



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

### **Annual Meeting of Qualified Proprietors**

**Monday 2<sup>nd</sup> October 2017, 9.00 am  
Kyle Fisheries Office, Ardgay**

#### **Draft Minutes**

**Present:**

Richard Sankey -RS  
John Green -JG  
Alex Hunter -AH  
Nicky Griffiths -NG  
William Paterson -WP  
Gary Gruber -GG  
Robbie Douglas Miller -RDM

**Attending:**

Tom Inglis -TI  
Steven MacKenzie -SM  
Crispian Cook -CC  
Finlay McCulloch -FM  
Keith Williams -KW  
Michael Baird -MB

**Apologies:**

Ashe Windham  
Nicholas Forman Hardy  
Highland Council  
Michael Hasson  
James Vestey  
Ninn Vestey  
Bruce Blackley

**Minutes:**

Jacqui Hamblin

**1. Welcome**

The Chair welcomed everyone present and noted apologies. A vote of thanks was given to Michael Hasson for his services to the Board. Mr Hasson had indicated that he would not be standing for election to the new Board.

**2. Minutes of Meeting held 4<sup>th</sup> November 2016 – Approval and Adoption**

Minutes from previous meeting were approved without further comment and signed by the Chairman.

### **3. Matters arising**

KW noted that Alistair Stephen had queried at the 2016 meeting of the qualified proprietors how SSE money was shown in our accounts. KW had explained at the meeting that this was likely due to changes in the charging of VAT. However, on liaising with the accountants, it transpired that additionally some of the income from SSE had mistakenly been put in as assessments in the 2016 accounts. This error had now been rectified.

Action points from previous meeting.

1. Arrange new date for annual proprietor meeting – achieved now in attendance.
2. Liaise with Netsmen, check procedures on meeting attendance.

KW reported that George Skinner came to the annual public meeting. WP asked if as Netsmen were not actively taking part in fishing, should they still attend? RDM stated that Board members and all interested parties are always welcome. RS asked WP to update the meeting in relation to Scottish Government compensation to Netsmen for the inability to operate their nets and in particular any element to pay for assessments. WP responded that some Netsmen have received nothing, and some have received a token gesture. Levels of compensation were to pay recurring expenses, i.e. minimal amounts and many fishermen received nothing. WP questioned why all other netting rateable values had been reduced to zero except for the Kyle of Sutherland District? WP had contacted the Valuer about this but had not received a response. **KW Action** -Go back to Valuer again about netting assessments.

### **4. Chairman's Report**

It is a relief to be back to normal business after the issues associated with Wild Fisheries Reform. It is reassuring to have some certainty about how we are constituted going forward. We have seen some positive changes and welcome Jacqui to the team and John as head of the enforcement team. Thanks were due to the team, Keith, Jacqui, John, Iain and Phil for all their hard work in the prevention of illegal exploitation of our fish and dealing with wild fisheries reform. When I took over from John Green nearly 10 years ago the board and trust structures were rather different than today. They operated under separate management structures and did not always see eye to eye. There were considerable differences of opinion, for example, between the River Carron Proprietors and the Board on how mitigation monies from SSE were to be apportioned and there was a lively debate on the merits of a unified Conservation policy with a wide range of views on the efficacy of Catch and Release. Quite quickly there were some serious management issues that tested our non-existent HR policies. We were faced with the challenge of raising over £500,000 to buy out nets and all this before the SG decided it wanted to conduct a Wild Fisheries Reform process for 3 years that led us all up the garden path and back again.

But despite all this over the last years there have been some notable successes and these successes have only been possible because the Board and the Trust are unified with clear guidelines and leadership from the members of the Board and Trust and the work of the JMG and the executive team.

Some examples of success are:-

- i. A settled view on the mitigation monies from SSE and harmony amongst the proprietors and the Board. This has led to an on-going and much more constructive discussion with SSE on re-negotiating a new individual agreement for the Shin and the Carron.
- ii. A new office which is fit for purpose and a credit to both organisations.
- iii. A combined management structure under Kyle Fisheries which is fit for purpose and can cope with the Scottish Governments increased volume of meetings, white papers and consultations.
- iv. The JMG acts as the operating and decision making arm of KF.
- v. The netting buyout from Corriemulzie, has secured the long-term future of this key asset.
- vi. Resolution of the issues surrounding Gleann Beag.
- vii. Advancement of the Upper Shin into the 2<sup>nd</sup> Phase of the RBMP.
- viii. The continued sound financial footing of both the Board and the Trust.
- ix. Revised and improved Corporate Governance and other key policy documents that govern our lives today.

In summary KF is now equipped to manage the vagaries of the fisheries sector in a world where the spotlight is firmly upon us.

Of course what I haven't mentioned so far is the plight of the salmon. There is no doubt in my mind that we are facing a long term and sustained downturn in the population of the Wild Atlantic Salmon. Some of problems impacting on salmon populations are beyond our scope – warming seas, pelagic trawlers and marine mortality. But we can continue to do what we can in our patch by improving our riparian habitat; removing netting stations and other obstacles to migration and breeding success; investing in anti-poaching and illegal interference with our fish; controlling access and exploitation; monitoring our fish population inside the Kyle; conducting scientific works and analysis to resolve specific problems; and maintaining our strong relationship with broader wild fisheries world.

I have no doubt that KF will prosper under the new chairman; I know we will go from strength to strength with Richard in the chair.

I thank everyone in achieving our successes.

## **5. Director's Report – including activities of the Board for the year to date and proposed activities for 2018.**

2017 KYLE DSFB STATUTORY ANNUAL REPORT

### **Fishery Performance 2017**

At the time of writing, requests to proprietors for catch statistics have yet to be sent out. Early indications suggest that catch figures for the season are likely to represent a modest improvement on 2016 in terms of salmon catches. Fish counter figures are yet to be finalised but ostensibly it

would appear that Cassley numbers are likely to be higher than the five year average. Shin figures are more in line with typical expectations.

### **Activities 2016-2017**

A comprehensive review of activities and fishery performance for the 2016 calendar year has been produced and is available on the website. This report is produced in conjunction with the Kyle of Sutherland Fisheries Trust and includes accounts for the 2015/16 year. The accounts for the 2016/17 financial year will be incorporated into the 2017 annual report. This is anticipated to be available in early 2107.

Enforcement remains a core activity of the Board and regular patrols have been undertaken. No nets have been seized in 2017 but a number of warnings have been issued in relation to potential rod and line offences. Continued vigilance will still be required in future years particularly given the high price of wild salmon. We continue to foster close links with Police Scotland and neighbouring fishery boards.

The hatchery was again utilised with circa 150,000 unfed fry planted into the Upper Tirry. Following discussions with SSE it is likely that hatchery use will cease for an indeterminate period. It is likely that the hatchery will be mothballed in order that it can be used in the future if required.

Issues related to the Water Framework Directive and aquaculture continued to feature high on the agenda as did engagement with Marine Scotland Projects and working groups. Considerable time resources have been spent in participating in the Salmon Liaison Group, for example, in order that models underpinning river classifications can be modified to best reflect the reality of the health of salmon populations.

Fieldwork and monitoring have also continued. Available resources have dictated that monitoring has been targeted largely at issues with direct management implications such as Diebidale on the Carron, Tirry and Fiag on the Shin and obstacles to fish migration on the Oykel.

### **Consultations**

A number of consultations were received in 2017. Consultations were, as ever, wide ranging with responses to local forestry management plans sitting alongside national issues such as proposed alterations to fishery management structures in Scotland. The Board aims to respond to all consultations received timeously.

### **Predator Control**

The Board remains an active participant in the Moray Firth Seal Management Plan and also is part of a coalition of Moray Firth fishery boards that collectively applies for a licence to shoot a limited quantity of piscivorous birds as an aid to scaring. In recent years a licence to shoot a small number of piscivorous birds has been received following the submission of an application to SNH. Counts of birds at a catchment level are undertaken by a combination of bailiffs and river workers in order to provide supporting information. Efforts in terms of scaring birds typically concentrate on the period leading up to and including the smolt run.

## Complaints

A formal complaint was received from a member of the public on 17<sup>th</sup> August 2016 relating to an email complaint originally sent to a different organisation on 8<sup>th</sup> August 2016. The Board's complaints procedure was invoked and the Director met with the complainant at the earliest opportunity. It transpired that the complaint dated 17<sup>th</sup> August 2016 had been submitted to the Board in error in that the complainant had confused the Kyle of Sutherland District Salmon Fishery Board with another organisation. The complaint was subsequently withdrawn and the matter closed.

## Compliance

Statutory good governance obligations are placed on district salmon fishery boards as defined in law by section 46 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. They comprise the original obligations placed on boards by the 2003 Act together with those introduced through amendments of the 2003 Act by the Aquaculture and Fisheries (Scotland) Act 2013 which came into force on the 16th September 2013. The purpose of the obligations is to enhance openness, transparency and accountability of the management of salmon fisheries by district salmon fishery boards. They bring together existing best practice to ensure that all boards act in a manner consistent with bodies operating in the public sphere. Key activities covered by these obligations include:

- Annual reports and accounts
- Meetings of the board
- Complaints procedures
- Register of member's interests.

In order to comply with these obligations an annual public meeting and annual meeting of the qualified proprietors was held in 2016. Meeting notices and minutes of all meetings held are forwarding to the Scottish Government as is a copy of the Annual Report. Meetings are advertised on the Kyle Fisheries website as well as at the office building in Ardgay. A complaints procedure is included in the policies section of the website and a register of members interests is maintained at the Kyle Fisheries office.

## Future Activities

Future activities will continue in line with our statutory obligations.

### **6. Adoption of draft accounts to year end 31 May 2017**

RDM - Please refer to Page 2 P&L and Page 3 Balance Sheet. KW - Turnover headline was slightly down and largely relates to the netting buyout monies received. Two members of staff were not immediately replaced after leaving which helped the overall closing cash position as did some late payments towards the netting buyout. CC asked where

the hatchery value is shown on the balance sheet. KW replied that he understood it was in the land, buildings & netting stations section of the tangible assets. RDM added that the hatchery had been purchased some time ago and due to depreciation was being shown as having little value.

The accounts were accepted by the meeting and signed by the Chairman.

## **7. AOB**

WP asked if the hatchery was going to be operated in the future? KW responded that use was currently restricted to mitigation activities funded from SSE and we are currently in negotiations with SSE. They have made it clear that hatchery is no longer part of SSE mitigation going forward. WP questioned this given that the hatchery and restocking were compensation for netting industry post hydro-electric development. Is there an obligation for the Board to continue that work? RS responded that advice given to the Government at that time was that stocking was an appropriate mitigation for loss of resources. Therefore, they specified how much fry were to be stocked in mitigation for losses. Science now shows enhancement stocking is generally accepted to be a negative rather than beneficial process. SSE work on evidence and MSS, SEPA are not happy to see stocking taking place in general. KW added that the Board are trying to negotiate new mitigations with SSE. RS stated that he chaired a working group for those negotiations which are going quite well. But they have made it very clear that enhancement stocking is no longer on the table. However, we do not want to lose any tools in the box, in case we need to do restoration stocking should it be required. KW and RS had examined in detail the old agreements. In the case of the Carron the original mitigation is very clear: the mitigation is for a set number of fry not money. Many years ago the Carron proprietors stated that they did not want stocking to continue. WP stated that in his view SSE are obliged to continue with stocking. RS responded that SSEs consistent argument is that agreements have changed based on evidence at the time, old agreements have been superseded. SSE have exercised their right to end the 1994 agreement, negotiations for a new agreement are taking place and river by river clarity is required. WP stated that historically half the Board's costs were shouldered by hydro board contribution, they have statutory obligation to continue. RS we have had a legal opinion on this and cannot mount a legal challenge as that would cost hundreds of thousands of pounds. KW stated that in terms of Carron it is clear there is obligation to stock, SSE are obliged to provide fry which is not happened by agreement. TI stated that the Controlled Activities Regulations supersedes many agreements and that the phrase "free passage" supersedes anything that's gone in the past. RS stated that even if we fight and win in Carron situation, survival rate that comes from stocking is so small. WP stated that the Kyle used to stock 6 million fish every year. He felt that netting required huge returns of fish and 1000's of salmon were being taken daily by seals in the Dornoch firth.

## **8. Triennial Elections**

RDM declared that the present Board had now resigned and handed over to KW as Clerk to undertake the triennial elections.

KW explained the format of the elections as per the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003. Two elections were to be held, one for lower

proprietors and one for upper proprietors. In addition to the legislation, Kyle Fisheries governance policies provide guidance as to the preferred makeup of the Board.

### **Lower Proprietors**

By law the Board should have at least one lower proprietor and the Kyle Fisheries governance policy suggest that this should be a netting interest. KW stated that a single nomination had been received for election as a lower proprietor.

### Nomination

William Patterson.

KW suggested that provided those at the meeting entitled to vote in the election were unanimous then WP should be considered duly elected. This was agreed.

### **Upper Proprietors**

Ballot papers had been issued and advised how many votes each of those in attendance were entitled to. The Kyle Fisheries Governance policy suggests that the Board is comprised of: 2 representatives from the Oykel, 2 from the Carron, 1 from the Cassley, 1 from the Shin and 1 from the Evelix.

### Nominations

- Richard Sankey, Oykel. (Mandatory)
- Ashe Windham, Oykel. (Mandatory)
- Alex Hunter, Carron. (Mandatory)
- Nicky Griffiths, Carron. (Mandatory)
- Gary Gruber, Evelix. (Mandatory)
- Robbie Douglas Miller, Shin. (Mandatory)
- Crispian Cook, Cassley. (Mandatory)

KW noted that the nominations received aligned to the Kyle Fisheries governance policy. Those present entitled to vote in the upper proprietors election unanimously declared that they accepted the nominations and as such it was considered that no formal vote was required. The nominated candidates were duly elected and KW declared the elections over.

KW added that elections for chairman are undertaken by the new Board. The Act states that the Board should seek to co-opt representatives from the angling community and tenant Netsmen.

### **Date of next annual meeting of qualified proprietors**

TBA **KW/JH Action**

**Meeting closed**

<b>Action Points</b>				
No	Who	Action	Raised	Completed by
1	KW	Contact assessor again in regards to netting rateable values as all others are zero rated	October 2017	Immediate
2	KW/JH	Arrange new date for Annual Proprietor meeting	October 2017	As soon as possible