

## Fish & Fisheries Advisory Group meeting

28 February 2017, 1015-1430  
Strathearn House, Perth

### Minutes

#### Present

Richard Fyfe (RF) (Chair)	SEPA
Eilidh Johnston (EJ) (Minutes)	SEPA
Joyce Carr (JC)	Scottish Government
Rob Mitchell (RM)	SEPA
Colin Bean (CB)	Scottish Natural Heritage
Colin Adams (CA)	University of Glasgow
Alan Wells (AW)	Fisheries Management Scotland
Alistair Duguid (AD)	SEPA
Simon Dryden (SD)	Scottish Government
John Armstrong (JA)	Scottish Government Marine Scotland Freshwater
David Summers (DS)	Tay District Salmon Fishery Board
Kjersti Birkeland (KB)	SEPA

#### Apologies

Roy Richardson (SEPA)  
Graeme Storey (Environment Agency – corresponding member only)

No.	Item	Action by
1	<b>Welcome and introductions</b>  RF welcomed everyone to the meeting, and round table introductions were made. Simon Dryden was welcomed to his first meeting, and Rob Mitchell's change of role was noted.	

<p><b>2</b></p>	<p><b>Programme of measures for RBMP2</b></p> <p>EJ gave an update presentation which recapped the published RBMP targets, demonstrated the supporting web tools and highlighted key delivery approaches on fish barriers and rural diffuse pollution.</p> <p>RM gave a verbal update on the Water Environment Fund, noting that it is now focused strongly on identified priority projects to ensure fish passage and improve physical condition. More information is available on the <a href="#">WEF webpages</a>.</p> <p>EJ/RM outlined the scoping approach that is being used to develop the programme of measures on improving fish passage. This scoping work involves a visit and report by SEPA's fish ecologist, hydromorphologist and a co-ordinator. This will help to prioritise work and ensure that options appraisal and design work is focused. This approach is being applied to asset and historic barriers.</p> <p>The group discussed the following issues:</p> <ul style="list-style-type: none"> <li>• Potential to link fish barrier removal work with Marine Scotland work on fish counters (JA). It was noted that AD's involvement in the fish counter work could help to make these links. JA also raised the potential to consider conservation gradings as part of this scoping work. It was emphasised that scoping was taking place on barriers which had already been prioritised prior to the 2<sup>nd</sup> RBMP, and that fishery priorities from RAFTS and other stakeholders concerns had been an important part of this.</li> <li>• How best to involve fishery trusts and boards in fish barrier scoping exercises. EJ noted that the visits had usually been discussed with fishery contacts, and that some visits were attended by trust biologists. AW offered to assist with contact information if needed.</li> <li>• Questions about how the review of hydropower licenses will be taken forward. It was agreed that a short paper on fish barriers, including the hydropower licensing process, should be prepared to clarify these issues.</li> </ul>	<p><b>AW / EJ</b></p> <p><b>RF</b></p>
<p><b>3</b></p>	<p><b>Wild Fisheries Reform</b></p> <p><b>Policy update</b></p> <p>SD outlined what has been ruled out from the reform process consultation (introduction of rod licensing, wild fisheries levy, proposal to make killing of freshwater fish a criminal offence) and what is being taken forward (national wild fisheries strategy, new bill). It was noted that the new bill will not dictate fishery management areas or organisations, and that the existing management structures will remain.</p> <p>He explained that Scottish Government supports and encourages mergers of fishery management structures where appropriate, and that some discussions are underway. It was noted that the remit of Boards has not been extended to all species, or angling regulation, although there is scope for Boards to work on all species.</p> <p>Fishery Management Plans remain a Board responsibility, and are a key vehicle to join national and local objectives and evidence. They will require Ministerial approval.</p> <p>A Fishery Management Plan template is being developed for web use. It will be trialled by a representative group of Boards before going live.</p>	

	<p>Key areas of work are therefore:</p> <ul style="list-style-type: none"> <li>• Working on voluntary mergers of fishery organisations</li> <li>• Moving the FMP template and process forward</li> <li>• Developing conservation measures for pike</li> <li>• Developing a regulatory 'wish list'</li> <li>• Reviewing stocks and considering protection orders</li> </ul> <p>In the group discussion which followed, it was noted that:</p> <ul style="list-style-type: none"> <li>• FMPs do not have to cover any species except salmon. However, there is potential to request powers for local conservation measures which apply to other fish species.</li> <li>• FMPs are the statutory responsibility of Boards, but it is expected that most will work with Trusts to deliver them.</li> <li>• There are areas with no fishery organisations, some of which are complex areas which would benefit from a FMP.</li> <li>• There is a need for a joined up process for FMP development, involving SNH, SEPA, MS.</li> <li>• Action: Marine Scotland to keep SEPA and the FFAG group appraised and involved in the FMP process as appropriate.</li> </ul> <p><b>Role of Fisheries Management Scotland</b></p> <p>AW gave an update on FMS, which was established in November 2016 (see website at <a href="http://fms.scot/">http://fms.scot/</a>). It represents all Boards and Trusts, has two staff members and a Board which represents organisations from across the country. It will also establish committees on key topics.</p> <p>He highlighted key policy links and future areas of work. A copy of the presentation may be available on request.</p> <p>AW emphasised the need for good communication with the fishery sector, and the role that FMS could play in this. He particularly noted the potential for SEPA to work more closely with bailiffs, and it was agreed that this should be considered further at the next FFAG meeting.</p>	
4	<p><b>Classification and regulation of fish barriers</b></p> <p>AD gave a presentation on classification and regulation of fish barriers. This is summarised in the short paper provided at Appendix 1 to these minutes.</p> <p>Actions:</p> <p>It was agreed that SEPA should give a clear statement on classification and regulation to the sector, specifically addressing the suggestion that we only aim to make a structure passable for 21% of fish.</p> <ul style="list-style-type: none"> <li>• FFAG members identified scope to work jointly on restoration, by identifying good status for adult fish, and for making links between RBMP classification and adult conservation limits.</li> <li>• It was agreed that a project on Best Available Techniques for ensuring fish passage and smolt trapping should be developed, with input from group members.</li> <li>• SEPA also needs to clarify any implications of this for the Directions on classification.</li> </ul> <p>AW also requested further information on how to determine proportionate costs for an</p>	<p>AD</p> <p>JV/AD</p> <p>AD</p> <p>AD</p>

	<p>operator. It was noted that this requires third party input. It was agreed that guidance on disproportionate costs and technical infeasibility in relation to barrier removal should be prepared.</p>	<p>RF / EJ</p>
<p>5</p>	<p><b>Fishery trust workshops</b></p> <p>EJ explained that SEPA held a series of positive workshops with the fishery sector during the first RBMPs, and that this had improved our data and joint working with fishery trusts. It is planned to repeat this engagement by holding a series of workshops to give a breakdown of local RBMP targets, demonstrate our information tools and build links between fishery management plan and RBMP priorities. The aim is to hold 5-6 of these workshops before the summer.</p> <p>EJ asked for advice on the agenda for these meetings, appropriate geographical distribution, and communication support or attendance by FFLAG member organisations.</p> <p>AW offered to communicate with members, and the group advised that meetings should be scheduled for early summer. It was noted that it would be important to ensure a workshop approach rather than simply presenting information.</p> <p>It was agreed that EJ would circulate a more detailed plan of meetings, with dates and an outline agenda, so that FFLAG members could send representatives if relevant.</p>	<p>EJ</p>
<p>6</p>	<p><b>Research update</b></p> <p>CA gave a presentation on fish telemetry studies being carried out by SCENE, focusing on the use of acoustic telemetry.</p> <p>He outlined the following studies:</p> <ul style="list-style-type: none"> <li>• Research on smolt migration through large standing waters, using a receiver array at Loch Lomond. This showed a high mortality rate between the Endrick and the Lomond, with surviving fish then using complex routes across the loch. This study will be expanded to the Conon catchment in spring 2017, with 3 acoustic loch surveys covering the Garve, Meig and Achonachie. This study will compare passage through natural lochs and those with a hydro impoundment, and will track the behaviour of smolts close to loch outfalls.</li> <li>• Coastal behaviour of sea trout – studies in Clyde Estuary and Skye sea lochs. The Clyde study used navigation buoys to monitor sea trout behaviour, and showed that the majority of fish movement was short distance. The Skye studies are due to begin in Spring 2017 and will instrument the Snizort and Greshornish sea lochs. This will consider the behaviour of sea trout around aquaculture sites, and will also consider links between behaviour and sea lice burden.</li> </ul> <p>Further research projects on powan tracking is due to start in autumn 2017, and there will be data analysis of arctic charr studies. Publications relating to brown trout and low head fish passage research are also planned.</p> <p>RF thanked CA for his presentation, which was of great interest to the group. There was some</p>	

	<p>discussion about the impacts of the acoustic tags on fish mortality and movement, and questions about how local fishery trusts are involved in these research projects.</p> <p>Discussion then took place on the need for future updates to FFAG on research activity across Scottish freshwater fisheries and it was agreed that JA would provide a research update to the next meeting.</p>	
<b>7</b>	<p><b>Previous minutes and actions</b></p> <p>The previous minutes were approved subject to a minor correction requested by AW under item 3. These will be published on the FFAG webpages. It was agreed that notes of this meeting would be agreed by correspondence promptly after the meeting.</p> <p>Please see the appended action log for updates on actions 26, 29, 30, 31, 32 and 33.</p> <p>AOB – no items. RF thanked all members for their attendance.</p> <p>Date of next meeting was provisionally set as <b>Tuesday 20 June</b> in Perth. This will include items on revised MImAS tools, forestry policy and acid monitoring, Marine Lab research update (particularly temperature monitoring).</p>	

**Fish & Fisheries Advisory Group – Action log (showing new, updated and outstanding actions only)**

<b>Action number</b>	<b>Action</b>	<b>Owner</b>	<b>Date to be completed</b>	<b>Update</b>
26	List the ecologists who were involved in developing MImAS Module 3 sensitivity (ecological)	CBR/RR	June 2015	Closed
29	Provide a summary of diffuse pollution standards with SEPA chemistry, and check whether research is being carried out	AD	March 2016	Closed. Noted RF had provided further information on this.
30	Add monitoring item to FFAG agenda in 2016	EJ	March 2016	Closed. Restoration projects and monitoring plans have undergone significant change since this item proposed.

31	Provide further information on the EA's work on developing standards for monitoring fish passes, which defines key principles	AD	March 2016	Ongoing. Noted that common standards had been developed and feedback given, but not published yet.
32	Consider how to engage further with asset owners as part of RBMP implementation	EJ to give update	March 2016	Closed. This discussed through meeting agenda.
33	Review the IBIS research programme and identify projects of interest for future presentations by CA or students.	All	March 2016	Closed. No feedback received.
34	Contact FMS where fishery trust contacts are needed for scoping study programme.	EJ / AW	Ongoing	
35	Prepare a short paper on fish barriers, including the hydropower licensing process, to clarify how review of licenses will be taken forward.	RF	May 2017	
36	Marine Scotland to keep SEPA and the FFAG group appraised and involved in the FMP process as appropriate.	JA		
37	Give a clear statement on classification and regulation to the fishery sector, specifically addressing the suggestion that we only aim to make a structure passable for 21% of fish.	AD / RF	March 2017	Complete – provided with draft minutes March 2017.
38	Look at how conservation limits could be applied to status assessment for adult fish.	JA/AD	May 2017	
39	Carry out external review of Best Available Techniques for smolt trapping and ensuring fish passage.	AD / others from FFAG	Tbc	
40	Clarify any implications of discussions re fish barrier classification for the Directions on classification.	AD	May 2017	
41	Provide further information on determining disproportionate costs and technical infeasibility relating to fish barriers.	RF / EJ		

42	Circulate a more detailed plan of engagement workshops, with dates and an outline agenda, so that FFAG members can send representatives if relevant.	EJ	March 2017	
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## Appendix 1 – Short paper on classification and regulation of fish barriers

Alistair Duguid (SEPA) gave a presentation, followed by an extensive discussion, on the classification and regulation of fish barriers, including hydro generation. SEPA highlighted the “one out – all out” principle of classification of ecological status under the WFD. A failure to achieve Good status in any one of the elements used for classification (fish passage, fish ecology, invertebrates, plants, water chemistry etc.) means that the water body fails, i.e. the status defaults to lowest quality element. Fish ecology and fish barriers are separate classification elements, which use different tools. “Fish ecology” is classified using data from electrofishing surveys, while the fish barrier classification can be carried out solely on the basis of information on barriers.

The UKTAG classification standards and the Scotland River Basin District (Standards) Directions 2014 were specifically discussed in relation to a severe impairment of fish movement. This is relevant because only barriers defined as a “severe impairment” can be directly considered by the fish barrier tool assessment. Severe impairment is formally defined as a barrier where “more than 80% of any one species of fish that would otherwise be able to move upstream to, or downstream from, the river or part concerned are, in SEPA’s view, unable to do so because of man-made barriers to the movement of that species”. Where a barrier falls into this category the waterbody(ies) affected can be downgraded without the need for data on fish populations.

In River Basin Planning, failing classification results need to be explained by identifying a pressure, which then leads to an associated measure designed to ease the pressure and restore the ecological status to good. This applies to all elements, including fish ecology. Fish passage issues can be used to explain failing fish ecology results upstream, even if the barrier itself does not meet the definition of severe impairment of fish movement described above.

In other words, where a barrier is clearly totally impassable, or almost impassable, and is blocking off sufficient amount of habitat, this will immediately trigger a classification downgrade and associated consideration in river basin planning. Where a barrier is less severe, but has the potential to cause problems, action can still be taken, but this requires more direct evidence showing that an impact exists and that this is being caused by the barrier.

The difficulty of defining what successful restoration might look like was also discussed. SEPA specifically emphasised that the directions **do not** mean that a passability value of 21% is the target. Instead, targets would be related to measures required to restore fish population upstream to good status. In practice it will be difficult in some circumstances to predict what might be required to achieve this, and SEPA expressed interest in discussing with MSS the possibility of coordinating with the Conservation Limits/ egg deposition process to possibly determine good status for adult fish.



This would need to be explored with regard to the read across to WFD standards, as such an approach is not currently used. In some other cases, SEPA believes that the application of a Best Available Technology, or Best Practicable Means approach might also be required to produce appropriate targets, and asked the FFAG for views on how this might best be taken forward.

SEPA also emphasised that for all new CAR licences, relevant best practice for fish pass design is expected where the development has the potential to impact on fish migration. This would be expected to follow, as a minimum, the guidance provided in the EA fish pass manual, and would be expected to provide an appropriate level of protection to maintain good fish populations.

AW emphasised that clarity was required on this issue, both for the wild fisheries sector and for developers, as this was causing significant concern at a local level. SEPA agreed to circulate a short paper clarifying this point and to clearly minute this point. This note is intended to address this action point.