

## **North Western Waters Regional Advisory Council**

### **ADVICE in support of position paper of European Association of Producers Organisation (EAPO) on Management Measures for the Nephrops Stock in the Porcupine Bank (FU 16)**

**December 2012**

#### **1. Introduction and Summary:**

In its proposal for Council Regulation for fixing for 2013 the fishing opportunities available to EU vessels (COM (2012) 608 final) the Commission sets out its proposals for the management of various stocks in EU water including Nephrops in the area known as the Porcupine Bank (FU 16). In particular in Article 11 of the proposal a closed fishing season from the 1<sup>st</sup> of May to the 31<sup>st</sup> of July 2013 prohibits vessels to fish or retain on board a number of species including Nephrops in the Porcupine Bank within the area set out.

The background to the seasonal closure was that in response to difficulties with the Porcupine Bank stock in 2009 the Fishing Industry through the NWWRAC proposed a seasonal closure in November 2009 for a defined area for Nephrops in the Porcupine Bank to cover 75% of the stock area for the period 1 May to 31 July. This closure was accepted by the Commission and was implemented by means of a regulation in 2010 and again in 2011 and 2012.

Notwithstanding the above in its proposals for Fishing Opportunities for 2011 the Commission included a restriction in relation to the quantity of Area VII nephrops quota which could be taken from FU 16, an “of which” clause. This was in fact implemented in 2011 and again in 2012 and it is noted that the 2013 proposal also include a restriction in relation to the quantity of Area VII nephrops quota which may be fished in FU 16 the Porcupine Bank and sets same at 1,386 tonnes.

#### **2. ICES Advice for FU 16 for 2013:**

The current ICES advice for Nephrops in the Porcupine Bank, FU 16 was published in June 2012 and is issued on the basis of said stock being classified as a “data limited stock”. ICES stated that the exploitation rate has decreased relative to the late 2000s and while survey information indicated weak recruitment between 2004 and 2008 which led to a decline in the stock that the average recruitment observed in the 2009 survey had resulted in increased abundance and biomass.

Based on estimates of Depletion Corrected Average Catch (DCAC) (which used historical catch data and estimates of stock depletion over the catch time series to estimate sustainable yields) the advice issued by ICES in June was for a 10% increase in the “of which” restricted amount i.e. 1,100 tonnes.

However there were difficulties with the assessment as there was no Spanish landings data available for 2011 and therefore the assessment used 2011 Spanish landings estimate by ICES based on an adjustment on past LPUE and VMS effort information. In addition the DCAC approach does not take account of differential uptake levels between Member States in relation to their quota allocation which is a factor here in the Porcupine with Ireland being the only Member State at present to utilise their quota allocation. This means that recent landing figures will be lower than in previous years which could then be taken to indicate a decrease in stock abundance when in fact the issue is that fishery is not being prosecuted to the same extent as it previously was by some member states.

### **3. Revised Advice:**

In the ICES advice issued in June ICES advised that an UWTV (an under water TV survey) should be developed to provide density estimates for the area. An UWTV survey was in fact carried out by the Irish Marine Institute in June of this year . The survey covered 47 stations. The report of the UWTV survey findings was published in October 2012 is available on the Irish Marine Institute website: <http://hdl.handle.net/10793/832>

In addition the third annual Irish IFSRP Commercial Trawl survey was carried out in July 2012 and once again resulted in increased CPUE indicating an increase in stock abundance which correlates with the result of the UWTV survey.

On the basis of the revised data above ICES issued revised advice in relation to Nephrops in FU16 on the 15<sup>th</sup> of November 2012 and recommended a TAC of 1,800t.

### **4. Revision of FU 16 Management Measures:**

In light of the above EAPO has a number of suggested amendments to the management measures currently in place in relation to the management of the Nephrops stock in FU 16 (Porcupine Bank) as outlined below.

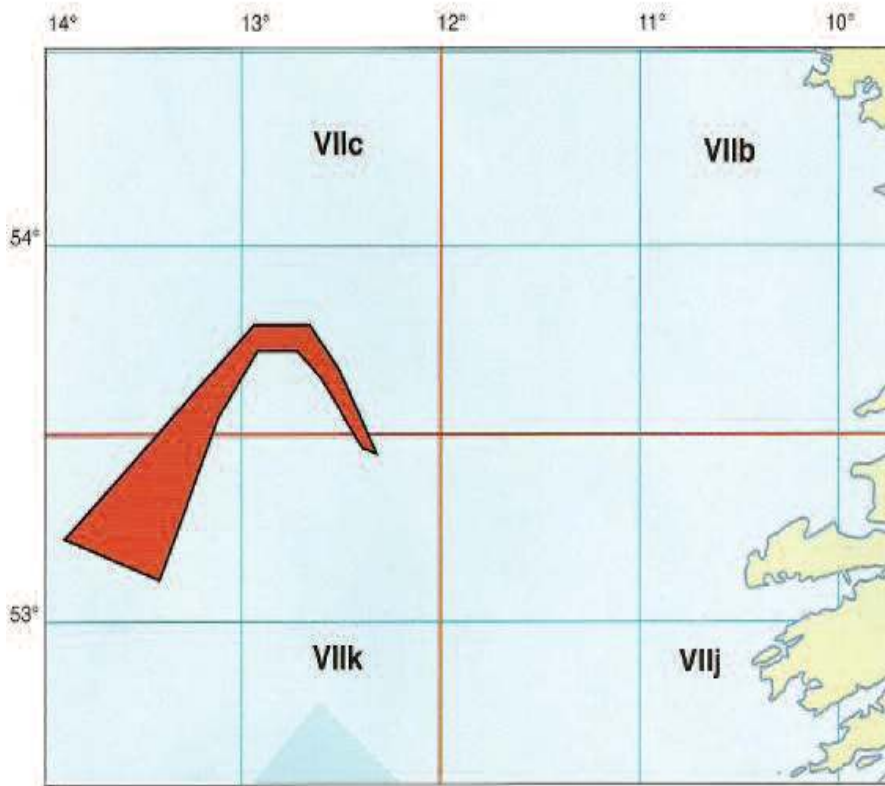
#### 4.1. Seasonal Closure:

As set out above, the current annual seasonal closure is of three month duration from 1 May to 31 July. There is evidence that the closure has increased abundance inside the delineated closed area, and information from other closures for the protection of relatively sessile species would support this, with survey data suggesting that the increase may be in the order of 2.5 times the pre-closure abundance. It is likely, however, that this coincides with a return to more normal, and possibly high, levels of recruitment after the significant drop to 2008.

Although there is little, if any, data available allowing a comparison of the areas outside and inside the closure, it is likely that the closure will significantly increase the level of exploitation on the stock outside of the area. In the light of the likely revised advice to be issued by ICES as outlined above, it is suggested that the closed area, while undoubtedly providing assistance to the stock when it was depleted, is not necessary and may indeed have a deleterious effect if it continues to be implemented in the current fashion during periods of increased biomass as it would appear to be the case at the moment. It is, therefore, suggested that the ability to moderate the length of the closure, based on the level of recruitment and exploitation in the FU, should be implemented. The rules for application to the duration of the closure for 2013 are contained in the Annex to this paper and would lead to a four week closure from the 1<sup>st</sup> to the 31<sup>st</sup> of May 2013 as from the updated advice recruitment would appear to be high and exploitation average.

In the absence of reference points, ICES use proxies for exploitation, as well as for recruitment. The length of the closure should be related to the trend in the recruitment and exploitation proxies. It is anticipated that more appropriate proxies and/or specific reference points will be available in the ICES advice to be issued in June 2013. Exploitation is currently declining and has now returned to a moderate level, somewhere around the average for the time series. Recruitment is high and well above average, approaching the higher end of the time series. Using the methodology outlined in the table above, it is suggested that the closure should be reduced on a trial basis for 2013 and should cover the period 1 May – 31 May. The Irish IFSRP commercial trawl surveys are carried out in July every year and, although it is unlikely that data will thoroughly worked up and peer reviewed in time, the provisional results from the survey would provide an indication of the status of the stock during Autumn of 2013 and enable an 'early warning' if the stock declined, enabling action at the 2013 December Council. The methodology can be applied to a fishery once reference points have been established and its use can be continued, or amended, going into 2014 and beyond to establish both the necessity and/or duration of a season closure.

## Porcupine Bank *Nephrops* Closure



### 4.2. “Of which restriction”:

The ‘of which no more than’ provision, restricting the quantity of Area VII *Nephrops* quota which can be caught in FU 16, was introduced for the 2011 fishing year. The justification for the introduction of the “of which restriction” was that stock in the functional unit appeared depleted; abundance was low, recruitment had been low between 2004 and 2008 and the exploitation rate had been relatively high in 2008 and 2009. As the current method of management by area TAC does not confer any protection on individual functional units, the ‘of which’ was put in place the stock within the area has, since the time of it’s implementation, increased and it is reported that the 2013 recommended TAC within the revised ICES advice for FU16(discussed above) will be in the region of 1700t due to improved data on the fishery through an UWTV survey.

The ‘of which no more than’ which was introduced by the Commission in 2010 as an “emergency measure”, the key word is “emergency” and should therefore have triggers set to both switch it on and also switch it off. The average landings from the last 10 years are 1500t a year, indicating that the stock has a high likelihood of being in a healthy state. It is suggested that the emergency measure is no longer needed, and, if retained, there is a high likelihood of encouraging high grading and misreporting. It should, therefore, be revoked for the 2013 fishery.

As with the closed area, a simple rule is suggested here; if the recommended TAC is above the 10 year average, the ‘of which no more than’ should not be used. Conversely if the TAC is below the average, then it should be reintroduced for the following fishing year. As again specific reference points are expected to be developed by ICES during 2013, it is suggested that the use of the ‘of which no more than’ should be related to Fmsy in future years, thus maintaining a relationship between the TAC and the exploitation rate (as discards are thought to be very low).

While it is acknowledged that this proposal represents a significant change in the way the fishery has been managed over the last few years, it should be noted that up to 2010 there were no individual management measures implemented in relation to this stock. The health of the stock and, by default, the fishery as a whole is of the utmost importance to all stakeholders involved in the fishery. The information available on the fishery has improved significantly in the last few years, and, as noted, the stock is due to be benchmarked by ICES during 2013, leading to the possibility of a full analytical TAC in 2013.

It is felt that the improvements in stock status and in information available on the fishery, coupled with the very precautionary nature of the revised ICES assessment and, indeed, of this proposal, will ensure that no significant threat is posed to the stock in implementing the mechanism outlined above to decide on the duration of the closure and again in utilising the rules outlined above in deciding whether an “of which” restriction is required.



## 5. EAPO Proposal:

Based on the mechanisms outlined above and the revised scientific data in relation to the Porcupine Bank Nephrops stock EAPO proposes the following:

1. That the season closure proposed to be put in place for the Porcupine Bank area as outlined in Article 11 of COM (2012) 608 final be revised in relation to the duration of the proposed closure so that the closure would be in place from the 1<sup>st</sup> to the 31<sup>st</sup> of May 2013.
2. That special condition (1) currently proposed in relation to the TAC for Norway Lobster (Nephrops) in Zone VII in the above proposal (COM (2012) 608 final) be removed on the basis in light of the revised advice now available in relation to this stock the TAC for the Porcupine Bank area will be set at 1,700tonnes which is in fact higher than the average landing of the past 10 years are 1,500tonnes.

## Annex I

### Rules to be applied to assess the duration of the closure for 2013:

Exploitation		Recruitment		
		Low	Medium	High
	Low	1 May – 30 June	1 May – 31 May	1 May – 31 May
	Medium	1 May – 31 July	1 May – 30 June	1 May – 31 May
	High	1 May – 31 July	1 May – 30 June	1 May – 30 June

**END**