BSAC comments on BALTFISH draft Joint Recommendation regarding a derogation from the landing obligation in the Baltic Sea establishing a discard plan as regards salmon in the Baltic Sea (ICES Subdivisions 22-32)

Answers received from the General Assembly members by 18/10/22 and from the Executive Committee members by the 25/10/22.

Federation of Finnish Fisheries Associations

FFFA supports the Baltfish recommendation concerning the extending of derogation. This should include both pontoon traps with knot-less bag and traps that are emptied into water hold in the fishing vessel.

Fischereischutzverband

After reviewing the attached documents, we **support the proposed exemption** of salmon from the LO when taken under the specified conditions.

In addition, I would like to take this opportunity to point out the urgent need to exempt undersized cod in the set gillnet fishery that come aboard the vessel alive, although their survival rate is also high when treated on board in accordance with good practice. Under current conditions, these cod must die on deck and are therefore removed from the stock without any purpose.

Baltic Salmon Rivers Association

From the Baltic salmon rivers, we **do not support the proposed writing**. The studies referred to use methods for landing that are not mandatory in Sweden and, if they were, would be difficult to control.
The majority of this fishing would continue without either a vitjanpåse or a water-filled tank and would then result in an unjustifiably high mortality of salmon upon release.

CCB, FANC, WWF, Fisheries Secretariat, EAA

Summary

We do not support the proposal presented based on three crucial points. We do not consider the derogation in line with the EU regulation 1380/2013 Article 15 because

a) the recent 2022 study presented is not conducted by using fishing practices practically in place (e.g. water tanks to hold fish) and even so, the average mortality is high (24-31%). Additionally, a study made in 2020 show mortalities of 27-60%. Based on this, the studies must be questioned as scientific basis for a derogation of high survival. The earlier study by

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Siira et al (2006), should not be used since it was done for a different purpose, with a very specific handling method and with a gear that is only marginally used today.

b) arguments of accommodation to Finnish rules of transferable quotas or Swedish requests to use salmon gears to fish for white fish are not in any way part of the conditions in the EU rules and should be disregarded as invalid.

c) the proposal states that in order to keep the total amounts of released salmon at a low level, no more than 8% of the annual salmon catch is allowed to be discarded from the exempted gears. We highlight that this is practically difficult if not impossible to control and enforce.

Justification

The proposal correctly highlights the legal basis for derogations as Regulation (EU) No 1380/2013 Article 15 (4)(b). The article does give the possibility to introduce exemptions from the landing obligation provided that scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem for the species in question.

According to the current derogation, updated scientific data must be presented before first of May 2023 to be able to justify a continuation of derogations and allowance for 8% of annual catches to be released/discarded.

We find several problems in the proposed text that leads us to question the proposal and reminds BALTFISH that the original derogation was based on the assumption of a mortality of 7-11%. The numbers in the presented more recent studies are much higher, up to 60%, and severely undermines a statement and proposal like the present draft.

Sweden and Finland have several times maintained that the “problem” is minimal and that the number of discarded fish is negligible. We recognize that arguments used in the text and that link to handling problems, national rules or fishing for other species are valid and real issues; however, none of them are linked to the legal basis for the proposal and should therefore be disregarded.

The most recent study, Ruokonen et al 2022, LUKE, notes an average mortality of 25-31% for multi-sea-winter salmons (repeating spawners) and 24% for one-sea-winter salmon. The study by Östergren et al 2020, SLU, presents modified averages (removing a “background mortality”) ranging from 27% to 60%. Both these studies’ best results are based on modified gears or a delicate handling that are not commonplace in commercial fishing today, making the lowest mortality rates questionable. The study from LUKE in 2022 notes regarding comparability to the SLU study that:

“Telemetry tagging requires more and longer handling and is probably more stressful for salmon than the relatively fast dart tagging used in this study (see Ostergren et al., 2020). In Swedish studies, salmon were apparently emptied from the pontoon trap directly to the bottom of the boat and only then were they transferred to a water container for tagging in Swedish studies (Lundin et al., 2014). In the present study, fishers emptied a PU trap into a water-filled tank, which is mechanically gentler for fish, with shorter air exposure. These handling- and tagging-related factors coupled with a poor

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general health status may have caused the differences in estimated mortality rates between the studies."[1]

The study correctly notes that the normal technique of emptying all fish on the bottom of the boat increases the mortality rate. Using a water filled tank is a much better method, but the problem is that this is not done today and the small boats (6-7 meters open boats) often used to service the traps do not and cannot without great difficulty use large water tanks. This represents a major problem for the fishers, and even if such tanks could be fitted, to control their proper use is very difficult. However, the lowest mortality rates and using a water-filled tank does indicate possibilities of reducing mortality if handling is greatly improved. Such handling does mean a significantly more cumbersome process to service the traps but that is not a justification relevant in this case.

Also, the derogation in place that is now proposed be continued, covers gears that are not tested by the recent studies. The studies mainly cover the use of pontoon traps/push up traps, and modifications to those or a modified handling process. Fyke nets, trap nets and pound nets are not studied and yet are suggested by BALTFISH to hold the same derogations from the landing obligation, without specific handling requirements.

The proposal concludes in section 4.2 that "Since the mortality level is low in both emptying methods it is justified that the derogation from the landing obligation for salmon caught with trap nets is continued…". We have to question this statement based on the evidence referred to and must remind once again that the original derogation was created on the basis of 7-11% mortality. The data at hand suggests at least three times higher mortality or more.

Lastly, the draft joint recommendation does not take into account cumulative effects of repeated catch and releases. This is a clear risk of multiple catch and release since the fishery goes on from Åland and further up in the Bothnian Sea because the fishery is targeting migrating spawners moving continuously north to the most productive rivers. Thus, all traps along the coastline of area 30 and southern part of area 31 will target and catch the same fish several times.

Alternatives

The main problem is a continued use of pontoon trap gears after quotas are exhausted or season is over. We do not accept arguments for creating derogation for allowing a gear not suitable or not selective enough for the fishery in question.

Furthermore, and as is also noted in the proposal, additional measures are needed such as moving the fishing even closer to the stronger rivers and stocks while at the same time closing off other areas and river mouths. Such measures would further reduce risks of catching fish of mixed origin and from weak rivers.

We propose that the derogations are revoked and that the fishery simply adapts to the available quotas. Once the salmon season is over and the TAC is exhausted, the pontoon trap gears must be removed from the water. We find the current derogation and allowance of 8% of annual quota to be

[1] Ruokonen et al 2022, Release mortality of wild Atlantic salmon in coastal pontoon-trap fishery in the northern Baltic Sea https://www.sciencedirect.com/journal/fisheries-research/vol/252/suppl/C

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discarded almost impossible to control and enforce and the stress imposed on the fish being caught and released is unnecessary.

SFPO

We support the Baltfish recommendation concerning the extending of derogation.

We have a great concern about the Swedish survival study. There are several **severe** weaknesses in this study. These are reviewed by several scientists and the conclusion is that this study should not be used at all as a scientific basis for any decisions. The results are greatly misleading. Instead, the more recent Finnish studies should be used as scientific basis.

Even though the suggested gear types are not commonly in use in Sweden right now, there will be sufficient time to adjust the gear to the regulation before next fishing season.

Furthermore, we find the 8% bycatch rule to be too low. When looking at the well conducted Finnish studies we can conclude that survival of released salmon is good and releasing more than 8% will not pose a risk to salmon populations in Bothnian Bay area. In practise, the 8 % -rule prevents all the whitefish fishery in the Bothnian Bay area both before and after the salmon fishery period. This is unfortunate because whitefish fishery is important for the fishermen in this area.

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