

# **Kyle of Sutherland District Salmon Fishery Board**

## **Minutes of Ordinary Meeting**

**Tuesday 23<sup>rd</sup> June 2015, 9.30am**

**Kyle Fisheries Office, Ardgay**

### **Present**

Robbie Douglas Miller, Chair (RDM)  
Michael Hasson (MH)  
Alex Hunter (AH)  
Alistair Mathers (AM)  
William Paterson (WP)  
Richard Sankey (RS)

### **Attending**

Audrey Campbell, KSDSFB  
Gary Gruber, Skibo (GG)  
Tom Inglis, KSFT (TI)  
Alasdair Laing, ASFB Chair (AL)  
Steven Mackenzie, KSFT(SM)  
David Rankin, Benmore (DR)  
Andrew Wallace, RAFTS Chair (AW)  
Keith Williams, KSDSFB (KW)

### **Apologies**

John Green  
Nicky Griffiths  
Ashe Windham (co-optee)

### **Absent**

George Skinner (co-optee)

### **Welcome**

RDM welcomed everyone to the meeting, introducing Andrew Wallace, Chair, Rivers and Fisheries Trusts and Alasdair Laing, Chair, Association of Salmon Fishery Boards. Apologies were noted. RDM informed everyone that there had been a Joint Management Group meeting since the last Board meeting, minutes are available in Dropbox.

### **Minutes of meeting held 13<sup>th</sup> March 2015 – Approval and adoption**

Minutes were approved as accurate without comment.

### **Matters arising**

1. Still to be completed.
2. There appears to be no consensus, people are still looking at their options.  
AH had previously suggested a Declaration of Trust. KW spoke to Tom Murray, Gillespie McAndrew, who cautioned against this. KW is meeting with Tom shortly and will report discussions to the JMG. RDM asked if the Board were content for the JMG to produce a paper listing assets and options for safeguarding them. This was agreed. Any movement of netting rights would have to be done in such a way that angling and netting for scientific purposes is allowed to continue. It was noted that, as a competent entity, the Board can make decisions about their own assets without seeking approval from the proprietor group.
3. AW advised that ASFB/RAFTS are currently using the same firm to answer various questions. AW will furnish Boards with a list in order that we can make sure we are not asking for advice they are already receiving.
4. Complete.
5. Consultations are ongoing. KW will keep everyone updated and urged everyone to respond as individuals where possible.
6. KW was unfortunately unable to attend the last MFSMG meeting. It is hoped there will be another shortly. The licence quota is now severely limited and unfortunately this is unlikely to change without evidence of serious damage. As there have been reports of damage this

year, RDM suggested this be discussed at the next ghillies meeting, requesting that photographs be taken of every damaged fish and sent to the Board.

7. Complete
8. As discussed at yesterday's Trust meeting, there is a need to establish who owns what in the Kyle area before permissions can be sorted out. With regard to the problem of Sunday fishing, bailiffs have been talking to anglers and advising them of the law. The previous assumption that these are mainly local people has been found to be incorrect. RDM wished to take as many steps as possible to prevent illegal fishing, using prosecution as a last resort. He suggested that an information leaflet be produced to be handed out by bailiffs. Proprietors also need advice. AM pointed out that in addition to telling anglers where they cannot fish, they should be directed to areas where they can.
9. Ongoing
10. Complete
11. This resulted in Cornhill coming forward with their contribution. Jonathan Mason made an approach to Gledfield Estate who have stated that they are not interested. The appeal is currently £23,750 short and the Board have used all their reserves. It is most disappointing that three major estates who enthusiastically supported the proposal to purchase have either failed to pay their promised contribution or have only partially paid. Fundraising will continue until all pledged amounts have been paid.
12. Carried out as part of RBMP consultation exercise. On the whole classifications were fine, however Loch Shin tributaries varied considerably. KW intends to discuss this at a meeting with SEPA on 1<sup>st</sup> July. It is important that the classifications are correct as this is SEPA's driver to address problems.
13. KW spoke to Simon who did have some concerns. KW assured him that the Kyle will endorse any objections or expressions of concern put forward by the Cromarty Board.

#### **Declarations of Interest**

RDM - Upper Shin Smolts, Loch Shin aquaculture.

#### **Complaints**

None received

#### **Health and Safety**

No incidents or near misses.

#### **Governance and Oversight – KSF/POL/18 to 33**

The above policies were all due for review. As no difficulty has arisen in applying any of the policies and Board members had no suggestions for amendment, these were all approved. AC will append all policies with a note to that effect and update the register with the next review dates.

#### **Directors Report**

##### Staffing

The rationalisation of staff terms and conditions has been almost completed. RDM has concluded all but one contract renegotiation and he asked for permission to refer back to the JMG for further consideration. This was agreed.

##### Enforcement

There seems to be an upsurge in illegal activity in neighbouring catchments. If ghillies catch a net marked fish it must be reported immediately to the bailiff team. One net was recently seized by bailiffs although it did not appear to have been used for some time. An incident involving potential breaches of fisheries legislation at the Loch Buidhe substation construction site has also occurred. SEPA have also been informed of this incident.

SM would like to see more boat patrols. KW will be starting canoe trips this week in addition to scheduled boat patrols.

There has been an issue with anglers fishing in the tailrace of the Inveran power station. SSE have plans to reinstate electric screens to prevent fish accessing the area. KW hopes to hold a liaison meeting with SSE shortly in order to deal with these and other 'housekeeping' issues.

#### Tain Nettings

Highland Council recently offered the Tain nettings lease on the open market. These were previously leased by the Board. The Board recommended that the lease be awarded to ASCT and supported their successful application. KW has spoken to senior Council management regarding the Dornoch lease which is due for renewal in 2017, and they have confirmed that they are open to the idea of transferring the lease to ASCT before the renewal date. KW will follow up.

#### Shin Smolts

During the trapping season over 2000 smolts were tagged with half released above and half below the dam. Less than 7% of the tagged fish were recorded passing through the dam, even although SSE made every effort to improve the draw by manipulating flows. KW is meeting with SEPA and SSE on the 1<sup>st</sup> of July to discuss results and next steps.

#### Diebidale

The outcome of the recent application to SEPA's WEF looks positive. It is hoped to get confirmation within the next two weeks.

#### **2015/16 Budget**

The final cash figure at the end of 2014/15 was somewhat less than expected due to unexpected costs with the boat etc. It is now clear that historically some invoices were left unpaid for several months in order to improve the cash position. As a result this year, some annual costs were paid twice, once very late and once at the proper time.

RS asked that the shortage in the netting appeal now be shown in the budget. RDM is hopeful that the final target will be reached, but it is wise to include this in the budget meantime.

On behalf of the Trust, RDM asked that the £10K annual contribution from the Board to their funds be reinstated. This was agreed. To be paid at £2500 per quarter in order to control cash flow. RDM advised of the importance of keeping the Trust running and asked the Board to consider increasing future annual contributions. MH agreed that at the moment it is sensible to support the Trust however it must be noted that, in light of wild fisheries reform, this is a short term fix

#### **Andrew Wallace, RAFTS & Alasdair Laing, ASFB – Wild Fisheries Review: Next Steps.**

AL summarised the WF process to date and reminded everyone that the current Government are committed to change, abolishing the Board system as we recognise it. Boards must recognise that they are not in a position of strength and should fully engage with the process.

The Government consultation will run until August, after which responses will be assessed and a draft bill prepared and presented. Formal legislation is expected to follow the May 2016 election. The current consultation is particularly vague, Fishery Boards' views are needed to shape the system. More detail is expected in the draft phase.

AL stressed that the new system must have overall credibility and be acceptable on the ground. It is absolutely vital to get the new FMO structure and constitution right. There must be democratic accountability. Proper funding is crucial, the wild fisheries system being very much underfunded at present. Funding of the central body will be the responsibility of government.

AL assured everyone that RAFTS/ASFB have sufficient financial resources and staff to properly engage with the WFR process, although he conceded that more admin support would be useful. RAFTS/ASFB are looking at pooling staff and resources in order to be more coordinated and efficient. RDM expressed KSF's support for this approach. AW feels that the joint working group is now working well. Although communication was lacking, this is now being addressed. RDM recommended using regional directors and Board Chairs as a resource if required. Although some Boards have expressed reservations about giving their directors time, AL feels that he is now in a position to ask for assistance.

There is a strong desire for financial control to be kept at a local level. It is important not to lose local knowledge, familiarity, efficiency and the ability to recover a high percentage of funds. RDM felt that, rather than being authorised by government to raise a sum dictated by them, a budget approval process would be more appropriate. A middle ground should be sought between becoming a public body, which will create significant additional burdens, and managing at a local level. It is also essential to recognise that the real cost of running Boards is hidden due to the large amount of unpaid work involved. It is vital that this goodwill is not lost.

RDM asked about the possible make-up of FMOs. It is hoped that there will be a broad range of contributors, with compulsory seats for SSE, SEPA etc, however if the group is too large it will become unmanageable. It is recognised that there must be a strong minority representation of proprietors.

A proprietor is required to join the Stakeholder Reference Group. AL will be sending out an email this week to request a volunteer. Ghillies and river workers are represented by Duncan Fergusson, Spey Board.

**Loch Shin Aquaculture – Update**

Farmed fish have again been captured in the Merkland RST. This has been reported to FHI, who have also been asked if they plan to use their statutory powers to collect samples from the fish farms to determine their origin. There has been no response. This is an unacceptable situation; KW will send one more email to Charles Allan before submitting a Parliamentary Question demanding an explanation.

**AOB**

Alistair Mathers reported that the KoSAA now has a new Chair who will be attending meetings from now on. RDM thanked Alistair for his attendance and contribution in the absence of a Chair. AM also noted that KoSAA's financial position remains precarious and hoped that his replacement could work with the Board to help remedy this.

AW and AL were asked if they would like the opportunity to speak at the AGM in November. This is provisionally accepted.

RDM proposed thanks to all for attending.

Meeting closed

<b>ACTION POINTS</b>			
	<b>Who</b>	<b>Action</b>	<b>Completed By:</b>
1	KW / AC	Establish index of titles	As soon as possible

2	KW	Report discussions with Tom Murray to JMG	Following meeting
3	JMG	Draw up proposal for safeguarding of assets to be presented to the Board	November meeting
4	KW	Raise issue of collecting seal damage evidence will ghillies	At next Ghillies meeting
5	KW	Produce information leaflet for bailiffs to distribute to anglers on the Kyle	Immediate
6	KW	Provide relevant proprietors with information regarding fishing laws on the Kyle	Immediate
7	AC	Update reviewed policies	As soon as possible
8	KW	Schedule SSE liaison meeting	As soon as possible
9	KW	Follow up possible transfer of Highland Council lease to ASCT	November meeting
10	AC	Add netting appeal shortage to budget	Immediate
11	AC	Reinstate annual contribution to Trust in quarterly payments	Immediate