

Kyle of Sutherland District Salmon Fishery Board

Approved Minute of Annual Public Meeting

Friday 8th April 2016, 9.30am

Kyle Fisheries Office, Ardgay

Present

Robbie Douglas Miller, Chair (RDM)
John Green (JG)
Nicky Griffiths (NG)
Gary Gruber (GG)
Alex Hunter (AH)
Michael Hasson (MH)
William Paterson (WP)
Richard Sankey (RS)
Calvert Stinton, KoSAA (CS)
Ashe Windham, Co-optee (AW)

Attending

Michael Baird
Audrey Campbell, KOSDSFB (AC)
Richard Fyfe, SEPA (RF)
Tommy Gibson, SSE (TG)
Tom Inglis, KSFT (TI)
Finlay McCulloch, Braelangwell
Steven Mackenzie, KSFT
Alastair Stephen, SSE (AS)
Keith Williams, KOSDSFB (KW)

Apologies

None

Absent

George Skinner (co-optee)

Welcome

RDM welcomed everyone to the meeting.

Minutes of meeting held 8th November 2015 – approval and adoption

Minutes were approved as accurate without comment and signed by the Chair.

Matters arising – carried forward

1. This has not been as straightforward as expected. It was agreed that careful monitoring is required until the new FMO structure is clearer. Meantime the asset register should be scrutinised to identify assets and how they might be dealt with. This should include consultation with the proprietor group to ensure they are content with any plan for disposal. Preparatory work should be done in order to act quickly once more there is more clarity.
2. Agenda item 8.

Matters Arising – from last meeting

1. KW has involved staff in an internal review of the current document. He is now producing a draft which will be reviewed again by staff and TI before being put to the Board by email for approval by the end of this month.
2. Agenda item 7.
3. Complete.
4. The Shin is now included in RBMP phase 2, the result of which is likely to be a restructuring of mitigation measures and SSE agreements. This therefore supersedes the requirement for the Shin proprietor group to be involved in discussions. RDM suggested that the RCP continue to develop their ideas and resume the negotiation process with SSE. AH agreed that scientific evidence based measures must be identified which can be carried out on the Carron to mitigate for Glen Beag, however it is extremely difficult to identify specific, cost effective measures which will deliver benefits to fish. Unfortunately there is no RBMP driver. AS advised that SSE's legals have stated that they do not believe there will be an obligation to pay mitigation to FMO's once Boards have been phased out, however he

pointed out that he disagrees with this view. RS reminded AS that SSE's mitigation obligation is actually to the proprietors who chose to conduct this through the Board, therefore SSE's obligation will still exist regardless of whether or not the Board does.

5. Complete.
6. Complete.
7. Complete.
8. Ongoing. KW hopes to organise another count later this month and again in November/December if possible.
9. This is not a straightforward matter. KW intends to raise this with the NFU. Meantime it is important to demonstrate that everyone is properly trained and aware of KSF policies. TI suggested that KW prepare a training matrix.
10. Complete.
11. Date of meeting not set. KW will advise Board members once it has been.

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

None.

Health and Safety

No reportable incidents.

Governance

Policies for review were circulated prior to the meeting. As no issues were identified by staff or Board members it was agreed these be formally re-adopted.

Government Consultations and White Papers

The latest consultation on draft provisions for a Wild Fisheries (Scotland) Bill and a draft Wild Fisheries Strategy ends on May 2nd. KW intends to circulate his response shortly to Board and Trust for comment prior to submission.

Directors Report

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

AH requested that, when a net is found by bailiffs, the proprietor of that area is informed. KW agreed.

KW is looking into the possibility of extending the PIP project to carry out peatland restoration/riparian tree planting on the Upper Oykel.

All Upper Shin smolt traps are deployed and PIT tagging trials have started. A fish health inspector from Marine Scotland Science is accompanying staff to all traps every day of the smolt season in order to sample suspected farmed escapees.

The Board objected to an application to SEPA for a private hydro scheme on the River Tirry, this objection was maintained following applicant revisions. It was suggested that the scheme could incorporate a fish pass and counter, however this is acknowledged to be a significant undertaking particularly with regard to maintenance and verification of data.

2016/17 Budget

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

There was an underestimation of VAT in the current year's budget, subsequently compounded by other factors. Wages increased after renegotiation of contracts and pensions. Repairs to equipment were also high, particularly the Argo which required significant work to make it fit for purpose.

It was noted that the lack of any reserves, due to the shortfall in contributions to the netting buyout appeal, is having a very detrimental effect.

RDM suggested selling all Board owned vehicles and moving to lease agreements. This would free up some capital initially and solve the issue of an aging fleet and its upkeep. It was noted that lease agreements are likely to penalise high mileage and vehicle damage. The Board agreed that KW will investigate immediately and report to the JMG who will make a final decision.

In 2016/17 a considerable contingency has been set aside for legal fees due to the expected transfer of assets. Buildings inherited as part of the netting buyout are in a poor state and cannot be transferred as they stand. The wooden lean-to at the net store was dangerous and has been removed with the permission of the Highland Council. Both net store and ice house roofs contain asbestos. KW proposed the demolition of the net store – agreed.

The ice house could potentially be used by KoSAA as a club house. It is of little or no use to the Board. CS agreed to look into the possibility of KoSAA leasing the building and will respond to KW within a month. RDM agreed that the Board will not make any decision meantime. Lease agreement terms must be absolutely clear to protect both parties.

In light of the possible payment of outstanding netting buyout appeal contributions from one proprietor it was decided to leave the assessment rate at £1.12/£1 for the 2016/17 year.

Potential FMO Structure

KW has reviewed the choices available and discussed with the JMG. The preferred option economically, practically and geographically is to amalgamate with the Fleet and Brora. Following discussion it was decided not to include the Northern and Western Board at present.

RF reminded the Board that the key driver in the process is to ensure FMO's have sufficient capacity to deliver strategy, there is less concern about geography. SEPA are keen to see a federal approach, with sub areas sharing resources. RS voiced concern that a federal system would lose the benefits of localism and costs would increase significantly.

At this stage, with so little clarity from SG, RDM requested that the Board focus on the preferred option in order to provide guidance to KW. It was agreed that KW ask to attend the Brora DSFB meeting next week to obtain their agreement before working on a more detailed plan and MOU. This can then be presented to ASFB for proposal to SG. TI suggested setting up an internal structure with proprietor representation from all three areas in order to properly engage with each other during the process. It was noted that that the Kyle Board would value being included in the pilot FMO programme if possible.

Transfer of Netting Rights – Fishing Permits

KW has been trying to resolve illegal angling issues on the firth whilst bearing in mind that any changes may affect transfer of netting/angling rights away from the Board.

KW met with the landowners of Newton Point whose preferred option is to issue their own permits and submit returns. KW has agreed to organise appropriate tickets for them.

KW suggested offering anglers a low cost permit covering at least the Board owned areas. At the moment there is a public right to fish for sea fish, also brown trout in tidal and navigable waters. Any permit would only cover salmon and/or sea trout and appropriate conservation restrictions would be imposed. KW suggested that permits could be issued to coincide with the dates that KoSAA fish, i.e. June to September. Prices would also be consistent with KoSAA to avoid competition. CS stated that KoSAA don't have a strong view on the matter. RDM stressed that the Board are keen to avoid miscommunication or misunderstanding; therefore a clear principle must be agreed and executed to avoid any possibility of misinterpretation. RDM suggested that a local press advert announcing any new permit and where to buy might be useful. KoSAA must also provide clear communication to its members.

KW agreed to have a permit system in place by the start of the season in June. Returns and signage will also be addressed.

Upper Shin Smolts

A document written by RF was circulated prior to the meeting setting out the RBMP delivery plan. It was noted that this is an extremely useful document identifying decisions to be made and timescales.

SSE will be carrying out flow manipulation measures again this year in an attempt to improve smolt exit and have spent a great deal of time over the winter months in preparation. SSE accepts that if results are poor again this year, they will immediately start looking at alternative solutions. AS reminded the Board that SSE's obligation is to achieve 'good ecological potential' according to CIS ? guidance. Maintaining and monitoring mitigation solutions put in place as a result of the RBMP process will be the financial responsibility of SSE. Ongoing monitoring is vital to demonstrate that any solution is working effectively.

TI commended the plan written by RF as a useful document which may be applied not just to the Shin but also elsewhere to assist in the delivery of RBMP measures.

RS asked where the cost burden lay post 2017. RF confirmed that this will be the responsibility of SSE.

AOB

WP suggested experimental work on seal predation of the smolt run through the Firth. RDM advised that there is a possibility of involvement in acoustic tagging work in 2017 or 2018 which may help understand levels of mortality. SSE currently fund work in connection with their Beatrice Offshore Windfarm tracking Conon fish exiting the Sutors. AS suggested that DSFB's covering the area from the Spey to the Kyle might wish to be involved in putting together a larger project which might then attract European or NASCO funding.

SSE intend to appoint APEM to carry out aerial survey mapping of the Shin and it was suggested that this could be extended to cover the Oykel, Carron and Cassley, the Evelix unfortunately having too much tree cover in the lower reaches for the survey method to be effective. KW will contact river chairs immediately to advise costs and ask if they wish to pay to have their river included. AS requires a response within two weeks.

NG asked about sandbagging Glencalvie falls to ease upstream passage. KW has been in contact with both proprietors involved however they have differing views on the issue. KW is reluctant to continue if the proprietors' are not both in favour. RS noted that measures should be carried out on

scientific, not anecdotal, evidence and this is somewhat lacking. Genetic sampling may be useful to determine if there is a restricted population above the falls. Electrofishing results show that adults are able to ascend in certain water conditions. RDM suggested that KW make a final decision and respond to AH as representative of the RCP. Any proposed work would require SEPA consent.

AS advised that the current programme of refurbishment will include the Cassley this year. Significant maintenance will be carried out at Duchally, with the head pond being drained and the river being allowed to run naturally through the sluice gate for a period of up to 10 weeks commencing 2 May. SSE will not be abstracting from the Cassley during this time. Fish passage issues should not arise. AS will keep KW informed during the period of maintenance. Replacement of outflow grills on the Lairg Diversion dam will be completed this summer. AS will email RDM with more information. Once new screens are in place, AS confirmed that they will be visually checked on a daily basis.

AH requested that Board meetings be scheduled on Thursday/Friday rather than Monday/Tuesday in future.

Dates of next meetings

Monday 13th June and Friday 4th November 2016

Meeting closed

ACTION POINTS			
	Who	Action	Completed By:
1	KW	Scrutinise asset register and identify how to deal with assets. Consult with proprietor group and draw up plan for disposal	November meeting
2	KW	Produce draft H&S policy for review by staff and TI	Immediate
3	KW	Email agreed H&S draft to Board members	End April
4	KW	Raise vicarious liability issue with NFU. Prepare training matrix	June meeting
5	KW	Advise Board members of date of next SSE liaison meeting	As soon as available
6	KW	Circulate response to Wild fisheries consultation to Board/Trust for comment prior to submission	As soon as possible
7	KW	Investigate sale of vehicles and lease agreements. Report to JMG	Immediate
8	CS	Advise KW whether or not KoSAA wishes to lease ice house	One month
9	KW	Attend Brora BSFB meeting	14 th April
10	KW	Draw up detailed plan and MOU with Brora if agreement reached	As soon as possible following agreement
11	KW	Put permit and returns system in place for Firth. Assist Newton Point owner to do the same.	1 st June 2016
12	KW	Contact river chairs with information regarding aerial survey.	Immediate
13	KW	Respond to SSE with details of rivers to be included in aerial surveys	Two weeks
14	KW	Respond to AH regarding sandbagging at Glencalvie falls	As soon as possible
15	AS/SSE	Update KW on progress during maintenance. Email RDM with information on diversion outflow grills.	Autumn 2016
16	KW/AC	Arrange demolition of net store	Autumn 2016