

Kyle of Sutherland Fisheries Trust

Ordinary Meeting Minutes

**Monday 22nd June 2015, 6pm
Kyle Fisheries Office, Ardgay**

Present

Robbie Douglas Miller, Chair (RDM)
Michael Brown (MB)
Tom Inglis (TI)
Steven Mackenzie (SM)
Gregor Macleod (GM)
Richard Sankey (RS)

Attending

Audrey Campbell, KSDSFB (AC)
Gary Gruber, Skibo (GG)
Alex Hunter, Dounie Estate (AH)
Alasdair Laing, ASFB Chair (AL)
David Rankin, Benmore Estate (DR)
Andrew Wallace, RAFTS Chair (AW)
Keith Williams, KSDSFB (KW)

Apologies

John Green

Welcome

RDM welcomed everyone to the meeting, introducing Andrew Wallace, Chair, Rivers and Fisheries Trusts and Alasdair Laing, Chair, Association of Salmon Fishery Boards. Apologies were noted. RDM informed everyone that there had been a Joint Management Group meeting since the last Trustee meeting, minutes of which are available in Dropbox.

Minutes of meeting held 22th March 2015 – Approval and adoption

Minutes were adopted as accurate. No comments.

Action Points / Matters Arising

1. First draft completed. This was requested by Trustees as it is possible that responsibility for the hatchery could pass to the Trust. It was noted that last year's hatchery operation took place over an unusually short period of time and costs were considerably less than normal. RS and RDM will work with KW to expand upon the draft adding a more detailed range of variables.
2. Complete.
3. Complete, added to JMG Dropbox folder for consideration prior to asking solicitor to draw up lease.
4. Complete.
5. Letters were drafted; however following conversations with some fishery owners it is unclear who owns the rights to what. When anglers are seeking written permission to fish it is obviously important that the person issuing permission has the right to do so. RDM suggested that the first step should be to clearly establish exactly what the law says and how it should be interpreted, prior to determining who actually owns the rights. In the case of Sunday fishing, which is illegal regardless of permission, KW will seek guidance from the JMG on how best to enforce the law. At the moment bailiffs are simply speaking to people and informing them of the law. No warnings have been issued.
6. Complete.

Directors Report

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

Diebidale

A considerable amount of field work was completed last year in support of the application to SEPA. The response from SEPA's review group looks very favourable and it is hoped that final confirmation will be received within the next two weeks. If successful this project will bring a small amount of project management income to the Trust. KW wished to note thanks from Rob Mitchell, RAFTS, for assistance with the application.

Spinningdale Burn

The disused lade has been measured for screens and permission obtained from the landowner to fit them. SEPA have been informed. MFTI funding will cover the cost.

Shin Genetics

A draft report was produced. Minor changes were discussed, after which we expected to receive the final report. This has still not been received. KW has advised UHI that until the contract is fulfilled by providing a final report we will not accept an invoice.

Interestingly a letter was received today from UHI looking for support for another piece of work. KW stressed that UHI must demonstrate that they can deliver existing work before we would consider anything else. AW was concerned that this sort of situation is highly damaging to UHI's reputation and their opportunities for future work. He asked for permission to report this back to the RLI committee. Agreed, however RDM expressed surprise that they would not already be aware of the Trust's unhappiness with the situation.

Forestry and Peatland Restoration

KW has been speaking to various parties regarding restoration project development around the Oykel and Cassley. It is hoped to submit an application to SNH to fund a 'desktop study' to determine the scale of a possible project. MB suggested approaching Sinclair Coghill, SNH for information or assistance.

Fish Counter

KW met with the VAKI representative whilst he was visiting the recently installed Skibo counter. This item is ongoing but not a priority at the moment.

Shin Smolts

Over 2000 smolts were tagged with half released below and half above the dam. Tirry smolt numbers seemed to be low overall compared to previous years. RS viewed the tagging process on a couple of occasions and was very impressed by the attention to detail and precision. Unfortunately very few smolts released above the dam have been recorded passing down through it. SEPA have confirmed that SSE made every effort to increase the draw through the dam during the smolt run, so it would appear that flow manipulation strategies have now been exhausted. A number of exhausted or dead smolts, almost as many as were recorded by the dam, were caught in the Merkland trap at the opposite end of the loch. RDM pointed out that this is not just a fish passage issue but also fish welfare. It is also distressing for the staff involved. KW is scheduled to attend a meeting with SSE and SEPA on 1st July to discuss the results and next steps. KW will also ask SEPA if the Trust or Board can supply any other information to assist with the decision of whether to include the trap and truck project in the second round of the River Basin Management Plan.

TI reminded everyone of the importance of establishing a proper baseline and providing evidence for SEPA to base their decision on. If the project is included in the RBMP, then SEPA will be looking to demonstrate the maximum kilometres of river improvement resulting from any new mitigation measures put in place.

RDM asked if KW would like the support of a Board member at the meeting. RS volunteered to attend if required.

RS noted that the Development folder in Dropbox has not been updated. KW apologised and will rectify the situation.

2015 Budget and Fundraising

The 2015/16 budget was agreed at the last meeting. There were no further comments. KW again noted that the budget is very tight and he is working hard to create additional income. It was acknowledged that core funding is a problem for all Trusts. Some are fully supported by their respective District Fishery Boards, some receive no Board funding at all. Funding is almost impossible to find for core activities, project funding must be sought with management time included. It was agreed that it is important, in the current climate, to keep the Trust running and TI suggested that the Board be asked to reinstate their historic annual contribution. Agreed that this will be proposed at the Board meeting tomorrow.

Government Consultations and White Papers

The Scottish Government is currently consulting on Wild Fisheries Reform. KW urged everyone to take note and respond individually to consultations where possible. KW will keep everyone informed via email or newsletter.

Andrew Wallace, RAFTS. Alasdair Laing, ASFB – Wild Fisheries Review: Next Steps

AW thanked the Trustees on behalf of himself and Alasdair for the invitation to address the meeting. He emphasised that change is unavoidable and unfortunately some Boards do not appear to recognise this. He was delighted that Kyle Fisheries as an organisation was making every effort to collaborate and participate in the process. He stressed that it is absolutely critical that RAFTS and ASFB have a clear argument to take to government on behalf of their members in order to influence decision making. A clear plan must be formed of how a future FMO should be structured in order to discharge effective fish management in each area. Staff structure will also need to be decided. Geography also must be considered; FMOs must be big enough to be professional and efficient but not so big that they are not locally recognised. If areas are too large voluntary effort, goodwill and local knowledge will be lost.

A RAFTS/ASFB working group has been established and has started to flesh out the possible form and function of an FMO and the likely balance of power between Government and FMO. ASFB also need to propose credible costings to Government, pointing out their responsibility to fund fisheries management in order to meet its national and international obligations. If the FMO organisation is not properly funded it is doomed to failure.

AW conceded that there has been a failure in communication between the organisations and their members. This is being addressed, minutes are being issued within days of meetings and weekly email bulletins are sent out detailing progress or lack of it.

RS asked if AW and AL were happy with the makeup of the Government convened stakeholder group. AL conceded that unfortunately they had no owner representation in the group but this is being addressed. An email requesting volunteers will be sent out in the next few days. It was noted that if proprietor interest and goodwill is lost then this will have a huge impact on the success of the new system. It is also important not to disenfranchise the ghillie/river worker community.

AW was asked about the continuation of trusts. Although District Fishery Boards will be dismantled, the government cannot insist that the same happens to Trusts. AW could offer no specific guidance other than his opinion that Trusts should remain in place at least until it is clear whether the new system operates smoothly. It is important not to replicate problems of the past where Trusts and Boards are disconnected, rather Trusts should be seen to coordinate and collaborate with the new FMOs. AW suggested that the functions and limitations of FMOs should be clear before any decision is made about whether to continue with the Trust. It is important that the balance of statutory powers is such that FMOs do not become paralysed by administration, statutory powers are not necessary to effectively carry out duties.

AW asked the Trustees opinion regarding geographical areas. KW has started dialogue with neighbouring Boards to gather their views. RS felt that if it was necessary to merge with another area then the Brora and Fleet were a good fit with the Kyle, having a similar make-up. This would create a total area which, although large, is still manageable; however it would be helpful to know the expectations of Government. The Northern and Helmsdale Boards' function is very different to the Kyle and Brora, but not dissimilar to each other, so may again be a good pairing.

AW and AL propose to conduct mediation meetings with collectives of Boards to discuss possible options including the issue of staffing. A letter will be sent out shortly.

KW emphasised that is highly important to quickly put forward a logical, viable proposal to Government. RS suggested that all the North boards be brought together for a discussion on possible structures.

Governance – Review of Policies KSF/POL/18 – 33

The above policies were all due for review. As no difficulty has arisen in applying any of the policies and the Trustees had no suggestions for amendment, these were all approved. AC will append all policies with a note to that effect and update the register with the next review dates.

Loch Shin Aquaculture

The unusually high water levels in Loch Shin meant that the Merkland RST was unable to be installed until very late in the season. Farmed escapees were caught immediately following installation. This was reported to FHI in Torry who said they would be interested in taking the fish for examination again this year. KW subsequently asked if they planned to use their statutory powers to collect samples from the fish farms in order to carry out genetic testing on the escapees to determine their origin. He has had no response. This is a simple, reasonable request and the lack of response is unacceptable. He has emailed FHI expressing his concern and advising them that if they continue to ignore requests the Board will prepare and submit a parliamentary question demanding to know why they are refusing to use the powers granted to them. TI advised that a formal complaint should be lodged through the proper channels, following the PQ.

AOB

None proposed.

TI tendered his apologies for the November meetings.

Meeting Closed.

ACTION POINTS – from this meeting			
No	Who	Action	Completed by:
1	RDM/RS/KW	Develop more detailed draft of hatchery costs	By November meeting
2	JMG	Check Heads of terms draft in Dropbox	As soon as possible
3	KW	Seek guidance from JMG regarding enforcing Sunday fishing laws on the Kyle	As soon as possible
4	KW	Establish how laws affect Kyle angling from boats	As soon as possible
5	KW	Determine ownership of rights in Kyle area	As soon as possible
6	KW/AC	Update Development folder	As soon as possible
7	RDM	Request reinstatement of Board's annual funding contribution.	23 rd June 2015
8	KW/RS	Organise meeting of all North Boards to discuss possible FMO structure	As soon as possible