

COMMENTS ON A

10 November 2011

Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock

The undersigned organisations greatly welcome the Commission's proposal for a new multiannual plan for Baltic salmon (COM(2011)470). In order to ensure the recovery of the weak wild populations of both salmon and sea trout, the plan has to be based on the precautionary principle and the ecosystem approach and should secure that:

- all fishing on mixed populations is stopped. Until the weak wild salmon populations have recovered, fishing should be restricted to the rivers and defined estuaries of strong Baltic salmon river populations;
- it is mandatory for Member States to provide adequate data in order to enable more reliable analysis of unknown removals and post-smolt survival, including estimates of natural predation and catch figures for all commercial and recreational fisheries in both private and common waters;
- comprehensive studies on the causes of low post-smolt survival rates are carried out;
- compensatory releases are phased out in the long term¹, to minimise the risks of reared salmon "polluting" the genetic composition of wild salmon populations. Available financial resources should primarily be used to restore the reproductive capacity of Baltic salmon populations, for example through improvements to river habitats; compensatory releases of reared salmon should only be considered a last resort after other measures to strengthen populations have been carried out;
- until compensatory releases are phased out, all reared and released salmon and sea trout are fin-clipped to enable separate management and improved monitoring; and
- the minimum landing size for sea trout is harmonized with that for salmon, in order to avoid catches of undersized fish and ensure better management of both species; 65 cm throughout the Baltic Sea region would be appropriate. In addition, a maximum landing size is needed in order to protect the largest individuals, which play a crucial role in reproduction.

Considering the alarming condition for some of the Baltic salmon populations, a new multiannual plan is *urgently* needed, and we call on the Council and the European Parliament to bear this in mind when debating the proposal and to ensure a fast decision.

¹ *All the undersigned organisations agree that compensatory releases should be phased out, but opinions about the time frame differs.*

BACKGROUND AND GENERAL COMMENTS

The former Salmon Action Plan (SAP)², adopted in 1997 by the International Baltic Sea Fisheries Commission (IBSFC), should have remained valid until 2010. It has, however, formally been obsolete since 2005, when the IBSFC ceased to exist in connection with the accession of the Baltic States and Poland to the European Union. Independent of the SAP, targets for Baltic salmon were also included in the Helcom Baltic Sea Action Plan (BSAP)³, adopted in 2007 and ratified by the Ministers for Environment in all the Baltic States, including Russia, as well as by the European Community. However, the BSAP focuses mainly on river-based management and less on fisheries management. Efforts in accordance with both plans have resulted in some positive trends, such as an increase in the total number of juveniles entering the sea (total smolt production), especially in the northern Baltic area; although that increase has now levelled off. Very alarmingly, the smolt survival rate has drastically declined in the last 15 years and is currently at levels below 15% for wild salmon and 10% for reared salmon⁴, threatening the survival of some populations. Furthermore, the proportion of mature individuals returning to their natal river to reproduce has been at historically low levels in recent years. Adding to the problems of low post-smolt survival and low numbers of returning spawners is the suspected high levels of misreporting of salmon as sea trout in some fisheries.

In order to ensure the recovery and long-term sustainability of the wild salmon and sea trout populations in the Baltic region it is of vital importance to:

1. Implement a coordinated approach

To implement a coordinated and ecosystem-based approach to the management of these populations, it is crucial to include both marine and freshwater stages of the salmon's life cycle. Therefore – to fulfil the objectives of the plan – we support the proposal that salmon management should fall under EC exclusive management. We also welcome the active role set out for the Commission, allowing it to intervene if Member States (MS) fail to fulfil their obligations.

2. Stop fishing on mixed populations

The plan shall aim to close all offshore fisheries until the wild populations are above safe biological limits. When all populations have recovered, temporal closures ought to be used in order to avoid catches of salmon of mixed origin and to allow large females to return to their rivers to reproduce. One of the major obstacles to sustainable management of salmon is the current practice of allowing fisheries on mixed populations, which makes protection and restoration of weak wild populations very difficult. We therefore propose that fishing should only be allowed in rivers and their defined estuaries, with separate Member State-set TACs for each river depending on the status of its population. This would also be in accordance with management of Atlantic salmon, where fishing outside 12 nautical miles is forbidden.

3. Improve knowledge on unknown removals and post-smolt survival

In order to enable recovery of the wild populations, better harmonized data from Member States is needed. Considerable uncertainties on removals of Baltic salmon make it difficult to attain reliable estimates on fishing mortality. Therefore, future requirements for Member State reporting has to include estimates of 1) all commercial and

² IBSFC Salmon Action Plan 1997–2010, adopted in February 1997

³ HELCOM Baltic Sea Action Plan, adopted in November 2007

⁴ ICES WGBAST REPORT 2011/ACOM:08

recreational catches of salmon in both private and common waters, 2) bycatches, 3) discards and 4) natural mortality. Failing that, the Commission should make a request for a special report from ICES on how to best address this lack of knowledge. In addition, if no or poor data are delivered, reduced fishing opportunities for the Member States concerned should be considered, or the approach to manage data poor stocks should be applied (25% cuts to TAC).

4. Phase out compensatory releases of reared salmon

We support the proposal to phase out direct restocking of Baltic salmon in the long term. Currently, large-scale hatchery reproduction programmes are run by some of the hydropower companies in order to compensate for the vast loss in wild salmon reproduction caused by damming. Large releases are also carried out through state intervention and on the initiative of recreational fishermen. The main purpose of all these releases, however, is to sustain fishing and they are hence contributing to keeping the fishing pressure high.

Due to the low survival rates of reared salmon and the gradual recovery of wild river populations, the compensatory releases have proven to be of less and less importance to the commercial fishery. Today, they make up only 10% of the salmon caught, as compared to 90% when the former IBSFC SAP was adopted. In addition, the brood fish are often of a different origin, or mixed with, the population it is intended to compensate for. This, in combination with poor release practices, has resulted in a greater occurrence of so called strayers, i.e. individuals that migrate to rivers other than their origin to spawn. Strayers from geographically distant rivers are considered to have had impacts on the vitality of some populations, due to loss of population-specific local adaptations⁵. To summarise, compensatory releases are therefore predominantly counterproductive to conservation objectives.

We do, however, urge decision-makers to consider the particular situation of wild salmon populations that are currently “homeless” because of massive changes and disruptions in their native rivers. Some of these are kept alive solely through rearing and releases. The management plan therefore needs to ensure continued conservation of these populations, preferable by making the safeguarding and recovery of these populations a clear responsibility of the Member States concerned.

5. Fin-clip reared and released salmon

We propose that finclipping of reared and released salmon and sea trout should be mandatory throughout the region until compensatory releases are phased out. Although we acknowledge that there are ethical problems with finclipping, we consider it the best available method for separating reared fish from wild in brood stock selections. Such selections are genetically important for the management of wild salmon and sea trout populations. The possibility to separate wild fish from reared should also be used by Member States for national management of populations, by requiring the release of wild fish in certain areas and rivers.

Finclipping needs to be made a pan-Baltic requirement, as strayers from reared stocks in one country may affect wild river populations in other countries. Also, as the genetic quality of some of the released salmon and sea trout is very poor, it is essential to avoid the use of reared fish in brood stocks.

⁵ Vasmägi *et al.*, 2005. *Extensive immigration from compensatory hatchery releases into wild Atlantic salmon population in the Baltic sea: spatio-temporal analysis over 18 years. Heredity (95): 76–83.*

6. Revise landing sizes of salmon and sea trout

To enable more efficient management and facilitate control, we call for a common minimum landing size of 65 cm for both salmon and sea trout throughout the Baltic Sea region. Today, there are, for no obvious ecological reasons, different minimum landing sizes for salmon in the Gulf of Bothnia (50 cm) and in the rest of the Baltic Sea (60 cm). Also for sea trout, minimum landing sizes varies from area to area (40–50 cm). ICES has recommended that the minimum landing size for sea trout should be set at 65 cm to ensure that a majority of sea trout has spawned at least once before it is caught. Furthermore, a maximum landing size for salmon should be adopted in order to protect the largest individuals with the best reproductive performance.

Other gaps in the Commission proposal

We would like to stress the importance of managing Baltic sea trout along with salmon, as the two are often caught in the same fisheries and misreporting is common place. There is also a clear need for better management of Baltic sea trout. For example, all the Finnish sea trout populations are classified as critically endangered and need to be protected from all fishing in ICES subdivisions 30, 31 and 32 until they have recovered enough to sustain fishing, or a separate management plan for sea trout has been put in place. Also, releases of reared sea trout should be phased out and available financial resources should be re-directed towards habitat restoration and other measures that strengthen recruitment.

We consider parts of the proposal to be too general; it could be improved by adding more details on certain aspects. For example, the proposal should include a list of potential wild salmon rivers. Also, as long as we have an offshore fishery, it should be mandatory to use circle hooks in the longline fishery, as they facilitate release and increase survival of released wild individuals. In addition, technical guidelines to support the contents in the plan would be useful, such as minimum standards for rearing salmon, handling and fin-clipping of reared salmon, and release practices. This might not be appropriate to include in the plan, but we suggest that the Commission initiates work on this by suitable expertise and makes it accessible to all relevant Member States.

It is important to include a framework for monitoring and evaluation of the impact of the multiannual plan in order to make amendments if necessary.

DETAILED COMMENTS

Chapter I Subject matter, scope and definitions

Article 2 Scope

In order to effectively manage salmon stocks, the management measures need to cover fishing in the rivers as well as in the open sea. We therefore support the scope set out by the Commission.

Article 3 Definitions

We believe that a few more definitions would have been useful to include in article 3:

- Clear definitions of “river” and “sea”, with references to applicable directives, as it is likely to be difficult to draw the line between sea, coast and river due to low salinity in a large part of the Baltic Sea.
- A definition of “release of salmon” should be added to avoid confusion with “stocking” and “direct restocking of salmon”.

Since “potential salmon rivers” are defined together with “wild salmon rivers”, we suggest that these should also be listed and added to the annexes. This is particularly important, as it is proposed that financial support from the future European Maritime and Fisheries Fund will be available for river-basin management and direct restocking programmes.

Chapter II Objectives

Article 4 Objectives

The main objectives of the plan are to aim at ensuring that:

- 1) the Baltic salmon stock is exploited in a sustainable way according to the principle of Maximum Sustainable Yield (MSY).
- 2) the unique genetic integrity and diversity of the Baltic salmon stock is safeguarded.

Overall, we support the objectives of the plan, using potential smolt production capacity (PSPC) on a river-by-river basis as the main variable for MSY, and consider safeguarding of the genetic diversity to be of crucial importance for the survival and recovery of the different Baltic populations.

However, MSY⁶ should only be considered an intermediate target for stock abundance; in the longer term, more conservative and precautionary targets need to be developed. Also, to ensure favourable conservation status⁷ of the different salmon populations in the Baltic Sea, we believe it is important to mention this objective not only in the Explanatory Memorandum, but also under Article 4 Objectives, together with a further specification of sustainable exploitation in terms of the precautionary principle and an ecosystem-based approach.

This could be added as follows:

- 4.1) to ensure a favourable conservation status of Baltic salmon, as defined under the Habitats Directive, through fisheries management in line with the precautionary principle and an ecosystem-based approach. [new]
- 4.2) to ensure that Baltic salmon is exploited sustainably and in accordance with Maximum Sustainable Yield (MSY). [no change]
- 4.3) to safeguard the unique genetic integrity and diversity of the Baltic salmon stock. [no change]

⁶ MSY has become the main tool for managing EU fish stocks. It is, theoretically, the largest yield (or catch) that can be taken from a stock over an indefinite period without reducing overall abundance. The common assumption is that this occurs when the fish stock has been reduced to less than half of the unfished level. However, the concept has been subject to harsh criticism from the scientific community since it puts populations at too much risk; it is single-species oriented; it considers only the benefits, not the costs, of fishing; and it is sensitive to political pressure. We therefore view MSY only as an intermediate target to achieving healthy abundance levels. Longer-term fisheries management objectives must be developed that are more conservative and precautionary in nature.

⁷ According to the EC Habitats Directive, conservation status will be considered favourable when populations dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. In OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

Chapter III Targets

Article 5 Targets for wild salmon river stocks

The Commission is proposing a stepwise approach to the recovery of wild salmon populations, with 50 or 75% Potential Smolt Production Capacity (PSPC) in 5 years, and 75% for all salmon populations in 10 years. In 2008, ICES assessed that 60–80 % of the PSPC should be produced for a river to be classified as in a “good state”⁸. Helcom adopted the higher value in the range and in the BSAP the target is to reach at least 80% of PSPC by 2015, or 50% for some very weak river populations.

We urge that the 80% target already agreed by the Baltic Environment Ministers, including Russia, and the European Community in the Helcom BSAP is used as the target value in the EC multiannual plan as well.

We also propose that a point 5.5 is added under this article, setting out targets for the reestablishment of natural populations in potential wild salmon rivers as well.

Chapter IV Harvesting rules

In articles 6 and 7, the processes for fixing TACs in the rivers and at sea are specified, and the setting of river specific fishing mortality (F) rates is discussed. However, it is not made sufficiently clear how the TACs in rivers should be set in relation to the TAC at sea in order to jointly achieve MSY as a percentage of PSPC. In addition, considering the extensive unknown mortality, the setting of individual river TACs corresponding to a F at sea of 0.1 might be possible but according to ICES requires much better data compared to what is available today.

Currently, most salmon catches are made along the coast and at sea. We want to direct catches to rivers and/or river estuaries, enabling local management and better protection of the weaker populations. We would therefore like to see a stop of the offshore fisheries on mixed populations, which would in the end make Article 7 obsolete.

Article 6 Determining TAC in rivers

Article 6.3. It is very important that estimates of all recreational fisheries are included in statistics on fishing mortality rate in wild salmon rivers.

The powers given to the Commission under Article 6 to control MS measures and activities are needed to enable comparable standards for catch limits in rivers across the region.

Article 7 Determining TAC at sea

We would like all fishing on mixed populations to be stopped. Until the weak wild river populations have recovered, fishing should only be allowed in rivers and the defined estuaries of Baltic rivers with strong salmon populations.

If offshore salmon fisheries continue to be allowed in the future, it is central that (F) is set no higher than 0.1, as a higher mortality will put the overall management of the Baltic salmon populations at unacceptable risk. In order to enforce this target, Member States must provide better data, based on high quality assessments of catches in recreational fisheries, as well as unknown removals caused by misreporting and predation. All fishing in private waters along the coast should also be assessed and reported.

⁸ 2008. Request to ICES for advice on management of Baltic Sea salmon (8.3.3.3)

We also want to emphasize the importance of including all salmon catches (also discard and bycatch) when ICES provides advice on yearly TAC, as currently the annual bycatch of salmon is estimated to make up a considerable part of the catches.

Article 8 Use of the national quota by service vessels

We welcome the inclusion of catches from service vessels at sea in the national quota.

Chapter V Technical conservation measures

Article 9 Member States measures to protect weak salmon river stocks

The most important measure to protect and restore Baltic salmon is to close all offshore fisheries, as these are unable to discriminate between weak and strong populations. Because of what is known about coastal migration routes, it will be a challenge to set appropriate restrictions in the coastal waters as well. This should be taken into account in the national technical conservation measures.

The national technical conservation measures established by MS could include temporary bans of all fishing, including recreational fishing with nets and traps as well as angling, in order to protect returning spawners. Furthermore, the Commission must be able to promptly request such actions under article 11(2) and 11(3) if MS are not fulfilling their responsibilities. Valuable information on possible management measures and actions in inland waters already agreed upon and adopted by contracting parties can be found in the Helcom SALAR project⁹. Finally, as salmon is listed under the EU Habitats Directive¹⁰, it is imperative that national efforts to protect weak populations under the multiannual plan are correlated with actions required there.

Article 10 Measures to protect other salmon river stocks

See comment above on examples under the Helcom SALAR project.

Chapter VI Releases

Articles 12 Stocking and 13 Direct restocking

More detailed descriptions should be given on how to safeguard the genetic integrity when stocking is conducted, such as to use brood stocks from local populations only, and clear minimum standards for rearing and stocking should be provided.

Article 13 Direct restocking

We stress that funding available from the future European Maritime and Fisheries Fund, as well as compensatory payments from the hydropower companies, should primarily be directed to measures improving the possibilities for natural production and growth (as stipulated in the proposal), whereas stocking should be considered a last resort. Currently, no technique used for rearing salmon result in a genetic variability comparable to that of wild spawning salmon, and the survival rate of reared salmon is considerably lower than for wild ones. It should also be possible to access funding for monitoring and other conservation measures.

As mentioned on page 3, fin-clipping of reared salmon should be made mandatory in order to facilitate distinction between wild and reared individuals, and this should be added to the list of requirements under this article.

⁹ *Outcome of the HELCOM SALAR Project on Salmon (Salmo salar) and Sea Trout (Salmo trutta) populations in rivers flowing to the Baltic Sea. HELCOM 32/2011*

¹⁰ *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*

Article 14 Transitional period

We support a phasing out of compensatory releases of salmon in the long term. However, it is crucial that releases are phased out in a responsible way and that other measures are put in place to protect and support weak populations. In waterways formerly known to have sustained natural spawning of salmon but currently lacking potential for natural reproduction, where there still is a genetically defined population sustained through stocking, Member States shall create long-term plans in order to compensate for habitat destruction and protect the remnants of these populations. The hydropower industry should also continue to provide financial resources to compensate for the loss of natural recruitment, but this should be redirected to river restoration measures, as well as surveys to increase the knowledge of migratory routes and feeding areas. Regarding all funding, including the future EU Maritime and Fisheries Fund, we propose that it should primarily be made available for measures that will restore and support natural reproduction and that stocking and direct restocking should be conducted as a last resort.

As mentioned earlier, there is a need for a clearer definition of the different forms of releases.

Chapter VII Control and enforcements

Article 16 Logbooks

We strongly support that fishing vessels of all sizes holding a fishing authorization for salmon shall keep logbook as stated in article 16. This is of particular importance in the salmon fishery, as a considerable amount of salmon is landed by relatively small vessels.

Article 17 Prior notifications

To support the new management measures, improvements to the existing control system are necessary. It is particularly important to address the problem with misreporting of salmon as sea trout.

We support that prior notifications and landing reports of salmon, as well as sea trout, should be mandatory for commercial fishing vessels of all sizes (also <10 m), including the so called service vessels for recreational fishing. However, the regulation on prior notifications must be adapted to the nature and practices of small-scale salmon fisheries; for example, it is important that the time for notifying the competent authorities (four hours before the estimated time of arrival at port) is adjusted to accommodate shorter fishing trips⁹.

Article 19 Catch declaration

To be consistent with article 17, sea trout should also be included in the catch declarations made by service vessels. As mentioned earlier, all catches need to be reported or at least assessed by each Member State, and this should include other recreational fisheries as well (nets, traps and angling). Without this information, reliable assessments of the total removal cannot be performed.

Other information, such as the amount and kind of fuel used, could also be included in the Catch Declaration (Annex III) in order to enable statistical calculations on carbon foot prints.

Chapter VIII Data collection

Article 22

Better monitoring in rivers is greatly needed and we suggest that all wild salmon rivers *should* be surveyed using electrofishing, rather than “*may* be surveyed...”. It should also be clearly stated that such monitoring could be financed under the new EMFF or other community funding.

⁹ COUNCIL REGULATION (EC) No 1224/2009

Chapter IX Follow-up

Article 23 Member States reporting

There are considerable uncertainties about the unknown removals of Baltic salmon, which is why reliable estimates on fishing mortality are difficult to attain. Further demands should be made on Member State reporting, requiring provision of accurate data on the catches of all commercial and recreational fisheries, in both private and common waters, as well as bycatch, discard and natural mortality, including post-smolt mortality.

Article 24 Evaluation of the plan

We consider it important that the entire multiannual plan, including its objectives, is evaluated on a regular basis and that a time frame and procedure for this should be included in the proposal. We therefore suggest the following amendment to Article 24, as well as an addition to Chapter XII:

The Commission shall, on the basis of the reporting by Member States as referred to in Article 23 of this Regulation and on the basis of scientific advice, evaluate the impact of *the objectives and* the management measures on the Baltic salmon stock and on the fisheries exploiting that stock in the year following that in which it receives the Member States reports.

Article 25 Amendments to Annexes

Due to the conservation efforts already in place and ambitions to restore salmon rivers in the Baltic Sea (e.g. HELCOM BSAP and the SALAR project), it will be necessary to be able to update the list of wild salmon rivers. We therefore support the power given to the Commission under this article.

Chapter XII Final Provisions

An article should be added setting a time frame and procedure for the review of the plan. Our suggestion is as follows:

Article 29 [new]

The plan should be reviewed and, if needed, revised every 10 years after it has entered into force.

The Fisheries Secretariat (FISH)

Swedish Anglers Association

Swedish Society for Nature Conservation (SSNC)

WWF

Seas At Risk