TAY DISTRICT SALMON FISHERIES BOARD

MINUTES FROM VIRTUAL ZOOM MEETING 10AM, TUESDAY, 26 OCTOBER 2021

Present:	Toby Metcalfe (Convener) (TPM), David Godfrey (DG), Calum Innes (CI), Claire Mercer Nairne (CMN) (part), John Nevin (JN), Andrew Parrott (AP), Jerry Saunders (JS), Michael Smith (MS), Nicola Thompson (NT), Bobby White (BW), Iain Wood (IW) (part)
In Attendance:	Dr. David Summers (DS) (Fisheries Director), Michael Brown (MB) (Operations Manager) (part), Anne Woodcock (AW) (Marketing), Nicki MacIntyre (NI) (NatureScot)
	4 members of the public

The Convener opened the meeting by welcoming Board members to the meeting. He also welcomed Sam Poling, an investigative journalist, who was attending as a public observer.

Before proceeding with the Agenda as advertised, the Convener announced that Operations Manager Mike Brown would present his report first in order that MB could then get on with pressing fieldwork.

Operations Manager's Report

MB talked through the various points in his report which had been circulated previously. He detailed examples of enforcement activities undertaken during the year, but specifically highlighted the lower number of staff available this year made this difficult, citing one example of where a lack of corroborating evidence had been a problem. Yet, all call-outs had been attended by staff.

He also described how he and the team of fisheries officers are also involved in much of the hatchery work; broodstock capture, stocking out etc. Approximately 750,000 eyed ova were stocked in the spring, protracted due to cold weather. They also stocked parr in the autumn.

In the summer and autumn scientific fieldwork took up a lot of time. This included Marine Scotland's National Electrofishing Programme from Scotland project, which he described. Sampling juvenile salmon for the River Garry restoration project also took time and finally our own long-term monitoring sites had to be done. There were also extra surveys such as one for NatureScot to assess salmon use of an Isla tributary where a beaver exclusion screen was proposed. Contracted fish

rescues were performed at development sites on the Ordie Burn and Brothock Water and in connection with de-silting work on the River Eden at Strathmiglo.

He noted that the electrofishing equipment had not been replaced in some years. This was now showing and needed replacing. They are good at fixing equipment, but sometimes required an electrician to fix, and often lost time as a result. A broodstock generator had broken down and will need replacing.

Time had also to be spent on removing blockages in fish passes. Beavers were adding to this problem, sometimes undoing the work within a day. There were also instances where fish passes appeared to have been blocked deliberately.

Currently, the team were in the middle of broodstock fishing. Three days fishing had been lost the previous week but 42 adult broodstock had already been caught in the rivers Tilt and Garry. He again stressed that because of staff reduction, volunteer help has been essential. This would become even more critical once stripping of adults commenced on 8 November, requiring some staff to be present in the hatchery too. MB expressed his thanks to the volunteer and temporary staff members but would welcome more volunteers helping in the coming few weeks.

TM thanked MB for how much had been achieved and also noted MB's concerns regarding replacing equipment and vehicles. **This would be considered in the forthcoming budget round**. Following the COP26 meeting in Glasgow a **meeting would be arranged with the Chief Superintendent of Tayside** to help enhance our relationship with PoliceScotland and later in the meeting the Board would be signing off a volunteer policy. TM agreed there should be a policy for volunteers to help in the hatchery and with broodstock capture.

TM also expressed interest in the survey of the stream containing beaver dams performed for NatureScot and said he would be grateful to NI if she would be able **to share any report** that might be produced. He also raised the issue of the River Eden fish rescue and thought a piece on it should be **included in the Annual Report.**

As there were no other questions, TM thanked MB once more. MB left the meeting.

Apologies

Inga MacGillivray (IM) (Clerk)

Minutes of the Board Meeting on 10 August 2021

The minutes circulated previously were approved unanimously.

Matters arising report

As a number of issues in the report were to be covered later in the agenda, TM suggested deferring them until later. There were no questions on any of the other issues.

Finance report

TM thanked Inga MacGillivray (Clerk) in her absence for managing to produce the financial reports, despite being absent due to illness.

Although DS had been scheduled on the Agenda to speak had no report been available, he was unable to add anything further to the report provided by the Clerk. However, DS commented that he was aware of external commentary that suggested the Board's financial arrangements may not have been in order. He was confident they were, but if it helped to assuage such commentary, he suggested the Board might consider commissioning an independent review of the Board's accounts, if that might settle these concerns once and for all. TM answered such a request could only be considered in the closed session later.

TM reiterated that there would be further discussion during the closed session, but it was his view that the Board's financial position was patently strong.

AP noted that the level of outstanding debt from both previous years and half way through the present year would not be considered bad in other areas within his knowledge.

There were no questions on the financial reports.

River Plan Update

DS referred Board members to the Matters Arising Report where some of these updates had been presented.

<u>Luncarty Weir</u>

DS said that JN and MS had visited Luncarty Weir and circulated a report for background. DS added he had provided them with a report from SEPA which suggested removal of the weir would not be a simple act but that erosion of the large amount of coarse material behind would have to be managed possibly making this quite an expensive project. In reality, the weir had started to collapse and that should it do so naturally, the licensing process to restore fish passage might be much easier than pre-emptive removal.

MS reported that he and JM had visited in mid-August and confirmed the centre of the weir was collapsing. He outlined several options. One would be to do nothing and leave it to collapse. As there was a safety risk, another option was to inform SEPA and seek to accelerate its removal in a staged way to make it safe.

In reply to a question from DG, DS informed the Board that juvenile surveys did show good numbers of juvenile salmon upstream. That, and evidence from a fish counter which was operated several years ago, indicated the existing fish pass probably worked as well as any fish passes do. However, removal of the weir would still be desirable.

The Board agreed that because of awareness of the safety risk, SEPA and Perth and Kinross Council should be informed of this risk. The responsibility for this risk would then rest with the owners and hopefully they would decide to remove the weir. Should they not, it is incumbent on SEPA to ensure correct fish passage.

JS noted that beaver dams above Battleby Loch might be the most serious obstructions on this burn and that perhaps TRT should study beaver dams on fish passage.

Action
DS to contact SEPA and PKC re Health & Safety risk posed by Luncarty Weir

Buchanty Spout

MS and JN had also visited Buchanty Spout but because of high water they had not been able to see the weir that needed replacing. In reply to TM, DS believed the Board may have installed the weir to reduce the height salmon had to jump at the fall but the Hydro Board paid for it. Evidence of this from Tay Salmon Fisheries Company provided by DG was presented to SSE some years ago and they agreed since that was the case they would contribute again. The issue is simply one of obtaining permission from the landowner. DG confirmed TSF does have such a record. He had surveyed the site some years ago and believed replacing the weir was not that straightforward but definitely achievable if permission could be achieved.

TM asked MS and JN to visit again in lower water conditions and report accordingly.

Action
MS and JN to visit Buchanty Spout in lower water conditions and report.

Invasive species

DS drew attention to a section of his Director's Report regarding an approach which he had made to the Eden Angling Association making them aware of funding opportunities from Crown Estate Scotland. The EAA did not wish to proceed with an application at this time, however.

Lunan Water Tree Thinning

DS reminded the Board the issue was to conduct an experiment in letting in more light to let low plants grow. A felling licence application had been submitted in 2019. The Forestry Commission had still yet to respond to this application despite yet more requests. DS considered the Forestry Commission may have some issues with such an application given they were promoting the expansion of riparian vegetation. He proposed that this application should be taken up at a higher level within the Forestry Commission to try to get it resolved before winter. TM could help with this.

CMN mentioned that as they were involved in a lot of planting on other parts of the estate the potential for swaps may exist.

Action
DS and TM to raise issue with FCS.

Fillan Water Embankment

DS reminded the Board that the issue here was a flood bank he wished to see lowered on land leased by the SRUC. SRUC was also keen to do this, but the project required funding. The Loch Lomond and Trossachs National Park Authority had employed an officer who was trying to pull together wider Strathfillan biodiversity project which might be subject to a Lottery application or the

Biodiversity Challenge Fund. DS had spoken to her and it seemed this project may be a good fit. As we had missed an opportunity to bid to the BCF during the short period during which applications were accepted back in the summer, it was essential that this project needed now to be scoped out by a contractor and become "shovel ready" in advance of a bid. The Board agreed that DS should produce recommendations for a contractor.

Action
DS to produce recommendations for a contractor to scope works required.

River Lochay Fish Passes

DS remind the Board that the issue here was that the Hydro Board had installed some fish passes around small falls but, although these had been improved might not still be 100% effective as there was still a lack of juvenile salmon in the upper Lochay. He proposed raising with SEPA a proposal to chip out and lower the passes making them more passable.

DS had been waiting for MB to complete this year's juvenile surveys before producing a report. The surveys had now been done. DS would have time to complete the report by the December Board meeting, after completing the Annual Report. The Board agreed.

Action
DS to complete report in advance of meeting on 14 December.

River Lyon

DS reminded the Board the issue here was to analyse the water chemistry of the upper Lyon and the priority was first to identify an appropriate sampling regime. Previously Marine Scotland Science had indicated they might be able to process the water samples. DS had produced an indicative experimental design and had sent this to MSS for comment and advice as to how much help they might be able to provide.

Action
DS to follow up with Marine Scotland for a reply.

Dall Burn Weir

DS reminded the Board this was an impassable barrier on a tributary of Loch Rannoch. It had been identified as a priority to be resolved under SEPA' 3rd RBMP by 2027. DS had spoken to a local senior SEPA staff member, who had agreed to raise the issue with SEPA's Water Environment Fund team to establish when work might be expected.

TM proposed that in addition to DS, who sometimes did not have the time to pursue certain issues, it might be necessary to identify other board members who could assist by raising issues with SEPA.

TM also noted that SEPA's attendance at Board meetings should be a main conduit of our concerns to SEPA. He was therefore disappointed that SEPA had not been able to send a representative for some time. He had an informal meeting with SEPA to encourage this but as no representative was again present, he would take up the issue again.

Actions
TM and DS to identify other Board members to assist in raising issues with SEPA.

TM and DS to contact SEPA again to seek SEPA representation at Board meetings.

Piscivorous Birds

DS reminded the Board that there had been concerns that the Board's counts may not cover as wide an area as possible. He reported that RW had now organised two much more extensive counts. DS considered this a good developing initiative which will help with the licensing process. RW reported he had already a network of roughly 40 counters and growing. JN enquired regarding Loch Tay to which RW replied he was wishing to include it too.

There was also a discussion on the practicalities of scaring in public locations and that this also required consideration.

TM thanked RW and encouraged him to keep progressing. A discussion was required regarding what the data tell us and the practicalities of scaring throughout the year. It was agreed there should be a paper for the next meeting considering where birds are likely to be damaging and what might be done.

Action
DS to produce paper for the next meeting considering where birds are likely to be damaging and what might be done.

Cleaning Fish Passes

DS noted MB had reported on this earlier.

River Braan

DS explained there had been no opportunity recently to discuss the introduction of salmon to the Braan with decision makers. He considered this as an issue to raise as part of the Scottish Government's Wild Salmon Strategy which was now anticipated with a consultation later this year. This issue would be fed in then, as one of the biggest projects which could be done to increase salmon numbers in the district.

Opening the Upper Garry

DS reminded the Board that SEPA had suggested a further step in the Garry restoration would be opening up the Garry above Garry Intake. DS thought there was a possibility that salmon might already be present there because adult salmon were seen close to the intake in 2020. Therefore, MB recently surveyed above the intake to see if there were any juvenile salmon present. But there were none. Therefore, that potential argument for speeding up such work was closed off for the time being.

Electrofishing Surveys

DS reminded Board members that electrofishing surveys were part of the plan and MB had already described the work undertaken this summer. DS noted that some of the Board's long term sites had had to be dropped since there had simply been too much to do.

Analysis of SEPA Invertebrate Data

It still had not been possible to progress this as SEPA's computer systems were still not functioning fully after a cyber-attack.

River Ericht Abstraction

DS introduced this issue saying a group of Board members and Grant Kellie from the Blairgowrie Angling Club met several weeks ago to discuss a way forward. A paper had been circulated.

TM identified several actions for approval.

One had been to escalate this issue to a higher level via Fisheries Management Scotland. TM had circulated a paper from FMS which already included the Ericht issue. TM was interested in views on the paper and FMS's actions.

It was also felt that the Board and the Angling Club together should again by highlighting the issue with MPs, MSPs and Councillors. Our concern was the infrastructure was fundamentally inadequate to properly regulate and allow for proper monitoring of the off take system. That had been demonstrated by two gaugings; one which found too much water being abstracted under low flow conditions but compliant under higher flow. More progress was necessary.

TM wished it minuted that as far as TDSFB was concerned, this could be resolved by the Board, SEPA, the fish farm and the hydro operator sitting down and coming to a solution which protected the fish but allowed the fish farming business to continue. But SEPA had to ensure licence conditions are adhered to. He had been encouraged in a meeting with SEPA that SEPA intended to impose further conditions. That plus a monitoring regime was what was needed.

He then sought approval to elevate this debate as proposed.

JS was encouraged to see the Ericht case study quoted in an FMS document and understood the strategy was to use the Wild Salmon Strategy to draw these issues to the attention of Scottish Government. AP was supportive of approaching politicians. MS wished special appreciation to be given to Grant Kellie for maintaining the profile of this issue. The Board agreed.

CMN drew attention to the quandary politicians faced between protecting the fish and possibly forcing a business to have to close. That may cause a difficulty for them. TM reiterated no one wanted a business to close, therefore the best solution had to be found through discussion between the parties to find a mutually acceptable solution.

Action

DS to try to organise discussions between the Board, SEPA, Blairgowrie AC, fish farm and hydro operator.

Subgroup to agree strategy for approaching politicians.

Governance

NT updated the Board on progress with governance policies, which were progressing steadily. Some of these issues were to be covered in the closed session and would be left until then.

NT thanked all for responding to the paper on the triennial Health & Safety review which would now be signed off and minuted to that effect. She also thanked Board members for responding to the human resources review which is to be undertaken by an HR consultant. An update on that would be left to the closed meeting as IMacG and DS had yet to be contacted by the consultant.

Following approval of policies in the closed session NT will update the spreadsheet of policies.

There were no questions.

Action
NT to update the spreadsheet of policy achievements.

Health & Safety

A recent review of the Board's Health & Safety Policy by NT and JS had affirmed the need for the Board's Health & Safety Policy to be reviewed and updated every three years. One was now due. DS informed TM this had yet to be initiated but would do so as a priority.

DS reported there had been no reportable accidents in last two months.

Action
DS to inform Greens of Haddington to commence a review of Health & Safety Policy

Tay Rivers Trust

CI updated the Board on the recent activities of the Tay Rivers Trust (TRT).

The main issue again related to the hatchery access road. An engineering proposal had been produced to stabilise the area of subsidence. However, a neighbouring landowner had refused consent to allow work on their land. CI had sought clarification from Registers of Scotland on the exact position of TRT's boundary and had discussed with the engineers whether the work could all be done on the TRT's land. A revised engineering proposal was awaited. The adjacent land had in fact been placed on the market and it was understood was now under offer.

CI also raised the issue of the Board's lease of the hatchery buildings which is to be renewed. He explained negotiations would commence once the Board had appointed a surveyor to act for it; to be discussed later.

There had recently been two Malloch Trophy presentations conducted, one for the 2020 winner and also the 2019 winner which had been postponed due to Covid. Although fishing was now closed on the Tay, anglers on rivers that were still fishing were being encouraged to submit entries for the 2021 competition.

TM thanked CI for his update.

There were no questions.

Results of Management Plan Consultation

JS had analysed the management plan consultation responses and previously circulated a summary of the results. JS presented his findings to the meeting. Out of 218 proprietors contacted, 38 responded. This was apparently a typical response rate to such surveys. 9 Angling clubs / anglers also responded.

90% of respondents agreed with the Board's plan, 6% disagreed and 4% were undecided. There was therefore overwhelming support for the plan.

68% of respondents also made comments. These related to predation, beavers, wishing for 100% catch and release, seeking more value from the assessment, seeking more bailiffs, while about 10% said they wished to have more confidence in what the board was trying to deliver.

There were no questions on his report.

TM reported that he had contacted one of the few parties which had voiced a lack of confidence in board and had instead provided reassurance regarding the direction of the board. He was most encouraged by the response. TM had explained the rationale for initially producing a one year management plan and that it was the intention to follow this with a three year plan which would cover the first year of the next Board, thus providing continuity. Work on a three year plan would commence at next meeting in December.

Action
All to consider priorities for three year plan for meeting on 14 December.

Website

The new TDSFB/TRT website had recently been released for comment by the web designer, Castabroad Media.TM thanked IW for delivering this cornerstone project. IW informed the Board the launch had been delayed until the end of the month. It would finally go live on Sunday 31 October. This would be a dynamic website with a robust core which the Board could then directly edit and contribute too. DS had already received training, as would AW and IM.

On an enquiry from AP, AW explained she would be providing updates to the board on usage statistics but as none were available for the current website it would not be possible to compare the two, with the exception of the weekly fishing report blog.

JS expressed his satisfaction with the product. TM again thanked IW for his work.

2022 Conservation Policy

TM invited MS and JN to talk to a proposal which they had circulated previously to the Board. MS and JN proposed an outright ban on worm fishing throughout the season.

In the discussion that followed some differences of opinion were expressed.

DG considered that most beats below Islamouth did some worming. Some, but not much, was done on his beat, where he encouraged the use of circle and Shelton release hooks. He would be happy to share knowledge about these hooks with others. Once banned, he felt it would never be possible to get it back and would alienate a particular group of people and part of the river. He did not think as many fish were killed by worming as sometimes suggested because it was not really used much

except in floods when fishing was difficult. Most fatal injuries would result from other methods. Cargill caught 19 salmon on worm in 2021 and 121 on the fly. Four were killed on the fly and three on the worm. His proprietors were not in favour of a ban or of worming.

JS no longer used the worm but would like to know more about the commercial impact. On the Stormont AC water on the River Almond there were stretches where it was impossible to fish without the worm and anglers might be lost there. JS suggested that if the point was to avoid deep hooking it might be more effective to ban treble hooks generally.

CMN also felt a worm ban would alienate a type of Tay angler, particularly older more experienced anglers who were more used to the method.

IW was not in favour of worming. The Tay was an outlier among Scotland's bigger rivers. The owners and ghillies on the beats he manages would accept a ban even though there would be some short term impact.

RW considered it wholly inappropriate to be worming in the autumn. The current policy was clear there should be no worming after end August. Fish should be protected for the future. He was in favour of more forceful implementation.

JN added that some anglers were put off by worming and might not fish where worming was allowed. IW noted that even given the Tweed is fly only after 14 September it doesn't put anglers off fishing there.

NT was interested in whether the perception of worm fishing was different from reality. She suggested we should be seeking factual evidence. Were more fish killed on the worm and could this be mitigated with tackle? CMN said she could provide detailed information on the what every fish is caught on and whether killed.

AP declared no personal expertise in the subject, but agree that, if records exist, they should be investigated and perhaps a trial might be conducted in 2022.

TM noted the divergence of view, but suggested gathering evidence would be a sensible way forward. DS agreed because in any application to Marine Scotland, supporting evidence would be desirable. The Board agreed information on actual worming use should be gathered.

Action
IM / DS to contact proprietors and request data on numbers of fish caught by method and whether released or killed.

Regarding the 2021 Catch and Release flyer which had been circulated as a reminder, NT drew attention to the section on Safety. She cautioned against going into specifics, because once the Board gives recommendations it is accepting responsibility.

It was agreed that DS would have a run through the 2022 catch and release flyer, picking up NT's point and any others and circulate to all Board members for final sign off.

Action
IM /DS to revise wording on flyer regarding safety and circulate to Board members for sign off.

Marketing update

AW presented her report, which had been circulated previously. She explained she had set up an Instagram account and put some more material on Facebook where previously there had just been weekly fishing reports. There had been good growth in followers on both since. She intended putting on more material which she had been collecting from staff and taking photos and videos of them at work. Social media posts will be blended with the new website.

She expressed surprise at the reaction by some followers to some Facebook posts, particularly one regarding an STV end of season interview with DG and DS.

In reply to a question AW explained that any written posts are first approved by DS. She would welcome any suggestions and material for social media or the new website.

TM thanked AW for her work.

Action
All send suggestions for social media and the new website to AW.

Annual report

DS explained work on the Annual Report had commenced. The Board's Annual Report is a statutory requirement and had to meet certain criteria including being issued as a draft which could be amended by the Annual Meeting or Proprietors. Hence, it was not a glossy expensive document. He explained that the contents would broadly follow the previous year's; a Convener's report, a general report on activities and news over the year, fish counter results, statutory governance report, minutes of the Annual Meeting of Proprietors and accounts. There was usually space for a few longer articles but this would be constrained this year as the minutes of the Triennial Election would take up space too. He suggested a piece on the Management Plan, explaining the rationale, results of consultation and progress to date. TM had previously suggested a section summarising Marine Scotland's river categorisation process and if possible a piece by the Assessor explaining how rateable values are calculated. TM explained he wished to see positive stories in the Annual Report and should also include the River Eden fish rescue described in MB's report.

Board members were invited to provide suggestions for articles. DS would circulate a note to this effect.

TM then invited MS to raise the issue of potential sponsorship of the Annual Report. MS explained he had been in contact with a potential corporate sponsor for the Annual Report, to produce a more professional coffee table type report. There was support for this principle. DS noted that in the past a business had paid for the printing with a back-page advert.

NT noted that the sponsor should be appropriate and a graphic designer would also be required. The first report will be more costly therefore. DG noted that funding should go through the TRT who would need to share the report. It was agreed that MS would liaise with AW and obtain ball-park prices. It was noted an online only version would be cheaper.

Action
DS to circulate suggested Annual Report contents with request for ideas. MS to liaise with AW and obtain indicative design and printing costs.

AOB

There were no other items of business.

The Convener suspended the meeting for 15 minutes before a closed session commenced where information of a confidential nature relating to individuals was to be discussed.