

Canada/U.S. Transboundary Resources Steering Committee
Conference Call
May 4, 2017
Meeting Minutes

Canadian Participants:

Morley Knight, DFO, Steering Committee Co-chair
Mark Craig, DFO, Species at Risk Working Group (SAR WG) Co-Chair
Alain d'Entremont, TMGC Industry Co-chair
Kerri Graham, DFO, Regional Director, Policy & Economics
Terry Higgins, Integration Committee
Laura Hussey-Bondt, DFO, TMGC
Roger Stirling, GOMAC Co-chair
Yanjun Wang, DFO, TRAC
Doug Wentzell, DFO, Regional Director Fisheries Management
Tana Worcester, DFO, TRAC Co-Chair

U.S. Participants:

John Bullard, NMFS GARFO, Steering Committee Co-chair
Jennifer Anderson, NMFS GARFO, Integration Committee Co-chair
Libby Etrie, NEFMC, TMGC
Liz Brooks, NMFS NEFSC, TRAC Co-chair
Dave Gouveia, NMFS GARFO, Species at Risk Committee Co-chair
Allison Murphy, NMFS GARFO, Integration Committee
Tom Nies, NEFMC, Executive Director
Terry Stockwell, NEFMC Chairman, TMGC Co-chair
Mike Simpkins, NMFS NESFC, TMGC
Spencer Talmage, NMFS GARFO, Integration Committee

Opening Remarks

Mr. Morley Knight welcomed participants to the teleconference and opened the meeting with several important updates. He advised that he had accepted a special assignment as Assistant Deputy Minister, Fisheries Policy, effective May 8, 2017, but that he would continue to lead the Canadian Delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT) and would also provide guidance and act as mentor, when required, to newly appointed Regional Director Generals. He further advised that Mary-Ellen Valkenier will act in the position of Regional Director General, Maritimes Region, until the position is staffed on an indeterminate basis. Another staffing note he relayed was that Annette Daley recently joined the Department in the position of Director, Oceans Management, in the Maritimes Region.

He provided an update on Marine Conservation Targets and Marine Protected Areas, indicating that Canada's contribution towards joint Canada-U.S. conservation efforts off the Atlantic coast would be the designation of both the Jordan Basin and Corsair and Georges Canyon as Sensitive

Benthic Areas, thereby protecting significant concentrations of Atlantic Canada's deep sea corals from bottom contact fishing activities. The Government of Canada is committed to protecting 5% of marine areas by 2017, and 10% by 2020, and to increasing understanding of existing and potential Marine Protected Areas (MPAs) through scientific collaboration with the U.S. Mr. Knight spoke about the Prime Minister's announcement of \$1.5 billion towards Canada's Oceans Protection Plan (OPP). Amongst other priorities, the OPP will develop new measures to protect whales and their habitat, with a focus on the killer whale on Canada's west coast, the beluga whale in the St. Lawrence, and the right whale on the east coast. As part of the review of changes to the Fisheries Act, the government is currently restoring some lost provisions, particularly in the area of inland waters. Mr. Knight indicated that DFO will be developing rebuilding plans for stocks in the critical zone, that due to last year's investments in science, 40 new research scientists have been hired in Atlantic Canada, and that an Atlantic Fisheries Fund is to be established to advance a more sustainable and prosperous fish and seafood sector. Mr. Knight expressed his thanks for all who report to the Committee from both countries and added that DFO is looking forward to continued cooperation on transboundary resources.

Mr. John Bullard provided an update on the new U.S. administration. The Department of Commerce, under which NOAA Fisheries is placed, is led by Secretary Wilbur Ross, who was nominated and confirmed this past winter. Ben Friedman is the Acting Administrator for NOAA and Sam Rauch is the Acting Assistant Administrator for Fisheries. In addition, Mr. Bullard announced Mr. Spencer Talmage will be replacing Ms. Alli Murphy on the Integration Committee and thanked Ms. Murphy for her work over the last several years.

Action: Mr. Bullard will provide an update on NOAA and NOAA Fisheries appointments at the September 2017 meeting.

With regard to groundfish quotas, Mr. Bullard reminded the committee that last year's action established quotas for 2016 and 2017. The 2017 quotas came into effect on May 1st, the start of the U.S. fishing year, for all 20 groundfish stocks, including the shared stocks. A new action, called Framework 56, is under development and will modify some of these quotas. Mr. Bullard expected the revised quotas to be finalized later this summer.

Finally, Mr. Bullard addressed the decline in right whale abundance. Recent population growth from the years 2000 to 2015 was encouraging, but it now appears that the population is in decline, with a minimum abundance of less than 450 animals. Although there are many environmental and human-related stressors throughout their range that have contributed to this decline, gear entanglements remain one of the principal sources of risk to right whale recovery. Mr. Bullard stated that U.S. fishermen have made tough sacrifices to minimize serious injuries and deaths. Mr. Bullard requested that the U.S. and Canada work together to address entanglements more comprehensively.

Mr. Knight agreed to the "call to action", stating that Canada is also concerned about right whales, and that the two countries will have to work collaboratively on a solution. He further indicated that Canada's Oceans Protection Plan will indicate conclusions as to how effective our measures have been to date, and what we need to do in the future.

Transboundary Resource Assessment (TRAC) Committee Update

TRAC Scheduling

Ms. Liz Brooks reported that the 2017 TRAC is the final year of a negotiated 3-year meeting schedule. The TRAC discussed how to proceed and settled on continuing to hold the TRAC on the 2nd week of July in future years.

Approval of July 2017 TRAC Terms of Reference (TOR)

Ms. Brooks reported that the TRAC will meet July 11-14, 2017 and that most of the 2017 TRAC TOR rolled over from previous years. For yellowtail flounder, the TRAC will complete an empirical assessment and are actively working on a catchability analysis. For haddock, the TRAC will complete a full assessment and review of how last year's interim assessment performed. For cod, three models will be run, as in past years. The TRAC is also working to complete a spatial analysis on the delayed 2016 U.S. spring survey.

However, since the September 2016 Steering Committee meeting, the TRAC developed one additional TOR on cod for the summer 2017 TRAC meeting. The revised TOR have not yet been reviewed by the Transboundary Management Guidance Committee (TMGC) which was unable to hold its March 2017 Intercessional Meeting. Ms. Brooks requested that the Steering Committee approve the TOR, with the exception of the new cod TOR that has yet to be reviewed by the TMGC.

Mr. Tom Nies asked if the TMGC is expected to meet to discuss this new TOR. Ms. Brooks responded that the TMGC will need to meet to develop a recommendation to the Steering Committee. Mr. Alain d'Entremont stated that he would have no problem endorsing the TOR, with the exception of the new cod TOR.

Ms. Laura Hussey-Bondt commented that the TMGC had scheduling issues with their 2017 Intercessional Meeting but noted that the TMGC intends to meet later in May to discuss the new TOR. Once the TMGC formalizes a recommendation, it would be passed on to the Steering Committee. She hoped that the Steering Committee would be able to approve the new TOR secretarially. Mr. Mike Simpkins added his support for allowing work on the other TOR to move forward.

Ms. Tana Worcester also advised the Committee that the TRAC has committed to letting participants know when a TRAC TOR (objective) would not be addressed, so that there are reasonable expectations around what would be discussed/reviewed at the TRAC meetings.

Mr. Knight and Mr. Bullard ended the discussion by approving the TOR, with the exception of the new TOR that will be approved secretarially at a later date.

Action:

- **TMGC and TRAC to finalize, review, and approve the cod bullet in the TRAC TORs and have them secretarially approved by the Steering Committee.**
- **The remaining TRAC TORs can be considered approved by both TMGC and the Steering Committee.**

TRAC Overview Structure Process Summary

Ms. Brooks reported on the four TRAC teleconference calls that were convened to review TRAC process and participation. She noted that a draft overview document was distributed, but that it had not yet been reviewed by the TMGC. She indicated that each jurisdiction has different requirements, but that TRAC had found middle ground that maintains the spirit of both countries' obligations. Changes include: use of an independent meeting chairperson; a phased approach to discussion, starting with review by invited peer-reviewers, followed by other science comments, then open discussion of the meeting, with each phase clearly identified in the proceedings to avoid any perceived conflict of interest; and revising how the TRAC report is developed and edited, with the review of the TRAC status reports being captured in "comments" rather than as track changes during the meeting. Comments and suggestions of meeting participants will be incorporated into the TRAC Status Reports (TSRs) after the meeting by a smaller science-based editorial group. The TRAC is hoping to implement these changes at the 2017 July TRAC meeting.

Ms. Worcester added that the TRAC is interested in working with the TMGC to improve the TRAC process. Ms. Hussey-Bondt further added that the summary will be discussed by the TMGC later this month, but stated that Canada had no issues. Mr. d'Entremont thanked all involved in the work of harmonizing the two systems, and indicated he was looking forward to conversations at the TMGC. Mr. Simpkins agreed that it was refreshingly collaborative.

Action: The draft TRAC Process document to be approved by TMGC.

Canada/US Ecosystem- Based Fisheries Management (EBFM) Workshop Update

Ms. Worcester provided an update on a Canada/U.S. Ecosystem Based Fisheries Management (EBFM) Workshop that took place March 20-23 at the Huntsman Marine Centre, in St. Andrews, NB, which included 10 U.S. and 16 Canadian participants. The workshop, organized by DFO and NMFS science staff and facilitated by Jamey Smith (Director of the Huntsman), included discussion of a number of potential collaboration opportunities, including coordination of the Canadian and U.S. research vessel surveys, collaboration on other oceanographic/ecosystem monitoring, collaborative work on aquaculture, as well as better incorporation of ecosystem information into stock assessments and ecosystem modelling (potentially using Georges Bank as a study area). Ms. Worcester indicated that there was a new DFO Partnership Fund to build science partnerships and that another Canada/US proposal was being put forward this year to access funds for future collaborative workshops. Mr. Nies raised a concern that no U.S. fishery managers were involved in this workshop and noted that this could be an opportunity for improved collaboration.

Species at Risk

U.S. Right Whale Update

Mr. Dave Gouveia reported that the Species at Risk Work Group (SAR) is in the process of developing a sub-group that will focus on Anadromous fish species. However, the SAR was not able to make much progress toward that initiative nor convene a meeting of the SAR since the September 2016 Steering Committee meeting. Canada and the U.S. have had other priorities but expect to make progress ahead of the September 2017 Steering Committee meeting.

Mr. Gouveia provided updates on three U.S. right whale meetings that have taken place since the September 2016 Steering Committee meeting. The Right Whale Abundance, Trends and Threats Workshop scheduled for March 14-15, 2017, was cancelled due to weather. The workshop, as originally constituted, will not be rescheduled, though components have been and are being discussed at other meetings. A review of abundance and trends was discussed at Marine Mammal Commission in Falmouth, MA on April 5-7, 2017. An evaluation of threats and scientific needs will be addressed through a reframed workshop or a series of work groups later this year. Threats were also discussed at the Atlantic Large Whale Take Reduction Team in Providence, RI on April 25-27, 2017.

Next, Mr. Gouveia reported on the April 5-7 Marine Mammal Commission meeting. The Marine Mammal Commission is an independent government agency charged by the Marine Mammal Protection Act to further the conservation of marine mammals and their habitat. At their annual meeting, they discussed: right whale abundance and trends, research, entanglements, management, Canadian science and management efforts, and development of new technologies. Mr. Gouveia indicated that many of the participants of this meeting were the same as those that had been invited to the March 2017 Right Whale Abundance Workshop that had been cancelled. Therefore, the thorough presentations led to very productive discussions between the panelists, Commission members and public. The Commission concluded that effects of entanglement in both the United States and Canada continue to result in serious injury and mortality of right whales and stated that efforts to reduce entanglements must be continued and strengthened, including mitigation options such as on-call buoys (or “pop-up buoys”), enhancements to gear marking, upgrading models for co-occurrences of fishing activities with the whale presence of whales, and strengthening collaboration between Canada and the United States.

Finally, Mr. Gouveia summarized the Atlantic Large Whale Take Reduction Team Meeting held in Providence, RI on April 25-27, 2017. The purpose was to review the latest information regarding right whale and humpback abundance, review entanglement information, discuss management and research needs, and review an exemption request. This large consensus-based Team of 60-65 members included constituents from federal and state government, industry and academia from Florida to Maine. Industry members expressed concerns on abundance estimates and scientific models. Members of the Scientific community believed that immediate action is necessary to decrease entanglements. Team members are finalizing data needs and gear modification research, but agreed that Canadian fishermen must join in efforts to reduce

entanglements. NOAA Fisheries will evaluate these recommendations and develop a path forward.

Mr. Mark Craig noted that there had been Canadian government participation at these meetings in the U.S., including Ms. Jennifer Buie of DFO Headquarters. He thanked Mr. Gouviea for assisting Ms. Buie in bridging the information gap on U.S. and Canadian laws on marine mammals, by addressing some stakeholder concerns regarding trap limits, seasons, etc. He further stated that the audience was pleased to learn about the Ocean Protection Plan and the scientific evaluation on the effectiveness of recovery measures.

Canadian Whale Update

Mr. Craig stated that there has been increased interest and involvement with whale efforts in Canada. As part of the Ocean Protection Plan, DFO is completing an evaluation of the mitigation and recovery of right whales. Mr. Craig advised that once the findings of the scientific evaluation are released, there will be consultations with stakeholders on the report. Depending on the outcome of the consultations, the department may develop suggestions for mitigation measures to DFO senior management for consideration in Fall 2017. He further noted that Canada will continue to work with the U.S. on whale entanglement prevention and recovery measures. Mr. Craig indicated there might be an industry workshop in Fall 2017, and if so, NOAA members will be invited. He also noted that a recent paper written by Sean Brilliant et al, contains some out of date landings data regarding Grand Manan Basin and Roseway Basin, but that DFO works closely with members of local Environmental Non-Government Organizations (ENGOS) and will continue to support their work. Lastly, Mr. Craig reported that the Canada Gazette II publication the North Atlantic Right Whale Critical Habitat Order is imminent.

Action Item: Mr. Craig will share finalized reports and papers with U.S. Species at Risk participants.

Mr. Bullard closed the discussion by reiterating that collaboration and industry engagement are key to minimizing impacts to right whales and stressed the importance of the U.S. and Canada continuing to work closely together on the recovery of right whales, particularly on reducing the risk of entanglements in commercial fishing gear and studying other environmental factors that are negatively impacting the recovery of the species.

U.S. Northeast Regional Climate Action Plan

Following up on an Action Item for the September 2016 meeting, Ms. Jen Anderson reported that the U.S. Northeast Regional Climate Action Plan was finalized. Ms. Anderson recognized that the Northeast Fisheries Science Center did an enormous amount of work to complete this plan, with a goal of increasing the delivery and use of climate data in assessments and management. Given these goals, Ms. Anderson stated that, at some point, this Plan may affect the work of the Steering Committee. The report can be found at: http://www.nefsc.noaa.gov/press_release/pr2016/news/nr1615/.

New England Fishery Management Council Coral Amendment Update

Mr. Nies reported that, in April, the New England Council voted on preferred measures that would extend protections to corals. If approved, it would establish a broad protection area on Georges Bank in waters deeper than 600 meters prohibiting all bottom-tending gear, with the exception of deep-sea red crab gear. The New England Council also selected small, discrete areas in the Gulf of Maine for protection where bottom-tending mobile gear would be prohibited. The New England Council will hold public hearings, beginning at the end of May, and is expected to take final action in June. Mr. Bullard noted that some of the New England Council's coral protection areas overlap with the Northeast Canyons and Seamounts National Marine Monument. Mr. Knight thanked Mr. Nies for the update, commenting that the U.S. coral protection measures are consistent with recent efforts in Canada.

Closing Remarks

Mr. Knight and Mr. Bullard agreed that the day's discussion was productive, indicating that there is lots of work to do and they are optimistic about continued collaboration in the future. Together they thanked staff for preparing for the conference call and Mr. Bullard stated he is looking forward to updates at the September 2017 meeting in Halifax.

NEXT MEETINGS: TRAC July 11 – 13, 2017

TMGC – September 5 – 6, 2017, Halifax, NS

Steering Committee – September 7-8, 2017, Halifax, NS

ACTIONS SUMMARY:

- Mr. Bullard will provide an update on NOAA and NOAA Fisheries appointments at the September 2017 meeting.
- TMGC and TRAC to finalize, review and approve the cod bullet in the TRAC TORs and have them secretarially approved by the Steering Committee.
- The remaining TRAC TORs can be considered approved by both TMGC and the Steering Committee.
- The draft TRAC Process document to be approved by TMGC.
- Mr. Craig to distribute the science report on the effectiveness of recovery measures for the North Atlantic Right Whale once released.