MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Craigellachie Hoteland online, commencing at 9.30 a. m. on Friday 17th November 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

 William Mountain (WM) Delfur Fishings

 Peter Graham (PG) Rothes & Aikenway

 David Greer (DG) Seafield Estates

 Toby Metcalfe (TM) Crown Estates

George Wills\* (GW) Knockando

Guy Macpherson-Grant \* (GMG) Ballindalloch

**Co-Optees** Grant Mortimer (GM) Strathspey Angling Improvement Association

**In Attendance** Roger Knight Director

 Atticus Albright Biologist

 Neil Torrance Clerk

 Jennifer Heatley (JH) Nature Scotland

 Andrew McCaig

 Jamie McCaig

 Tom Mountain\*

 Harry Mountain\*

 Michael Taylor (MT) Upper Arndilly Fishings Syndicate

\*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 as well as guests attending in person. Mention made of Tom Mountain and Harry Mountain attending online, together with Andrew McCaig and Jamie McCaig attending in person

1. **APOLOGIES and CONFLICT**

Apologies had been received from Sandy Howie, and Paul Hughes.

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 1ST SEPTEMBER 2023 FOR APPROVAL**

The Chairman requested any comments on the minutes.

AGL commented that in attendance we have initials besides some of the names but not others and it took him some time to work out who was being referred to.

Also on page 3 he stated that he thought he stated that it ”might split opinion” rather than it “would split opinion” as reported.

He also commented that there appeared to be nothing in relation to the fish counter before providing an update on that, and that being that the Director had suggested that this might be something that if the bridge at Fochabers ever happens and the A96 is dualled, then it would be at that time sensible to push that the fish counter be put in as part of that new bridge. He then reported that that had been accepted by those who had previously raised the issues as a very sensible option.

No other comments or questions, and as such the Chairman noting the Minutes are otherwise approved.

1. **MATTERS ARISING FROM PREVIOUS MINUTES**

Moving on to the Action Points and Matters arising from previous Minutes, the Action Point Summary documentwasproduced and circulated to the Board by the Director in advance of today’s meeting with a list of points and current status referred to.

The Director then running through it, noting a number being historic were either actioned or ongoing and other specifically dealt with or to be dealt with in either the Director’s report or the Biologist’s report.

The Director highlighted to the Board that: -

* With reference to the RAG (Red/Amber/Green) report, that a draft had been produced - to be discussed along with the Director’s report.
* The Big 4 Rivers meeting that was due to take place next week had been postponed until the 23rd of January 2024, as it conflicted with the Scottish Government's scientific meeting which was due to take place on the same day, but the issues were a standard bearer for salmon, beavers and seal licences, all of which had been put forward for the agenda for that meeting.

PG commenting that one of the items he was tasked to undertake was to talk to a number of people about potentially being standard bearers. He advised that: -

* While he had spoken to a number of people, he hadn’t spoken to Alister Jack, but had spoken to George Hollingbery through his brother Richard. George Hollingbery is waiting to find out if he is going to get a job in Maimi as ambassador to the Americas. He will find out the position in the spring. If he does, then he will not be interested, but if he doesn’t, he is interested.
* He had also spoken to Richard Davies, who is the chair of the Outer Hebrides Fisheries Trust, and a great friend of the chairman of Loop Fishing Tackle - an individual who is well connected throughout Europe and the Americas - and he is very interested in potentially getting involved in that role to help promote the interest of salmon in the wider marine environment.

The Director at PG’s request to take that information to the Big 4 River meeting.

**ACTION: George Hollingbery and Richard Davies as potential “Standard Bearer” for discussion at Big 4 Rivers Meeting.**

* The future of the scientific committee to be dealt with in the Closed Session. The committee met on Wednesday and had a very good meeting to discuss recent scientific work.
* Paul Hughes has been encouraged to promote “Release the Spey” and he will be working on that.
* An appeal has been submitted on the rejection of our 2023 seal licence application, but nothing has been heard back.
* Smolt to Adult Supplementation to be dealt with in the Biologist’s report.
* The issue of a linked interest-bearing bank account for the Board has been looked into but not yet actioned.
* The wording in the Assessments is to be re-worked and the Director would be working on that in more detail next week with our Administrator and will then clear everything with the clerk before it issues.

PG advising as to recent issues and advice on interest bearing accounts and income/tax liability issues. The Director to check the issue with our accountants.

The Chairman confirming no further queries before moving on to introduce Michael Taylor, who was in attendance, to speak to the Board about Water Quality in the River Spey.

1. **WATER QUALITY IN THE RIVER SPEY: MICHAEL TAYLOR**

The Chairman referring to the incident on the Spey towards the end of the season this year, with a lot of dead fish, numbering into the hundreds, with SEPA’s short summary of their views of what had happened which was due to a lack of dissolved oxygen in the river and no evidence of anything else anywhere only received yesterday. The Director to circulate that response.

Michael Taylor (MT), who is a member of the Upper Arndilly Fishings Syndicate, is an industrial chemist, specifically in relation to environmental matters, and an expert on water quality, with a niche interest in finding the source of pollution, addressing and mitigating the same by investigation using technology, and explaining how we can deal with the issues and developing techniques for reversing the same.

MT gave a detailed presentation to the board as to the many pressures on the river. A proactive step could be undertaken to assess the real time condition of the river and where/when the tipping points occur, by monitoring it through the use of sensors put into the river to produce numbers so we can understand the problem. The parameters that are likely to indicate stress in the water system are determined and then measured to see how they vary. These include the oxygen reduction potential, which affects all river life; the turbidity of solids (cloudiness/transparency of the water); temperature; and conductivity (measuring salt and dissolve compounds) of the water.

The sensors take readings every 10 seconds and allows you to correlate one parameter with another, so you can see how one thing is affecting something else and, more importantly, when is it happening, giving instant information and the opportunity to take action. He provided, by way of an example, an analysis of the trial he undertook with sensors last week at Upper Arndilly. This demonstrated spikes in the data, indicative of suspended solids within the water, to show that it is possible to determine what is happening in the river second by second, and for action to be taken immediately, such as taking samples to analyse etc. without having to await responses from the Government’s agencies

On being queried by the Chairman, MT advised that his work with Scottish Water had convinced him that they were the least of the impacts, so sewage works were not likely to be the cause. MT clarified that the solids he had detected might not be toxic, but they demanded oxygen, diverting it from the biosystem to the breakdown condition of those solids i.e. taking it away from all life species within the river.

MT added that SEPA do not have this technology and then when a discussion occurred, prompted by TM as to whether the Board should be encouraging by letter to or at a meeting with SEPA, as the national environmental protection agency, to put this form of monitoring in place, commented that they do not have the resources available to them to do so.

MT commented that the sensors are pocket-sized wireless transmitters and as such can be easily moved around. The monitoring would be particularly important during the summer months when the stresses on the river are highest i.e. when water levels are low, abstraction rates are high and temperatures are very high.

In response to the Chairman’s query as to what he would recommend to the Board as the next step, he commented that we should be establishing a baseline of monitoring and to keep measuring/monitoring over a period. He confirmed that there are no organisations that were currently doing this, that the sensors etc were developed by him, as no else does it. He recommended establishing a sensor in the Grantown or Aviemore areas, and another at Upper Arndilly, to provide indicative rather than absolute data. He had the credentials and credibility for using industry standard techniques and SEPA is aware of him and those techniques. He would then present his findings to the Board. As regards costs, he indicated to the Board that he is interested in undertaking this trial and would then present his findings to the Board who could consider how to take it further forward.

The Chairman concluded the discussions, emphasising that the Board did not have the ability to dedicate our limited resources to this, but that CR and the Director and Biologist would meet with MT to produce a plan to progress a trial next year. That plan then is to be taken to the Scientific Committee.

**ACTION: Michael Taylor, Callum Robertson, Atticus Albright, Roger Knight to establish a plan to develop water quality monitoring on the Spey.**

AGL commented that for this the proprietors’ ghillies could be called upon to help out.

The Chairman then thanking MT for his attendance, presentation and offer of further assistance, and CR was thanked for the introduction to the Board.

On the prior incident, the Board collectively were not satisfied with the general statement from SEPA, but possibly were not in a position to disagree with it. The statement was to be passed out to interested/appropriate parties.

**ACTION: Director to circulate SEPA’s Press Statements on Dead Fish in the River Spey.**

1. **DIRECTOR’S REPORT**

In line with the new standard process, both the Director’s report and the Biologist’s report were to be read by the members in advance with the intention that any questions on the circulated reports would be raised at the meetings, rather than the reports being presented.

The Director thereafter referring to the extensive report produced to the Board, as usual, in advance of today’s meeting, dealing with all aspects over the last reporting period, but highlighted certain content of the same with regard to the Scottish Government Wild Salmon Strategy and 2023 Season Catches.

Comments or questions were recorded as follows:-

**Scottish Government Wild Salmon Strategy**

Comments made by the Director, following his attendance two weeks ago at a conference in Aberdeen on Natural Capital, which was where a number of government official presented their policies and plans, that he came away impressed and slightly bewildered by the plethora of policies, strategies and plans that the Scottish Government have in place, but the implementation of those across the board is woeful, and the Chairmans’ comment that a report from a management consultant had been issued expressing exactly that conclusion. TM commenting that the message from this Board - as it is from other Boards - to FMS, is that we need to kick up a fuss about this. We have an excellent strategy, but not if nothing is implemented.

**2023 Season Catches**

A discussion occurred in relation to the level of the declared catch for the season, WM expressing surprise that it is as a high as reported. AGL queried the Biologist as to what extent this year reflects the 2018 year group and the legacy factors from it that might give some hope for next year.

**Conservation Policy**

The Director’s recommendationto the Board that its Conservation Policy remains unchanged for the 2024 season was accepted and approved.

**Seals**

AGL raising the issue of Acoustic Deterrent Devices and the lack of fish in the Brae water, due to the fact that a seal was very active from the second week in August and pushing all the fish upstream. Calling for more proactive action, rather than just writing letters and appealing decisions. The Director advising that FMS have put in a grant application to Marine Scotland for the purchase of portable Acoustic Deterrent Devices to be used on the rivers and that he has asked for two of them. The current indication is that that application is going to be successful. The details of operation are unknown at present, but likely will be operated by the water bailiffs, possibly with help from the ghillies. The Director advising that the cost of such devices is prohibitive to the Board, which is why the FMS application is so important. AGL asking that someone take action to establish more details about the devices and the Director suggesting that the Head Water Bailiff would be tasked to undertake this.

**ACTION: Head Water Bailiff to investigate Acoustic Deterrent Devices and how they operate.**

**Beavers**

WM raising an issue with regard to the last letter issued to NatureScot and various others. The Director and Clerk advising that no response was noted as received to that letter, which had been issued prior to the last meeting, or the chaser subsequently issued. JH advised she had not heard about the letter issued, but advised that the HRA for beavers was complete and available online. So while accepting that it was not good that our letter had not been answered, the information sought is now available publicly. JH offering to try and find out what has happened, suggesting that it may be that Chris Donald had passed it on to the Beaver team who are very busy.

**ACTION: Jennifer Heatley to pursue Chris Donald for NatureScot’s response to the Clerk regarding beaver HRA and the Precautionary Principle.**

**Replacement Vehicle**

The Director’s requestto the Board that a second Board vehicle, the 2016 Ford Ranger, be replaced due to persistent maintenance issues, was accepted and approved.

With no other questions from the Board members, the Chairman then inviting the Biologist to deal with his report.

1. **BIOLOGIST’S REPORT**

In line with the new process, the Biologist’s report has been circulated in advance for review and discussion.

The Chairman prompting a discussion with attendee Andrew McCaig about parr count data. Mr McCaig circulating information and then addressing the Board in relation to the data available for Easter Elchies, as compared with the rest of the river. The date shows a number of sections of the river where the fry to parr conversion is dreadful, and below the recommended minimum of 5% in some areas. This was commented as tying-in to the presentation from MT as showing the need for data and understanding the issues that occur in these areas. Andrew McCaig stressing that that understanding to be fed back to the owners for action to be taken, rather than subscribing to the expectation seen from other owners that the Board should be doing all the work.

Andrew McCaig advising that he has submitted a FOI request to SEPA for discharge consents and incidents within the past five years, in order to try and GIS map that to the electrofishing sites and analyse the same.

Andrew McCaig noting his conflict of interest, in that he does the recycling for Scottish Water for the distilleries, but one of his questions is why the Spey catchment is not an NBZ ( a Nitrate Vulnerable Zone) i.e. an area designated as being at risk from agricultural nitrate pollution. His point is that the more data we have can be used and the more work is undertaken with people like MT to evidence what the problem is, allows us to go to SEPA and the Scottish Government with the request that the catchment is designated as an NVZ.

The Chairman thanking him for his presentation and papers and recommending that the same be considered further by the Scientific Committee. WM suggesting that Andrew McCaig consider joining the scientific committee. Further to comments by AGL, Andrew McCaig to liaise further with the Biologist on the provision, availability and analysis of further data.

CR promoting a discussion on the classification of the River and the effect of that. PG commenting that he was of the opinion that nowadays, the classification is not what we should be looking at. The classification process is being moved away from its initial intentions or principal reason for introduction (relating to catch and release) and are likely to be dropped in the future.

PG advising as to the last scientific meeting’s discussions in relation to the trapping and trucking result. The disclosure of the smolt losses in Loch Insh being in the region of what would be expected in any natural body of that type – with dammed waterbodies showing higher levels – and the fact that those making it through Loch Insh were more successful at reaching the sea than those trucked round Loch Insh.

A discussion ensuing as to whether a different release method would have changed or improved results. Also discussing whether the results support repeating the process at the level of cost incurred, especially without doing the further work in assessing different release method. Confirming that by the time the smolts got to sea, there was no difference, with only one tagged fish from each group passing the last receiver.

PG commenting that the cost of assessing alternative or night release, together with acoustic tagging for monitoring, would be an additional £20,000 to £40,000. WM expressing his agreement with PG’s point that we do not have the resources, financial or otherwise to undertake this. The Chairman also expressing his agreement, commenting that unless we can catch every smolt coming down the river and take them to the other side of the Loch, which is not possible, it will not make a difference. In answer to CR’s query, the Director confirming how intensive the exercise was in terms of resources, both in terms of use of personnel and money. He also confirmed that it would entail an additional levy of £0.04 in the £ onto next year’s assessment, as it is not budgeted for at present.

PG also advising as to the Scientific Committee’s discussion on the massive growth of the perch population in Loch Insh and advising that there is nothing that can be done about it, other than steps taken which will slow down their growth by netting or sterilisation of adults, which is the recommendation to the Board.

PG answering all questions re the same, including advising that this growth has occurred since 2004, when there were no perch in the Loch. Their introduction would be either by release by people looking to create a coarse fishery at that end, or by depositing live bait. The Scientific Committee to follow up with NatureScot - particularly given the growth’s negative effect on the population of Artic Char. JH confirming that she is aware that the Biologist has been in touch with NatureScot on this issue.

PG also advising on the discussion of the Smolt to Adult Supplementation (SAS) project and that the outcome was that the project would at worst amount to a possible minimal detrimental effect on the stock within the river. Therefore, from a scientific perspective, there was really no advantage in doing it, but that if the Board felt that it was something that was good to promote fishing lets, then it was something that the Scientific Committee wouldn’t make comment on further. Clarifying in discussion that the Committee does not believe that it will have a major genetic impact and therefore it will not have anything other than, potentially at worst case scenario, a minor detriment.

The Chairman referring to the projections of the Dee who are undertaking the same project, working with NatureScot and Marine Scotland, and targeting a 50% increase in their catches, that it has been done elsewhere and that the Board is the Competent Authority for approving it. JH commenting that as a Competent Authority, that brings with it the responsibility of doing the Habitat Regulations Appraisal (HRA) and Appropriate Assessment. If you are identifying through the HRA that at worst there is a minimal detrimental effect, your HRA cannot conclude that there will be no adverse effect and as such we cannot give ourselves permission. That would then likely result in the Scottish Government deciding the issue. When queried by WM, she compared that scenario with that of the Beavers and the mitigation that they have in place.

In conclusion, JH commented that we need to get our HRA done and NatureScot would be happy to be consulted on that. If there are other sites, the approach would be consistent throughout Scotland. It is understood that the Dee are operating to a similar timeline.

**ACTION: Smolt to Adult Supplementation Habitats Regulations Appraisal to be produced and sent to NatureScot.**

The final matter reported by PG from the Scientific Committee meeting related to Beavers. It was reported that the representative from the Atlantic Salmon Trust had expressed belief that there was an advantage to Beavers. As Beavers are coming, the focus should be more on management of Beavers, and how we can deal with their dams. TM commenting that in terms of cost, 20-25% of fishery management time on the Tay is spent on beavers - just going round the district checking to see if there are dams, going through the application process for permission if needed and then removing the dams. Referred to as a significant financial burden.

1. **AOCB**
2. WM acknowledging the provision of the full set of board papers produced in advance of the meeting for which a considerable amount of work has gone into the preparation of the same and commenting that the team across the board have had a phenomenally busy year and should be congratulated and thanked for their efforts.

**ACTION: All staff to be congratulated by the Board for their work**.

1. PG querying whether those others out with the Board Members attending the meeting had been provided with papers, even if only the last minutes and agenda. The Chairman acknowledging that the Director and the Clerk have only been following the Act, but if the Board wishes to do so, then we should. WM commenting that in the concept of being open and transparent, everything should be on the website. PG clarifying that he would wish that to include the Directors report, the Biologists report and agenda being issued to those advising that they will be coming to the meeting.

**ACTION: Directors Report, Biologist’s Report and Agenda to be published on the Board’s website.**

1. AGL commenting that he would wish Paul Hughes to attend the meeting, as while it was fine to get updates, the Board should hear direct from him.

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

1. **DATE OF 2024 MEETING**

The date of next year’s meeting proposed and confirmed as

* 9th of February 2024 at 9:30am. This will a blended meeting with the location for those attending in person will be confirmed in due course.

The quarterly meeting will be followed by the Board’s Annual General Meeting at 2pm

* 24th of May 2024,
* 6th of September 2024 and
* 22nd of November 2024.

Dates to be confirmed and sent out by way of outlook meeting requests.

**ACTION: Dates of 2024 Board Meetings to be sent by Outlook Invitation to all Board Members.**

The meeting then closed at 12.05 p.m.