

## New England (US) Groundfishery Could Face Additional Closures

The New England groundfishery, off the northeastern coast of the US, faces the specter of increased closures by management as a result of a lawsuit brought by conservation groups to limit bycatch and prevent overfishing.

In papers filed in March with the presiding federal court, the National Marine Fisheries Service (NMFS) proposed a remedy of extending one major closure and creating a new one to decrease fishing mortality. It is up to the court to accept the NMFS proposal or draft another solution, which could include removal of the groundfishery from NMFS jurisdiction, as requested by the conservation groups that brought the suit.

The Conservation Law Foundation and four other NGOs filed the lawsuit last year. They charged that the New England Fishery Management Council - which has direct regional oversight of groundfish management, and submits management plans to NMFS for approval - had violated federal law by failing to adopt a framework for minimizing bycatch and preventing overfishing in a timely manner. Of the 19 groundfish stocks under council management, 15 are considered to be overfished. The court ruled last December that the council had indeed violated the law, and called on NMFS and the NGOs to propose remedies.

The remedy proposed by NMFS would extend indefinitely the life of an 880-nm<sup>2</sup> (3020-km<sup>2</sup>) inshore closure to protect juvenile cod that was scheduled to expire this year. That closure, restricted to commercial groundfishing for four years, would now also be closed to recreational groundfishing. In addition, NMFS has proposed banning groundfishing in a 200-nm<sup>2</sup> (700-km<sup>2</sup>) area offshore, also to protect cod. Further proposed measures from NMFS include limits on days-at-sea and an increase in mesh size.

John Nelson, chair of the council's committee on marine protected areas, said NMFS's proposed measures could seriously hurt fishing communities. "The way [NMFS] has been forced to act, it may save the fish but not the fishermen," he said. He would prefer that the council have more time to develop gear-based technologies to limit bycatch.

Anthony Chatwin, staff scientist for the Conservation Law Foundation, said it is difficult to determine whether the closures will help to achieve the fishing mortality objectives they were designed to address. "Not all types of fishing would be excluded from the offshore closure," he said, noting that the ongoing herring fishery there would continue to harvest the main prey species of groundfish.

### For more information

**John Nelson**, Marine Division, New Hampshire Fish and Game Department, 225 Main St., Durham, NH 03824, USA. Tel: +1 603 868 1096; E-mail: [jinelson@starband.net](mailto:jinelson@starband.net).

**Anthony Chatwin**, Conservation Law Foundation, 62 Summer St., Boston, MA 02110-1016, USA. Tel: +1 617 350 0990; E-mail: [achatwin@clf.org](mailto:achatwin@clf.org).

**Teri Frady**, Chief, Research Communications for NMFS Northeast Region, c/o Northeast Fisheries Science Center, 166 Water Street, Woods Hole, MA 02543-1026, USA. Tel: +1 508 495 2239; E-mail: [tfrady@whsun1.wh.who.edu](mailto:tfrady@whsun1.wh.who.edu).

## Box: Groundfish science report aims to address "sliding baselines"

The Northeast Fisheries Science Center, a US federal fisheries laboratory, has released a report that re-evaluates biological reference points - such as the biomass necessary to produce maximum sustainable yield - for groundfish stocks off the northeast coast of the nation. Despite its low-key title, the *Final Report of the Working Group on Re-Evaluation of Biological Reference Points for New England Groundfish* could prove to be a revolutionary document in the management of fisheries in the US.

In short, it states that chronic overfishing for the past 70 years has led management to vastly underestimate potential biomass

targets for many of the stocks, and calls on managers to allow stocks to rebuild to significantly higher targets than previously set. If abided by management, the report could lead to more closures and other restrictions on fishing, at least until the higher targets are achieved.

The problem the report addresses is one of "sliding baselines" in fisheries management. That is, each generation of fisheries managers is familiar only with what it has seen in its own experience; as chronic overfishing reduces biomass over the long term, baseline estimates of potential biomass - often set within the range of observed biomasses - decline as well.

"Given the lack of experience in observing these populations at high biomass, we can only model the expected behavior of the system under varying assumptions," states the report. It advises the New England Fishery Management Council (NEFMC) to adopt an adaptive management approach to find the point where each stock's biomass exhibits diminishing returns to yield as a function of increased stock density.

"This report is probably going to set the pace" for other similar biomass re-assessments around the US, said Steve Murawski, chair of the working group that authored the report. The working group consisted of 20 scientists, including six from outside the New England region.

To view the report online in PDF format, go to <http://www.nefsc.nmfs.gov/nefsc/publications/crd/crd0204/>.

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