

## **MIXED STOCK FISHERIES WORKING GROUP**

### **MINUTES OF MEETING HELD ON TUESDAY, 13 JANUARY 2009, AT 10.30 AM, ROOM 448, PENTLAND HOUSE**

Present: David Crawley, Chair  
Richard Slaski, Secretariat  
Hugh Campbell Adamson, ASFB  
Tony Andrews, Atlantic Salmon Trust  
Craig Campbell, SANA  
Walter Davidson, SNFAS  
Paul Knight, Salmon and Trout Association  
James Mackay, SNFAS  
George Pullar, Independent  
Willie Shearer, SNFAS  
Julian MacLean, FRS Scientific Adviser

In attendance: Louise Donnelly, Scottish Government, Salmon and Freshwater Fisheries Team  
Manson Wright, Scottish Government, Salmon and Freshwater Fisheries Team  
Valerie Lusk, Scottish Government, Salmon and Freshwater Fisheries Team

#### **Chairman's welcome**

1. The Chair welcomed everyone to this second meeting of the Mixed Stock Fisheries Working Group (MSFWG). He noted the retirement of Ian Calcott from the position of SANA representative, and welcomed Craig Campbell as the new SANA representative.

#### **Minutes of Meeting One**

2. The Chairman suggested an amendment to the wording in paragraph 2 to the effect: "David Crawley, a former Civil Servant, described his current range of

interests, none of which are related to the work of the Group". It was also noted that Valerie Lusk's name had been omitted from the minutes.

3. The action points from meeting 1 were discussed and it was noted that:
  - A glossary of terms is required
  - The Secretariat would request additional suggestions of information sources for review, from Group members, subsequent to Meeting Two
  - A short economic study is required

4. **It was agreed that:** Scottish Government would consult with its Economic Adviser and draw up a specification for the economic study within 2-3 weeks. The Chair would review and approve this. The study would be commissioned by the Scottish Government as soon as possible thereafter and the Group would be informed of the remit at its next meeting. The Group would discuss any emerging findings of the study awaited by Meeting 4 (31<sup>st</sup> March 2009) although a draft final report may not be available until later in the Group's deliberations. At that stage it would be in time to be linked with discussion of the range of management options.

**Action: Scottish Government**

5. The Group generally agreed that Meeting 3 would be an opportunity to discuss position papers submitted by Group members. **It should be noted that** Meeting 3 will be on 24<sup>th</sup> February 2009, and that to allow for proper dissemination of papers, these should be submitted to the Secretariat by 10<sup>th</sup> February 2009.

6. **It was agreed that:** The Secretariat and the FRS Scientific Adviser would collaborate on preparing a short draft Glossary of Terms, for the Group's consideration.

**Action: Secretariat and FRS**

**Paper MSFWG/08/18 – Science Overview of Mixed Stock Fisheries**

7. The Group heard a very clear presentation on this paper, and a good discussion ensued. Points covered in the discussion included:

- The degree to which rod-caught fish in non-natal rivers might have been there on a temporary or permanent basis
- Management at a 'catchment stock' level?
- Does the Group need to define the word 'river' – the NASCO definition suggests it flows into the sea with a single outlet
- The distinction between a 'mixed population' as opposed to 'mixed stock' fisheries
- The importance of the current FRS/RAFTS genetic programme mentioned in the paper, and the implications of the 3-4 year timescale
- Local management versus wider-scale management
- The implications of the term 'significant' in the NASCO definition of MSF
- Farmed fish escapes
- The big picture for all salmon – managing a dwindling resource
- All were agreed that there was no objection in principle to salmon netting which took place within river mouths
- Other possible sources of information from earlier sampling and studies
- Conservation limits might be a key management tool to underpin the group's recommendations
- Coastal tagging experiments are not necessarily helpful in relation to MSF because the origin of the tagged fish is not known, and because the final destination of the fish is not known

8. **It was agreed that:**

8.1 The definitions of and distinction between 'stock' and 'population' in the paper were understood and accepted for the Group's work

8.2 The NASCO definition of MSF is accepted by the Group

8.3 The Group supports the evidence presented from historic smolt tagging experiments and acknowledges that this allows the conclusion that all three forms of legal fishery – fixed engine, net and coble and rod and line can potentially be classified as mixed stock fisheries although

some members would argue that scale and proportionality must be taken into account before considering the implications of this for management.

- 8.4 The Group endorses and supports the work on FRS/RAFTS genetic typing of salmon, as outlined in the paper
- 8.5 The Group may wish to comment on farmed fish escapes, as a matter of wider context, in its final report

### **Paper MSFWG/08/19 – Distribution of Salmon Catches in Scotland**

9. The Group received a presentation from FRS on this paper.

10. The Group discussed some technical aspects of what was defined in the statistics as ‘fixed engines’, and it was confirmed that poke nets and haaf nets were included, although haaf nets are not fixed engines. Haaf netting is seen as a hobby with remuneration.

11. It was pointed out that the information presented in the paper would be different if 2008 data were used, rather than 2007 data, as a result of further closures of two major netting operations in Scotland.

12. **It was agreed that:** FRS would update this paper with 2008 data as soon as reasonably practicable, so that the most recent information could be included in the Group’s final report.

**Action: FRS**

13. The Group considered the distinction between a national overview and the circumstances that might pertain in local ‘hot spots’, and that these matters might be discussed further as the Group continues its work.

### **Paper MSFWG/09/01 – Salmon and salmon fisheries management: a brief overview of the legal framework**

14. The paper was introduced to the Group, and it was noted that this might form an Annex to the Group's final report if appropriate. Several points were discussed.

15. The statutory advisors referred to in paragraph 25 are Scottish Natural Heritage with respect to Special Area of Conservation (SAC) designations for rivers and Atlantic salmon. There was also some discussion about EU and wider legislative implications. A short note or map on the management of SACs for salmon in Scotland would be helpful for the Group, and **it was agreed** that this would be provided for a future meeting following discussion with SNH.

**Action: AST**

16. Other issues were discussed, including: human rights legislation; land reform legislation; WFD obligations; and property rights. It was noted that Scottish Ministers have the right to change close times for fisheries (reference paragraph 23).

17. As a point for clarification the position of fishing rights owned by public bodies relative to human rights legislation was raised.

**Action: Scottish Government to circulate an extract of the European Convention on Human rights and update the Group**

18. The President of NASCO has recently written to signatory states, and it was considered that the import of the letter would be of interest to the Group. It was not clear whether and under what terms the letter could be disclosed to the group and the Government team agreed to find out.

**Action: Scottish Government to clarify**

**Paper MSFWG/09/02 – Freedom of Information & Data Protection Issues**

19. The Scottish Government paper was introduced and discussed. It was suggested that any papers coming to the Group were likely to be subject to disclosure under freedom of information legislation but personal data should be protected from release under data protection legislation. These pitfalls would be avoided as long as the Group focus on principles rather than individual cases. . The Group will, of course endeavour to respect confidentiality of information where this is sought either on commercial grounds or on the grounds that it constituted information about individuals but the Information Commissioner may nevertheless order release.

20. It was agreed that: the Group will focus on principles rather than individual case-histories; the Group will respect confidentiality as much as it is able; and the Group's written report will only contain aggregated information.

#### **Paper MSFWG/08/20 – What Other Countries Do**

21. The paper from the Association of Salmon Fishery Boards and the Salmon and Trout Association was introduced and discussed. It was noted that the paper was sub-titled 'mixed stock netting', where it might more helpfully have been subtitled 'mixed stock fishing', and also might have included information about angling as well as netting. It was also noted that Denmark was not included in the table, and that Norway also had privately-owned heritable fishing rights.

22. It was noted that salmon in Scotland is a much more complex issue than for other countries, and that Scotland had led the way for all NASCO nations by its banning of the drift net fishery in 1962.

23. **It was agreed that:** the paper be expanded by inclusion of what is happening in countries not so-far mentioned, and by inclusion in trends on angling as well as netting.

**Action: S&TA; ASFB**

#### **Paper MSFWG/08/21 – Catch and Release Survival Rates**

24. The Association of Salmon Fishery Boards and the Salmon and Trout Association paper was introduced and discussed. It was noted that the Scottish reference was the lowest in terms of survival at 84%, compared with information from other Countries. However it was acknowledged that the available information was very limited, being only based on a 25 fish sample. There was a general feeling that the quality of fish handling (during release) by anglers has markedly improved over the last ten years. There is good training material available and in use, although the Group acknowledged and was generally critical of some of the photographs appearing in the angling press.

25. **It was agreed that:** this paper was helpful and welcomed; the Group is keen to encourage any activity that results in improved handling and survival after release; and the Group welcomed the fact that AST was proposing to undertake a new study on this issue (although noting that the study results would not become available before the end of this Group's working timetable).

#### **Paper MSFWG/08/22 – Scottish Salmon Netting**

26. The paper was introduced, and reference was also made to the DVD that had been made available. It was agreed that the DVD might be run prior to our next meeting.

**Action: Secretariat.**

#### **Submissions requested for Meeting Three**

27. The Group agreed that submissions for Meeting Three should be delivered to the Secretariat by 10<sup>th</sup> February 2009, and the Chair offered the Secretariat's assistance to any of the members in this regard. The Chair stressed the need for sectoral position papers to:

- Set out the problems and challenges
- Present practical solutions

28. The Group agreed to keep under review the potential need to invite SNH and SEPA to comment and meantime the Atlantic Salmon Trust offered to have informal discussions with SNH.

**Action: AST (SNH) and Secretariat (SEPA)**

29. The Chair thanked all Group members for their active participation