TAY DISTRICT SALMON FISHERIES BOARD

MINUTES FROM MEETING

7pm Tuesday, 9th August 2022

Present:	David Godfrey (Chairperson), Claire Mercer Nairne (CMN), Jerry Saunders (JS), Nicola Thompson (NT), Bobby White (BW), Andrew Parrott (AP), Calum Innes (CI), John Nevin (JN), Mike Smith (MS)
In Attendance:	Dr. David Summers (DS) Fisheries Director, Inga MacGillivray (IMacG) Clerk to the Board, Anne Woodcock (AW) Marketing & Media (via Zoom) 4 members of the public at physical meeting and 11 members of public via Zoom

The meeting was held in person, with Zoom access for those unable to attend the meeting in person.

IMacG explained that the meeting was a normal Board meeting and not a public meeting as had been intimated elsewhere. She stated that all members of public were welcome and present as observers only. Should they have any queries they should forward these to herself, DS or a Board member.

She further stated that her main duty was to record the Minutes of the meeting, and although she would check on Zoom participants periodically, there could be some delay in responding if they encountered any issues.

1. **Apologies**

   Apologies were received from Toby Metcalfe (TPM) Convener and Nicki MacIntyre (NMcI) NatureScot Representative.
   IMacG stated SEPA had not named Calum McGregor's successor.

   ACTION: IMacG to chase SEPA for representative to attend Board meetings.

2. **Ericht Sub Committee Presentation**

   JS thanked the Board for allowing the group to present and stated he was looking for Board support. He explained that the Ericht was an area of the catchment in crisis and was not just a tributary, but a hugely important river in its own right.

   (CMN and CI entered the meeting)

   JS stated that drought conditions had increased, with low water flows and raised temperatures. This had contributed to some very distressing sights. He explained that over the years many people had worked hard to try to solve the crisis, most notably DS and Grant Kellie.

He proposed a fresh, progressive approach by forming a working group to include Blair & Rattray Angling Club & TDSFB. The main objective would be to improve communications with SEPA, Perth & Kinross Council, the fish farm, NatureScot and Scottish Government.
JS suggested this could incur significant costs in the form of engineers, hydrologists and others. He stated that the Tay Rivers Trust had agreed to endorse the project and that work was already underway on a PR strategy and media plan thanks to the work of AW.
He stressed the river required moving category from moderate flow to good flow under SEPA's categorisation system.
JS offered his sincere thanks to the Blair and Rattray Angling Association, and to the proprietors who had helped with the recent smolt shepherding exercise, with special thanks to CMN.

ACTION: JS to provide Board with copy of the Ericht presentation.

JS suggested a holistic approach to include issues such as beaver damage and pollution. He commended Grant Kellie on his work regarding the pollution issues.
The Chairman commended the initiative and stressed that he thought DS should be involved as much as possible. JS replied that DS was on the sub-committee, along with himself, the Convener and TDSFB Operations Manager, Mike Brown, all as TDSFB representatives.
The Chairman stressed the need for a SEPA representative on the Board.

CMN stated there would be a similar problem next year and suggested trapping and trucking the endangered fish if this were legal. DS replied it was legal, but the main problem would be mortality rates. He explained that although the sight on the Ericht during drought was distressing, the mortality rate was very low if the fish were left in their environment. From experience, he stated that trapping and trucking fish caused a higher mortality rate due to stress imposed on the fish from netting and damaging the fish, as well as moving them.

There was some further discussion with AP suggesting a strategy paper be drawn up, identifying 3-4 deliverables, a critical path and outlining what actions agencies would be required to take. Gavin Robertson (member of Ericht sub-committee) explained this approach had been built into the process.

(a member of the public entered the meeting via Zoom)

The Board unanimously agreed to endorse the proposal.

3. Declaration of Interests Update

There were no new declarations.

4. Minutes of Meeting held 7th June 2022

The Minutes had been circulated prior to the meeting and were taken as read. ALL agreed they showed a true and fair reflection of the meeting, and the Chairperson signed a copy of said Minutes.

5. Report on Matters Arising from Meeting held 7th June 2022

The report had been circulated previously and was taken as read.

6. **Financial Report**

The Financial papers had been circulated previously and were taken as read. IMacG presented the financial situation which showed a bank balance of £120,279 to 3rd August 2022 with a net deficit of (£181,220) to date. She explained the assessment invoices had been sent out w/c 18th July 2022 and were being paid steadily, which would obviously alleviate the deficit.

She stressed that the Board were in little danger of running out of funds as had been suggested, as the invoices had now been sent out and proprietors were legally obliged to pay. She explained the main areas of income and expenditure and stated the budget and 3-year plan had recently been sent out for consultation.

NT updated the Board on the staff contract situation.

JS thanked IMacG for her reports and enquired about the costs of handling complaints and EIR requests. He was concerned about the rising cost to proprietors.
NT stated that the Board's senior staff resources were stretched and suggested they submit a workplan to the Board for agreement on what tasks they should prioritise. The Chairman stressed the main priority should be maximising fish numbers in the river.
MS added it would be useful to discuss complaints once they were finalised in order to learn from the experience. IMacG added that opportunity costs should also be considered in the equation, namely the opportunity cost of the Board's time being diverted from river issues.

ACTION: IMacG to provide costing for her and DS time spent on complaints

The Chairman asked if the SSE payment was index linked, to which IMacG replied it was.

DS intimated that the consultancy income would increase slightly for the year as the team had undertaken a fish rescue on the Eden and Connonish for Network Rail.

(a member of the public entered the meeting via Zoom)

The Chairman asked if the fish rescues were invoiced at cost. DS replied they were not invoiced at cost, but a rate of £300 per day plus fuel charges, which worked out above cost.

CMN asked if the insurance figure could be reviewed. MS offered to help with this.

ACTION: IMacG to email insurance schedule to MS
ACTION: MS to obtain insurance quotes

7. **Director Report**.

DS advised he had been on annual leave and would therefore deliver his report orally.
Eden breached SEPA's low flow threshold:
DS explained the Eden had triggered SEPA's low flow threshold and this was the first instance of this happening. Farmers had been forced to cease irrigating their crops, and the National Farmers Union (NFU) had contacted Michael Mathieson (MSP) for support.
DS had contacted SEPA and there were concerns regarding vegetable shortages next year. DS had stressed that the Eden salmon were all now in the river and that the situation could wipe out a whole year class. He added that the Tweed was only 4 days away from a similar situation.

CMN added that abstraction by farmers took a lot less water than abstraction from fish farms. DS replied the problem was with the number of farmers abstracting water from the system. In some places he added, the abstraction by farmers was the equivalent of 50% of water flow.

ACTION: DS to update the Board on Eden situation as it unfolds

Bird Licence:
DS advised the bird licence had been submitted. He explained that the licence application had caused issues in prior years due to timing difficulties. The current licence application would last until end April 2023

JS asked if BW's efforts with bird counting data had been of benefit. DS replied that indeed the licence numbers had increased as a direct result of the work put in by BW and his team of ghillies and volunteers.

AP asked if avian flu had made an impact, to which DS replied he didn't know.

MS stated it was essential to get an accurate count and suggested counting from Dunkeld bridge to Meikleour and applying a matrix to multiply out numbers. The Chairman praised the work of BW and his team whilst acknowledging there would be choke points in the count. He added that MS's suggestion would be incorrect scientifically, whilst BW was the correct way to go and took an accurate snapshot of the river at a given time.

DS stated the smolt shepherding carried out by JS and team on the Ericht had been of benefit when dealing with NatureScot. He added that over much of the Tay, bird numbers had not fluctuated much but there was a larger count at Scone. He praised the local volunteers for conducting the counts.

Broodstock Application:
DS advised the application had been submitted.

Beaver Meeting:
DS had met with NatureScot and a group including beaver experts from around the world (such as USA and Germany) regarding the introduction of beaver gates. He explained the principle involved a hake or screen with side fencing to prevent beavers from migrating in particular areas. These could be removed temporarily to allow fish passage. He added that farmers on the Isla were becoming increasingly vexed with beavers damming up tributary rivers.

Shochie Dam:
DS advised he had met with NatureScot regarding the Shochie Dam. This had been blocked by a very large beaver dam. DS would apply for a licence for its removal as it blocked a whole river. He added that it would be very difficult to get machinery into the area to aid the destruction of the dam.

Seal Licence:
DS explained he had appealed the outcome of the seal licence application. He added that most other board licences had also been rejected, except that of the Nith. NatureScot had submitted an application based on salmon conservation, which was pending.

FMS Training Day:
DS explained that FMS had arranged a training day at the hatchery for police, environmental procurator fiscals and fisheries officers. The TDSFB staff had been able to impart valuable knowledge to the group on fish and poaching issues. The day had been a success.

NASCO Meeting:
DS had attended a NASCO (North Atlantic Salmon Conservation Organisation) meeting. They had met at the River Garry and also travelled to the Spey to witness their habitat works.

Fillan Embankment:
DS reported the Fillan embankment project was slowly progressing, with SEPA agreeing no charge for the required CAR licence.

Management Plan:
DS stated the Tay Rivers Trust had agreed projects they could be involved in and were currently working these up into viable initiatives.

Lunan Habitat:
DS reported slow progress on the Lunan tree thinning project. He added this may be an issue as it went against the grain of the current tree planting movement.

JS asked if the broodstock licence application figures would push the hatchery to capacity. DS explained that broodstock numbers had been an issue in prior years due mainly to weather conditions and resource issues. He stressed volunteers would help with the latter issue. The Chairman agreed the Operations Manager and his team required help with broodstock fishing.

AP asked if DS had any engagement with contractors building the bridge over the river near Perth. DS suggested there could be sediment impacts and cited the case of the Dee experiencing pollution when the bypass was under construction. In that case, SEPA received thousands of pounds from the contractors and the Dee Trust received money.
AP asked if the contractors had mitigated the risks for the Tay. DS replied that SEPA were leading on this as the TDSFB were under resourced. He added it would be beneficial to have people on the ground monitoring the situation.
JN suggested there could be funds available to install a fish counter. DS replied this would be a challenging project. He explained that the Deveron had tried to install a counter, and they were a much smaller river than the Tay. The software in that case had failed and his research into the subject suggested the area was very untested. DS questioned what could be gained from installing a fish counter on the Tay. He had investigated the feasibility and was concerned about accuracy (eg same fish being counted multiple times as it crossed the counter). He was also concerned about the size of the River Tay, explaining that the counters were usually based on a sonar device which required a conical river channel. Most of the areas on the Tay suitable for a counter were square in shape and therefore some data may not be detected. Added to this, advanced software would be required to determine whether a shape was a fish or not. Indeed, DS added, Marine Scotland and others had looked at fish counters but had concluded that the technology was not well developed.
JN stated the contractors would be willing to donate some money. DS replied that their money could well be spent more effectively elsewhere.

8. Operations Manager Report
The Operations Manager report had been sent out prior to the meeting.

Scale Samples:
MS asked if he should submit scale samples from his smoke house to DS for sampling. DS said this would be beneficial if he could. MS suggested asking other beats for scale samples. DS replied that the most beneficial samples would be from lower down the river from a fresh run and that accurate length and weight data should also be given.

Blairgowrie:
JS asked DS to formally thank the staff for their time spent regarding Blairgowrie issues.

Reporting Fish abnormalities:
A member of the public expressed his concern regarding the condition of spring fish especially at Fishponds and Islamouth. He had seen fish with serious tail damage, missing gills, lack of spots and there seemed to be a high concentration of them.

DS stated the protocol for such instances was to record all fish systematically and report to Marine Scotland. Furthermore, it would be helpful to include photographic evidence to avoid any ambiguity. He stated Marine Scotland would investigate any issues.

9. Hatchery Report

ACTION: IMacG to ask CD for Hatchery report and circulate to Board members.

10. Health & Safety Report
DS advised there had been no reportable incidents since the last meeting. MS asked if the Fisheries Officers had body cameras, to which DS replied they did.

11. Tay Rivers Trust Update
Projects:
CI reported that the TRT was focussing its efforts on a list of projects which had been identified and agreed upon. They were now looking towards employing a Fundraising/Project Development Manager.

Road Repairs:
CI stated that another repair design was being sought due to rising costs.

Ballantine Dinner:
CI gave a brief update on the Centenary Ballantine Dinner to be held on Friday, 7th October 2022. JS stated the tickets were now all sold, and the main focus was gathering auction lots. He explained that AW had almost finalised an infographic which showcased the projects that the dinner would help raise funds for.

ACTION: IMacG to circulate the infographic to the Board
ACTION: ALL Board members to assist with auction lots if possible and pass on all details of lots to AW

TDSFB/TRT Lease:
CI explained that the lease agreement was outstanding but had been agreed in broad terms by both parties. He added that this presented no risk to the TDSFB as the "tacit relocation" doctrine had been employed ie the lease automatically repeats unless one of the parties signals they do not want this to happen.

JN asked if the lease was a minute of agreement or a full lease. CI replied the lease was old and required renewing. This would require heads of terms to be agreed and lawyers to formulate and update the lease agreement.

12. TRT/TDSFB Memorandum of Understanding Update

CI stated the MoU had been agreed by both parties and required signature.

ACTION: IMacG to arrange signature of MoU by both parties.

13. Marketing Update

IMacG circulated the marketing report produced by AW in paper form and proceeded to present it. The main points to note were as follows:

- increase in visitors to the website (July being the best month with 1,690 visitors)
- mobile phone version of website is performing poorly (AW has emailed the IT team to fix)
- Facebook reached 24,492, an increase of 151%
- Instagram reached 1,277, an increase of 210%
- Satisfaction survey and 3-year plan consultation were launched via an online survey app.
- Publicity – Trout and Salmon magazine has agreed to a 12 page feature on Georgina Ballantine in the September edition.
- Fundraising dinner sold out in 48 hours and guests include Robson Green, Jim Murray, Sarah Parish and Paul Young

CI, JS and the Chairman commended AW on her hard work.

14. AOB

Taymount Timeshare Issues

MS explained he had been sent an email from the Taymount Timeshare Committee which they wished to be discussed at the Open section of the meeting. He stated that, amongst other things, Taymount Timeshare would like to see agenda items 15, 17, 18 and 19 discussed under the open section of the meeting as they thought these items were not of a commercially sensitive nature.

NT explained that item 15 (Acting/Vice Convener Discussion) was not appropriate to be discussed under the open section, as the Convener was currently on sick leave, and it was not proper to discuss such matters in an open section of the meeting.

IMacG explained that she had taken legal advice on item 17 (Debtors Update) and had been advised by the TDSFB legal team that debtors' details could be circulated to board members but must not be circulated to the general public. Therefore, she urged the Board to heed the legal advice given.

IMacG explained that item 18 (Complaints handling) was an internal board policy and procedure matter. Policies were usually discussed and agreed by the board prior to publication, which would happen in any commercial situation. NT backed this up.

MS continued with another list of Taymount Timeshare Committee queries and suggestions. The Chairman suggested MS forward Taymount Timeshare Committee's email to IMacG so they could be dealt with properly.

ACTION: MS to forward email from Taymount Timeshare Committee to IMacG

Complaints Procedure – Right of Appeal:

JS updated the Board that he had been in touch with FMS regarding the Board's decision to include a right of appeal in the complaints procedure. This had led to a discussion surrounding the Salmon and Freshwater Fisheries Act which was rather silent in terms of guidance on governance. JS had asked for a commitment from FMS to amend the Act to make it more helpful.
NT agreed this would be a good idea and would need to be applied to all Boards.

The Chairman thanked everyone for attending and the Open section of the meeting came to a close.

The following items were discussed in private by the Board due to the fact they are of a commercially sensitive nature.

15. Acting/Vice Convener discussion
16. Minutes from Closed section of Meeting held 7th June 2022
17. Financial Report – Debtors Update
18. Complaints handling
19. Co-optee Update
20. Poaching on Shee/Ardle/Ericht
21. AOB

End of Open Meeting Minutes

The next meeting will be held on Tuesday, 25th October 2022 at 10am