MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Boat of Garten Community Centre andcommencing at 9.30 a. m. on Friday 10th February 2023

## Present: -

**Chairman** Dr Alexander Scott Craigellachie Fishings

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

Callum Robertson (CR) Easter Elchies

David Greer (DG) Seafield Estates

Guy Macpherson-Grant \* (GMG) Ballindalloch

Toby Metcalfe (TM) Crown Estates Scotland

William Mountain\* (WM) Delfur Fishings

George Wills\* (GW) Knockando

**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) NatureScot

\*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 and with a special mention to George Wills who joins us for the first time to represent Knockando.

1. **APOLOGIES and CONFLICT**

Apologies had been received from Peter Graham (PG) 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 18th NOVEMBER 2022**

The Chairman requested any comments on the minutes. AGL advised that he had two points.

* One is the reference on page 10 where it is recorded that he was asked to provide PH with social media performance data, whereas it was actually digital marketing performance.
* The second point was that in his view it was agreed that we would run a trapping and trucking pilot this spring, and there is no specific mention of it. The Chairman agreed that he had raised that issue and it had been agreed. He also agreed that trapping and trucking should be on our action points, as we’ll as possibly others such as fish counters

**ACTION: “Trap & Truck” Trial to be added to the Action Points for the November 2022 Board Meeting and Summary of Action Points.**

The Chairman mentioned he had noted that there was an action for AA to identify previous work on run timing and discuss with Peter Graham. AA's confirming that that had not been progressed with PG as yet.

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

1. **MATTERS ARISING FROM PREVIOUS MINUTES**

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

The Director then running through it, commencing with item no 4.

The Working Group to be established to discuss the Board’s relationship with the Spey Catchment Initiative (SCI) will be started in the Closed Session today.

With regard to the economic value of the Spey’s water contribution towards the electricity output at Fort William, reported that PG has not found out what that is. Reported that at the last Technical Group meeting he was told that last year they have abstracted 27% of what they were entitled to abstract, and it is hoped that we might be able to get someone, perhaps from SSE, to point us in the right direction of who can calculate what that volume of water would generate.

The Sea Trout Conservation Policy was discussed by both the Scientific Committee and the Board’s Ghillies Committee, and both recommended that it should remain unchanged. The Director confirmed that he has spoken to Lisa Forsyth about finding an alternative invitee from SEPA to the Board without resolution. She had commented that she was going to try to come today. It still remains to be resolved.

Reported that other actions to be undertaken in relation to potential conflict of interest had been actioned.

The Chairman then discussing the “Hot Topics” that were to be put together for putting on the website. PH confirming that he had compiled two, as had AA, and he saw no reason why they would not be able to complete the other 3 and have all published on our website by end of the month, or available for release over a period of time thereafter.

The chairman confirming that the topics were:

1. stocking and hatcheries,
2. prediction control,
3. water abstraction and our “Release the Spey” campaign,
4. water temperature,
5. invasive species
6. habitat enhancing,

and

1. the general topic about the challenges facing Atlantic salmon.

AGL wishing to link “Trapping & Trucking” into the first point. Also seeking for the action points to be circulated quickly after the meeting. In response the Director confirming that he would aim to get those out at the same time as the draft minutes of the meetings.

**ACTION: Summary of Action Points to be Circulated to Board Members with Draft Minutes of Previous Meeting.**

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

1. **DIRECTOR’S REPORT**

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 as well as an extensive list of papers that had been requested by the Board. Thereafter specifically reporting on or highlighting a number of aspects including: -

**The Implementation Plan for the Wild Salmon Strategy**

The Director reported that the Implementation Plan was published on 1st February, as a companion piece to the Strategy that was published in January of last year. It fits very much within the Scottish Government's overall policy strategy, alongside Environmental and Biodiversity Strategies, Blue Economy Vision, and Scotland's Forestry Strategy. It is also in line with the Spey Board’s Strategy by acknowledging that coordinated intervention at river catchment scale, to optimise the number of naturally produced salmon smolts leaving our rivers and coasts, are critical to achieving the Government's objectives.

The plan relies on the Nature Restoration Fund, together with others such as SEPA’s Water Environment Fund, typically used for barrier removal, and others such as the Forestry Grant Scheme. There is a commitment on the part of Scottish Government to maintain NEPS, the National Electrofishing Programme for Scotland, and they have also commissioned District Salmon Boards and Trusts to complete Fisheries Management Plans. All of that brings in valuable contract income for the Board.

The Scottish Government has said it's going to appoint a Delivery Group of stakeholders to oversee this and take a dynamic, adaptive approach to delivering this plan, and has approached him this week to be part of that Delivery Group.

The Board confirming that it would want him to be a part of it, and he is to take that forward.

Also reported that the Government are to form a Scientific Advisory Board to take a coordinated approach to the strategic delivery of science, both reports and data, on which the Chairman commenting that they need others with river experience, not just pure scientists.

The Director then summarising the 5 actions within the implementation plan, including outlining the opportunities and threats: -

1. Improving the condition of rivers and giving salmon free access to cold clean water. There are a number of sub actions within this.
2. Water quality and quantity – with a commitment for SEPA principally to improve 40 Wastewater Treatment Works and 24 intermittent sewage discharges, to deliver improvements in flows and levels impacted by hydropower schemes by 2027, which ties-in with the Water Framework Directive. It also ties in well with our “Release the Spey” campaign,
3. River habitats and water temperature - primarily being led by NatureScot, and also Forestry & Land Scotland and Scottish Forestry - an integrated approach to riparian management to improve climate resilience, also with a clause to minimise the conflict between salmon recovery and beavers. Cairngorms National Park Authority have already asked to work with AA to map the proposed beaver translocations against electrofishing results to identify areas of potential conflict.

At that point, promoted by AGL, there was a discussion in relation to translocation of beavers and the damage likely to be caused by them. It culminated in agreement for a requirement to write to Scottish Government, based on the issue raised by TM at the last meeting which was the question of the impact of one protected species on another, and what appears to be a lack of understanding of how they have arrived at that position, and whether that cornerstone issue has been addressed by the relevant authorities in the decision-making process. That is despite the fact that we do not know if the arrival of beavers in a catchment is damaging to salmon or not. With salmon being a keystone species – one of the four designated species that make up the Special Area of Conservation. All agreed that it is quite right to ask to see the methodology in addressing that because the salmon and freshwater pearl mussels are protected species, and whether the decision taken has factored that into the equation or not. Also, whether the Precautionary Principle, which is so often used to actually stop actions by other parties, has been adopted in this decision-making process or not. And if it hasn't, why not? Questions that could be asked by any proprietor, which at present the Board could not answer.

WM raised the issue as to whether the approach should come from the strategic level by FMS on our behalf, and not an individual Board level. That position was agreed to by the Director. AGL raising the issue of FMS willingness to do so and the question of antagonisation, suggesting that for the sake of one letter asking for the information, it should come from the Board and then we can decide what to do when the information/response is to hand. GW highlighting the research done in America on beavers affecting the bass populations in rivers and the conclusion that a protected species should never be given preference over a keystone species.

All agreed that a letter requesting the information go from the Clerk writing on behalf of the Spey Board and to be issued to Lorna Slater - the Green Party Minister who has instigated the translocation – and copied to

* Marine Scotland
* DrAntjeBranding of MarineScotland
* Alan Wells at Fisheries Management Scotland.
* Richard Lochhead, MSP
* Douglas Ross MP

**ACTION: Clerk to write to Lorna Slater MSP regarding the methodology behind beaver translocations.**

The Director then going back to the Implementation Plan.

1. Barriers to migration, with SEPA tasked with easing or removing 84 active and 94 historic barriers. Described by the Director as an opportunity for us, linked-in with SEPA’s Hydropower Review, to hold SEPA accountable, although historically they have not been successful over the last two plus River Basin Management Plans covering 13 years in terms of removing and easing barriers. Described as a monumental task to achieve all that by 2027.
2. Predation – the Scottish Government to continue to administer wildlife licencing, undertake a review of the fish-eating bird licencing policy, to complete a review of the operation of seal licencing system by 2025 and investigating, developing and testing non-lethal methods (developing an effective acoustic deterrent device) by 2024.
3. Invasive non-native species is highlighted, including Pink Salmon, a review of disease measures, including the contingency plan for Gyrodactylus salaris, and a commitment to review the current stocking policy. Reported that while Marine Scotland have reversed their position and stated that they are not going to go out to consultation on the Implementation Plan generally, the Director has pressed them to go out to public consultation on the Stocking Policy, as they are looking to issue a revised policy this year.
4. Action 2 focussed on managing exploitation through effective regulation, tariffs and enforcement – a continuation of the Conservation Regulations in the categorisation of rivers, a review of the annual closed times and review of the enforcement powers and offenses.
5. Action 3 is understanding and mitigating pressures in the marine and coastal environment and implementing the recommendations of the Salmon Interactions Working Group for the west coast of Scotland.
6. Action 4 focusses on making a positive contribution to international collaborations. This is an action on Marine Scotland and crucially, their role within NASCO, the North Atlantic Salmon Conservation Organisation.
7. Developing a modernised and fit for purpose policy framework is Action 5. Reported that they want to establish a task and finish group of stakeholders to review the current policy framework, reviewing the recommendations for the protection of salmon (which includes, crucially, the review of the finance behind District Salmon Boards) and exploring new investments in Scotland's rivers, particularly from the private sector. The latter ties-in well with the developments of the Spey Catchment Initiative and our selection as a trialist for LENs.

The Director then paused to take questions. General discussion occurred in relation to the role and participation of SEPA in delivering the Implementation Plan, as well as continuing support for Alan Wells and lobbying Richard Lochhead and Douglas Ross. The Chairman agreed to undertake that.

**ACTION: Chairman to write to FMS CEO regarding SEPA’s role in delivering the Implementation Plan.**

**Spey Dam**

The Director reported that the Spey Dam Technical Working Group met on 19th January 2023. The results from the 3D topographical survey done last May were conclusive and GFG Alliance have been progressing these with Cambridge University PhD students. Work is now focused on the modifications to the notches in the separating walls within the fish pass. Reported that they need to be narrowed and reduced by 300mm to enable less of a jump for the salmon and also ensure that the water flow is less turbulent. Reported that GFG had rolled back on the position previously reported, in that now before they invest in modifying all of the notches, they want to make absolutely sure that the trial is successful and modified notches are doing what is intended. So with the trial this year, full installation may not be completed until next year. SEPA, who chaired the Technical Working Group, helpfully said that 2024 was a deadline and it needed to be met.

Reported on the further discussion that has occurred on the smolt trapping and tracking project that AA and his team will be leading on beginning in March, with GFG being very cooperative.

**Spey Catchment Initiative**

The Director highlighted that PH has produced an excellent short film on the Glenshero project that was put in place in the autumn of last year. Further to similar films previously commissioned externally from a professional company for the Calder restoration project, and also on the Alt Lorgy, and it was reported as being absolutely first class and every bit as good as those produced by the external agencies. A link to it will be sent to the members next week. It will also go on to the SCI website to promote the project.

SCI achieved charitable incorporated status as a SCIO as of 14th of December last year, with the application proceeding through to approval without any requests for additional information or any questions asked.

SCI has, as previously reported, been selected for a trial for LENs (Landscape Enterprise Networks). A scoping study has been commissioned with a view to identify commercial demand for a LENs project.

Reported that SCI has also met GFG in relation to a river restoration project for the River Mashie, but that will not be progressing in the near future. GFG are happy to reintroduce sediment from behind the dam to below the dam, but there is no offer to increase the compensation flow and thereby provide the flow necessary to spread out that sediment. Unless we can get more water released from this impoundment, there is not enough of a project to attract sufficient funding to make it all worthwhile. So that has moved back a step. While the suggestion for dam removal received a negative response, it is going to be discussed further with them by Penny Lawson.

On a more positive front, the Director reported that with the Gynack Burn, Cbec Eco Engineering have been commissioned to survey the erosion scars which are creating a lot of sediment deposition within the burn. That survey will hopefully identify an opportunity to stabilise the burn, probably using geo-textiles and planting species such as willow.

The Director then closed his report with other aspects to be discussed in the Closed Session, but with questions invited by the Chairman on any aspect presented.

On being queried, the director clarifying that the reference to completion of the alterations to the Spey Dam notch passes by 2024 is 31st December 2024, but bearing in mind that with the smolt run and the adult fish run, the most likely window for the modifications to be undertaken is the second quarter of 2024.

Deserved recognition was given to the Director for all the work he has undertaken on all aspects, committees and subcommittees.

The chairman confirming no further queries before going back to the agenda item that we had jumped over, being the annual report and accounts.

1. **Annual Report 2022 & 2021/2022 Accounts for Adoption**

The Director recognising the input of both AA for his great contribution of the scientific report and for PH for making it more of a magazine than a reporting document, by modernising the appearance of it whilst still maintaining the informative and educational nature of it.

Al proprietors and angling associations have had copies mailed out to them, and the Water Bailiffs/Fisheries Officers will be delivering copies to the ghillies huts at the start of the season as well. They will also be readily available at the Opening Ceremony. Reported that one thing that it doesn't include is the Risk Register as there was no space for it.

With no comments, the Chairman noted the report as approved.

In relation to the accounts, GMG pointing out that on the accounts themselves there is a typo on the first page with “Unaudited” being misspelt and in the numbered paragraphs on page eight, there are two numbered 12, rather than 12 and 13.

GMG then commenting that in both the hardcopy and the shortened version in the back of the report, as when dealing with the restricted funds, there is a rather strange situation there which seems to work around the SCI. Pointing out that in the year to September 2021 there is expenditure noted of £83,000 but no income, and then this year no income and no expenditure. GMG suggesting that as we go forward, we keep in mind both the strategic and tactical elements of the SCI, but also a very clear view as to how it is accounted for, because he believes we're going to be quite involved with it. He asked that we be very clear that things are accounted for in the appropriate nominal code on Sage so that this is all clear. In response to inquiry, the Director confirming that only the Spey Foundation has restricted funds of around £1200 for genetic analysis. The Director also confirming that the SCI has its own dedicated bank account within the Board, but now that it is established as a SCIO, it will have its own bank account in its own name. He also confirmed that he had asked the old accountants about the zero figures, and it was explained that it had been determined that these were grant aided and as such should not be treated as Spey Board income anymore.

There were no other comments or questions on the Accounts and subject to the required corrections, all accepted that they be recommended for adoption at this afternoon’s AGM.

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

The Chairman inviting AA to introduce his report. AA gave his presentation,reporting: -

On the Spey Dam smolt trapping and marking programme, a trial installation of the smolt trap would be run the following week to see if the location is right, that the Rotary Screw Trap turns at an adequate speed and how easy or difficult it is to assemble and operate on site. A separate night release box is also being developed by the SIMEC engineer to reduce the chance of an immediate recapture of all smolts.

Discussion ensued with regard to the extent of the staff commitment on this and the Loch Insh programme and the question of accommodation/travel.

On the Loch Insh issue of trapping and trucking, AA reported that at the Scientific Committee meeting we were warned very strongly not to run full speed into “trapping and trucking” on the basis of just one year of data. As such, this year we will be repeating a miniaturised version of the AST acoustic tagging focusing on Loch Insh, smolts captured probably from the Tromie and then dividing them up into two groups, one of which will be released from the Tromie trap and the other that will be either trucked or barged and released downstream of Loch Insh. There will be 60 acoustic tags, 30 of which will go to the group A, 30 to group B. There'll be four acoustic receivers, one upstream of Loch Insh, one downstream of Loch Insh, one at Kinrara, and one at Spey Bay. So 30 will have to go through the Loch, with the other 30 trucked or barged downstream of the Loch before Kinrara, without having to travel through the Loch.

Reported that the tags, which are much smaller than those previously used, cost over £300 pounds each, and therefore for the tags alone the cost will be nearly £19,000, with cost of the additionally required equipment on top of that estimated at a further £1000.

The Director advised that the Scientific Committee discussed this whole project after the Board had last met and after the budget was considered and as such there is no amount budgeted to cover this cost. However, advising that money had been received through the Spey Foundation, which has a remit for scientific research and monitoring, from the proceeds of the auction that PH organised and we are about to receive £12,000 pounds from a major distillery that had a pollution incident on the Fiddich last year and had made an Environmental Undertaking. Those funds can be put towards the cost of the tags. Also advising that he and PH are also in discussion with Speyside Distillers on the Tromie, who are keen to sponsor the smolt trapping project and to produce a “Release the Spey” whisky, with some of the proceeds to be used for this work. The hope is for some up-front sponsorship, but that hasn’t been negotiated as yet.

Discussions ensued with regard to the advice being taken on how to achieve the trapping and trucking to achieve the best survival rates and the input of the Scientific Committee, with the preferred method to be barging rather than trucking.

Thereafter running through the further topics - 2022 redd counts, stocking, the Dullan Water Fish pass, Fisheries Management Planning, the Perch Trapping and Netting Project at Loch Insh, the Spey Scale Project and the Scottish Invasive Species Initiative.

Discussions ensued with regard to squid fishing and bycatch and AA’s ability to achieve all this within his existing and upcoming commitments, even with support from and the introduction of a new SISI Project Officer – Karen Muller – who is joining on 1st April 2023 (employed by the Board, but on full cost recovery from NatureScot), and the comparison of fry and parr figures over the analysis provided. Comparison with other rivers noted as not possible, as they don’t have the same analysis/data.

There being no other questions AA was praised for his presentation.

1. **AOCB**

The Chairman noting that there was no other business for the Open session.

1. **DATE OF THE NEXT MEETING**

The date of the next meeting confirmed as Friday 26th May 2023 commencing at 9.30 a.m., to be a blended meeting held at the Craigellachie Hotel and virtually.

The meeting then closed at 11.30 a.m.