MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held in person at the Craigellachie Hotel andcommencing at 9.30 a. m. on Friday 2nd September 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

**Co-Optees**

**In Attendance** Roger Knight Director

Paul Hughes Digital Marketing Manager

Atticus Albright Biologist

Neil Torrance Clerk

Anne Elliot\* (AE)

for Jennifer Heatley (JH) NatureScot

Tom Mountain member of the Public

\*Attending via video conference

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

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

1. **APOLOGIES and CONFLICT**

Apologies had been received from William Mountain, Callum Robertson, Jennifer Heatley (NatureScot), Lisa Forsyth (SEPA) and Grant Mortimer

The Chairman then asked for a moment of silence to remember Dr Catherine Wills, who he described as perhaps one of our most reasonable and sensible Board Members for many decades, and who will seriously be missed. He also asked that in the moment of reflection, to think on the proposal received that the Board does not seek to replace her immediately – and that firstly as a mark of respect for her contribution and secondly, perhaps to reflect on our governance while we get to the next triennium.

On resuming the meeting, the Clerk raised issues with regard to the proposal as it sits with the legislation, pointing out that the Board cannot wait to the next set of elections which will be in 2025. Confirming that the replacement is to be appointed by the Board Members.

Compromise suggested by the Director that it is left to be dealt with by the Board at the quarterly meeting before the AGM. Board members to make any suggestions to the Chairman for consideration at that meeting with Knockando Estate to be specifically asked if they wished to put someone forward. The Director to draft an appropriate letter for the Chairman to issue to Knockando estate.

**ACTION: Director to draft a Chairman’s letter to Knockando Estate regarding a successor to Dr Catherine Wills.**

Our new Biologist, Atticus Albright was introduced to the Board Members.

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 27TH MAY 2022**

The Chairman requested any comments on the minutes. The Director commented that there was an action on him to look at Spey Bay, and particularly breach of the gravel there. He advised that he had not done that, but he had discussed it with AGL last night and had come up with a way for us to progress that with the Garmouth Community Council.

The Chairman then referring to a further action on the Director re SEPA, the dam and a third party. The Director acknowledging that, confirming that he hadn’t yet been able to speak to the person he needs to speak to Nathan Crichtlow-Watton. Undertook to do so before the next board meeting.

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

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. AGL requesting and the board receiving a verbal update from the Director on the matters included.

The Chairman then inviting questions. Noting none and moving on.

1. **DIRECTOR’S REPORT INCLUDING 2022 SPRING CATCHES FOR NOTING**

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: -

**Spring Catch**

All the figures for fish captured from the 11th of February to the end of June had been collated. They were pretty much on a par with those of last year. 1,974 salmon and grilse had been caught, over 250 above the five-year average which now stands at just over 1700, and midway between the five- and ten-year averages.

The early part of the season had been mixed, with beats on the Upper River having had their best start to the season in over 30 years, and some Middle River beats also performing well. In comparison the Lower River had experienced some particularly tough and challenging times. That was a pattern that had been reflected across the “Big Four” and many other rivers across Scotland. Reported that the Spey was doing better than most other rivers.

On the salmon Conservation Policy, reported that the release rate for fish caught during this part of the season was 99%, which for a voluntary policy is a resounding success. Expressing the Board’s gratitude to all of our Proprietors, Ghillies and Anglers for their continued support.

It was not such a good picture for sea trout, with our lowest catch for some considerable time - certainly over the last 10 years – being recorded at 319. It is a disappointing result for the early part of the season. However, still strong support for our voluntary conservation policy with 91% of fish caught river-wide having been released, which was 2% up on last year.

It was agreed that the Board would publish the spring catch results through its social media channels, expressing thanks for the strong support for the Board’s Conservation Policy.

**ACTION: Paul Hughes to publish the spring catch results through the Board’s social media channels, with thanks for support of the Board’s Conservation Policy.**

At the request of the Chairman, he then commented on the Scottish Government's current consultation on mandatory catch and release. Reported that the Scottish Government has recently consulted on the conservation status and categorization of rivers for 2023, which once again saw the River Spey classified as a Category 1 river.

They have also put out a tentative consultation on catch and release, which in his opinion they are using as a sounding board to gather views and that the way they have gone about it has been particularly clumsy. That has led to it being misinterpreted as an attempt to introduce mandatory 100% catch and release.

This prompted a discussion as to the rationale behind this approach and the question of publication of the Board’s own voluntary policies (on all issues).

**Spey Dam**

It wasreported that the Technical Group had met on 16th June and reviewed the implementation of the modifications so far to the fish pass at the Dam. The first phase has seen artificial LED lighting, connected to an external sensor which mimics the ambient natural light outside, installed within the fish pass and a topographical survey had been conducted to review the modifications to be made to the separating walls on each of the 21 compartments within the fish pass. There was also extensive discussion of a smolt trapping project, which SEPA have also made a legal requirement for GFG, which is due to begin in March next year. This will see the Board’s 6-foot Rotary Screw Trap deployed in the upper river, above the reservoir behind Spey Dam. It will be modified to enable smolts to be released at night, following collection, counting & dye-marking each day. The project is to be kept simple and operated on a trial basis to evaluate smolt success in finding and transiting through the reservoir. There is an option to deploy the wolf trap below the dam to monitor the number of successful smolts.

There was a discussion in relation to charges for the traps and time expended, as well as the logistics of the placement of the traps, possible use of fyke nets, whether a four-foot trap would be more suitable than a six-foot trap and the question of transport back upstream to release.

**Predator Control**

The Board was reminded that our Seal Licence application had been rejected, for a number of reasons and primarily as the Spey was assessed by Marine Scotland Science (MSS) as being a Category 1 river and therefore the exploitation of Atlantic salmon is deemed to be sustainable, regardless of the source of exploitation. This was despite FMS and the Director having talked extensively to Marine Scotland licencing about this at the beginning of this year, and having believed they had won them over on the point that whether a river was category 1, 2 or 3 was irrelevant in this context. They also wanted more evidence of how a seal entering the river could be identified as a specialist predator, despite us explaining to them that any seal breaking away from the Marine colonies and entering the freshwater was in itself a specialist. They felt that non-lethal measures should be used more - particularly Acoustic Deterrent Devices - even though our application highlighted that the Sea Mammal Research Unit agreed they were impractical on the Spey. The last point was that NatureScot had decided the licence might have an adverse effect on the conservation objectives of designated sites (i.e. an identifiable risk having an impact on the future of the designated sites which in this context will be the Moray Firth seal colonies). A comprehensive appeal of that decision has been submitted following not only careful consideration, but some legal advice that we had obtained, which suggested in our appeal that the decision by Marine Scotland licencing was not only wholly unreasonable but also unlawful. The receipt of the appeal has been acknowledged, but no substantive response has been received yet.

A discussion then occurred in relation to the next step of Judicial Review if the appeal is not successful, the costs of pursuing that, the possibility of involvement of the other significant fishery boards in a cost-sharing exercise, with TM confirming that the Tay Board had also submitted an appeal (TM and the Chairman to discuss further after the meeting) and the position of Fisheries Management Scotland.

**ACTION: Chairman and Toby Metcalfe to discuss potential further action following receipt of response to Seal Licence appeal.**

**Enforcement**

The Directcor reported that this season had been particularly busy for the Board’s Water Bailiffs, far busier than it has been for many years. There had been 29 or 30 incidents so far this year, with a total of 12 arrests and one individual arrested 3 times this year. There has also been a Ghillie who was severely assaulted in July, having gone to investigate a report of potential illegal fishing on his beat. A request was made to make it known that if Ghillies or anglers see illegal fishing, that they are to contact our Water Bailiffs, rather than trying to take action on their own. Our Water Bailiffs have been specifically trained to deal with conflict resolution. Continuing professional development in that was scheduled for the end of September, having had a break due to COVID. The coastal patrols have also continued, with one illegal gillnet so far being recovered.

**Beavers**

The National Strategy, reported on at the last meeting, has been delayed. It was due to be published in June. It is being driven by Green Party Minister Lorna Slater, who had highlighted Beaver translocations during the launch of the Cairngorm National Park Authority’s 5-year plan attended by the Director. She was highly enthusiastic about the translocations into the Park, having grown up in an environment with Beavers in the Canadian Rockies, and is particularly keen to see them translocated rather than lethally removed. Cairngorms National Park Board, meanwhile, has determined that the Authority will take a leadership role and act as a facilitator for any applications for translocations, as they feel they are better placed to do so than any other organisations. The Director agreed with that view. The Cairngorms National Park Authority are going to be recruiting a Beaver Relocation Officer, with the job spec to be issued later this month, and they will be responsible for undertaking consultations before any of these applications are properly considered. They will also be responsible for the modelling that will be necessary to assist translocation i.e. a modelling to determine where the beavers might move to if they are translocated to a certain location. The current understanding is that the first translocation into the park is likely to take place in the autumn of next year.

A discussion then occurred as to the issues of managing problem beavers, cost covering/recovery/recompense and the involvement of Fisheries Management Scotland. TM highlighting the issues experienced by the Tay and the huge costs involved in removing lodges/dams. The funding aspect to be followed-up.

**Spey Catchment Initiative**

As previously reported at the Strategy Day on 28th April, it was concluded that the Initiative was to adopt an even more holistic approach to Catchment Management and also become a legally-recognised entity. A comprehensive paper outlining the options for that had been put together. The options for that include a Company Limited by Guarantee, a Charity (possibly even including a Trust), a Scottish Charitable Incorporated Organisation (or SCIO), a Community Benefit Society, or a Cooperative. It was acknowledged that one of the Clerk’s colleagues had helpfully provided some legal scrutiny and additional advice on this. That had been put to the Steering Group in advance of an extraordinary meeting arranged for the 17th of August. There was unanimous agreement that the Catchment Initiative should become a two-tier SCIO - a Scottish Charitable Incorporated Organisation, with a board of Trustees sitting above the current Steering Group. Since then the director has been working with Karen Derrick, the Chief Officer of Voluntary Action Badenoch and Strathspey, who is experienced in establishing and incorporating SCIOs, to help draft a constitution and incorporate the Initiative. This will be done free gratis - Voluntary Action Badenoch and Strathspey is itself a charity. The aspiration is that it will be incorporated by Christmas with the Board of Trustees fully set up by Easter of next year.

A discussion than occurred as to how the Board of Trustees are to be appointed, the process to be involved and the driving force behind it. GMG providing insight in that regard from his experience.

The Chairman asked the board to extend congratulations to the Director on the excellent progress made so far, and suggested that in the coming months the members consider and discuss the identity of any person to represent the salmon as a Trustee in the new entity.

**Nature Restoration Officer**

Further to the Director’s Report at the last meeting, when he reported in May that he had secured a grant for the appointment of a Nature Restoration Officer, he reported that Gary Brown had joined the team at the beginning of June. The Board is acting as the employer, but at no cost to the Assessment. He is being financed in full through the grant. It was reported that he has extensive project management experience, having scoped, bid-for and implemented the £350,000 Alan Water Restoration Project on the Forth, and now working to scope a major landscape-scale project for us to build sustainability and resilience, initially focused on the Conglass and Livet, together with the upper Avon.

Reported that the Nature Restoration Fund has just been launched for the next round of funding, which required bids by 7th October, but we are not going to be able to meet that deadline. Instead we are looking to put in a bid at the early part of next year - possibly March or April – and possibly to Nature Restoration Fund, Helping Nature Fund, and/or Heritage Lottery Fund. Also looking to encourage some private investment, possibly from one or two distilleries.

Discussions prompted by the Chairman as to the location of the project occurred, the Director advising as to the involvement of the Glenlivet Distillery, the longevity of the project based on the success or otherwise of the bid and reaching out to the Tomintoul and Glenlivet Development Trust. Guy Macpherson-Grant offering to provide contact details for the latter.

**ACTION: Nature Restoration Officer to contact the Tomintoul & Glenlivet Development Trust.**

**Project work for the Spey Catchment Initiative.**

Funding of £81,000 from the Nature Restoration Fund for a major project being undertaken on the Upper River Spey at Glenshero had been approved in June. Cbec Eco-Engineering had been contracted to identify where we will instal large wood structures, whole trees with root plates attached, and they identified 114 sites. The location is remote, being at the head waters of the Spey, between its source at Loch Spey and Spey Dam. Contractors GS Campbell had begun on Monday of this week with the installations.

Of the 114 sites, 65 had been prioritised for phase one, to encourage natural river processes, additional spawning and the creation of pools. 20 of those 65 were reported to be completed by today. The start is at the lowest point and moving up towards Loch Spey, and the further up they go, the more complicated the structures will become to instal and so the progress will slow down. Our Operations Manager is acting as Ecological Clerk of Works.

Our Biologist and his team’s Electrofishing of the site had been completed too, with an invertebrate survey, redd counting and temperature logging to follow.

The Board’s Digital Marketing & Communications Manager, Paul Hughes, had also been commissioned by GFG to produce a short film of the project, similar to that undertaken for the Calder project, but now being produced in-house utilising his skills.

**Digital Marketing & Communications**

The Director commenting on the work that our Digital Marketing Manager has been doing to promote our work. Reported that that included: -

* being instrumental in developing the “Release the Spey” campaign,
* production of a short video which was put out on social media to promote the awareness of the water diversion from the Allt Bhran and our efforts to Release the Spey and see the Allt Bhran re-watered,
* the covering of the Allt Lorgy Restoration project, with filming done with a view to having a promotional short video of it published, and
* the placing on social media of a series of films produced by Fisheries Management Scotland, including one in particular promoting stocking and the appropriate use of hatcheries.

The Chairman then opening the floor for comments or questions.

TM raising a query as to whether with regard the Scottish Government Salmon Strategy the Director had heard whether the Scottish Government were on track to produce the action plan by the end of this year – especially with the view that the catch and release consultation was an intended distraction. The Director reporting that the Implementation Plan Advisory Group has met twice so far this year, but it has been some time since it last met. All are waiting to hear when the next meeting is going to take place, but there is no news on that. Also advising as to the submission made as to the actions that we as a sector would wish to see covered within the Implementation Plan. TM suggesting and the Chairman agreeing that FMS be contacted for an update on the timetable and comfort, seeking confirmation that through their contacts within Marine Scotland, that they are on track to produce their action plan on time because of the urgency of the situation.

**ACTION: Chairman and TM to contact FMS regarding Scottish Government progress on Wild Salmon Strategy Implementation Plan.**

PG raising with the board the issue he takes, in connection with the Release the Spey campaign, with statements made that hydro industries are a very substantial battery for power, and it is therefore so important that they maintain all of these dams. Providing information and statistics to show otherwise. Of the power produce in the UK, only 0.3% (95 megawatts) has been produced from hydro. Expressed the need to work out how much power is coming from the Spey dam, on the basis that it is outdated technology and ecologically damaging. The need is to calculate the ecological value or environmental loss and we need to understand what it is doing to our water catchment in order to take this data to the Government.

TM mentioning that he agreed and that he was aware that SEPA are involved in a national review of the hydroelectric components. Suggesting that PG’s question be raised with SEPA at this moment to consider as part of that review i.e. are they assessing output and alternatives, and asking if he is happy to so request. PG doubting that SEPA will be undertaking any analysis of the value of the environment element and that we should get the RICS involved in that aspect. TM suggesting that rather than Spey Board undertaking, what would be potentially a costly exercise, it would be helpful given that this review is going on, to understand what that process entails- and to do that before we start bringing in more parties and potentially starting to talk about costs. AGL commenting that he does not expect SEPA to be dealing with the other dimensions unless they are nudged to do so. PG willing to look at the value issue.

**ACTION: PG to look at the economic value of the Spey’s water contribution towards the electricity output at Fort William.**

GMG making the comment that such discussion may be more appropriate for a discussion in a Closed Session.

The Chairman seeking to summarise the actions to be pursued – TM’s suggestion and a separate approach to FMS to work on this as well – but further discussion can be had in the Closed Session.

1. **AOCB**

None raised

1. **DATES OF NEXT MEETINGS**

The date of the next meeting confirmed as Friday 18 November 2022 at the Craigellachie Hotel andcommencing at 9.30 a.m., and it will be another blended meeting.

The meeting then closed at 11 a.m.