

Canada/U.S. Transboundary Resources Steering Committee  
September 8-9, 2016  
Meeting Minutes

Day 1

**Canadian Participants:**

Morley Knight, DFO, Steering Committee Co-chair

Kirsten Clark, DFO, TRAC Co-chair

Mark Craig, DFO, Integration Committee Co-chair, Acting Species at Risk Committee Co-chair

Roger Stirling, Canadian TMGC Industry Representative, GOMAC Co-chair (via teleconference)

Yanjun Wang, DFO, TRAC

Alain d'Entremont, Acting TMGC Co-chair (arrived late)

Ray Belliveau, TMGC (Observer)

Mark d'Entremont, TMGC (Observer)

Shawn d'Entremont, TMGC (Observer)

**U.S. Participants:**

John Bullard, NMFS GARFO, Steering Committee Co-chair

Jennifer Anderson, NMFS GARFO, Integration Committee Co-chair

Liz Brooks, NMFS NEFSC, TRAC Co-chair

Allison Murphy, NMFS GARFO, Integration Committee

Tom Nies, NEFMC, Executive Director (arrived late)

Terry Stockwell, NEFMC Chairman, TMGC Co-chair (arrived late)

Mike Simpkins, NMFS NESFC, TRAC and TMGC (arrived late)

**Informal Opening Remarks**

Mr. John Bullard welcomed Canada/U.S. Transboundary Resources Steering Committee participants to Boston. After reviewing the agenda, he proposed to delay formal opening remarks until Friday morning, when more of the Transboundary Resource Management Committee (TMGC) members would be in attendance.

Mr. Morley Knight agreed with delaying the opening remarks. He expressed his thanks for the welcome to Boston and the hard work undertaken by all.

**Transboundary Resource Assessment Committee Update**

*Allocation Shares*

Ms. Yanjun Wang presented the Transboundary Resource Assessment Committee's (TRAC's) recommended Canada/U.S. allocation shares for 2017. For context, 2016 allocation shares are also provided. (For additional information, please see the attached presentation.)

Stock	Canada		U.S.	
	2016	2017	2016	2017
Eastern Georges Bank (EGB) Cod	78 %	80 %	22 %	20 %
EGB Haddock	59 %	41 %	41 %	59 %
Georges Bank (GB) Yellowtail Flounder	25 %	31 %	75 %	69 %

### *EGB cod*

Ms. Wang presented the 2016 EGB cod assessment (please see the attached presentation).

Mr. Bullard expressed his appreciation to the TRAC for their hard work developing multiple approaches and reaching consensus on catch advice. He noted that the assumptions built into the three different models could not account for the decline in stock biomass. Given that managers can only adjust commercial harvest levels, he asked if the TRAC discussed if there were other sources of mortality. Ms. Wang responded that there has been some work looking at seal population size and predation. High levels of natural mortality in cod may be a result of predation. She also suspected that water temperature changes may be playing a role.

Ms. Kirsten Clark noted that the lack of significant recovery in Maritimes Region cod stocks is assumed to be from another natural source. Mr. Knight stated that the northern cod stocks have started to come back, but there is anecdotal evidence that the trend has not continued this year. These cod stocks have not responded to changes in management because the commercial fishery has been closed for 20 years. The lack of recovery is likely being driven by a different source, possibly water temperature, climate change and/or other factors.

Mr. Bullard asked if there were other species that could be out-competing EGB cod for resources which could be contributing to the lack of recovery. Ms. Wang responded that spiny dogfish may be a competitor and that sharks may be another source of predation.

Mr. Knight asked if the surveys are seeing any difference in age structure or condition and if fish condition is needed for successful reproduction. Ms. Wang responded that the TRAC looks at fish condition each year. While there had previously been a declining trend in condition, there has recently been an increase. She confirmed that better condition and increased biomass is expected to yield more successful reproduction. Two Canadian industry members confirmed that they have been seeing better quality fish in recent years.

### *GB Yellowtail Flounder*

Ms. Liz Brooks presented the 2016 GB yellowtail flounder assessment (please see the attached presentation).

Mr. Knight requested information on the total biomass. Ms. Brooks indicated that the average total biomass from the last three surveys was 2,240 mt in 2014, 2,241 mt in 2015, and 1532 mt in 2016.

Mr. Knight also asked if catchability was a concern in all three surveys. Ms. Brooks responded that catchability is a way to scale the surveys. She noted that there is uncertainty that the value being used is correct, as it was borrowed from other flatfish studies. The TRAC hopes that additional information will be presented at the 2017 TRAC.

Mr. Knight observed that the stock has remained low with no variation. He asked if the TRAC discussed why this may be the case. Ms. Brooks expressed the TRAC's concern that the stock has not responded despite three years of very low fishing effort. She noted that at the 2015 TRAC, working papers on parasite infections were presented, but infection rates are not known. Fish condition has been poor and there is anecdotal evidence that it remains poor.

Mr. Bullard observed that there have been a few good year classes that are sustaining the EGB cod stock, but that is not seen in GB yellowtail flounder. Ms. Brooks confirmed this observation and reiterated that catch is at the lowest level since 1935.

Mr. Bullard noted that yellowtail flounder is an important bycatch species in other fisheries. A brief discussion on the yellowtail flounder discard mortality in other fisheries followed.

#### *EGB Haddock*

Ms. Brooks presented the 2016 interim report for EGB haddock (please see the attached presentation).

Mr. Knight expressed interest in the weight at age table and asked if there was a reason that older haddock are larger than projected while younger haddock are smaller than projected. Ms. Brooks indicated that there are several hypotheses, including population size and distribution. Ms. Wang noted that recent updates to the stock assessment following the TRAC indicated that the difference in the projected weight-at-age of the strong year classes could cause 50,000 mt difference in the projected population biomass.

Mr. Alain d'Entremont reported anecdotal evidence from U.S. fishermen that haddock spawning is occurring late this year. Canadian scientists investigated this phenomenon and discovered that spawning was 6-8 weeks late. Delayed spawning could be an explanation for distorted weights at age. Ms. Brooks responded that the TRAC expects to investigate this further in the full VPA analysis scheduled for summer 2017.

Mr. Bullard closed the TRAC discussion and the first day of the meeting by again thanking the TRAC for their hard work.

## Day 2

### **Canadian Participants:**

Morley Knight, DFO, Steering Committee Co-chair

Kirsten Clark, DFO, TRAC Co-chair

Mark Craig, DFO, Integration Committee Co-chair, Acting Species at Risk Committee Co-chair

Alain d'Entremont, Acting TMGC Industry Co-Chair

Jennifer Ford, DFO, TMGC

Roger Stirling, Canadian Industry Representative, GOMAC Co-chair (via teleconference)

Yanjun Wang, DFO, TRAC

Judith Maxwell, TMGC

Ray Belliveau, TMGC (Observer)

### **U.S. Participants:**

John Bullard, NMFS GARFO, Steering Committee Co-chair

Jennifer Anderson, NMFS GARFO, Integration Committee Co-chair

Liz Brooks, NMFS NEFSC, TRAC Co-chair

Dave Gouveia, NMFS GARFO, Species at Risk Committee Co-chair

Sarah Heil, NMFS GARFO, TMGC

Allison Murphy, NMFS GARFO, Integration Committee

Tom Nies, NEFMC, Executive Director

Terry Stockwell, NEFMC Chairman, TMGC Co-chair

Mike Simpkins, NMFS NESFC, TMGC

### **Opening Remarks**

Mr. Bullard again welcomed meeting participants to Boston and thanked the TRAC and Transboundary Management Guidance Committee (TMGC) members for their work in the lead up to this meeting. He began his opening remarks by recounting the strong historical ties between our regions, noting how that has continued through the work of this committee and cooperation in other international venues. He noted the work of the Species at Risk Working Group with regard to right whales. This work is important because recent declines in right whale abundance have added increased pressure to ensure the U.S. and Canada have equivalent management strategies. Finally, Mr. Bullard reported that the Northeast Action Plan in response to NOAA Fisheries' Climate Science Strategy is nearly complete. The Strategy identifies several priority actions. Some of these actions, such as placing greater emphasis on climate-related terms of reference and analyses in stock assessments, will affect shared resources. The Plan should be finalized in October, and arrangements can be made to share the plan and provide an update at a future meeting.

**ACTION ITEM: Once complete, Ms. Jen Anderson will share the Northeast Action Plan with Canada and will include an agenda item for this topic for the May conference call.**

Mr. Knight advised that Fisheries and Oceans Canada (DFO) has a new Minister, the Honourable Dominic LeBlanc, who is from New Brunswick. In addition, Deputy Minister Catherine Blewett

is from Nova Scotia. Both the Minister and Deputy understand the challenges in the Region and have high expectations.

The Government of Canada has committed to protecting 5% of Canada's marine and coastal areas by 2017 and 10% by 2020. These targets will be achieved through a strategy that includes completion of Marine Protected Areas (MPAs) already in progress (e.g. St. Anns Bank), the establishment of new large MPAs in pristine areas, such as in the Arctic, along with other measures such as Sensitive Benthic Areas in Jordan Basin and Corsair and Georges Canyons. Mr. Knight advised that details were to be announced at the upcoming Our Oceans Conference to be held in Washington, September 15-16, 2016.

Mr. Knight informed participants that DFO was initiating a review of the Fisheries Act to potentially reinstate, among other things, some protections for fish habitat. The work would be undertaken over the next 18 months. In closing he acknowledged that there has been much activity for DFO with respect to the Species at Risk file, with the Minister signing off on a number of listing recommendations and recovery documents. Minister LeBlanc recently expressed his concern with respect to marine mammal protections and the North Atlantic Right Whale. The federal government's focus is on making science based decisions. Mr. Knight indicated that the work of TRAC, TMGC and Steering Committee are, too, based on science.

### **Species at Risk Working Group Update**

#### *Species Updates*

Mr. Dave Gouveia and Mr. Mark Craig provided updates from the Species at Risk Working Group (SAR) teleconference held on August 17, 2016 for the U.S. and Canada, respectively (please see the attached meeting summary and species update). Both Mr. Gouveia and Mr. Craig recommended to the Steering Committee that an Anadromous Fish Working Group (operating as a sub-group of the SAR) be explored. The Steering Committee agreed with this approach.

#### *NOAA Right Whale Workshop Update*

Mr. Gouveia informed the Steering Committee that a right whale workshop is scheduled November 15-17, 2016 and will take place in St. Petersburg, FL. Participants will discuss the cause of the decline in abundance and the state of right whales. U.S. organizers are reaching out to Canadian DFO researchers and managers to solicit their participation.

#### *U.S. Endangered Species Act Import Provision Update*

Mr. Gouveia presented new U.S. import provisions under the Marine Mammal Protection Act (please see the attached presentation).

Mr. Knight stated that demonstrating comparable protection regimes will be complex. He asked how nations should demonstrate this comparability. Mr. Gouveia responded that the U.S. is still working to develop guidelines for other nations. He noted that the U.S. intends to work with other countries and the collaboration of our two nations through this and other venues will only

help the process. He also stated that the U.S. intends to share what programs have and have not worked so that time is not wasted experimenting with different programs that have already been tested.

Mr. Knight noted that gillnets tend to be problematic for protected species. He noted that the use of gillnets has declined in Canadian waters and inquired about what effective technologies for gillnets exist. Mr. Gouveia responded that pingers have been demonstrated to be effective for small cetaceans (particularly harbor porpoise). Research is being conducted to test the effectiveness of pingers with whales. The U.S. currently requires technologies that reduce serious injury and mortality to whales (weak links, prohibition of float rope, closed areas, etc.).

Mr. Bullard noted that the U.S. Atlantic Large Whale Take Reduction Team has done extensive work to reduce vertical line entanglements from U.S. trap and gillnet fisheries. He asked if Canada would be required to demonstrate that they have the same regulations in place or comparable regulations. Mr. Gouveia stressed that all nations seeking to import fish or fish products would have to demonstrate comparability. The U.S. will look at the conservation benefits of U.S. regulations and determine if other nation's regulations achieve the same level of conservation.

Mr. d'Entremont inquired about how the U.S. implements its restrictions and if the U.S. reviews each fishery or gear/area combinations. Mr. Gouveia responded that the U.S. primarily evaluates U.S. fisheries by gear and area, not solely by target species. He noted, however, the U.S. would be open to having a discussion about evaluating another nation's specific fishery, where appropriate. He further noted that the U.S. will be publishing a List of Foreign Fisheries that will be organized by harvesting nation and other defining factors including: Geographic location of harvest, gear type, target species, or a combination thereof.

Ms. Jen Ford asked if the U.S. was aiming to propose initial designations for fisheries by the end of 2017. Mr. Gouveia responded that the 2017 proposed List of Foreign Fisheries would indicate initial determinations of each importing country's fisheries with respect to the level of marine mammal bycatch. Each importing country's fisheries will be classified as either an "Exempt Fishery" (fisheries that have a remote likelihood of or no known marine mammal bycatch) or "Export Fishery" (fisheries that have more than a remote likelihood of marine mammal bycatch). Over the next four years, the U.S. would work with import nations to change the initial findings as new information becomes available or certify fisheries as nations develop and demonstrate comparability for those fisheries classified as an Export Fishery. By the end of the 5<sup>th</sup> year, the U.S. will publish a final List of Foreign Fisheries and a list of those countries whose Export Fisheries have received a comparability finding. Mr. Terry Stockwell noted that the U.S. can share information on its Take Reduction Team process so that Canada can streamline future efforts.

Ms. Ford noted that extensive work has been done on right whales by both nations. However, there are other species where both nations have much less information; therefore, it may be difficult to develop mortality estimates and conservation strategies. Mr. Gouveia responded that the same situation exists in the U.S. and that the U.S. will not be holding other nations to a higher standard than it holds itself.

Mr. Craig inquired if sustainability certifications, which often include a requirement to demonstrate limited impacts on protected species, would be taken into consideration. Mr. Gouveia responded that the U.S. would need to review the fishery and the certification requirements, but noted that it will likely help the process.

Mr. Craig also inquired if the U.S. would require a country to enact regulatory changes or if other management measures would be comparable. Mr. Gouveia stated that the U.S. has not had success with voluntary compliance because there are limited incentives for harvesters or shippers to comply. However, the U.S. does have some voluntary measures in place, so other nations' voluntary compliance programs would be considered for comparability; another nation may be able to demonstrate better incentives and compliance.

### **TRAC Update continued**

#### *2017 Terms of Reference and Future Meeting Schedule*

Ms. Clark began the discussion by announcing that she was taking over TRAC Co-chair responsibilities for the next year and thanked her predecessor, Mr. Kristian Curran. Ms. Brooks reviewed the draft 2017 TRAC Terms of Reference covering the three stocks (please see the attached draft document).

Mr. Tom Nies observed, with regard to the GB yellowtail Terms of Reference, that the U.S. research vessel is not sampling flounder effectively and that efforts are underway to compare the sampling success of different vessels and gear. The TMGC highlighted this issue to the TRAC and he was hopeful that ongoing efforts would be completed by the 2017 TRAC.

With regard to the assessment process, Ms. Brooks noted that the U.S. was interested in close coordination for GB cod, so that TRAC and U.S. efforts are not mis-aligned.

Mr. Knight inquired about future strategies for public participation in the TRAC process, noting the Canadian government is directing agencies to be more open and transparent. Ms. Brooks and Ms. Clark noted that the 2017 TRAC meeting will be held in St. Andrews, Canada and the TRAC will host a webinar for public participants. Mr. d'Entremont stated that these are positive future steps.

Ms. Brooks closed the discussion stating that the TRAC Terms of Reference will require secretarial approval of the TMGC, followed by the Steering Committee.

### **ACTION ITEM: TMGC and Steering Committee to approve 2017 TRAC Terms of Reference secretarially.**

#### *Delayed 2016 U.S. Spring Survey Update*

Ms. Brooks stated that some spatial comparisons to previous survey data have been completed but that it would be a challenge to evaluate any impacts associated with the delayed 2016 U.S. survey.

Mr. Bullard thanked TRAC members for their work, noting that the TRAC has found consensus on several challenging topics over the last few years.

### **Transboundary Management Guidance Committee Update**

Mr. Stockwell and Mr. d'Entremont began the TMGC update by recognizing the efforts of Michael O'Connor, the previous Canadian TMGC co-chair. They asked that the Steering Committee formally recognize his service. Mr. Bullard and Mr. Knight agreed to recognize Mr. O'Connor's effort via written correspondence.

### **ACTION ITEM: Integration Co-chairs to generate a joint letter recognizing Mr. O'Connor upon receipt of draft text from Mr. Stockwell.**

Mr. Stockwell and Mr. d'Entremont provided an update from the September 7-8, 2016 TMGC meeting (please see the attached presentation).

Mr. Bullard inquired about the TMGC's consideration of developing management recommendations. Mr. d'Entremont explained that perhaps there would be gear configuration or modification recommendations that could be forwarded to each country's management body for consideration. Mr. Nies noted that this topic may be difficult, but that it was worth exploring. Mr. Bullard and Mr. d'Entremont shared examples of each country experimenting with the other's gear configuration.

Mr. Knight noted that there could be a wide variety of recommendations. He cautioned the TMGC to approach this topic carefully and to focus on what is most important for joint management.

Mr. Bullard and Mr. Knight accepted the TMGC's quota recommendations.

### **Future Meeting Dates**

TMGC Intercessional Meeting: February/March 2017

TRAC: July 11-14, 2017, St. Andrews, Canada

Steering Committee Conference Call: May 4, 2017 2pm AST/1pm EST

TMGC Meeting: September 5-7, 2017 in Halifax, NS. Will coordinate exact dates in the hope of not needing to overlap with the Steering Committee meeting.

Steering Committee Meeting: September 7-8, 2017, Halifax, NS.

### **Closing Remarks**

Mr. Bullard thanked participants for their hard work leading up to this meeting. He expressed concern at the poor condition of EGB cod and GB yellowtail flounder, but appreciated that consensus was found.



Mr. Knight echoed Mr. Bullard's remarks, noting that the TRAC and TMGC's preparation and hard work made the Steering Committee more productive and efficient. He looked forward to continuing the discussions in the coming year and thanked the U.S. for hosting the meeting.