

# **S.I. No. 483/2006 — National Salmon Commission and Standing Scientific Committee (Terms Of Reference and Procedure) Order 2006**

## **S.I. No. 483 of 2006**

### **National Salmon Commission and Standing Scientific Committee (Terms of Reference and Procedure) Order 2006**

I, John Browne, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 55D (inserted by section 22(1) of the Fisheries (Amendment) Act 1999 (No. 35 of 1999)) of the Fisheries Act 1980 (No. 1 of 1980) (as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 ( S.I. No. 307 of 2002 )), and the Marine (Delegation of Ministerial Functions) Order 2006 ( S.I. No. 82 of 2006 ), hereby order as follows:

1. This Order may be cited as the National Salmon Commission and Standing Scientific Committee (Terms of Reference and Procedure) Order 2006.
2. In this Order -

“Commission” means National Salmon Commission;

“Committee” means Standing Scientific Committee;

“conservation limits” means the spawning stock level that produces long term average maximum sustainable yield as derived from a stock and recruitment relationship;

“Regulations of 1997” means European Communities (National Habitat) Regulations 1997 ( S.I. No. 94 of 1997 ).

3. The terms of reference and procedure of the Commission are set out in Schedule 1.
4. The terms of reference and procedure of the Committee are set out in Schedule 2.
5. The National Salmon Commission (Terms of Reference) Order 2005 ( S.I. No. 627 of 2005 ) is revoked.

## **Schedule 1**

## Terms of reference of Commission

1. To consider how best the wild salmon resource may be managed, conserved and exploited on a sustainable basis, having regard in particular to Government policy and Regulation 31 of the Regulations of 1997.
2. To provide the Minister with any appropriate assessment prepared by the Committee for purposes of Regulation 31 of the Regulations of 1997.
3. To consider what conservation management mechanism might be required to achieve the alignment of total allowable catches and quotas with scientific advice provided by the Committee.

In particular, where possible, the Commission should provide its advice on total allowable catches and quotas on an individual river basis.

Where it is not possible to tender advice on the basis of individual rivers advice should be tendered on the basis of fishery districts.

Advice on total allowable catches and quotas shall reflect the imperative of ensuring that stocks are maintained above their conservation limits.

Where stocks are below conservation limits, advice on total allowable catches and quotas should be to ensure a high probability of meeting conservation limits.

4. To propose, how an objective balance between competing interests in the salmon fishery may be obtained within the framework of the conservation management mechanism as necessary.
5. To engage, as appropriate, in a proactive dialogue with representatives of bodies and organisations prescribed for the purposes of section 55A(2)(b) of the [Fisheries Act 1980](#) and other relevant persons and objectively evaluate any proposals they may have to achieve the alignment referred to in paragraph 3, having regard to the conservation, management, protection and development of the national salmon resource and to make practical recommendations to the Minister in this regard.
6. To consider in relation to the making of any recommendations the following points:
  - (a) best practice internationally,
  - (b) technical rules such as net size, lure type, etc.,
  - (c) enforcement measures,

- (d) catchment management,
- (e) single stock management,
- (f) adjustments to fishing seasons,
- (g) compensatory measures, including detailed costings and details of how they are to be resourced,
- (h) obligations of the Minister under Regulation 31 of the Regulations of 1997,
- (i) how the private sector may best contribute to the promotion of effective management, development, sustainable exploitation and conservation of wild stocks of salmon, and
- (j) a timeframe within which the Commission considers specific recommendations should be implemented.

7. To have regard to the fact that any recommendations concerning compensatory measures must be predicted on the basis that the Minister will not contribute to any funding that may be required for any measures that may be recommended unless a public good is identified, justified and quantified.

## **Schedule 2**

### [Article 4](#)

#### Terms of Reference of Committee

1. The Committee shall carry out an appropriate assessment of salmon stocks in accordance with Regulation 31 of the Regulations of 1997.

The appropriate assessment using internationally accepted best scientific practice should demonstrate whether conservation limits are being or likely to be attained or otherwise -

- (a) in special areas of conservation designated under Regulation 9 of the Regulations of 1997, and
- (b) on an individual river basis or on a fishery district basis in areas other than special areas of conservation.

The appropriate assessment for special areas of conservation and for all fishery districts shall take account of the interceptory effects on mixed salmon stocks including the potential effects on freshwater salmon in other jurisdictions.

2. In cases where stocks are determined to be below the conservation limits the Committee shall advise the level to which catches should be reduced or other measures adopted on a fishery basis or district basis in order to ensure a high degree of probability of meeting the conservation limits.
3. In cases of identified small scale artisanal fisheries, which may impact on stocks that are below the conservation limits, the Committee shall advise on the impact such a fishery has and in what circumstances, if any, it may be allowed to continue.
4. For the purpose of advising the Commission, the Committee shall develop age specific conservation limits where possible on individual river stocks and estimate the overall abundance of salmon returning to rivers in the State.
5. The Committee shall provide the Commission with a report, which contains the following information:
  - (a) an annual overview of salmon catches by district and region and an estimate of the number of “catch and release” salmon,
  - (b) catch advice with an assessment of risks associated with the objective of meeting conservation limits in all rivers,
  - (c) an evaluation of the effects on stocks and homewater fisheries of significant management measures introduced in certain periods, and
  - (d) advice on significant developments, which might assist the Commission in advising the Minister on methods he or she might adopt for the management of salmon stocks.

GIVEN under my hand,

18<sup>th</sup> September 2006.

John Browne,

Minister of State at the  
Department of  
Communications, Marine and  
Natural Resources

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These regulations provide for revised terms of reference and procedures for the National Salmon Commission and its Standing Scientific Committee.

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