MINUTE OF MEETING OF THE SPEY DISTRICT FISHERY BOARD IN OPEN SESSION held at the Boat of Garten Community Centreand online, commencing at 9.30 a. m. on Friday 9th February 2024

## 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

Peter Graham (PG) Rothes & Aikenway

Toby Metcalfe (TM) Crown Estates

George Wills\* (GW) Knockando

**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

Alexander Millar\*

Tom Mountain\*

Harry Mountain\*

Freddie Bladon\* Rothes & Aikenway

Simon Bladon\*

Mark Taylor\* Carron Fishings

\*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.

1. **APOLOGIES and CONFLICT**

Apologies had been received from William Mountain, Guy Macpherson-Grant, Callum Robertson and David Greer. It was also noted that Sandy Howie has resigned as Chairman of the River Spey Anglers Association and as such has stepped down as a co-optee to the Board. The Association Committee has met and nominated the new chairman Peter Austin to be the new co-optee to the board subject to the Board’s approval. The Director commending him to the Board and the Board’s approval given. The Director advising that he is out of the country just now but he has provided him with a note of the future scheduled meetings.

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 17TH NOVEMBER 2023 FOR APPROVAL**

The Chairman requested any comments on the minutes.

No comments or questions raised, 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 noting that the list is extensive. A number of the ongoing ones could be removed as being undertaken, with a few of which he is unsure of the outcome but likely to be considered later in the agenda, for example with Nature Scot, with JH to speak to Chris Donald to chase-up the response to the Clerk regarding the Beaver Habitat Regulations Appraisal and the Precautionary Principle. Also mention made of production of the Director’s report on the website and requirement, if that was to occur, for that to be edited in advance of doing so. The Chairman noting the extra work on the Director that would be involved in doing so. Noted that members of the public invited to attend the open session of the Board’s meetings. It was suggested that the Directors report should not be produced on the website as there is a risk of misinterpretation, and that was agreed to by the Board.

PG raising the connected point of the issue of information to the general public in advance of the meetings for those wishing to attend. The issue of notice (or lack thereof) of those intending to attend raised and discussed. Apologies made to those attending without papers. The Director to ensure that the board papers are sent out to the proprietorial representatives that are attending the board meeting.

ACTION: Proprietorial guests at the Open Session to receive Board Papers.

The Director highlighted to the Board that with reference to the RAG (Red/Amber/Green) report had been updated, for example: The Scottish Government's Wild Salmon strategy has been changed to red, the Director commenting that he is not convinced there has been any substantive progress on that over the last 12 months. Firstly with what was the Marine Directorate having undergone a significant shake-up and reorganization, with that still settling down and them trying to get their house in order. Secondly the funding for the Scottish government is almost non-existent which is to be mentioned further when considering the Biologist’s report. TM commenting that other than internal reorganization, that he is unaware of any progress being made and urged the Boards through the Director to express our deep concern that the timetable set out in the strategy and implementation plan are not going to be met.

**ACTION: Director to express to Scottish Govt. the Board’s deep concern that the Wild Salmon Strategy objectives are not being met.**

In response, the Chairman referring to his comment at the front of the Annual Report and with reference to the report about the Big Four meeting, through the offices of Martin Gilbert, we are going to have a meeting with the First Minister or a Minister as it is one of the key issues.

The seal license is also red, with the Director noting that the 2024 seal license application has been submitted, but despite it being even more robust than last year’s application, he is of the view that it will still be rejected because we are still a category one river. The reported sightings using the SFCC mobile phone app this year was 33, up from 16 reported sightings in the previous year. He advised that he has met with Marine Directorate to discuss this and they in turn are having meetings with NatureScot to try to resolve their differences. However he is not confident that that will be resolved in time to affect this year’s license.

A discussion thereafter prompted by PG re classification of the Spey as a category one river, whether we have any say over the classification and, if so, whether we should seek to change that classification. It was clarified that the status is awarded to us by Marine Directorate Science rather than us pushing for that status. Also mention made that unless our classification dropped to Category three, it would make no difference for seal licensing purposes, as well as issues re the perception of the Spey if the other big rivers maintain their category one status and we don’t.

On the issue of seals, the Director advising that the Scottish Government are to be supplying us with two portable Acoustic Deterrent Devices and a jet ski with which to deploy them. So that should overcome one of the reasons for prior rejection i.e. the fact that we haven’t as yet deployed an acoustic device. A discussion prompted by AGL then occurred in relation to the acoustic deterrent device, its deployment and operation – noting specifically that we do not know whether the device has any effect on fish – including the necessary undertaking of risk assessments and production of Standard Operating Procedures which will be circulated to the Board. The conclusion was they will be required to try out the devices fully and produce robust evidence that they don’t work for the next application. Also in response to a comment made, the jet ski supplied at a cost of £12,000 will be an asset of the Board once supplied.

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 reports would be raised at the meetings rather than the reports being presented.

TM referring to the first point in the report (the designation of Atlantic salmon in Great Britain as an endangered species) and that in his opinion it carries with it significant risk that pressure towards stopping fishing for conservation reasons will be driven forward. In his opinion the best way of protecting ourselves against this is to make sure that we have all of the ghillies, hopefully through the Scottish Gamekeepers Association or the like, making it absolutely clear how important the economic activity to jobs are around the Spey. AGL stressing also the importance of our catch and release policy, whereby we do not kill the fish. Noting that this is a very good point to be made for the Big 4 Rivers approach to the meeting with Scottish government.

A further discussion occurred in relation to the position/involvement of FMS, the task and finishing group being put in place by the Salmon Strategy Delivery group together with FMS, that the items which appear on the agenda being organizational items that doesn't actually put extra fish in the river, and the need for the focus to be turned to delivery of projects. AGL raising the point that with our surveys disclosing that the Spey is well stocked with juveniles, the issue is what is going on out at sea, and that while we need to support all the initiatives mentioned, what we need the Scottish government to do is sort out what is going on out at sea.

On the matter of the Annual Report, the Director highlighted that copies have been posted to all of the proprietors and a number of electronic copies have also been sent out and it will be published on our website once it has been adopted and approved at our AGM this afternoon. Noting the significant amount of work that goes into it including the comprehensive scientific reports and the opinion that it is a very good reflection of everything that the small team employed by the Board does.

Returning to his Director’s Report, and in relation to the Spey Dam, the Director noting that a diagram of the fish pass has been included to highlight the areas and compartments within the Dam that are going to be modified this summer, with GFG having until the end of this year to put that in place.

In relation to the Spey Catchment Initiative, the Director has included a summary of the Initiative’s current focus.

It is highlighted that Beavers have now arrived into the Catchment with two pairs released into the Cairngorm National Park on the 20th of December, with another beaver family of two adults and four kits that has since been released. The three

estates that they have decided upon for these releases are Rothiemurchus, Insh Marshes and one of Wildland Cairngorms (either Glenfeshie, Gaick, or Glentromie). The CNP is going to be working very closely with the Board and our Biologist to monitor the Beaver impacts on salmonoids. Our Biologist will be electrofishing above and below the dams that are established by them and gathering data to monitor the impacts that they have. The Director is currently on the Cairngorms Beaver group and will pass that position on to his successor.

The Director then closed his report with questions invited by the Chairman on any aspect presented.

George Wills raising a question on Beaver monitoring and what could be done if the impacts are negative. The Director advising as to the timescales and actions allowed once a beaver dam has been identified, and the lack of further information from NatureScot as yet in the event evidence of negative impacts are established.

TM agreeing that the Chairman’s suggestion that Dr David Summers (Director, Tay DSFB) be invited to come and give us a presentation on their involvement with Beavers over the years. They have had them there and the impact they have had on the Tay would be interesting – including the difficulties/mechanics, the 14-day period, the amount of resources required to go and remove the dams, and the health & safety issues involved. TM undertaking to make arrangements for the next Board meeting. On PG querying who could give the alterative view as to whether they are such an issue. The Director’s suggestion is that the CNP Beavers project Officer, Jonathon Willet, may be the appropriate person to approach. JH mentioning that in addition there are people at Nature Scot who work within the Beavers Team that might be able to come along too, and they could potentially provide more detail on licensing issues. JH to liaise with the Director in that regard to see who is available. Mark Taylor advised that in Argentina, beavers had had no impact on salmonids and suggested that NatureScot should also ensure that their representative can advise on licensing and the mitigation scheme.

**ACTION: Dr David Summers, Jonathan Willet and a NatureScot representative to be asked to attend the May 2024 Board Meeting to give a presentation on beavers.**

There were no other comments or questions on the Directors Report

1. **BIOLOGIST’S REPORT**

In line with the new process the Biologist report has been produced in advance for review and discussion.

The Biologist providing a couple of updates on the written text.

Firstly advising that NatureScot have now responded to the submitted Smolt to Adult Supplementation programme HRA and have rejected that, at least initially, subject to some amendment to be undertaken. Commenting that there is of course no guarantee that they will accept that once amended. On being queried by the Chairman, advises that while he has not liaised with the Dee, who have the same issues, he will do so at this stage.

Secondly advising that NEPS has been confirmed to be cancelled for this year due to funding issues. That was announced at the SFCC conference just this week. Advising that that notwithstanding, we have received our electrofishing backpack and advising as to the elements of that and what will be achieved with that new kit.

The Chairman opening the floor for questions on the report or to the biologist generally.

* The Director commenting on this year’s NEPS cancellation, the previous cancellations of the same, its inclusion into the Wild salmon Strategy and this being another example of the failure of implementation. He also commented that while the cancellation provides us with more opportunity to do other work without this commitment, it has a negative effect on our finances as there is £15,000 of contract income that will not be coming into the Board.
* The Director also commented that in his report the Biologist has spelt out the plethora of electrofishing that his team has scheduled for this year, and he is of view that if they are to complete that on top of everything else asked of them, they will need help and more people. He is hopeful of getting a seasonal university internship to assist. He highlighted that extra staff have not been budgeted for.
* The Chairman prompting a discussion on the Spey Dam, the study and the costs of that. The Biologist confirmed that there will be a study and GFG are to pay for that study but what has not been confirmed is the methodology applied.
* The Chairman then raising the controversial issue of charitable funding and that controlled by the aquaculture industry. Offers made would allow for all of our SAS programme, with any additional staff needed, to be paid for with no cost to the assessment but he raised the question for the Board members as to whether the Board would be comfortable doing so. While it is recognised that the Board will get a lot of back-lash on social media, it was decided that it would be acceptable, as it would help the board’s funding and remove an element of financial burden from the proprietors. AGL suggested that we clearly prepare our rationale for accepting the charitable funding from the given source in advance, together with spelling out the benefit its usage will bring to the river and Atlantic salmon and have this ready to set out our position.

**ACTION: The Board to apply for grant funding in support of the Smolt to Adult Supplementation Project.**

* That then prompted a discussion on electrofishing, its purpose, cost and proper cost/benefit analysis, as well as future access to the information once targeted via the Spey Catchment Initiative, with the Director’s successor having a seat on the SCI steering group in order to represent the Board and working with the Director in his future position as CEO of the Initiative. TM emphasising the importance of the data generated by our electrofishing in the circumstances where NEPs has been cancelled two years out of four and at a time when the species is under enormous threat, it shows that we cannot rely on the government to actively monitor matters.
* Before then turning to AOCB the chairman turned the floor over to PH to comment on the current digital marketing position. PH confirming his part-time position which has been ongoing for some months and which will continue, and his focus going forward which as highlighted by the Director is centred on the quality of the posts rather than quantity, which is bearing fruit.

1. **AOCB**
2. PG raising the issue of sandeels being one of PH’s recent posts and commenting that he is of the view that we need to recognise when the Scottish Government does get it right. His view is that that was a result of SSE wanting to build more turbines out at sea and lobbied very hard to allow the sandeel population to increase, so that there are more birds in case they are killed by the turbines and the RSPB have accepted this as a sort of compromise. That pressure on the government to make sure that they comply with their Net Zero targets has worked in our favour.
3. AGL raising the issue of responsibility for the coastal region on which he had previously sent an email to the Clerk to clarify matters. Mentioning the region for 3 miles out from Spey Bay and 20 miles long (from the Boar’s Head Rock just east of Lossiemouth to Cowhythe Head which is on the border with the Deveron) and whether we had any powers to limit dredging within that area. Discussions ensuing as to the operations being undertaken and whether there is or can be established any evidence, the negative impact which affects the Board’s duties, against whom action would be directed and the cost of such. The issue of whether the activities are harming the River’s smolts is noted and to be followed up further by the Biologist who is in the process of getting onto a boat and taken out to view the operations and who has already had discussions with environmental groups focusing on marine habitat restoration around the Moray Firth area.

The Director advising as to the extent the Board patrols the area which is to deter and prevent illegal fishing, which is essentially illegal nets placed from the beach heading out to sea, which cannot be policed from land. While commenting that it takes a considerable effort and expense to maintain a patrol boats, emphasising that we are one of the only Boards to do so because we believe we have a duty to protect our coastline from illegal fishing as much as we do our river.

TM querying JH as to whether there is an inner Moray Firth conservation group. JH confirming that she thinks there is an inshore Moray Fisheries Group but she can clarify. TM suggesting that it would be better to try to exert some influence across the Moray Firth if there was a relevant designation or group to liaise with. PH mentioning the organisation “Our Seas”.

**ACTION: JH to check if Inshore Moray Fishing Group is still in operation.**

1. PG querying CR as to whether there was any update on the presentation at the last meeting. CR confirming the work being undertaken, the timing of the survey scheduled to be maintained over the next year with the devices in final stages of construction and with deployment to occur shortly thereafter in conjunction with the Biologist.

The chairman noting that there was no other business for the Open session. Thanking the non-board members for their attendance and noting the request that the timing of the meeting be more heavily advertised in social media.

1. **DATE OF NEXT MEETING**

The date of next year meeting confirmed as 24th of May 2024, to be held at Gordon Castle, with the provisional dates for further 2024 meetings also mentioned.

The meeting then closed at 10.55 a.m.