



Kyle of Sutherland District Salmon Fishery Board
Agenda Ordinary Meeting
Friday 12th October 2018 at 10.00 am
Kyle Fisheries Office, Ardgay

Present:

Richard Sankey -RS **Chair**
 John Green – JG
 Alex Hunter -AH
 Nicky Griffiths -NG
 William Paterson -WP
 Robbie Douglas Miller -RDM
 Peter Routledge – PR
 Rob Whitson – RW (BI-Cassley)

Attending:

Keith Williams -KW (KF)
 Steven MacKenzie -SM (KSFT)
 Alastair Steven – AS (SSE)
 Iain McMyn – IM (SSE)
 Sean Robertson – SR (KF)

 Iain Ross (Public)
 Linda Morad-Tehrani (Public)

Apologies:

Ashe Windham
 Richard Fyfe
 James Vestey
 Ninn Vestey
 Gary Gruber
 Andrew Douglas Miller
 James & Annie Greenwood

Minutes:

Jacqui Hamblin (KF)

1. **Richard Sankey welcomed those attending and noted apologies.**
2. **Minutes of Ordinary Meeting held 29th June 2018 were approved and adopted.**
3. **Actions and Matters Arising.**

B/Fwd. Actions

No	For	Detail	Raised	Complete by
1	KW	Contact George Skinner re attendance and active board membership. It was understood that that Mr Skinner was not in particularly good health. Ask WP to approach still ongoing. <i>It was decided that the time was not right and to revisit at another time.</i>	October 2017	Complete
2		Put costings together on Drone use. KF have had offer of support from fishing tackle company. AS- Chris on Ness using drone,	October 2017	As soon as possible

		<p>talk to them. SR- used drone on the Spey, £1300 license and cost of drone looking at £5K. RS- Cost on top of that was software to interpret. Used increasingly for habitat work giving many benefits. AS- could use thermal imagery to link in with MSS temperature prediction, temperature capture and enforcement. Action KW/SR - More capacity to look at this, explore further.</p> <p>SR - has looked at drones and got costings. Need to make sure we get the right one and right training. IM- SSE use a man from Ireland for training and it is very costly. Action IM - to pass these details onto SR</p> <p>Action SR Paper has been produced with costings that will be circulated to the JMG, to include thermal imaging option. AS – advised that at Aberdeen Uni there is a PHD being done on drone and thermal imaging usage and it may be worth tapping into that. Action SR to circulate proposal to JMG in first instance.</p>		
3	KW	<p>Dornoch netting lease complete negotiations with HC to ensure not released to public. Action KW Attend Lairg meeting and report back. KW attended ward meeting and received warm response amiable to renew lease. Action KW go back to ward manager for progress report. KW – Complete agreed £500 PA – 7-year lease. awaiting on the legals from HC</p>	October 2017	Complete
4	KW/JH	<p>Contact Susie Swift get opinion on our VAT situation. KF accountants have merged with larger company that have dedicated Tax department.</p> <p>KW & JH Meeting with them 11am Tuesday 3/7/18. Action KW/JH report back on advice received. Engaged with Goldwells.</p>	October 2017	Complete
5	KW	<p>Establish meeting with all agencies and stakeholders to discuss Upper Shin situation. Concerns sub strains, spawning. In conversation and RDM, C/Fwd.</p> <p>KW Had a meeting in Dingwall with SSE, SEPA and MSS in same room. MSS came with a particular agenda of only helping to run trap at Merkland. They were not willing to do any work in terms of genetics on the</p>	October 2017	Ongoing

	KW RDM	<p>upper shin. However, we had reasonably productive discussions. All are keen about the restoration side, but all stated that what we really need is for fish farmers to stop losing fish. It is disappointing to see how the fresh water aquaculture operations have been ignored. There is a regulatory gap. We have received a preliminary report from the Rivers and Lochs Institute regarding the progression issue on the shin. The report shows some issues relating to integration.</p> <p><i>RDM – Is Migdale smolts contribution ongoing? Action KW engage with Migdale. Action RDM re-engage with Cooke Aquaculture.</i></p>		
6	KW	<p>Report back to the board on options for remedial action at Gleann Beag. Flat flow is a possibility. SSE’s point of view is that flat flow would be preferable. However, there are significant H&S issues. The plan is to use some of the ring-fenced monies for Carron projects. RF – spoke about a floating gate. We need to sit down with SSE and Carron proprietors to discuss how to move forward with the Carron. RF stated that if SEPA commit resources to this that it must be led by the science. KW action engage with all parties. <i>KW Monitoring is required before altering the flow pattern. He was on site when plate was inserted by SSE in early October. At the recent meeting with SSE radio tracking was proposed on Carron amongst other activities. Action KW and SSE establish baseline data requirements before considering what can be done. Action KW Speak to Carron Proprietor Group to update them on progress.</i></p>	April 2018	As soon as possible
7	KW	<p>Invercharron fishing – KW to speak to legal representative to confirm present situation Action to instruct solicitors to find amicable solution quickly. <i>Agenda Item 11.</i></p>	October 2017	As soon as possible
8	SR	<p>Facebook closed group invite board members for feedback. SR has been posting updates and can see the value in Facebook. In regard to raising awareness of the Henry Morrice project,</p>	April 2018	Complete

		social media would be advantageous. SR would like to take to public Facebook page, keeping it educational and informative. Action SR – make public.		
9	SR	APEM Fingerprinting analysis Action SE in confidence share with SEPA. <i>APEM sediment mapping study across different sites to identify sediment came sources. June 2019 planned date. Action SR – Keep Board informed.</i>	June 18	Ongoing
10	JH	Identify and make available the minutes of the netting bothy discussions.	June 18	Complete
11	KW	Open dialog with the KSDT in regard to Salmon trail/museum.	June 18	Complete
12	IM	Advise board on Ducally. <i>AS - Mk11 & Mk12 still investigating best way of giving us data. New software means every event will be time stamped. We can scroll through and get raw data. Latest counts are Duchally 151, Shin 150. Action IM – Put dates in diary for update meeting.</i>	June 18	

4. Cassley representative co-option

KW emailed Cassley proprietors and no objections to the co-option of Robert Whitson were received. The Board unanimously agreed he be co-opted.

5. Standard Items

1. Declarations of interest in agenda items to be discussed.
 - i. RS - Invercharron agenda item, conflicted as an Oykel proprietor.
 - ii. PR – Invercharron agenda item, conflicted as member of KOSAA and Invercharron fishing syndicate.
 - iii. RDM and AH – point 10 SSE agreement conflict.
 - iv. RDM – Chair of AST therefore conflicted in many areas.
2. Health & Safety - nothing to report.

6. Complaints

1. Netting Bothy. Relates to demolition of old netting bothy. Action point was to speak to the KOS development trust. A meeting took place with KW, SR & JH and Helen Houston of the Development Trust present. Subsequently we were advised that any rebuilding would be unlikely to receive the required permissions due to flooding issues. The same problem would likely prevent the development of the remaining building still in use as a visitor centre etc. Helen Houston has subsequently been in contact to advise us on a proposed project being developed for an area close by that includes some signage and heritage interpretation on the history of the netting industry. The Board proposed that the complaint be closed, and the complainants written to and advised: -

- a. Its dangerous condition was a health and safety issue and a danger to the public.
- b. Demolition was the only viable option to the Board given the poor state of the building.
- c. The building was on a flood plain therefore it is highly unlikely planning permission would be granted to re-build.
- d. Apologise for not consulting the community on this matter but in this instance, there was no alternative and the outcome would unfortunately have likely been the same.

Iain Ross and Linda Morad-Tehrani asked why the community had not been consulted prior to demolition. KW explained that as planning permission was not required for the demolition, community consultation had not been triggered via the planning process. He noted that at a Community Council meeting when the demolished building was brought up, the building was described by the community council as having been 'beyond saving and in a dangerous condition'. RS added that there had been no malice intended in the Board's actions, but the safety aspect had been paramount.

Action (7) KW to write to complainants.

7. Governance

All policies are up to date with the exception of the health and safety policy.

Action (8) KW to update H&S policy.

8. Directors Report Oct 2018

Rod Catch

A very wet September led to improved salmon catches. Return notices have yet to be sent out but at this stage I would estimate that total rod catch is likely to be in the order of 2,200 – 2,400. Sea trout catches appear to have been largely poor although large numbers of Finnock were caught in the Kyle.

Budgets and Finance

The assessor has now informed us of the rateable value appeals. Circa £20k per annum was being collected as a contingency for successful appeals. It would appear that this figure will be sufficient to cover successful appeals. VAT payments will be higher than budgeted for due to underpayments in previous years plus a more recent miscalculation. The legal expenses provision will be inadequate due to ongoing legal advice being received in relation to the Invercharron fishing.

Staffing

No issues have arisen. Eoghan Gollan, the seasonal bailiff, finished his period of employment at the end of September.

Enforcement

A net which had not been used for some time was removed from the Farm Pool on the Shin after it was spotted by the ghillie. Other incidents were restricted to rod and line issues. The police were called to one incident although no further action was taken. The bulk of the patrols continue to be undertaken at night with the notable exception of Sunday when some daylight work is also undertaken. Regular canoe patrols have been undertaken supplemented by boat patrols in the Dornoch Firth. The boat has successfully undergone its MECAL

inspection. Visits to restaurants and hotels has also been undertaken in response to issues related to the sale of wild salmon and sea trout.

Website

The revamped Kyle Fisheries website has been launched using the existing address:

www.kylefisheries.org

The new website is much easier to manage and update. It also contains a facility for donations to be made directly to the Trust. The bulk of the work required to populate the website with information and pictures was undertaken by Jacqui and Sean. The website also has information and contact details for individual fisheries.

Dornoch Netting Lease Renewal-

Phil Tomalin, the HC area manager, has responded following a reminder from myself. The netting lease will continue for this year at the old rate of £250 with a further seven-year lease being offered at £500 per annum. Mr Sankey and I have agreed the amount and we now await the paperwork.

Fieldwork

Weather conditions have proven difficult due to high summer water temperatures and a very wet September; however, the majority of the anticipated work programme has been completed. Time spend on the Marine Scotland programme has been extensive due to the extra samples (scales and genetics) that have been required.

Gleann Beag

A site meeting was held on the 2nd October during the insertion of the plate at Gleann Beag on the upper reaches of the Carron.

Consultations and Other Activities

- A response has been submitted to the proposed Lairg Windfarm extension.
- A response has been submitted to the scoping exercise for the proposed Craig Ribach overhead electricity line upgrade on the Tirry.
- We understand that no decision has yet been reached by HC in respect of the Migdale Smolt application to remove the time limitation on the planning permission.
- Sean and I attended a meeting with Richard Fyfe and SSE in Dingwall to discuss the Loch Shin smolt trapping, potential work on the Carron and River Shin flows.
- A meeting took place with Mark Bilsby and Matt Newton of AST to discuss the proposed 2019 smolt tracking project.
- I attended a meeting in Dingwall to discuss monitoring for the Craig Ribach windfarm which has the potential to impact on the upper reaches of the Tirry.
- A meeting was held with a representative of the Woodlands Trust to discuss potential project opportunities.
- I attended a meeting in Edinburgh to discuss the issues associated with Invercharron fishing ownership. Robbie Douglas Miller was present at the meeting.

- A fishery development meeting was held in the Trust office at which representatives from a number of fishery boards and trusts were present.

KLW 3.10.18

9. Budget & Finance

- VAT- There was a higher payment this quarter due to an audit check by JH that discovered final quarter payments for 3 years had been underpaid due to an error in the partial exemption calculation and various nominal code errors. Corrections were verified by our accountant prior to underpayment being paid. New partial exemption calculation spreadsheets have been produced and verified and nominal checks are in place for the future.
- SSE- The SSE mitigation payment was received. The figures within the budget are inclusive of VAT as the budgets are essentially cash flow budgets.
- Legal – We have received a legal bill for £4661 in relation to Invercharron.
- Vehicle – We have budgeted for a new vehicle and the disposal of another.
- Assessments – The contingency for appeals on assessments was at £40K. The appeals process is now complete, and we have received the new rateable values. Credits have been raised for 2017 and the first half of 2018 and sent out to those concerned. The rebate difference comes to £31,406 in total against budget forecast, within the £40K projected.

10. SSE agreements

AS – A copy of the SSE agreement was provided to the Board.

Action (9) AS – to provide electronic version for review.

11. Invercharron

- RS agreed with Freddie MacNamara (FM) that a meeting be arranged with the solicitors acting for both parties. KW, RDM and Stephen Gamba (SG) attended on behalf of the Board. The legal firm Gillespie MacAndrew (GM) are acting for both parties. During this meeting the legal title was discussed. FM and Fraser Leslie (FL) (GM) provided no convincing evidence of ownership. SG provided proof of Board ownership and registration at Land Registry. It was accepted at the meeting that the Board legally owned the fishings. It was agreed that FL would approach Land Registry and ascertain if a splitting of rod and netting rights was acceptable. Subsequent correspondence from FL confirmed that that the splitting of rights was not acceptable to Land Registry.
- RS received a proposal from FL on behalf of the MacNamara Trustees that the board gift the freehold title to Invercharron and in exchange they provide the Board with a lease for the netting rights. The legal advice received by the Board was not to accept the gifting of rights and lease proposal as it could be challenged in the future. The Board have established a clean title bought by the netting buyout donations and our main aim is to protect the netting rights. The recommendation from the JMG is not to accept this proposal.
- Invercharron could still pursue their title with the land registry.
- Alternatively, as the lower Oykel have a 99-year lease from the Board. Invercharron could revert to the lower Oykel and come to some arrangement for a sub-lease to fish the water by rod and line.

- AH – The Board should support Invercharron fishing the part of the Carron in question. The problem is the legal structure. He would be upset to see Invercharron not have access to the fishing rights. The Board agreed that it was supportive of Invercharron fishing the area in question by rod and line and hoped that an agreement could be reached to bring this about.
- JG – As chair of the lower Oykel we have not received any proposal from Invercharron therefore cannot add anything tangible at this stage. He was open to dialogue.
- PR – Extraordinary that after fishing for 70 years that Invercharron do not have clear title.
- AH – He understood that laws of adverse possession were different under Scottish law compared to their English equivalent.
- RS – Are we happy for board to go back and respond to turn down the proposal? All agreed. **Action (4) RS to respond to proposal with Board decision.**

12. 2019 Conservation Policy

KW we have a standard conservation policy. FMS issued additional advice during the summer regarding water temperature. i.e. cease fishing if water temperature reaches 18 degrees. Should we incorporate this advice into our Conservation policy? It was agreed to incorporate the advice into the policy. An A4 poster would be produced explaining the importance of temperature. **Action (10) KW to alter policy and distribute. Action (10) SR A4 poster to be produced.**

13. Carron Pollution

AH scum going down river seemed significantly higher in low water. Septic Tanks soak aways are likely to be part of the problem. - Educate people to the chemicals to try and minimise the impact on the river. Phosphate free dishwasher tablet etc. **Action (11) KW to research best practice.**

14. Fishery Management Plan 2018-2021-

Put onto website & dropbox as a draft for review. **Action (12) SR place draft in dropbox and on website.**

15. AOCB

- i. Firth Permit Revenue – Money received from issuing Firth permits this year amounts to £140. We propose that the Board gift this to the Trust for seed core funding to promote Youth Angling projects. SR - FMS has a Fishery development officer that we could tap into. AS - SSE has a sustainable development fund project in mind for inclusive fishing and community social cohesion. KW - Loop can provide starter fishing kits. **Action (13) KW/SR continue to develop potential project.**
- ii. FMS asked for nominations for directors. RS to put name forward as proposed by the Board as proprietorial director. **Action (14) KW to inform FMS of nomination.**
- iii. RDM requested SSE have a brief follow up meeting to discuss Tirry mitigation.
- iv. AS – Draft SSE agreement, evidence gathering is important, looking for a report targeted on annual basis. **Action (15) KW/JH/SR to produce report.**

- v. AH – Message on catch and release be made clearer. JH advised already on website and in folders in huts. SR advised on “Keep em Wet” campaign **Action (16) SR – A4 poster on best practice.**
- vi. NG – Can you make available River workers meeting minutes? **Action (17) KW provide minutes.**
- vii. The Board have received a request to move the meeting dates to closer to the season end. JH to garner views on dates being closer to end of season. **Action (18) JH.**

Actions C/Fwd.

No	For	Detail	Raised	Complete by
1	SR	<p>Drone Use -Put costings together. SR - has looked at drones and got costings. Need to make sure we get the right one and right training. IM- SSE use a guy from Ireland for training and it is very costly. Action IM - to pass these details onto SR</p> <p>Action SR Paper has been produced with costings that will be circulated to the JMG, to include thermal imaging option. AS – advised that at Aberdeen Uni there is a PHD being done on drone and thermal imaging usage and may be worth tapping into that. Action SR to circulate proposal to JMG in first instance.</p>	October 2017	As soon as possible
2	KW	<p>Establish meeting with all agencies and stakeholders to discuss Upper Shin situation.</p> <p>Concerns sub strains, spawning. In conversation and RDM, C/Fwd.</p> <p>KW Had a meeting in Dingwall with SSE, SEPA and MSS in same room. MSS came with a particular agenda of only helping to run trap at Merkland. They were not willing to do any work in terms of genetics on the upper shin. However, we had reasonably productive discussions. All are keen about the restoration side, but all stated that what we really need is for fish farmers to stop losing fish. It is disappointing to see how the fresh water aquaculture operations have been ignored. There is a regulatory gap. We have received a preliminary report from</p>	October 2017	Ongoing

	KW RDM	the Rivers and Lochs Institute regarding the progression issue on the shin. The report shows some issues relating to integration. RDM – Migdale smolts contribution ongoing. Action KW engage with Migdale. Action RDM re-engage with Cooke Aquaculture		
3	KW	Report back to the board on options for remedial action at Gleann Beag. Flat flow is a possibility. SSE's point of view is that flat flow would be preferable. However, there are significant H&S issues. The plan is to use some of the ring-fenced monies for Carron projects. RF – spoke about a floating gate. We need to sit down with SSE and Carron proprietors to discuss how to move forward with the Carron. RF stated that if SEPA commit resources to this that it must be led by the science. KW action engage with all parties. KW Monitoring a way from altering flow pattern. On site when plate inserted. Proposed radio tracking on Carron. Action KW have some baseline data before considering what can be done. Action KW Speak to Carron Proprietor Group	April 2018	As soon as possible
4	RS	Invercharron fishing – KW to speak to legal representative to confirm present situation. Action to instruct solicitors to find amiable solution quickly. Agenda Item 11. Action RS respond to proposal with Board decision.	October 2017	Immediate
5	SR	APEM Fingerprinting analysis Action SE in confidence share with SEPA. APEM sediment mapping study across different sites to identify sediment came sources. June 2019 planned date. Action SR – Keep Board informed.	June 18	Ongoing
6	IM	Advise board on Duchally. AS - Mk11 & Mk12 still investigating best way of giving us data. New software event and time stamped. We can scroll through and get raw data. Duchally 151, Shin 150. Action IM – Put dates in diary for update meeting.	June 18	As soon as possible

7	KW	Complaint on Netting Station demolition to be closed and complainants written to.	October 18	As soon as possible
8	KW/SR	Health & Safety policy to be updated	October 18	As soon as possible
9	AS	SSE agreement AS to provide electronic version for review.	October 18	As soon as possible
10	KW/SR	Conservation Policy include cease fishing at 18 Degrees water temperature. A4 poster to be produced.	October 18	As soon as possible
11	KW/SR	Carron Pollution – Septic tanks soak aways – research educate on chemicals and products.	October 18	December 2018
12	SR	Fishery Management Plan 2018-2021 – Put draft on Website & Dropbox for review.	October 18	December 2018
13	KW/SR	Youth Angling Projects – Monies from Firth fishing permits to be donated to Trust for seed core funding. Develop project.	October 18	As soon as possible
14	KW	Nominations requested for FMS Directors – RS to be nominated as proprietorial director.	October 18	Immediate
15	KW/SR/JH	SSE require a targeted annual report and finance attribution.	October 18	As soon as possible
16	SR	“Keep em Wet” campaign provide more marketing on catch and release. A4 posters, website, FB, folders, etc.	October 18	As soon as possible
17	KW	River Workers meeting minutes make available to proprietors	October 18	As soon as possible
18	JH	Gain consensus on annual meetings closer to season end.	October 18	As soon as possible

Date of next meeting: TBA

Meeting closed: 12.15pm