

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

### **Draft Minutes of Ordinary Meeting**

**Friday 4<sup>th</sup> November 2016, 10.am**

**Kyle Fisheries Office, Ardgay**

#### **Present**

Robbie Douglas Miller, Chair (RDM)  
Calvert Stinton (CS), KoSAA  
Richard Sankey (RS)  
Alex Hunter (AH)  
Michael Hasson (MH)  
Ashe Windham (AW), Co-optee

#### **Attending**

Michael Baird  
Keith Williams (KW), Director  
Richard Fyfe (RF), SEPA  
Alastair Stephen (AS), SSE  
Charles Allan (CA), MSS

#### **Apologies**

Gary Gruber  
Nicky Griffiths  
John Green  
Tom Inglis  
Steven Mackenzie  
Michael Brown

#### **Absent**

George Skinner (co-optee)  
William Paterson

#### **Welcome**

RDM welcomed everyone to the meeting and noted apologies.

#### **Minutes of meeting held 13<sup>th</sup> June 2016 – approval and adoption**

Minutes were approved as accurate and signed by the Chair.

#### **Matters arising**

1. Ongoing. KW to re-initiate contact with Atlantic Salmon Conservation Trust re transfer of netting rights.
2. Item 4 Governance and Oversight on agenda.
3. Ongoing. KW to check that existing template for licence issue is fit for purpose.
4. Completed.
5. Ongoing. KW to provide more details of costings for vehicles to JMG.
6. KW stated that there was a use for the Ice House as storage and recommended it be repaired rather than demolished. This was agreed by the meeting. An expression of interest in the purchase of the building also had been received.
7. Completed.
8. Completed. KW had received feedback from SEPA that stated a high level of justification would be required prior to them agreeing to remedial action at Glencalvie Falls.
9. Completed.
10. Completed.
11. Completed.
12. KW had contacted CS in this matter. CS reported that the issue was discussed at a recent KOSAA committee meeting, there was no objection to a numbering scheme in principle. KOSAA felt that this would best be administered by the Board. KW to contact CS to discuss.
13. Completed. CA informed the meeting that MSS Fish Health Inspectors had been present during the smolt run when the traps were operational and had taken samples for analyses. Only one fish greater than 100g was found and the numbers showing clear vaccination marks captured was lower than previous years. The DNA work had not proceeded as quickly

as hoped due to staff illness, however the DNA from the caged fish and the DNA extraction from the suspected feral fish was complete. The remaining work was to assign the fish the feral fish to their respective groups which he anticipated would be completed early into 2017. AS asked if CA was confident that the fish could be accurately assigned. CA replied that he was. RDM asked what measures could be taken against the operators if the results of the DNA work indicated there was an issue. CA responded that an improvement notice could be issued but the operator could not be forced out of operation. RS asked if an operator can be prosecuted. CA replied that they could if they failed to implement an improvement notice. AS asked if SEPA could have any involvement in this process. RF replied in the negative. RDM asked if the operator could be forced to validate the results of any improvement notice e.g. by running a rotary screw trap to demonstrate the lack of feral fish. CA stated that he did know the answer to this but would seek an opinion. A general discussion took place on the potential for civil action, raising public awareness of the problem etc. It was agreed that CA would inform the Board of the results of the genetic testing and report back on the enforceability of monitoring measures aimed at validating any enforcement notice.

14. See above.
15. RDM had written to the proprietor twice. MH agreed to take up the issue with the proprietor.
16. KW had made a start on this but more work was required.
17. Completed.
18. KW asked AS to provide an update. AS informed the meeting that the present plan was to replace the Shin screens on a like-for-like basis. KW to write formally to SSE asking for clarification of the proposed timetable for screen replacement and the measures that would be put in place to prevent fish ingress during the replacement process.
19. Carried Forward.

CA left the meeting.

### **Standard Items**

#### Declarations of Interest in items to be discussed

RDM declared an interest in the Shin items on the agenda. No other declarations.

#### Complaints

A complaint had been submitted in error and had subsequently been withdrawn.

#### Health and Safety

KW reported that a problem with the electro-fishing apparatus had occurred in the summer. He had reviewed general procedures but could not identify any remedial action that would prevent a recurrence. It transpired that the fault in the apparatus had also occurred elsewhere in Scotland.

#### Governance

KW explained that during the summer it became apparent that the disciplinary and grievance policies were not fit for purpose. As an interim measure the ACAS guidance was adopted until new policies could be drafted. The new policies were accepted. A recent review of risk assessments had been undertaken. KW to place in dropbox with time limit for comments. It has been agreed that Kathryn Bennet should be retained by the Trust and Board to assist with human resource issues.

#### Government Consultations and White Papers

KW had responded to the draft 2017 conservation regulations and had appended an update to the Director's report. It was clear that in the case of the Shin there were issues in presentation of the classification results.

### **Directors Report**

A report was made available in Dropbox prior to the meeting.

KW highlighted the issue of the testing of the Oykel fish for disease which was negative. RS asked why no prosecutions were sought in relation to the case of alleged out of season fishing. KW stated that an investigation was undertaken and the evidence gathered in that process discussed with the police. It was considered that a warning letter was the best course of action in the circumstances. RS asked if KW would consider seeking prosecutions for such activity in the future. KW confirmed that he would but added that every case had to be considered on its merits.

### **2016/17 Budget & Finance**

Budget spreadsheets were made available in Dropbox prior to the meeting.

RDM noted that subsequent to the spreadsheet being prepared circa £33k had been received as late contributions to the netting buyout. KW noted that William Paterson had indicated he would welcome discussions about netting issues. KW to make contact with him to discuss.

### **Projects**

RDM informed the meeting that Richard Fyfe had produced an updated plan for remedial action on the Loch Shin tributaries. This plan required input from other parties, including KW, prior to distribution. RDM asked KW if he was clear as to what was happening in 2017. KW replied that there was some clarity but not as much as he had hoped. AS reported that a site meeting on the Tirry had been held to try and find a better trap location. RS asked if trap types other than rotary screw traps were being considered as they were not designed for the purpose being suggested. AS stated that a trapping workshop was to be held on 6<sup>th</sup> December. RF added that a combination of fixed, fixed demountable and RST's would likely be the best end solution.

AS commented that SSE only needed to demonstrate that they were catching 20% of the smolts and that a massive fixed trap would be required to catch smolts in, say, a Q10 flow. RDM, RS & KW all challenged RF on the 20% figure. RF stated that this was the figure that initiated an action such as a review under the RBMP but when considering mitigation it would be in all parties interests to maximise smolt survival / exit from above the Shin diversion dams and this would be the approach that SEPA would be following.

AW left the meeting.

RDM stated that the Board, Shin proprietors, SEPA and SSE had expended considerable resources in getting the project to the present situation, however there was now scope for divergence over the issue of payment. The Board's position is that, given SSE are required to undertake the trap and truck exercise operation in 2017 and beyond they should meet the costs. This was estimated at circa £60k if major capital items were excluded. This payment would be separate to the c £70k provided for hatchery and ancillary operations by SSE.

AS said that this was not his understanding. SSE had provided £20k to assist the trapping operation and this was available for 2017. Existing agreements needed to be renegotiated as current payments were excessive for the work being undertaken. AS was keen to see the stocking programme terminated. This was the position of John MacDonald, head of hydro generation.

RDM explained that AS was confusing two separate matters. The current mitigation was a separate agreement and not related to Phase 2 - RBMP. RDM asked RF if SSE were obliged to trap and truck in 2017. RF responded that they were but that delivery times would be tight unless agreement was reached soon.

Both AS and RDM agreed and RDM explained that this was why he had raised the matter for clarification. The Board has recently undergone some staff changes and if SSE were not meeting the

cost of the Board undertaking the work on the Upper Shin in 2017 then it would be unable to carry out the works.

RS explained that proprietors from Kyle rivers other than the Shin were concerned at the economic model and the cross-subsidy by the Board of Shin mitigation activities. High fixed costs were involved in running a hatchery. KW added that he felt the hatchery should be retained for potential use in the Shin project, albeit stocking was unlikely to be used in the way it had been historically.

Concern was also raised by RS that RST's were the only option being considered for the Trap and Truck work. RF stated that all options were still open and a workshop had been arranged to review them in December.

RDM informed the meeting that the Board would have to decline the offer of £20k and that it appeared that insufficient funds were available in the budget of any organisation to undertake the planned 2017 operations. AS would report this back to SSE but suggested a 3<sup>rd</sup> party contractor might be found to complete the works in 2017.

RDM and RF welcomed this alternative - which provided a solution to the current impasse – and asked that AS and KW work up a protocol which included the aims and objectives of the 2017 work and how a 3<sup>rd</sup> party would interact with both KF and SSE. Details of the landowner on a revised Tirry RST site were passed to AS for action.

CS and AH left the meeting.

AS stated that he would discuss opening the re-negotiation of the existing mitigation agreement with SSEs legal team. RDM welcomed this.

AS asked if SEPA would initiate consideration of the flow regime on the main stem of the River Shin. RF said he would be happy to discuss this out with the present meeting.

AS gave a brief summary of the findings of the Conon acoustic tracking smolt project which had resulted in useful insights into the spatial movement of smolts. He also added that he was looking into acoustic tracking in lochs. KW asked where this work would be taking place. AS replied that he could not reveal the location but it would not be Loch Shin.

#### **AOB**

AS informed the meeting that the 2016 fish counter figures for Shin and Duchally showed earlier running fish compared to previous years.

#### **Date of next meeting**

TBA

#### **Meeting closed**

<b>ACTION POINTS</b>				
	<b>Who</b>	<b>Action</b>	<b>Raised</b>	<b>Complete By:</b>
1	KW	Contact Atlantic Salmon Conservation Trust.	November 2016	Immediate
2	KW	Place new H&S policy in dropbox for time limited comment.	November 2016	Immediate

3	KW	Review template letter for sawbill licences issued.	November 2016	Immediate
4	KW	Forward vehicle costings to JMG.	April 2016	As soon as possible
5	KW	Repair Ice House.	November 2016	As soon as possible
6	KW/ CS	Finalise boat numbering system.	November 2016	March 2017
7	MH	Liaise with proprietor regarding outstanding netting buyout contribution.	November 2016	As soon as possible
8	KW	Continue establishing non-salmon fishery list.	June 2016	As soon as possible
9	KW	Arrange a meeting with William Paterson re netting.	November 2016	As soon as possible
10	KW	Write to SSE asking for clarification on Shin tail race screen situation.	November 2016	Immediate
11	CA	Provide update to Board on results of DNA testing and ability to include monitoring requirements in improvement notices.	November 2016	As soon as possible
12	KW	Fix date of next meeting.	November 2016	As soon as possible