

Kyle of Sutherland District Salmon Fishery Board

Annual Public Meeting Minutes

**Friday 13th March 2015, 9.30am
Kyle Fisheries Office, Ardgay**

Present

Robbie Douglas Miller, Chair (RDM)
John Green (JG)
Nicky Griffiths (NG)
Michael Hasson (MH)
Alex Hunter (AH)
Alistair Mathers (AM)
William Paterson (WP)
Richard Sankey (RS)
Ashe Windham (AW) (co-optee)

Apologies

Gary Gruber
George Skinner (co-optee)

Attending

John Audsley, KSDSFB
Lucy Bardwell, Braelangwell
Philip Blowers, KSDSFB
Michael Brown (MB)
Audrey Campbell, KSDSFB
Iain Gollan, KSDSFB
Tom Inglis, KSFT (TI)
Jonathan Mason, Bell Ingram
Finlay McCulloch, Braelangwell
Hugh Mackenzie, KSDSFB (HM)
Steven Mackenzie, KSFT
Bob Olivant, SSE (BO)
David Rankin, Benmore Estate
Jonny Shaw, Amat Estate
Alastair Stephen, SSE (AS)
Keith Williams, KSDSFB (KW)

Welcome and Declarations of Interest

RDM welcomed all to the meeting, introducing co-optee Ashe Windham, Chair of the Upper Oykel Proprietor Group; Dr Alastair Stephen and Bob Olivant from SSE and Kyle Trust representatives Tom Inglis and Steven Mackenzie.

RDM reminded those present that should they have an interest in any of the agenda items this must be declared prior to discussion.

Co-option of Board Members

As previously circulated and agreed by email, Ashe Windham has been co-opted to the Board.

Minutes of Meeting held 26th September 2014 – Approval and adoption

Minutes agreed as accurate and adopted without comment.

Matters Arising

1. Biosecurity posters have been produced and can be made available to all.
2. KW successfully applied for a sawbill licence. Another count will be organised as soon as possible. KW is in the process of issuing agent licences to ghillies on each river.
3. Completed.
4. KW and AC are still in the process of establishing an index of titles.
5. SSE have confirmed their representatives in mitigation funding negotiations.

6. This action rendered irrelevant by severe storms resulting in further serious damage making the trap totally inoperable. KW is in the process of seeking tenders from contractors to either repair or decommission the trap.
7. Completed.
8. Completed.
9. Discharged. An objection was lodged. Planning permission was granted by Highland Council. KW is investigating possible next steps.
10. Completed.
11. KW advised that he is not yet in a position to draft a proposal. He has discussed with other Boards and so far there seems to be no clear consensus. KW intends to discuss this more fully at the ASFB Conference Directors Group meeting next week. It was agreed that a decision needs to be made quickly on how the Board wish to proceed. AH expressed concern that any new FMO may be able to recover fishing rights placed with ASCT. He suggested that a Declaration of Trust might be an alternative way of protecting rights. KW noted that angling rights and the ability to carry out netting for scientific purposes complicate matters as these must be also protected. KW will contact Tom Murray, Gillespie McAndrew to discuss whether a Declaration of Trust is appropriate and the costs involved before reverting to the JMG.

Standard Items

Complaints

None received.

Health and Safety

No incidents.

Governance

KSF/POL/34 and KSF/POL/35 were made available in Dropbox prior to the meeting. Both approved.

Directors Report

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

KW summarised the current position following the Wild Fisheries Review. The Scottish Government are reviewing the recommendations made and have started implementing some proposals which do not require changes in legislation, for example the recent change to the statutory season. Currently under consultation is the proposed kill licence and associated tagging scheme. The next stage will be to consult on steps which require legislative changes to implement, including the likely abolition of Fishery Boards.

RDM noted that it is very difficult to anticipate timings and wished to clarify how the Board should prepare for the next part of the process. KW will discuss this with the Directors Group next week and suggest they raise this issue as a group. RS advised that it is vital that the Kyle Board are instrumental in leading the process rather than waiting until the consultation on Board abolition is issued. KW will advise the outcome of Directors Group discussions to the JMG who will discuss possible options before making recommendations to the Board at the next meeting.

KW reminded everyone of the importance of responding individually to all consultations in order to have their say in the process.

RDM noted that the seal quota had been reduced. Concerns about seal predation were discussed in detail at the last Board meeting. Spey Director, Roger Knight had indicated some time ago that a meeting of the Moray Firth Seal Management Group would be called but this has not happened. KW will enquire when this will take place.

AS informed the meeting that SSE are investigating new techniques to gather information on migrating fish in connection with proposed offshore wind farms. Research in Northern Ireland suggests that up to 70% of smolts are lost in the estuary between the river mouth and the sea. Evidence of this type of could help to argue the case for more seal control and is additionally very much in demand from offshore developers. AS suggested that the Kyle might wish to consider collaborating with neighbouring Boards and the AST in order to establish a project to gather information in the Moray Firth area to identify issues and solutions.

RDM reported that the Trust had suggested that the notional split of KW and AC salary costs should be 90% Board/10% Trust. This has been reflected in the budget for this year and next and will be retrospectively reviewed every year. All agreed.

RDM reported that Michael Brown had brought up a bailiffing issue at the Trust meeting the previous evening. He had expressed the opinion that the bailiff team were leaning too heavily on people who were potentially fishing illegally in certain areas of the firth and requested a review of the situation.

MB advised that some people felt that they had a historic right to fish in tidal waters that appeared to be tolerated in the past but was no longer. These individuals would like to see the status quo maintained, or a formal policy put in place allowing them to continue.

KW noted that illegal salmon and trout fishing is considered more in the context of wildlife crime than had previously been the case. These individuals could also therefore find themselves being dealt with by police officers. KW advised that the bailiffs had spoken to some individuals advising them that they were potentially committing one or more offences, however no formal warnings had been issued or arrests made to date. The situation was continually being reviewed.

RDM stressed that the Board is not looking to ban activity in this area but rather to legalise it. It is important to understand that the bailiffs are in a difficult position as they have a duty to enforce the law. Sunday fishing for salmon or sea trout is illegal; however landowners issuing written permission could solve the issue of fishing at other times. RDM suggested that the Board engage with the landowners involved and perhaps offer to issue permissions on their behalf. KW has already spoken to some and will identify the rest before drafting a mechanism to address the problem. MB will liaise with KW.

Annual Report and Accounts

KW reported that the annual Kyle News will be replaced later this year with a proper full annual report. Kyle Lines will continue to be regularly distributed by email and online. All other relevant accounts and reports are available from the website.

2015/2016 Budget

RDM summarised the current year and asked for comments. KW pointed out that financial control is now considerably improved and general costs much reduced.

RDM summarised the 2015/16 headline figures. These include steps taken to rationalise staff pay and benefits and replace rapidly deteriorating vehicles.

KW has set aside an amount to commission the Trust to produce a report assessing the feasibility of a Carron fish counter. This would also include options for genetics work. AS advised that SSE estimate a fish counter could cost in the region of £70k not including maintenance costs. He will provide their costings to KW for information.

JG noted that in the past the Board had a policy of asking the river group for 50% of the costs of a project and suggested this should continue to be the case. TI suggested that as this project was an initiative of the Director, not the river proprietors, the Board should fund the initial investigation. AH felt that SSE mitigation funding needs to be used for the good of the fishery and that this principle will be subject to the outcome of forthcoming SSE talks.

It was agreed that the Board will fund the initial report. Once the outcome is known then financial responsibility for any resulting project will be discussed. Projects have tended to be partnership arrangements in the past and this should be explicitly stated in the future.

KW circulated a paper detailing the office running costs and suggested a rent of £500 pcm from the Board to the Trust. Obligations for services etc. will continue to be the responsibility of the Trust. Approved.

Specifications for repair or decommissioning of the Grudie Wolf Trap have gone out to four contractors. There have been no responses so far and therefore no allowance has been made in the budget as it is impossible to estimate until a contractor replies.

Cash flow is likely to be affected by the outstanding amount owed against the netting purchase. RS summarised the remaining burden and the proprietors who have not paid. As a number of the outstanding sums are due from Carron proprietors, RS asked RCP Chair AH to approach them requesting payment.

RDM asked for approval of the budget on the clear understanding that there is currently a £40K shortfall in the netting appeal. Approved.

Proposed SSE Funding Alterations

As previously discussed, a sub-group has been set up comprising RDM, AH, RS and KW to take part in the mitigation funding review. Two meetings have been held via conference call agreeing strategy and principles. KW has now contacted SSE in order to take the process to the next level. BO advised that, based on experience elsewhere, the group should expect the review process to take around 2 years. Current funding will of course continue throughout the process.

River Basin Management Plan Consultation

KW wished to bring board members attention to the current RBMP consultation. KW intends to go over the SEPA classification list and make sure it is realistic. It is vital to get the Boards views on priorities to SEPA during this consultation.

Loch Shin Aquaculture

Despite objections, Highland Council approved the planning application for SSF. KW is currently taking advice on next steps. SSF must produce an environmental management plan prior to commencing site operations, the Board will be asked to comment on this once it is produced.

Dr Coulson's draft report suggests elevated levels of hybridisation in sampled fish. KW has discussed the interpretation and presentation of the report with Dr Coulson; some changes are now being made prior to publication.

KW has asked Charles Allen, FHI, for an update regarding previously discussed funding for further genetics work on the Shin but has not yet received a response.

AOB

AW raised concern about vicarious liability. RS suggested that it may be helpful for someone to talk to the Board about this and for the Board to create policies. A centralised presentation to employees and river workers might be worthwhile.

WP asked about the proportion of hens collected for broodstock last year as he had heard of issues elsewhere with low numbers. HM advised that this year the proportion of hens netted was greater than cocks. WP also asked if the Board were aware of the proposed dumping of huge amounts of industrial waste in the Cromarty Firth at Invergordon. KW will discuss this with Simon McKelvey and if the Cromarty Board are objecting the Board will submit a letter supporting that objection.

MH was concerned that his fishings have suffered a 25% drop in bookings following the disastrous 2014 season. RS agreed that this is a worry, however it is too early to say if this is a one off or a trend. If this becomes the norm, then the economic fabric will be hugely affected.

Presentation – Mark Cockburn, CEO, FishPal

Unfortunately Mr Cockburn was unable to attend the meeting as his car broke down en route.

ACTION POINTS			
	Who	Action	Completed By:
1	KW / AC	Establish index of titles	As soon as possible
2	KW	Discuss safekeeping of netting rights at Directors Group meeting and report to JMG	
3	KW	Contact Tom Murray, Gillespie McAndrew, regarding Declaration of Trust and costs	By June meeting
4	AC	Add approved policies to governance register and Dropbox	
5	KW	Raise issue of SG consultation timings and report to JMG. JMG report options to the Board.	As soon as possible
6	KW	Establish when next MFSMG meeting is to be held	As soon as possible
7	AC	Arrange recovery of Trust's 10% share of salary costs	As soon as possible
8	KW	Contact landowners in order to develop a solution to illegal fishing in the firth. Liaise with MB	As soon as possible
9	KW	Contact AS for fish counter costings	By June meeting
10	AC	Arrange payment of agreed office rent to Trust	As soon as possible
11	AH	Approach RCP members re outstanding netting appeal contributions and report to RS	As soon as possible
12	KW	Check SEPA waterbody classifications under RBMP	As soon as possible
13	KW	Discuss Cromarty firth waste issue with Simon McKelvey	As soon as possible