

MINUTES OF THE MEETING OF THE KYLE OF SUTHERLAND DISTRICT SALMON FISHERIES BOARD, HELD ON FRIDAY 20th SEPTEMBER AT 11.30 AM AT THE ACHNESS HOTEL, ROSEHALL.

Present:

Mr R P Douglas Miller (Chairman)
Mr R Sankey
Mr J Green
Mrs N Griffiths
Mr J Hall
Mr M Hasson
Mr G J P Mason
Mr W Paterson

In attendance:

Mr C Allan (Marine Scotland)
Mr C Brooke (Kyle Trust)
Mrs A. Campbell (Kyle Fisheries Administrator)
Mr H Mackenzie (Head Bailiff). For Loch Shin Report.
Mr G A Robertson (Clerk)
Mrs N. Vestey Upper (Oykel/LochAilsh)

1. Apologies.

Apologies were received from Mr A Fraser.

2. Minutes of the Board Meeting held on 14th June 2013.

The Minutes were approved and signed by the Chairman.

3. Action Points from Minutes.

- **Grudie Smolt Trap.** The future of this structure is still unresolved. The Board is contracted to SSE to provide mitigation works and receives a fee for doing so. The Report from Colin Carnie highlighted the deteriorating condition of this 50 year old structure, though it stated that it was safe to use until 2016. The Board will start a Consultation with the River Shin Proprietors to assess the benefits of the Grudie Trap to the Fishery. This will commence once the new Director is in place. James Hall highlighted the importance of the Health and Safety of staff working on the trap and the Clerk undertook to look specifically at this point with the Board's insurers. A copy of the Engineering Report and Survey by Colin Carnie will be circulated to Board members.
- **Water Framework Directive.** Press SEPA for written timetable to ensure that the Board is aware of deadlines.
- **Pearls in Peril.** The Administrator has attended a number of meetings and further information is expected shortly to gain a fuller understanding of the Board's commitment to this project. The Head Bailiff has met with the Forestry Commission to

discuss the requirement to remove a 43 hectare area of woodland under the scheme. Details will be circulated on receipt.

4. Loch Shin.

Charles Allan (CA), Head of the Fish Inspectorate for Marine Scotland in Aberdeen, is responsible to the Ministers for Aquaculture and Disease Legislation. He circulated his paper illustrating the comparison of smolts trapped by Board staff examined by Marine Scotland between 2012 and 2013. The paper also highlighted the new powers given to the Fish Inspectorate under the Aquaculture and Fisheries (Scotland) Act 2013.

These include

- Inspections pertaining to the containment and escape of fish may now be carried out on any fish farm.
- Fish, or material from fish are now specifically included in the list of sample types which can be taken during an inspection of any fish farm.
- A sample may be taken for other purposes specified: these include assisting any investigations into escapes of fish from fish farms, analysing samples for scientific or other research assessing the impact of the operations of fish farms on the environment, assessing the impact of escapes of fish from fish farms on stocks of fish other than those on fish farms and developing methods of tracing the origins of fish that escape from fish farms.

The analysis of the data between this year and last year showed that the average length and weight of the fish was down in 2013. The number of confirmed farmed fish had also decreased, but few conclusions could be drawn as a number of feral fish had been returned rather than sent for analysis.

More significantly, the number of fish showing vaccination marks in 2013 has decreased by a quarter. This means that these fish escaped before smolting. It also suggests handling procedures have improved on the fish farms. CA's opinion is that the fish cages are adequate for containing the fish but that most escapes take place during the grading process.

It was agreed that no real conclusion could be drawn from the results but it was helpful to have another year's data on file as a reference point for future escapes and possible action. Despite a small data set it is clear that there is a continuing problem with escapes. It is also clear that we do not know the true scale of the problem. CA confirmed his view that wherever there is fish farming, escapes will occur.

CA reported that he had spoken to both operators on Loch Shin. He is content that neither is deceitful.

Charlie Brooke urged that checks should be made when fish are delivered to the site. There are always undersized fish and these will inevitably exit through the nets into the loch.

CA stressed that the new legislation was only 5 days old. It is not for the Board to demand action; it is the role of the Inspectorate to take action or for the Minister to instruct the Inspectorate to take action.

James Hall pointed out that even if the Board could prove that escapes were taking place, we have to also prove that harm was taking place.

CA confirmed that if a fish farmer were to cut his nets, and all his fish were to escape, as long as he reported the incident, he would not be deemed to have broken any law.

Richard Sankey asked if the information from the current study on genetic intergression would be helpful in building a more meaningful argument.

CA felt that it was more important to continue to catch smolts and to compare 'like for like' and if possible the Board should continue with the use of the RST's to continue building a picture of the level of escapes and any level of potential genetic introgression for the future. After further discussion, it was agreed that

- The Chairman would formally request the Inspectorate to visit the fish farms and to take samples for use in comparison to the FF smolts trapped by the Board.
- Richard Sankey would provide CA with the FASMOP Report on Genetics.

Scottish Sea Farms Pre Planning Application EIA.

Board members were aware of the work of the Board, Trust and Alan Youngson who has been employed to co-ordinate the formal response and application work required to contest the forthcoming Planning Application for a new fish farm on Loch Shin. The Clerk will ensure that the report is progressed in time with the EIA

Costs for Alan Youngson will amount to £6,000 and it was agreed that this sum should be equally funded between the Board, the Trust and the Shin Proprietors.

5. Board and Trust Restructuring.

The Chairman introduced the subject and confirmed that the intention was to continue along the lines set out in the previously circulated documentation. The first priority is to appoint a new Director on the proposed time scales. The more extensive plans for restructuring both the Board and Trust were discussed and approved at the recent AGM.

Jonathan Mason confirmed his support for the proposals, but asked that thought be given to delaying the appointment of the new Director for a year whilst the financial commitments to the Netting Buyout Appeal were resolved.

Charlie Brooke and Nicky Griffiths also gave their support to the proposed changes but were concerned on the timing of the Director's appointment and its effect on the Board's cash flow.

John Green felt that the Board should press on with the appointment, and borrow if necessary to meet any shortfall in the Netting Buyout Appeal.

Mike Hasson and James Hall asked for more details on the Netting Buyout Appeal as this matter was so closely linked to the Board's financial well being.

Richard Sankey outlined the history of the Appeal. The Appeal Committee had launched their work successfully but had been hindered by the departure of Iain McMyn. The thrust is to bring home the message to Proprietors that the capital value of their fisheries is being protected by the acquisition of the Netting Stations. The second payment of £166,000 will be made in a week's time. Further pledges from Proprietors who are yet to donate have been received and others are working on imaginative schemes to raise funds through their tenants and by holding fund raising events.

Consideration had been given at the outset to put the whole of the target sum on to the Assessments, but it was clear that this would have had an unreasonable burden on a number of Proprietors.

The Clerk circulated a cash flow projection for the forth-coming year and this was discussed at length. This illustrated the changes planned, with the appointment of Audrey Campbell as Administrator from the 1st October, the departure of the Clerk and the appointment of the Director at the end of January 2014 and the continuing requirement to find the final £166,000 by September 2013, in order to complete the Corriemulzie Netting purchase.

Jonathan Mason was re-assured by the prospect of further donations from Proprietors and was prepared to go back to the Corriemulzie Trustees and enquire whether a phased third payment might be considered. Richard Sankey will liaise closely with JM.

A wide ranging discussion ensued. It was agreed not to levy any shortfall on to the Assessments until the matter was reviewed again in March 2014. It was accepted that a number of Proprietors who had already given had expressed concerns that they would be unhappy about being subject to a second charge through the Assessment.

Following the analysis of the Board's financial position, it was agreed to start the restructuring programme with immediate effect.

The Chairman reported that £5,000 had been allocated for recruitment, an interview panel of two Trust and two Board representatives had been agreed, and it was proposed that the new Director will report to a Management Group. The exact make up of this group will be agreed prior to interviews taking place.

Charlie Brooke and other Trust trustees would resign from the Kyle Fisheries Trust, prior to the Board and the Trust merging.

Audrey Campbell would take up her new position as Administrator on the 1st October, with her salary being met 50/50 by the Board and Trust.

The new body known as Kyle Fisheries will operate from an office on Dornoch Road, Bonar Bridge. A one year contract to use this office space has been agreed at £180 per month, with one months notice on either side.

The Board will be kept closely in the picture as matters develop.

6. Management Report.

The written reports from the Head Bailiff, Richard Sankey and the Clerk were tabled and noted. Issues that were particularly drawn to the Board's attention were;

- **Staffing.** This had been a particularly difficult year but despite the staff shortages highlighted in the reports, The Head Bailiff had marshalled his team to provide a good service throughout the catchment. All present looked forward to a bailiffing team made up of full time staff, living locally and committed to the objectives of the Kyle Fisheries.
- **Electro-fishing.** 74 sites were surveyed and all the data has been recorded within the Trust Office. Past data that had been poorly recorded has been transferred into the Trust's data base.
- **UDN.** No reported incidences of UDN in 2013. Training day had gone well and information sharing throughout the catchment very positive.
- **Non Native Invasive Species.** The Bailiffing teams work on eradicating Himalayan Balsam highlighted the need for vigilance throughout the catchment. Japanese Knotweed is still present on the Carron and all Board members were asked to alert their staff to the potential problems.
- **Proposed Forestry Planting. Loubcroy, Upper Oykel.** On going discussions with the Landowner, Forestry Commission, SNH, Deer Commission and the Planners have resulted in the cancelling of a proposal to plant Sitka Spruce on flat land adjacent to the Oykel. Native Hardwoods are now proposed with large buffer zones adjacent to watercourses. Further specialist being sought from the Galloway River Trust.
- **Seals.** William Paterson (WP) highlighted his concerns at the growing population of seals in the Cromarty Firth and the Moray Firth. These areas are Conservation Areas for both Seals and the Atlantic salmon and, in his view the latter was being harmed by the perceived rapid increase in seal numbers. WP highlighted the need to ensure that the smolt run received a safe passage to sea. He had witnessed large numbers of seals in recent years attacking shoals of smolts, breaking the shoals up and weakening the chances of smolt survival. The Chairman stated that this matter would be given priority for review by the new Director, when appointed. There is a clear need for more evidence to back up any case for a reduction in the seal population. **The Board will be represented at a forthcoming Review of Seal Management within the Moray Firth on 11th October at SNH Headquarters and these concerns will be tabled.**

7. Report from the Kyle Fishery Trust.

Charlie Brooke reported on the previously discussed moves of the Trust and the Board's 'coming together'. The status and obligations of both bodies will remain, and in particular the requirements of the Trust as a Charity will be safeguarded.

8. Finance.

The Board's accounts had been discussed at length at the AGM and previously on the Agenda. The details are shown in the Board's AGM Minutes.

The past year had shown an operating loss of £85,869 but much of this figure can be attributed to

- a payment of £56,877 in irrecoverable VAT on the purchase of the Corriemulzie Netting Station
- The severance payment made to the departing Director
- Major repairs and improvements to the Kincardine Hatchery water supply.

Without these three items, the Board would have shown an operating surplus.

As discussed previously on the Agenda, the current thrust for the Board is to reach the fund raising targets set in the Kyle Netting Buyout Appeal and to reinstate the deposit funds of approximately £100,000 that have been used to assist in purchasing the netting stations.

Any major decision to borrow funds or alter Assessments will be made at the March 2014 Board Meeting, but the Fund Raising Committee was optimistic of receiving further donations within the next few months.

A decision to write off the Capital Value of the recently acquired Corriemulzie Netting Stations over a five year period was approved of by the Proprietors at the AGM. Amended Annual Accounts will be sent out to all Proprietors on receipt, and published on the Kyle Fisheries Web Site.

9. Kyle Netting Buyout Appeal. Update.

This topic had been extensively discussed previously on the agenda.

Richard Sankey reported that potential existed for a fund raising dinner at the Worshipful Company of Fishmongers. A representative of ASFB would be speaking at the dinner, but the organisation of the event is yet to be decided.

It was also thought that Skibo Castle might be another potential venue for a fund raising event.

It was agreed that a further short Appeal Note would be prepared by the Fund Raising Committee, and that this, along with the existing Appeal Leaflet should be sent to Proprietors for further circulation to their tenants and guests.

10. Evelix. Report on Season Extension and Management issues.

Richard Sankey and the Clerk reported on the decision not to proceed with the planned extension to the fishing season on the Evelix. All the legal and administrative work required by the Scottish Government Ministers had been completed, but at the last moment it became clear that a number of the Evelix River proprietors were not completely supportive of certain aspects of the proposal.

Richard Sankey, the Clerk and the Head Bailiff attended a meeting of the Evelix Proprietors, preceded by a site visit. Following a constructive debate, it was decided unanimously to adopt a precautionary position and to postpone the formal season extension. Further survey work will be required to collect more data to guide the decision making process. Any future proposal to extend the season will require all of the Proprietors to be in agreement before the Board can consider supporting a change.

The Evelix is a Special Conservation Area (SAC) for Freshwater Pearl Mussels (FWPM). An incident at the beginning of September has been reported to the police following the discovery of over 60 broken FWPM shells. An investigation is under way.

Following the discovery of in-river and bank repair work carried out by a riparian owner without applying for a CAR Licence, SEPA have turned this potentially awkward situation into a positive. David Wilby of SEPA is preparing a **Guidance Note** to assist all Proprietors, tenants and river workers when contemplating any works adjacent to a watercourse.

11. Bio-security Policy.

All agreed that a universal Policy should be in place throughout the Catchment, and preferably throughout Scotland. The Oykel paperwork will be circulated to all Proprietors as an example, but we have been advised that ASFB are in the process of preparing a standardised version for all Boards to adopt.

12. AOCB.

1. Glencalvie Falls.

Richard Sankey reported that the owner of the Glencalvie Falls was not prepared to carry out any work on the Falls unless this work was backed up by scientific proof. External specialist advice should be sought in order to look at all the migration issues. RS undertook to produce Terms of Reference for such research work subject to the owners of the Amat and Glencalvie Estates being supportive. This was supported by James Hall and Nicky Griffiths who would confirm the owners support.

2. Work carried out by the Board as Statutory Consultees.

It was agreed that wherever possible, the costs to the Board of responding to Planning, Planting and SEPA Consultations should be met by the Developer.

The wider issues of environmental surveys and follow up monitoring would be discussed in greater depth at the next Board Meeting. The Clerk will circulate a paper to the Board illustrating the current issues within the catchment, how they are dealt with and make suggestions for future cost recovery and efficient use of time.

The Board is part of a Working Group monitoring research work into the proposed off shore Wind Farm developments in the Moray Firth. Dr Keith Williams is also a member of the group

and is briefing Board staff in the absence of a Director. Information will continue to be circulated.

James Hall reported that N Power Renewables are currently carrying out a study on the Croick Estate to see whether potential exists for a hydro scheme and a wind Farm.

The Meeting closed at 3pm.

The next Board Meeting will be held on Friday 21st March 2014.

ACTION POINTS

- **Grudie Trap.** New Director to carry out consultation with Shin River Proprietors to assess the value of the Grudie Smolt Trap and to prepare a plan for its future.
Director.
- **Grudie Trap.** Discuss H&S issues with insurers. **Clerk.**
- **Grudie Trap.** Circulate Report by Colin Carnie to Board Members **Administrator.**
- **Water Framework Directive.** Press SEPA for details of timetable leading to review.
Clerk/Administrator.
- **Pearls in Peril Project.** Keep Board members informed as further information arrives.
Administrator.
- **Shin Fish Farms.** Chairman to request Fish Inspectorate to take samples from Loch Shin Fish Farms. **Chairman.**
- **Shin Fish Farms.** FASMOP report on genetics to be forwarded to Charles Allan. This report also to be sent to Alan Youngson **Richard Sankey.**
- **Shin Fish Farms** – Alan Youngson report to be submitted in the correct time frame **Clerk**
- **Seals.** Review of Seal Population and effect on Salmon and smolt passage.
Director.
- **Seals.** Attend Moray Firth Seal Management and Shooting Licence Review at Great Glen House. **Head Bailiff/Administrator/Steven Mackenzie.**
- **Netting Buyout Appeal.** Provide further update note for circulation to Proprietors, along with repeat distribution of leaflet. **Appeal Committee**
- **SEPA Guidance Note.** Advice to Proprietors, tenants and river workers. Circulate.
Administrator/Clerk/SEPA
- **Bio-security paperwork.** Circulate Oykel Paperwork to all Proprietors and ASFB standardised nationwide advice when complete. **Administrator/Clerk.**
- **Glencalvie Falls.** Terms of Reference for scientific research into migration issues to be drawn up once agreement reached with Amat and Glencalvie Estate owners. **James Hall / Richard Sankey.**
- **Statutory Consultations and Developments.** Produce paper illustrating extent, management and costings of Board's role. **Clerk.**