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ADVICE

Management measures for the Nephrops stock in the Porcupine Bank (FU16)

30th of November 2015

1. Background

The Porcupine Bank is unique amongst Nephrops fisheries, in that its management is significantly different to that of any other Nephrops ground. The area has an individual “of which” restriction, limiting the amount of the Area VII TAC which can be taken from Functional Unit (FU) 16, and there is also a seasonal closure which is applied to a significant portion of FU 16 for the protection of the spawning stock. These measures, while necessary when they were implemented, are blunt tools that do not necessarily deliver anything beyond an initial reaction to unforeseen circumstances. As with any management measure, the implementation and exit strategies need to be clear to ensure that regulation that ceases to add value can be altered or revoked and re-used when needed.

In response to difficulties with the Porcupine Bank stock, in 2009 the Fishing Industry, through the NWWAC, proposed a seasonal closure to cover 75% of the stock area of FU 16, for the period the 1st of May to the 31st of July. This closure was accepted by the Commission and was implemented by means of the annual TAC and Quota Regulation initially in 2010 and again in 2011 and 2012. In 2013, 2014 and 2015 the duration of the closure was reduced in response to improvements in the stock.

Despite the introduction of the seasonal closure in 2010, 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 implemented in 2011 and again in 2012, 2013, 2014 and 2015.

It is noted from the from Annex 1 to the “Proposal for a Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks application in Union Waters...” published on the 10th of November 2015 that it would appear the Commission once again for 2016 intends to propose an “of which” restriction for the Nephrops quota from the Porcupine Bank despite the adverse effects of the measure, such as the potential for high-grading and area misreporting, contained in the ICES advice for FU 16 issued in October of 2013 “Since 2011 a maximum limit on landings from FU 16 is included in the TAC



regulation (the “*of which limit*”). This has increased the risk of high grading and area-misreporting in this fishery”.

2. Revision of FU 16 Management Measures:

2.1. Seasonal Closure:

In November 2012, the NWWAC agreed to propose a simple rule to moderate the length of the seasonal closure in FU 16, based on the level of recruitment and exploitation in the area. Once applied, the rule would have resulted in a four week closure from the 1st to the 31st of May 2013. The TAC and Quota Regulations for 2013, 2014 and 2015 implemented the four week closure during that period. A table explaining the rule is attached in Appendix I.

2.2. “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, has been in place since 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 recognised method of management by area TAC does not confer any restriction on the out take from individual functional units, the ‘of which’ was put in place. The abundance within the area has increased since this time and the recommended out-take from the area for 2016 is advised to be no more than 1,850 tonnes, a rollover in effect of the 2015 and 2014 quota showing the stock remains stable.

The ‘of which no more than’ was introduced by the Commission in 2010 as an emergency measure. The key word is “emergency” and, as with any ‘emergency measure’ there should be clearly understood rules, or triggers, set to both switch the measure on and also switch it off. The average landings from FU 16 from the last 10 years, although variable as expected for such a stock, are around 1500t, indicating that the current stock status is likely to be good. The Under Water TV Surveys support this assumption, indicating that the stock is stable. Exploitation is low and well below the proxy for Fmsy, with a harvest ration of 3.2% and an Fmsy proxy of 5%. If the ‘of which no more than’ was an emergency measure, it must be seriously considered whether the emergency still exists.

The answer to the question as to whether the emergency which necessitated the introduction of the “of which” limit still exists is clearly a “no”. It is, therefore, suggested that the measure is no longer relevant to the management of the fishery. The measure should be revoked until such time as the stock shows signs of impending depletion.

As with the closed area, a simple rule is suggested here; if the recommended TAC for the functional unit is above the 10 year average landings plus 10%, and scientific data indicates that the level of exploitation is below the Fmsy proxy defined for the unit, the 'of which no more than' should not be used. The additional 10% introduces a precautionary buffer to the application of rule. It is suggested that this rule is reviewed on an annual basis with a view to linking the use of additional measure exclusively to reference points (or their proxies), thus reducing the uncertainties associated with the use of historical landings data.

If the recommended TAC is lower than the 10 year average landings plus 10%, or the level of exploitation is equal to or higher than the Fmsy proxy, then the 'of which no more than' provision should be invoked.

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 the bench mark carried out early in 2013 has enabled refined methodology to be peer reviewed and approved. 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 when deciding whether an "of which" restriction is required.

It is worth noting that the ICES advice for Nephrops in Area IV states *"The overriding management consideration for these stocks is that management should be at the functional unit (FU) rather than the ICES subarea level. Management at the functional unit level should provide the controls to ensure that catch opportunities and effort are compatible and in line with the scale of the resources in each of the stocks defined by the functional units. Functional Unit TAC management is therefore only one way of managing the fisheries and other approaches may also deliver the required safeguards."*

3. Proposal

The seasonal closure led by the fishing industry has proved to be crucial to restore the Nephrops stock in Porcupine Bank. The NWWAC reiterates its support and work towards the protection of Nephrops nursery stocks, and therefore is in favour of maintaining the seasonal closure for 2016, with any necessary adjustments in future years in timing and duration based on scientific evidence (i.e. abundance of spawning females).

It is also worthwhile noting that both STECF and the Commission have acknowledged that there is no requirement to have both a seasonal closure and the “of which” restriction, and it would appear to be a management decision as to which one to remove. The NWWAC is proposing that the seasonal closure should remain in place for 2016 but the “of which” restriction should be removed.

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

1. That the rules associated with the seasonal closure, as agreed by NWWAC in 2013, and reiterated by the NWWAC in 2014, should continue to be supported. This would lead to agreement with the existing Commission draft proposal for the Porcupine Bank, so that the closure would be in place from the 1st to the 31st of May 2016.
2. That the special condition currently in place in relation to the TAC for Norway Lobster (Nephrops) in Zone VII should be removed for 2016, on the basis that the suggested TAC from the area is significantly more than the 10 year average landings plus 10% AND that the harvest ratio is well under the Fmsy proxy, indicating that exploitation is at a sustainable level.

Annex. Rules applied to assess the duration of the closure for 2016:

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