

Interim Bilateral  
Steering Committee – Faith Scattolon and Patricia Kurkul  
Via Teleconference February 11, 2011

*These minutes represent a summary of the principle discussions and conclusions from the teleconference.*

**Participants:**

Faith Scattolon, DFO, Steering Committee Co-chair  
Michael O'Connor, TMGC Co-chair, Canada  
Terry Higgins, DFO, Integration Committee  
Patricia Kurkul, NMFS, Steering Committee Co-chair  
Tom Warren, TMGC, NMFS  
Rip Cunningham, TMGC Co-chair, U.S.

**Introduction**

Ms. Faith Scattolon welcomed everyone to the call, and advised that the primary reason for the teleconference was to review the revised advice from the Transboundary Management Guidance Committee (TMGC) on the Georges Bank yellowtail flounder stock.

In light of the passage of the International Fisheries Clarification Act (Act) in the U.S., the Steering Committee agreed to revisit the yellowtail flounder advice provided to the Steering Committee in September 2010.

Ms. Patricia Kurkul thanked everyone for revisiting the issue, particularly since the Act had passed later than anticipated. The U.S. wished to acknowledge the efforts of the TMGC members.

**Brief Overview of Legislation**

Mr. Tom Warren provided a brief overview of the U.S. legislation. In January 2011, the Act was signed into law. It recognizes the U.S./Canada Transboundary Resources Sharing Understanding (Understanding), and provides flexibility in the rebuilding period and catch level requirements for Georges Bank yellowtail flounder under the Magnuson-Stevens Fishery Conservation and Management Act that are implemented through the Northeast Multispecies Fishery Management Plan.

The Act allows the rebuilding period for Georges Bank yellowtail flounder to exceed ten years and the shared catch level to be greater than that catch specified by the Fishery Management Plan as long as rebuilding is progressing. The net result is that the U.S. has more flexibility to develop a shared TAC with Canada, and therefore enhances the continuing success of the Understanding.

Ms. Scattolon indicated that Canada is pleased that the U.S. legislation passed, allowing for the flexibility for both Canada and the U.S. to develop shared catch levels.

Mr. Michael O'Connor stated the TMGC deliberations of February 9, 2011, used the Act as their starting point. He acknowledged that the understanding of the precise implications of the Act is still evolving so it remains to be seen how the future will unfold. Ms. Kurkul indicated the Act treats 2011 differently than 2012 and subsequent years. The U.S. will be re-establishing rebuilding timeframes for Georges Bank yellowtail flounder. The process and requirements have not yet been determined.

Ms. Scattolon indicated that it would be helpful to have a detailed discussion during the April Steering Committee videoconference about the Act.

### **Findings of TMGC**

Mr. Warren gave the presentation on the TMGC discussions and advised that the revised shared total allowable catch (TAC) was 2,650 mt. This would be shared between Canada (1,192 mt) and the U.S. (1,458 mt) on the basis of the respective country shares. He noted the original TMGC guidance for the 2011 fishing year was a combined Canada/U.S. TAC for Georges Bank yellowtail flounder of 1,900 mt. The TMGC reviewed the biology and stock status as justification for reconsideration of the 2011 TAC and agreed that the biomass and fishing mortality allowed for an increased catch. The Understanding calls for a low probability of exceeding  $F_{Ref}$ , in particular when stock conditions are poor.

Mr. O'Connor explained that the catch level of 2,650 mt in the revised guidance has a very low risk of exceeding  $F_{Ref}$ . It is only if the catch exceeds approximately 3,000 mt that the risk of exceeding  $F_{Ref}$  increases markedly. In addition, the stock assessment projected a 5% increase in biomass for 2012 associated with the proposed revised shared TAC.

Ms. Kurkul stated that TMGC found a good balance of allowing greater catch and achieving the objectives of the harvest strategy.

Ms. Scattolon agreed that the TMGC document and advice were consistent with the harvest strategy: keeping the level of fish mortality below  $F_{Ref}$  and still allowing for rebuilding of the population.

### **Next Steps**

Ms. Scattolon explained that the outcome of this meeting would be shared with industry. Fisheries and Oceans Canada (DFO) will follow up with the Gulf of Maine Advisory Council, the Canadian advisory committee, and then send a briefing note to the Minister for approval. DFO will continue to keep the U.S. apprised of approvals along the way. Final approval was expected in approximately four weeks.

Ms. Kurkul advised that the U.S. would be developing regulations to implement the revised Georges Bank yellowtail flounder TAC. A proposed rule is expected in early March, with a final rule in mid to late April.

### **Communications**

Ms. Kurkul acknowledged that several U.S. press releases did not fully explain the Canada/U.S. quota sharing process.

The next anticipated press releases for the U.S. will be in conjunction with the publication of the proposed regulations for the 2011 fishing year. The U.S. will provide at least a one day notice to Canada prior to the publication of the proposed rule.

Ms. Kurkul further stated there will then be a 15-day comment period on the proposed regulations for the 2011 fishing year, so additional press should be anticipated in conjunction with the publication of the final rule.

### **Closing Remarks**

For the record, the revised TMGC guidance on Georges Bank yellowtail flounder was accepted by both Ms. Scattolon and Ms. Kurkul, and each will take the guidance to their respective jurisdictions for final review and approval.

Ms. Scattolon and Ms. Kurkul will speak again prior to the April Canada/U.S. Steering Committee teleconference.