



Kyle of Sutherland District Salmon Fishery Board

Ordinary Meeting

Monday 2nd October 2017 at 10.00 am

Kyle Fisheries Office, Ardgay

Present:

Richard Sankey, (Chair) -RS
John Green -JG
Alex Hunter -AH
Nicky Griffiths -NG
William Paterson -WP
Gary Gruber -GG
Robbie Douglas Miller -RDM
Peter Routledge -PR
Crispian Cook -CC

Attending:

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

Richard Fyfe (SEPA) -RF

Apologies:

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

Election of Chairman

As Clerk of the Board KW asked for the meeting to elect a new chairman and Richard Sankey was duly elected.

Welcome

RS gave thanks to RDM who has seen us through a very difficult time over the last 10 years and welcomed the Board. RS also welcomed RF of SEPA to the meeting.

Co-options to the Board

Peter Routledge representing the Angling Club and John Green representing anglers were co-opted to the Board. **KW Action** -Write to George Skinner to see if he would be willing to attend meetings to represent tenant Netsmen.

RS - Asked the 2 KSFT trustees to join table. Tom Inglis and Steven MacKenzie

Minutes of Ordinary Meeting held 9th June 2017 – Approval and Adoption

The minutes were accepted without amendment

Matters Arising and Action points

1. Provide map of angling exclusion areas in Kyle. KW commissioned CC to provide better mapping of ownership. PR noted that the Angling association maps on the website were very good.
2. Write to proprietors who had not contributed to netting buyout - KW Had one last go at this to the get money, and a final letter, had no response. NG tried direct approach. Board agreed to close netting buyout. Non contributors were James Hall, and Lower Cassley. Matter is now closed.
3. Arrange a trial to ascertain the usefulness of a drone. KW Spent time with drone used at Diebidale and has seen the data that came back. KW thinks it would be very useful in enforcement with thermal imaging and for habitat assessment. It could assist in mapping our habitats more accurately. We should explore ways of funding license for drone operator, and training. **KW Action** -Put some costings together. RF added that SEPA operate a couple of drones with rules being quite strict. The second caveat is the raw data in terms of imagery and turning that data into usable information can be expensive.
4. Produce paper for HC re Dornoch netting lease. KW had produced the paper and heard back from HC and they want to renew for a year but also want more money for an asset that presently cannot be used. **KW Action** -Liaise further with HC.
5. Check gun licence. Completed.
6. Alter Budget re VAT and netting income. Completed. JH has moved netting income and VAT to income section in budgets. However, JH stated that VAT should really be shown as a negative expense if a refund.
7. Seek advice on VAT situation. KW and JH spoke to new accountant about the 1/3 VAT recoverable purchases. The question has been asked as to why we cannot recover the whole amount. The understanding is that the assessment income is considered as membership subs, therefore VAT exempt. If 100% recoverable on purchases we would then have to charge VAT on assessments. This would be beneficial to the Board if charging VAT on sales of fry etc. as this is zero rated not exempt. RS going forward we should continue to explore this issue. FMS might have a view or help on this. What consequences might be if we were to charge VAT on assessments? **KW Action** -Check which proprietors are VAT registered. CC stated that he doubted it would be possible to raise VAT on assessments. **KW Action** - Contact Susie Swift to obtain VAT clarification. KW noted that the VAT disparity Impacts the Board and Trust. Board can lose out in the process of activities being undertaken by separate organisations.

8. Provide information on assessment process. Completed. The pence in the pound figure has been set for 2017-18 based on the valuation role provided by the District Valuer. Appeals to the Valuer are anticipated.
9. Establish remit of KOSAA seasonal bailiff. KW and PR have completed this. Regular communication between seasonal bailiff and Kyle enforcement staff takes place.
10. Establish costings for smolt trapping work RS and KW are continuing this process. In relation to the upper Shin there are 2 strands, part of it SSE re-negotiations and partly about aquaculture.
11. Invite Charles Allen to autumn meeting. Completed. KW in regular contact with Charles Allan.
12. Check planning consent conditions for fish farms. Completed. SSF now changed hands to Cooke aquaculture. At the time we asked for certain things to be including in the monitoring conditions. Planning consents were left as they were and our comments not taken into consideration. TI suggested that the process of preparing for future planning applications should begin immediately.
13. Circulate new proposed meeting dates. Completed. **JH Action** -Establish 2018 meeting dates.

Matters Arising

1. Standard Items

- Declarations of interest - Board members to complete CC, WP & AH.
- Complaints – no formal complaints.
- Health & Safety – no notifiable incidents.
- New governance policies. Policies have been reviewed with help from Kathryn Bennet. **JH Action** -Give access to Dropbox for new board members and sort out Dropbox issues. Time limit Board approval response to new Governance policies.

2. Directors Report

Enforcement

There have been few notable incidents other than rod and line issues. A net marked fish has been reported on the Oykel, however. There is potential for new legislation trying to feed into IFM and major issues is rod and line, particularly in tidal water. RS felt that the increased success of the enforcement team was placing greater emphasis on activities outside of our catchment. Of particular concern was issues relating to alleged activities on the Fleet which could impact on Kyle stocks.

Catches

After reasonable to good catches on the rivers, with the notable exception of the Shin, summer catches appear to be moderate at best. Reports suggest that reasonable numbers of fish are present but this is not being reflected in catches. Reports from elsewhere in Scotland suggest a similar trend. A pink salmon was captured on the Oykel and killed. The carcass has been retained and passed to UHI Rivers and Lochs Institute for future use. Another pink salmon was lost at the net on the same day. A pink salmon was also observed going through the Evelix fish counter.

Fieldwork

Electro-fishing is being undertaken when weather conditions allow although we have been hampered by the wet weather conditions. Emphasis is again on undertaking fishing that has direct management implications. Suspected hybrid juveniles were captured upstream of the weir at Gleann Beag on the Carron and SSE have been informed. PR asked what is a hybrid? KW responded that in this they are part Salmon and part Trout. Very often hybrids are sterile.

It is intended that a site meeting will take place when the compensation flow plates are being changed over in October in order to establish if measures can be identified to lower the risk of adult salmon getting upstream of the weir. KW and SEPA to be present. WP asked if any work had been undertaken on electrofishing impact on smolts. KW replied that he was not aware of any work undertaken. Locally we do targeted electrofishing, dealing with specific problems. PIT tag downloads are being undertaken at Shin Diversion. The first grilse from the smolts tagged on the Fiag in 2016 are now being detected at the Diversion as well as multi-sea-winter salmon from the 2015 smolts tagged on the Fiag and Tirry.

Vehicles

The three new vehicles have now been collected from Inverness. It would appear that the new vehicles will offer a significant fuel saving compared to the previous models. Insurance costs will increase in the short run, however. **KW/RS Action** - Produce paper on vehicles policy. WP asked what kind of vehicles did we get? KW replied Mitsubishi L200. WP what is the reason for a one off payment rather than a finance deal? RS responded that this approach was undertaken as we had cash available and the discount offered was substantial. KW added that leased vehicles could incur additional expense through damage.

Financial

Assessments invoices have been sent out for the initial 50% of the total. A rebate is likely for the netting proprietors. I anticipate that assessment appeals are in progress. There is no significant divergence from the budgets and cash flow forecasts other than the vehicle purchases MG. Repairs to buildings have also been paid for in this budget period when it was anticipated that they would have been paid for in the 2016/17 financial year.

3. Budget & Finance

RDM asked for KW to separate provision for successful appeals to assessments in the budget. **KW Action** -Delineate provision in budgets for successful appeals. RDM noted that before we conducted the netting buyout we had a reserve policy and suggested that this may be useful going forward. **KW & RS Action** -Revisit reserve policy.

4. 2018 River Classifications

Essentially the same as last year. Oykel and Cassley Cat 1, no restrictions. Cassley is included in Oykel. Carron Cat 1. Oykel has extended to below Bonar Bridge where river starts to widen out. PR will talk with KW about this. Evelix Cat 3 means all netting stations in estuary cannot kill salmon. KW has spoken to GG about this. Fish counter data may be available in a couple of years. KW added that netting has effectively ceased,

angler exploitation level is low and greater attention needs to be paid to other factors e.g. aquaculture and hydro-electric production. PR asked if the Board is happy with the classifications? KW responded that if stocks are bad then we want Category 3 classifications if they are good then we hope that is reflected in a Category 1 classification. More work is required to look at exploitation rates. PR asked if MSS is happy with the model. RS replied that nobody is entirely happy with the model. KW hoped that the model would settle down now unless better data becomes available. WP stated that the seals must be eating many thousands of salmon. RS responded that public opinion was that seals are more important than salmon.

5. SSE Negotiations

The 1994 agreement with SSE has been terminated by SSE. RS informed the meeting that we had entered new negotiations and have a meeting Friday 6th October. Part of the process is to ensure separate river systems and arrive at separate agreements for the Carron and Shin.

KW noted that the proposed work on the Shin was trapping and trucking of smolts with additional money for bailiffing and maintenance of hatcheries. RS added that importantly we will not be responsible for commissioning or maintenance of capital equipment.

RDM stated that the Upper Shin was in the second round of the River Basin Plan as it was failing the critical test of free passage of fish. That was proved through the work of the Board and Trust. In order to move forward the only solution on table is a trap and truck operation. The point of dispute is what constitutes a measure of success. RF explained that electro-fishing results would be the benchmark of success. SEPA are reviewing water bodies upstream, particularly on the west side of Loch Shin. Those rivers will be excluded as there is limited habitat available for migratory fish. RDM questioned how long adaptive management is allowed to continue? RF replied that SSE is looking at options for improving trap efficiency on the Tirry. RS stated that ultimately the proof of the process from the interventions is the numbers of adult fish coming back. Adaptive management should not be seen as doing the least possible. RF replied that SSE recognise they need to do more on the Tirry. RDM asked if SEPA are satisfied with the fish counter system? RF replied that PIT tag and other counter can verify each other. KW noted that when we get PIT tag records we are assuming that the fish go through to the headwaters which may not be the case in reality. JG observed that the Board had been trying to get something done on the Shin for 17 years and had made no progress. RF said that there is significant progress and levels of intervention are unprecedented.

RS stated that his intention was to negotiate a separate agreement with SSE for the Carron. The proposal is for electrofishing monitoring work and secondly a sum of money to be spent specifically on Carron projects. Two potential projects have been identified namely the removal of the gauging weir and an independent review of the structure at Gleann Beag. KW noted that Gleann Beag remains in the second round of the river basin plan. RF cautioned that while this is the case no actions are currently proposed. RF

added that the Scottish Government had given SEPA guidance in terms what they decree a reasonable amount of electricity generation.

6. Loch Shin aquaculture

RS summarised the history of leakage from Loch Shin fish farms and the recent DNA testing by MSS which provided strong evidence that both farms had lost smolts. We are seeking continued monitoring with the operators making a fair cost contribution. A proposal had been forwarded to the operators. RDM added that he was looking for a clear monitoring program fully costed carried out by us and paid for by them. **KW Action** -Complete negotiations with farm operators.

PR asked what percentage of eggs goes into the Shin system from the hatchery. KW replied that presently the Tirry is the only part of the Kyle catchment stocked but this will likely cease as SSE have indicated that they do not wish this to continue. We will maintain hatchery for restoration purposes only going forward

It was the view of RF that several separate negotiations were being undertaken in respect of smolt passage and aquaculture in Loch Shin with considerable overlap. RF had also been speaking to MSS and had made the point that these things are happening in parallel. It was felt that a multiagency and stakeholder meeting would be useful. **KW Action** -Set up meeting.

7. Invercharron fishings

A letter had been received from solicitors acting for the estate of the late Mr McNamara relating to the ownership of parts of the lower reaches of the River Carron. Currently Land Registry considers the fishing rights to sit with the Board. It was agreed that KW would place the matter in the hands of the Board's solicitors. **KW action** -Contact solicitors.

8. AOB

CC – Netting buyout link on website needs to be removed **JH Action** -Remove netting buyout link.

A discussion took place regarding the perceived issues of illegal activity on the Fleet catchment. The meeting felt that the present situation was detrimental to the status of Kyle of Sutherland salmon populations. **KW action** -Raise this issue with appropriate agencies.

RDM informed the meeting that permission for a wind farm development in the Moray Firth. As part of the consents money would be made available for smolt tracking. It was hoped that any proposed work could be expanded. A Presentation would be made to KW within the next month.

Next meeting date

TBA

Actions

No	For	Detail	Raised	Complete by
1	KW	Contact George Skinner re attendance and active board membership.	October 2017	Immediate
2	KW	Put costings together on Drone use.	October 2017	As soon as possible
3	KW	HC Dornoch netting lease liaison.	October 2017	Immediate
4	KW	Establish which proprietors are VAT registered.	October 2017	As soon as possible
5	KW	Contact Susie Swift get opinion on our VAT situation.	October 2017	As soon as possible
7	JH	Circulate proposed new meeting dates.	October 2017	As soon as possible
8	JH	Give access to Dropbox to new board members and investigate issues. Time limit response to new Governance documents.	October 2017	Immediate
9	KW & RS	Establish a vehicle replacement policy.	October 2017	March 2018
10	KW	Identify provision in budget for successful appeals.	October 2017	Immediate
11	KW & RS	Revisit reserve policy.	October 2017	March 2018
12	KW	Complete negotiations with fish farm operators.	October 2017	As soon as possible
13	KW	Establish meeting with all agencies and stakeholders to discuss Upper Shin situation.	October 2017	End November 2017
14	KW	Contact solicitors regarding Invercharron.	October 2017	Immediate
15	JH	Remove netting buyout link on website.	October 2017	As soon as possible
16	KW	Speak to appropriate agencies re Fleet.	October 2017	As soon as possible