployed to catch the smolts in the upper river. GFG are looking at modifying that so that an automated trapdoor can be introduced to release the smolts at night, rather than releasing them during the day.

The exercise is to trap smolts, dye mark them and monitor how many of them make their way through the reservoir and through the fish pass and out the other side.

PG raised issues of how we are to guarantee catching 100% of the smolts as they go through the dam, and if that’s not guaranteed, querying whether this was just further prevarication by GFG. The Chairman commented that he detected a desire from GFG to be helpful. The Director advising that the process is the best option that we've got, that we have been proposing this for 5 years now, that the idea behind this has debated and negotiated by the group of biologists within the Technical Working Group in that period. The aim initially is to keep the project very simple, to see first of all whether we actually catch any smolts from the upper Spey? If so, have we got the Rotary Screw Trap in the right place and we needed to maximise their chances of survival. Commenting that if we start opening them up, and putting acoustic tags in, we are going to reduce their survival chances. The first year is intended to be kept intentionally simple to see if the thing is going to work before we then move on.

Discussion then ensued as to effectiveness. The Director commenting that we have contended for many years that the dam is a barrier to both upstream and downstream migration, and his view is that this is the best option that we have got at the moment. It is also a regulatory requirement from SEPA for GFG to analyse downstream smolt migration.

GMG adding that there was an article in the press on Tuesday, giving an update on the solvency issues of GFG. That might give some background to why they are not spending more money than they think they need to. Thereafter commenting that he would wish to make sure that the Board does not find itself exposed financially in any way. The Chairman confirming that apart from the time of our people, we are not putting any money into the project.

In conclusion, the Director confirming that we do not yet have confirmation that this project will go ahead or of the funding yet, but he expects that imminently. PG querying whether this is the sort of thing that should be going to the Scientific Committee, to ask the Scientific Committee how integrated is this project and is it something which we can support. It was then noted that the Scientific Committee has not met for more than two years.

The Director, following comments by AGL, confirming that this project was put together by Brian Shaw, by Bob Morgan. Anthony Watkins, a SEPA ecologist and Professor Colin Bean from NatureScot. Commenting that the Scientific Committee can by all means question whether they have come-up with something that has scientific integrity. However, as it has taken five years to get to this point, he agrees with the point made by AGL, that if we try to force something onto them it will likely not work and risks upsetting the progress that we've made to date.

When queried by the Chairman, PH commenting that from his perspective, it seems like the “Release the Spey” campaign is nudging them towards realising that the public know now about Spey Dam, the issue, and that they might need to be doing things in other areas not just to appease, but to counteract the negative publicity that they could get. They are very sensitive to it.

AGL querying whether we can capitalise on that. The Director commenting that we are already doing that. PH commenting that they never complain about the accuracy of what is posted, just about the posting.

PG commenting that in AA’s report it states that it has been agreed that the first year of the study will be pared back to a dye marking recapture programme. AA advising and confirming that it wasn't switching from acoustic to dye marking, but rather a switch from pit tags to dye marking, which will provide the same fundamental data we would be building on to maybe take to acoustic tags in 2024.

The Chairman then moving matters along.

**Predator control**

The Director confirming that the application he coordinated on behalf of nine rivers for a Sawbill Duck license was successful and we've been issued with a license to shoot 25 Goosanders, 1 Merganser and 3 Cormorants between 1st October 2022 and 31st May 2023 as part of a broader programme of “shooting to scare”. Agent licences have been issued accordingly throughout the river. The Chairman congratulating the Director on that success and the extent of the licenses obtained, especially when compared with the position on other rivers, e.g., the Tweed and the Dee.

The Director then reporting that the position is not so promising on the seal license.

Reference was made to the comprehensive appeal to the rejection of our license which was submitted on 15th July. He chased-up Marine Scotland licensing on 20th of October, because although he had received an acknowledgement, he had not received a substantive response. It was pointed out to them that while they had given us 14 days within which to submit an appeal. it was now over three months since our appeal had been submitted. In response they highlighted resources issues in dealing with the volume of appeals, but said that a response would be issued soon. However, we are almost a month on, and no response has yet been received.

AGL made referenced to the previously discussed possibility of Judicial Review. The Director confirming that we needed to await the response to the appeal before we could decide what the next steps would be and the costs involved. The Chairman commenting that we will go back to the QC, who wrote the appeal for us, tell him what the situation is and ask him for advice.

**Beavers**

The Director commenting that all that had been published so far was a bold vision and we are still waiting for details of implementation. Cairngorm's National Park Authority (CNPA) is taking a leadership role in facilitating applications and they have been talking to other organizations with experiences of beaver translocations to find out them where from hindsight they had gone wrong. They highlighted that stakeholder engagement and communication with them were areas that they could have done better and CNPA is keen to learn from that. CNPA are currently recruiting a beaver project manager who will undertake the consultations, as well as doing modelling of the potential dispersal routes that the released beavers will take. The director clarified with CNPA that that would be through the whole catchment, not just the bit within the park itself, and they confirmed that that will be the case. Commenting that, more worryingly, there are still no financial compensation packages available, either for District Salmon Boards and their staff in removing beaver dams, or for farmers to seek compensation for damage to crops. When questioned on this, NatureScot told him very firmly that their policy is not to compensate for damage inflicted by wildlife, whether introduced wildlife or indigenous species.

The Director has been told by CNPA that they are under pressure from Scottish Government to conduct the first translocation in autumn of next year, but they were adamant that if all the pieces were not yet in place, they would delay it. Whether 2023 or 2024, while the latter may be more likely, it seems the autumn is the preferred time for translocations because that is when beaver kits are no longer dependent on their parents.

When queried by WM, the Director clarifying what steps can be undertaken re dam removal and the timescales for the same without the need for applying for a licence (14 days from date of identification of the problem dam).

Also confirming that FMS put a submission into Scottish Government on the beaver consultation, which ends today, and it deals with questions previously asked by TM as to “When dealing with one protected species that is impacting on the life cycle of another species, how is that impact to be measured and at what point does the balance swing back in favour of the impacted species e.g. when salmon spawning is hindered by beaver dams”. He also confirmed that was something that both the CNPA and NatureScot took careful note of because it will impact upon their Habitat Regulations Appraisal.

**Spey Catchment Initiative**

The Director reported that building on the success of the Calder project completed last year, the first phase of the restoration project on the upper Spey - between two or three kilometres downstream of Loch Spey, up towards the headwaters of the river - has now been completed. 29 large wood structures were installed in the Calder, with 65 now installed into the upper Spey. The report from the team that has been up there this week is that these have been shown to be working very well, with deep scars in front of the structures and also extensive gravel deposits behind them. The project was completed ahead of schedule and under budget. It will be followed by riparian tree planting in due course.

More broadly, with the SCI agreeing to become a legally recognised entity as a Scottish Charitable Incorporated Organization (SCIO), the Director reported that he has been working closely with Volunteer Action Badenoch & Strathspey’s chief officer, Karen Derrick, to develop an appropriate Constitution, with the Chairman providing very helpful advice throughout. The draft was run past Angus Easton, a colleague of the Clerk at Mackinnons Solicitors, who came back with some very helpful comments which enabled the Constitution to be finalized on Wednesday of this week. The extensive application to the Office of the Scottish Charity Regulator has also been completed and submitted on Wednesday afternoon of this week. The hope is that the incorporation will take place within the next 8 to 10 weeks.

PG commenting that this is one of the most exciting developments in Speyside for a very long time and expressing his hope that taking the Spey Catchment Management Plan, reviewing it and adding it into this is a part of it. The Director confirming that it is and it features within the Steering Group meeting scheduled for Tuesday of next week.

The aim is to do a launch of the new SCIO in late March of next year, certainly in the spring of next year, and that it needs to be tied-in with a revised Catchment Management Plan. The plan is to have the revised draft completed by the end of January, so that we can go out to a public consultation throughout February, because there will be a need to include not just the Board, but also community councils, local authorities, and the other partners in the SCI. At AGL’s request, it is to be noted that we will schedule discussions on that at the February board meeting.

**ACTION: Revised Spey Catchment Management Plan to be discussed at the next Board Meeting in February 2023.**

PG commented that as a result of this, the Board will need to consider what our role is going forward. Whether we actually need to do the work that we're currently doing? Or whether we should be entrenching ourselves back into our statutory role in its minority and just feeding in as a stakeholder to the SCI? There is a need for recognition that the Board are no longer going to have the same role as we do at present. All in agreement that it is a positive move and as noted a large amount of what we spend money on may move to the SCI. The Chairman stressing his view that the primary issue for the Spey Board is to ensure that the SCI, or whatever it becomes, does not forget about salmon. PG confirming that within such an organization, what is needed is the continual promotion of the importance of salmon, both as an economic driver, but also as an indicator species.

**Landscape Enterprise Networks (LENs)**

The Director advising that this is something that the SCI has started to engage with. It is an indicative project started by Nestle and consultants 3Keel. It is new to Scotland, but it has worked successfully in England, particularly in Cumbria and with the Eden Rivers Trust, and overseas as well in places like Poland and Hungary. What it does is it brings together large organisations in the main, with a shared interest in funding nature-based solutions to offset carbon credits to address the climate and biodiversity crises within a specific area. It is a credit to the SCI that it has established such a proven track record in project implementation that they have highlighted Speyside, as well as Loch Leven in Perthshire and Kinross, as the two areas in which to conduct a trial. The top of the list is Speyside, because we have got a proven record here for project implementation. LENs aims to broker those negotiations and eventually the transactions between those public and private investors and organisations such as SCI, particularly to oversee and broker the legal and governance requirements. There have been two meetings so far. NatureScot have been taking a slightly coordinating or facilitating role. They had hoped to recruit a LENs coordinator for this, but that has fallen through at the first hurdle. There has been a discussion about facilitating a short-term consultancy to fill the gap between the LENs coordinator being appointed, perhaps in six months’ time. The Director commenting that it is a very promising opportunity, particularly at the time when the SCI is becoming a SCIO.

**Digital Marketing & Communications**

The Director commenting that our communications are a world ahead of where we were this time last year, crucially because of the recruitment of PH. Our new website developed by him has been viewed 125,000 times, 42% more than our old one. We have now got 10,000 social media followers, which is 58% up. The work that he's put out has reached over 1.35 million people, whereas a year ago we were just about at 400,000. Our videos have been watched over 75,000 times. Our opening ceremony, if we were lucky, got about 150 people present in person on the day. PH live streamed it earlier this year and it was viewed by 10,000 people, which is a fantastic advert for Speyside.

His work has continued by starting our first River Spey auction which he launched on Monday. It is to run through to the 5th of December. We had thought, if we were lucky, we might get 30 lots, but due to the generosity of many people in attendance at the meeting and elsewhere, we have now got 54 lots. It is hoped this will raise many thousands of pounds for the Spey Foundation to help us reverse the plight of Atlantic salmon. £6,775 had been raised as of yesterday morning. Today that is up to £7,600.

The Director then closed his report.

AGL obtaining confirmation that it is PH who does our website now. He is to forward on a report that he gets from JP Morgan about website hits.

**ACTION: AGL to forward JP Morgan report on social media performance.**

The Chairman confirming no further queries.

1. **QUESTIONS ON THE BIOLOGIST’S REPORT**

The Chairman inviting AA to introduce his report. AA gave his presentationreporting on Fry and Parr density. Discussions ensued with regard to:

* the % improvement in Fry
* location of the same and differences in sites
* habitat management
* source of data (from Marine Scotland) and extraction from that of information sought by AGL
* temperature loggers and prior discussion with Brian Shaw re Professor Andrew Black of Dundee University re sharing of data
* Scale samples and scale reading workshop he is to attend.

**ACTION: Biologist and Director to pursue a trial of “Trapping & Trucking” above Loch Insh in 2023.**

1. **DATES OF 2023 MEETINGS**

The date of the 2023 meetings confirmed as

* Friday 10th February 2023 (the day before the opening) to be followed by AGM
* Friday 26th May 2023
* Friday 1st September 2023, and
* Friday 17th November 2023

All meeting commencing at 9.30 a.m., to be blended meetings held at the Craigellachie Hotel and virtually.

1. **AOCB**

WM raising 3 questions: -

* Who is opening the river for next season? In response, the Director confirming that we haven't yet even thought of that, and very open to suggestions. To look at someone likely to attract an audience.
* The second was that, where we are not proposing and seconding the minutes of meetings, a request that we have the minutes distributed shortly after the meeting. WM explaining that if you cannot attend, you've then got to wait until after the Directors very good proprietor’s briefing until the next board meeting. The Clerk agreeing to produce the same.
* The third point was that, while commenting that he has always admired the great assistance we get from our partner agencies, NatureScot and SEPA, he fears that we are losing SEPA’s attendance at the Board Meetings, and as such their input. His view is that we need to get that back on track, because SEPA are very important to us going forward. There is a need to hold them to account and work with them, but if they are not here, we cannot do that.

The Director agreeing that that is a very good point and commenting that he was disappointed when he spoke to Lisa Forsyth a few days ago and she said that she would not be able to attend. Noting that PH had made the point to him that he had been to every board meeting since he arrived, and he had only seen LF once. Suggested that if she is unable to make these meetings, then SEPA needs to find somebody who can attend them. Graham Henderson suggested as an alternative. The Director to take it forward as an action point.

**ACTION: Director to speak to SEPA to identify an alternative Invitee to Board Meetings if Lisa Forsyth is unable to attend.**

AGL raising a point for one of his fishers in relation to the summary of the responses to the Strategy and the issue of publication on the website. The Director confirming that he needed to get it approved this morning. The approved revised Strategy and the news about the seven hot topics that PH and AA have come up with, which will address the principal concerns raised during the consultation, will be released on to the website over the winter but likely not all at once. The Chairman adding that everybody who replied will get a personal email.

AGL advising that the same fisher was asking about a fish counter and AGL querying whether technology has moved on sufficiently to really look at that. The Director confirming that we have looked at this with nature restoration officer, Gary Brown, and he had a meeting with one of the fish counter manufacturers and sellers. Advising that he was looking at potentially putting one in the Avon as part of the bids that GB is compiling for the restoration of the Avon. He is not convinced that the manufacturer that they met has got something that's going to work, or even be deployable on the lower Avon, but agrees that it is something we need to look into further.

The meeting then closed at 11.15 a.m.