

MINUTE OF MEETING OF THE SPEY
DISTRICT FISHERY BOARD IN OPEN
SESSION held at the Craigellachie Hotel,
Craigellachie commencing at 9.30 a. m. on
Friday 18th May, 2018

Present:-

Chairman	Brian Doran	Craigellachie Fishings
Proprietors	Peter Graham Angus Gordon Lennox Toby Metcalfe William Mountain Oliver Russell Dr CMH Wills Alan Williams	Roths & Aikenway and Laggan Brae Water Trust Crown Estate Delfur Ballindalloch Knockando Carron Fishings
Co-Optees	Grant Mortimer	Strathspey Angling Improvement Association
In Attendance	Roger Knight Brian Shaw Graeme Henderson Jennifer Heatley William Cowie Penny Lawson	Director Biologist SEPA SNH Clerk Spey Catchment Initiative
Special Invitees	Simon Dryden Michael Palmer	Marine Scotland Recreational Fisheries Department Deputy Director – Marine Scotland Recreational Fisheries Department
Public Attendees	John Neil, Peter Kyte, Ian Gordon, Laura Irwin, Graham Salisbury, Alan []	

1. INTRODUCTIONS AND APOLOGIES

Apologies had been received from Peter Millar and Craig Mackay.

2. MINUTE OF PREVIOUS MEETING HELD ON 9th FEBRUARY, 2018

There was one adjustment as part of the Biologist's Report, question and answer session from Alan Williams at the bottom of page 5, to be amended to read, "Alan Williams

commented that there was so much information available on Board/Trust websites and blogs, but precious little from the Scottish Government. So there was no collected and coordinated information and interpretation.” Subject to that change there were no issues and the Minute was proposed by Peter Graham and seconded by Toby Metcalfe as an accurate representation of the meeting and adopted.

3. MATTERS ARISING FROM PREVIOUS MINUTE

There were none other than covered on the Agenda.

4. SCOTTISH GOVERNMENT: MARINE SCOTLAND

The Chairman introduced Michael Palmer and Simon Dryden from Marine Scotland to the meeting and asked them to introduce themselves and provide an outline of their role and how they could assist in providing clarity on the Scottish Government’s legislative programme.

Michael Palmer thanked the Board for their invitation and advised that his department dealt with four main areas of direct interest to the Board:-

- Salmon farming
- Legislation
- Conservation
- Fisheries Management planning

More generally, it dealt with aquaculture, recreational fisheries, the Crown Estate, EMFF and Europe. It therefore oversaw all policies within the Marine Sector and other fisheries, as well as aquaculture and recreational fisheries. Simon Dryden focused on recreational fisheries only. In response to enquiry, he confirmed that the department was there to regulate and improve the regime to report back to Scottish Ministers and to advise Ministers on strategic policies and how to deliver Scottish Government key goals. They also had a listening and consultative role.

Turning to particular topics of interest currently:-

4.1 Aquaculture

It was noted that the current enquiry was a Parliamentary enquiry rather than a Government enquiry and a report would be issued from the Parliamentary Group for a Government response.

The enquiry had now taken evidence which had been wide-ranging and covered potential impacts. The Government has stated that they welcomed the enquiry and endorsed the overall conclusion that the *status quo* was not acceptable. This, however, was not to say that the Government were not supportive of the industry aspiration to double the value of the industry by 2030, but the emphasis would be on value rather than volume and bringing sustainability to communities in remote areas. It was noted that Scotland was

the third biggest salmon producer worldwide but there must be a balance between the wish to sustain employment against environmental impacts; any growth must be sustainable.

The Enquiry had particularly addressed the sea lice issue on a scientific basis and in particular it had been noted that the risk had varied from one place to the next. Further work was required, including monitoring which needed systematic improvement. It was clearly recognised that the industry needed to improve transparency and this had been accepted. There was a start to publishing sea lice data but there was a need to go further with better information provided. It was also noted that mortality levels were too high and more transparency and publication was required on these to make data much more readily available. It was anticipated that the final Enquiry Report would focus on some of these areas and would embrace the precautionary principle.

Connected to this, but distinct, was the Farmed Fish Health Framework which was to be published the following week. This would incorporate a 10-year framework and would look at climate change and sea lice issues, amongst others.

In addition, an independent expert group was to be set up to look at the interaction between wild and farmed salmon to drill down to a consensus on objective science. This will provide informed evidence to improve the way the regulators consider planning applications. This group would be independent of Government and will involve participation from the aquaculture industry and wild fisheries.

Mr Palmer then invited questions.

Q. In response to enquiry from the Chairman as to whether the Government had the infrastructure and funding to carry out the necessary monitoring.

A. He advised that this would not be led by Government as they did not have sufficient resources to devote to the monitoring. It would be carried out by the industry at their cost, but would be policed by a Government Agency such as SEPA. The final determination on how this would work was a matter for the parliamentary enquiry.

Q. Peter Graham was pleased to see progress was being made at last, but would like to remind the Government through the representatives present that there had been a large amount of historic research carried out by the likes of the Spey Board's Director's predecessor, Dr James Butler, and that this resource should not be overlooked.

A. In response, Mike Palmer confirmed that he would absolutely ensure that Marine Scotland's scientists were on top of all available science.

- Q. Peter Graham also indicated that it was only recently that an improved atmosphere had been created between the salmon farming industry and the Wild Fisheries sector and he was anxious that this be maintained.
- A. This was acknowledged by Mike Palmer who confirmed that there had been a change in attitude from the salmon farming industry and the whole area was moving in the correct direction. The industry were also open to expanding transparency.
- Q. Angus Gordon Lennox noted that the figures for income generation to Scotland by the salmon farming industry were significant and that there was a move to double these by 2030, but he would like to know what level of employment was actually provided for the rural communities affected.
- A. In response, Mike Palmer indicated that the industry supported approximately 12,000 people throughout Scotland, including processing staff and amongst the big operators in the West of Scotland, between them they employed approximately 2,000 to 3,000 in total, locally.
- Q. Toby Metcalfe asked what would be the result if the industry did not comply with requirements to publish data and operate in an environmentally suitable manner.
- A. In response, it was made clear that if an operator could not demonstrate that the activity was not having a deleterious effect on the local environment, an operating licence would not be renewed. SEPA would be governing the issue of operating licences and would be independent.
- Q. Toby Metcalfe enquired whether this was the same for current operations.
- A. Mike Palmer confirmed that if there was unreasonable activity then licences would be revoked.
- Q. Toby Metcalfe felt that the Scottish Government should be making additional funds available to Local Authorities to provide expert advice on planning applications for new fish farms, so that the planning authorities had advice available to them which would currently be outwith their normal expertise.
- A. Mike Palmer confirmed that this had been raised at the enquiry and one aspect would be a review of the whole consent process.
- Q. Peter Graham enquired whether there would be a compulsory process to reapply for licences on a 5 year rolling period.
- A. Mike Palmer advised that at present the planning process was a one-off process, but the intention would be to get to a position of proper

monitoring and adaptive monitoring, which may result in a time limited planning application system.

Q. Alan Williams had noted that there had been revocations of licences in Norway and asked whether the Scottish Government were looking at precedents elsewhere?

A. In response, Mike Palmer advised that Norway dealt with matters slightly differently, as all licences were centrally administered via a traffic light process. One of the areas that was being looked at as part of the review of planning would be the introduction of something similar.

In Summary, Brian Doran also highlighted the need for there to be some enforcement powers in the regulation model and this was accepted.

4.2 Legislation

Mike Palmer introduced Simon Dryden to present the current position on the legislative framework.

Simon reminded Board Members that the Government had been on somewhat of a journey with regard to the legislation of the management of Fishery Boards and this had been as a result of the healthy and productive consultation with Boards.

There was still potential for legislation in due course, but it would be clear in September whether there would be parliamentary time in the programme for 2018/2019 or 2019/2020 for this. If it did proceed, the general areas for consideration were as follows:-

- Modernising of language and tidying-up existing legislation.
- Investigation of possible alternative corporate structures for Boards, such as becoming Limited Companies.
- Discussions surrounding the current uniform levy rates and whether these were discouraging mergers.
- Enhancement of Bailiff powers.
- Improvement of Fishery Management Plan Systems.
- Wild Fisheries Strategy.
- Further consultation.

He then invited questions.

Q. Peter Graham asked what benefit did moving away from uniform levy rates provide?

A. Simon Dryden indicated that this could encourage mergers between different rivers where the levy could be different on both.

Peter Graham advised that what the Boards would be looking for was a system where Boards could decide on the levy, rather than relying on a Regional Assessor, so as to avoid the rates appeal situation. Alan Williams concurred that, whilst moving away from uniform levies may be beneficial to mergers, what really concerned the Board was the methodology of determining the assessment.

- Q. Angus Gordon Lennox enquired whether there would be Fishery Management Plans for the aquaculture industry.
- A. In response, Michael Palmer advised that they did not have that as a proposal, but they were regulated in a different way and subject to a fairly stringent regime through SEPA, which recognised adaptive management principles.

Board Members felt, however, that if there was an intention to bring in Fishery Management Plans for wild fisheries, then this should be an option to consider for the aquaculture industry too.

- A. Mike Palmer agreed to take that thought away.

4.3 Fishery Management Planning

Simon Dryden advised that they were looking at 12 high level pressures which impacted on salmon and were looking for a consistent approach across all Boards, evaluated in the same way and using the same tool. The management plan must be efficient at local level and deliver local benefit, but through a consistent approach that would also inform National Government, enabling the Scottish Government to prioritise support where necessary.

He advised that the prototype tool would be available for trial for 5 Boards within the next month. It was to be populated with information and data from Marine Scotland Science and would allow Boards to question the summary analysis.

Roger Knight enquired whether it was known which 5 Boards would be included in the trial and in response, Simon Dryden advised that it was not yet determined because there required to be a mix of economic and geographical spread.

The 12 high level pressures on salmon were:-

- Exploitation
- Predation
- Fish health
- Genetic integrity
- Invasive species

- Habitat water quality
- Habitat water quantity
- Habitat thermal environment
- Habitat riparian environment
- Barriers
- Coastal
- Migration

In designing the tool for the Management Plan, he extolled the example of the sawbill licence national coordination model for consistency.

He then invited questions:-

Q. Peter Graham advised that the earlier draft tool had been very difficult to use and asked if Simon Dryden was confident that the new prototype was improved.

A. In response, Simon Dryden confirmed that there had been considerable improvement, but they would need input from those involved in the trial to further improve the prototype.

Q. Alan Williams was concerned that this sort of labour intensive tool would be acceptable to the big Boards who had the resources, but he had serious doubts that the smaller Boards would have anything like the resources to enable them to fully complete the necessary plans. His view was that the tool should be limited to the larger 11 rivers which represented 90% of the catch nationwide.

Peter Graham also felt that the involvement of distilleries on rivers should be included to show the impact they might have.

A. Simon Dryden indicated that they were looking for a proportionate and measured approach to each of the 12 pressures. The management tool was not designed to be a trap, but more as a help to Boards and to National Policy.

Q. Peter Graham also felt that the pressures acting on salmon should include a number 13 which would be finance and resource.

With regard to predation, Roger Knight did have concerns about the operation of the tool given the Scottish Government's seal management policy, which the Board had struggled with. It had been noted the quota had been consistently reduced, despite counts at Findhorn in particular showing a huge increase in seal numbers and licences were now next to zero. There must, in his view, be a balance between the protection afforded to seals and that provided to Atlantic salmon, particularly given the SAC status of the river. The system of seal licencing was not fit for

purpose in his experience and there was concern that the new Fisheries Management Plan would not address this.

- A. In response, Simon Dryden indicated that he had worked with the Dee on the control of seals there, which had resulted in a licence to remove two Common seals, one male and one female. It was noted that one of them was to be removed and taken to Orkney and the process involved, from a bureaucratic and practical point of view, was extremely cumbersome. There had to be a better way of dealing with matters, but this would be against the background that Scotland had global significance for its seal populations and it was therefore unlikely that there would be a major change in the current arrangements.

- A. Mike Palmer confirmed that the government were aware of the conflict between the two protected species and the position was dynamic and in play. Roger Knight again stressed the Board's request for a compromise between the two competing interests and in particular, for the Board to be able to manage rogue elements within the river. He also would like to know how much additional data would be collected within the Fisheries Management Plan before action would be taken and asked that a pragmatic management approach to this be taken.

Brian Shaw noted that there was going to be a predation working group established which would focus on predation throughout the year and not simply in the limited time-frame within which licences had been currently granted. He requested that he be allowed to have input into that. This was noted.

In addition, Simon Dryden noted the work on the "Missing Salmon Project" which would involve six rivers working in conjunction with the Atlantic Salmon Trust.

4.4 Conservation model

Simon Dryden advised that they currently had an adult model, but were looking to introduce a juvenile model. This would be a complex model to predict juvenile density numbers in a given catchment. It would involve 27 regions across Scotland and a methodology for electro-fishing had been agreed for the summer. He reported that Brian Shaw was very engaged in the process and influential in the design of the sites to suit juvenile populations. These sites that were targeted were between order 2 and order 4 streams and currently excluded order 5 streams, because of the ability nationally to organise electro-fishing within them. They were, however, looking at including order 5 streams, possibly in the following year and to associate with that the collection of genetic data.

The juvenile model would complement the existing adult model and with both, there should be more confidence on numbers. He advised that with the

adult model, there would be a review to see how this could be improved, which would be an ongoing process.

- Q. Brian Shaw enquired whether there was any intention to move away from the Category 3 definitions of rivers in the conservation model, which appeared to stigmatise those rivers categorised as such.
- A. Simon Dryden indicated that it would be difficult to achieve a change of categorisation and indeed it was likely that there may be further Category 3 designations.
- Q. Angus Gordon Lennox stressed that the Scottish Government had accepted there were problems with the model and that as a result, it was questionable whether the continuation of the categorisation was fair.
- A. In response, Simon Dryden indicated that they were required to introduce the categorisation model or otherwise be sanctioned and were therefore correct to do so, but there would be continuing development and improvement of the scheme.

Alan Williams felt that there should be an international standard adopted if possible.

- Q. Brian Shaw advised that the Board's concern was that densities in order 2 and 4 streams may not reflect the same as order 5 and 6, as there were larger areas of the spawning catchment which were order 5 and 6 in the Spey compared to smaller rivers. As a result, Brian Shaw was anxious that the Board were not to be unfairly penalised.
- A. Mike Palmer confirmed that the model was moving forward and was being adjusted all the time. It was recognised it would have to be robust.

Peter Graham recommended that it would be a good idea to show percentages in each of the various orders to differentiate the big rivers from the small ones which, if it was accepted, should help.

Simon Dryden was optimistic that the model would end-up being a useful tool and would result in a like-for-like comparison between rivers in due course.

The Chairman expressed thanks to both Simon Dryden and Mike Palmer and noted that generally the direction of travel was positive and encouraging. However, particularly on matters of predation and regulating aquaculture, courageous action must be taken by Marine Scotland against a background of declining fish catches.

5. DIRECTOR'S REPORT

The Director had circulated his written report which was appended to the Minute and introduced Penny Lawson, who had been recruited for the Spey Catchment Initiative. He then presented a slide show on the current work in progress with the Catchment Initiative and there were no other specific questions on the Director's Report to raise.

6. SPEY SCIENTIFIC REPORT

The Minutes of the first Spey Scientific Committee meeting had been circulated and Peter Graham introduced these to the Board. Copies of the Minutes were appended to the Minutes of the Meeting, but the following particular points arose:-

- 6.1 Peter Graham sought approval from the Board to use reserve funds from the Wills Trust grant to undertake a further year of genetic testing above Spey Dam and this was agreed by all Board members.
- 6.2 Peter Graham advised that they were conducting a review of electro-fishing and externally it had been noted that the Spey was held up as Gold Standard in terms of method. The Committee had recommended continuing with the current electro-fishing cycle and this was agreed by all Board Members present. He then invited questions.
 - Q. William Mountain asked how he was anticipating measuring the success of the Committee against achievements.
 - A. Peter Graham replied that this was a good point and they would consider this further and revert.
 - Q. Angus Gordon Lennox would like to know if consideration was being given to using the historic smolt run data and whether this was something from which the Scientific Committee could extrapolate.
 - A. Peter Graham advised that further analysis of data would be put to the Committee at its next meeting, but it may take some time to review and report this if there was a requirement to go back over a lengthy period.
- 6.3 Atlantic Salmon Trust "Missing Salmon Project"

Peter Graham advised that the Committee were looking for support from the Board for this. They would like the authority to approach proprietors to fund a smolt run investigation with tags at a cost of approximately £30,000. There had been various suggestions on how to raise money and the Committee simply wanted the approval of the Board to approach proprietors.

Alan Williams enquired what the weight of the tags were before he gave his approval and Brian Shaw advised that they were similar to those used on

other rivers. Alan still felt that it was important to know what the survival risk was when using those tags.

Toby Metcalfe also asked to be reassured that the study had additional merit beyond the scientific basis and that it offered added value.

Brain Shaw confirmed that it would, in his opinion.

An enquiry was also raised as to how far out to sea the tags could respond and, given that this was to involve the marine environment, had there been an exploration of external funding for this element.

Toby Metcalfe agreed that in general terms it was particularly important to have the information on the marine environment and this would be vitally important to defend Scottish Atlantic salmon interests in the future. Simon Dryden also indicated that there would be support from Marine Scotland in terms of data analysis.

The majority of the Board approved the approach to proprietors, but with Alan Williams demurring on the grounds of potential harm to tagged salmon.

6.4 Data request

Peter Graham made a final request to all proprietors with a long association on the Spey to look out any historic data they may have from fishing records over many years and to pass them to the research team for copying and archiving.

7 **BIOLOGIST'S REPORT**

The Biologist's Report was as per the Minute attached to the meeting and after circulated it, the Biologist invited questions.

Peter Graham's real concern was regarding the Armadale project and, in particular the small numbers of fish involved and the 20% mortality rate during catching, which was a major concern. He asked how Brian would comment generally.

Brian indicated that on the whole, the report was generally good, with some interesting genetic information.

Simon Dryden was able to summarise the report from the Government's point of view. He did not think that the project had started too late and external acoustic tagging and detection rate was very good. The project had provided comparison for historic data and indicated that 90% of salmon travel within 125 kilometres from the point of exit, which was very important for netting reviews.

In addition, the amount of red vent information was very interesting, particularly as the parasite aimed to be hosted by a mammal and it may be that the red venting made fish attractive to seals.

The most useful information, though, was the determination of the range of salmon in proximity to netting stations, which was between 100 and 125 kilometres in each direction. Finally, he confirmed that some tags were still left over, which would be reutilised.

8 AOCB

There was none.

9 DATE OF NEXT MEETING

The next meeting would be held in the Grant Arms Hotel in Grantown on Spey as the Craigellachie Hotel was not available, on Friday 17th August and would commence at 9.30 a.m.

The meeting then closed at 12 noon.