

**Canada/U.S. Transboundary Resources Steering Committee Agenda  
September 8, 2017  
Ron Trites Boardroom, 4<sup>th</sup> Floor Polaris, BIO, Dartmouth NS  
Teleconference Number: 1-877-413-4781  
Pass Code: 3383464**

<b>Friday September 8, 2017</b>		
1.	8:30–8:40	Introductory Remarks from Steering Committee Co-chairs (Mary-Ellen Valkenier and John Bullard)
2.	8:40-10:00	Species at Risk Working Group Update <ul style="list-style-type: none"> <li>• Species Updates (Donald Humphrey and Dave Gouveia)</li> <li>• Update on Gulf of St. Lawrence Right Whale Mortality Event (Donald Humphrey)</li> <li>• Update on Atlantic Large Whale Take Reduction Plan Activities (Dave Gouveia)</li> <li>• Update on Right Whale Ocean Protection Plan Activities (Donald Humphrey)</li> <li>• Update on U.S./Canada Bilateral Right Whale Work Group (Dave Gouveia)</li> </ul>
3.	10:00–10:15	BREAK
4.	10:15–10:30	TRAC (Kirsten Clark and Liz Brooks) <ul style="list-style-type: none"> <li>• 2018 Terms of Reference and Future Meeting Schedule</li> </ul>
5.	10:30–11:45	TMGC Report (Alain d'Entremont and Terry Stockwell) <ul style="list-style-type: none"> <li>• 2018 Quota Advice</li> <li>• 2018 TMGC Draft Agenda/Terms of Reference</li> </ul> Updates on other issues, multi-year assessments, etc.
6.	11:45–12:00	Closing Remarks (John Bullard and Mary-Ellen Valkenier) <ul style="list-style-type: none"> <li>• set 2018 meeting dates for Steering Committee and TMGC</li> <li>• confirm 2018 TRAC dates)</li> </ul>
8.	12:00 NOON	Adjourn

**Canada/U.S. Transboundary Resources Steering Committee  
Bedford Institute of Oceanography (BIO), Dartmouth NS  
September 8, 2017  
Meeting Minutes**

**Canadian Participants:**

Mary-Ellen Valkenier, DFO, Steering Committee Co-chair  
Donald Humphrey, DFO, Species at Risk Working Group (SAR WG) Co-Chair  
Alain d'Entremont, TMGC Industry Co-chair  
Jill Currie, DFO, Alternate for Regional Director, Policy & Economics  
Terry Higgins, Integration Committee  
Laura Hussey-Bondt, DFO, TMGC  
Roger Stirling, GOMAC Co-chair (via teleconference)  
Yanjun Wang, DFO, TRAC  
Doug Wentzell, DFO, Regional Director Fisheries Management  
Kirsten Clark, DFO, TRAC Co-Chair

**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 (via WebEx)  
Dave Gouveia, NMFS GARFO, Species at Risk Committee Co-chair  
Sarah Heil, NMFS GARFO, TMGC (via teleconference)  
Tom Nies, NEFMC, Executive Director  
Mike Simpkins, NMFS NESFC, TRAC  
Terry Stockwell, NEFMC Vice-chairman, TMGC Co-chair

**Opening Remarks**

Ms. Mary-Ellen Valkenier welcomed participants to Nova Scotia and opened the meeting with several updates. She advised that she had recently been appointed as Regional Director General, Maritimes Region. She spoke briefly about some executive staffing changes in the Maritimes Region (Ms. Kerri Graham Director of Oceans Protection Plan (OPP) Atlantic, Ms. Darlene Smith Director of Oceans Protection Plan for the Science Branch, Mr. Robert McDonald Director of the Atlantic Fisheries Fund, Ms. Wendy Williams Acting Director of Oceans Management and Mr. Mark Craig, Acting Regional Director for Communications Branch).

Ms. Valkenier noted that although Right Whales would be discussed later in the agenda, she wanted to mention the challenges over the summer with the deaths of several North Atlantic Right Whales and, of course, the tragic death of Joe Howlett who died shortly after freeing a right whale in the waters surrounding New Brunswick. She noted that Canada had been very busy and subsequently very responsive to the situation at hand and that the Department of Fisheries and Oceans (DFO) was very appreciative of all the cooperation received from stakeholders and from National Oceanic and Atmospheric Administration (NOAA) staff.

She indicated that the St. Anns Bank Marine Protected Area (MPA) Regulations had been publicized in the Canada Gazette, Part II and that the designation would mark an important step towards Canada's commitment to reach its domestic and international marine conservation

targets of protecting 5% of Canada's marine and coastal areas by 2017 and 10% by 2020. She advised that we recently confirmed our four Atlantic Provinces will be partnering with us in the delivery of the \$325 million Atlantic Fisheries Fund and that she would be leading the implementation of the Atlantic pillars of the Fund.

Regarding Science and new investment in DFO, Ms. Valkenier advised that DFO had launched and completed the largest science recruitment campaign in decades to hire 135 federal scientists, biologists and technicians in all regions of the country, and would be receiving over \$1.4 billion in new funding over the next five years for key program areas, in addition to last year's investment in the Oceans Protection Plan.

Mr. John Bullard thanked Ms. Valkenier for hosting and recognized the efforts of all those who prepare for these meetings. He began with an update on the 2017 draft groundfish assessment reports, noting that the peer review of the draft assessments would take place from September 11<sup>th</sup> through the 15<sup>th</sup>. Following the peer review, the New England Council will use the final results of the assessments to set catch limits for 2018-2020.

Mr. Bullard also mentioned that he had expressed concern about right whales during the May Steering Committee meeting. He noted that until 2010, the status of the North Atlantic right whale population was cautiously optimistic. From a low minimum number alive of 270 animals in 1990, the population had grown to a minimum number alive of 483 in 2010. However, beginning in 2010, right whale abundance started declining and was estimated to be at 458 animals in 2015. With such a low population size, a loss of a single animal can be detrimental to the species' recovery. Sadly, this decline has likely continued for the past two years, bringing us to the present, where known mortalities from the waters of both nations and poor calf productivity are pushing the population in the wrong direction.

As Donald will report later in this meeting, an unprecedented situation has also occurred in the southern Gulf of St. Lawrence. Since early June, over ten endangered North Atlantic right whales have been found dead and three additional mortalities have been found in U.S. waters. Further, five other right whales have been found entangled in fishing gear in Canada, two of which have been disentangled. These deaths represent about 3% of the species total population. These recent mortalities and entanglements are of grave concern. Urgent action must be taken and it is imperative that we work together.

Mr. Bullard indicated that later in the meeting, Dave will report on a Bilateral Right Whale Working Group initiative that both governments have agreed to pursue. He expressed his firm belief that when our countries set our minds to work together to solve these complex problems, whether it is with the fishing industry or the shipping industry, we work hard to achieve recovery goals. Mr. Bullard suggested that the two countries talk a little further following Dave's update and offered his full support to assist in any way to address the declining right whale population.

## Species at Risk Working Group (SAR WG) Update

### *Species Updates – Canada*

Mr. Donald Humphrey advised that two species were listed pursuant to the Species at Risk Act (SARA) in May 2017: loggerhead sea turtle and mud piddock (a clam found in the inner Bay of Fundy). The loggerhead sea turtle was assessed and listed as endangered so a recovery strategy will be developed and a workshop is being planned for late September to initiate the process. Mr. Humphrey noted that the Atlantic bluefin tuna was *not* listed during the same time. He further noted that DFO Science had initiated a telemetry study in 2011 and that by the conclusion of the study 40-50 pop-up archival transmitting tags will have been deployed on lightly and deeply hooked animals in Canadian waters. The tagging project is being undertaken in collaboration with the U.S. National Marine Fisheries Service (NMFS).

Mr. Humphrey stated that DFO Maritimes is considering four species or populations of species for listing under the SARA this year: porbeagle shark, short fin mako, white hake and winter skate. He added that DFO is currently developing its second action plan for the North Atlantic right whale, which will focus on threats other than fishing gear entanglements. Mr. Humphrey added that DFO supports a live gene banking (LGB) program to conserve genetic characteristics of Inner Bay of Fundy (IBoF) salmon and maintain populations until recovery can occur. In June 2017, DFO held a 4-day comprehensive analysis and review of the LGB program following three generations (15 years) and Mr. Humphrey noted that the resulting Review Paper will direct the development of an updated 5-year plan for the LGB program.

### *Species Updates - U.S.*

Mr. Dave Gouveia advised that the Greater Atlantic Regional Fisheries Office has created a new branch that focusses on leading endangered species listings under the Endangered Species Act (ESA) and monitoring of non-listed marine mammal species protected under the Marine Mammal Protection Act (MMPA). He noted that these species include transboundary stocks that are also afforded protection under Canada's *Species at Risk Act* (SARA). Mr. Gouveia then noted that four distinct populations of Atlantic sturgeon had been listed: three as endangered and one as threatened. He further indicated that a final recovery plan for the Gulf of Maine population of Atlantic salmon, listed as endangered in 2009, was expected to be published in 2018.

Mr. Gouveia next explained that under the ESA, a status review for all listed species must be completed every five years and that the Five-year Status Review for the North Atlantic Right Whale is due for publication this month. He noted that the review will be different from other five-year status reviews conducted by NMFS. Mr. Gouveia noted that the five-year review will be more than just a literature search of recent right whale related scientific publications; rather, this review hopes to provide a definitive answer as to the status of the North Atlantic right whale with respect to recovery. Further, he noted that the review should also identify gaps and evaluate all threats to the species, not just anthropogenic threats such as commercial fishing and shipping. This more detailed review, which also includes sections on collaboration, will set a precedent for future five-year reviews for other listed species and should be a good tool for both countries moving forward.

For species under consideration for listing, Mr. Gouveia advised that although it had been determined in 2016 that alewife and blueback herring would not be listed, that determination had been challenged in court. He indicated that a new revised stock assessment was completed this past August and that NMFS will utilize information contained in the new assessment as part of its revised status review for blueback herring. He noted that a change in the listing was not expected, but that an extensive risk analysis would take place in March 2018 with a formal listing determination expected in January 2019.

#### *Update on Gulf of St. Lawrence Right Whale Mortality Event*

Mr. Humphrey provided an overview of incidents that had taken place over the summer regarding the North Atlantic right whale, indicating there had been at least ten whale mortalities. Following the presentation, Mr. Gouveia stated he was impressed with how quickly the Government of Canada acted. He also noted that under the MMPA, the U.S. has the ability to declare an unusual mortality event (UME). With information provided by Canada, the U.S. was able to move toward declaring a UME, which then provided emergency funds for access to a conglomerate of veterinarians to review lab results on the necropsies. From a management perspective, efforts can then focus on causes of the mortalities. Mr. Gouveia stated that information from DFO and others was very helpful in this process and an important step for NMFS and that any information learned would be shared with Canada.

Mr. Bullard also thanked Mr. Humphrey for the succinct and complete report and agreed that the quick actions taken by the Government of Canada were impressive. He noted that voluntary actions taken by industry, such as reducing shipping speed, were also critical.

Regarding mandatory initiatives, Mr. Bullard advised that in a separate conversation, Mr. Adam Burns of DFO National Headquarters had recently expressed concerns with the impending U.S. MMPA import rule and the need for a comparability finding between U.S. and Canadian regulations concerning commercial fishing and vessel interactions with marine mammals. Mr. Bullard expressed his own concerns to the Steering Committee that the five-year deadline for the comparability finding provided in the import rule might be causing Canada to feel that they had some time to develop and implement comparable regulations to protect right whales. Given the recent abundance decline and unprecedented mortality event this summer, Mr. Bullard felt that it was time for DFO to “put all their cards on the table” and move swiftly to develop right whale protection in Canadian waters rather than waiting for the completion of the five-year phase in period provided in the import rule. Having said that, Mr. Bullard explained that the current right whale decline was not focussed solely on Canada, but rather a more general investigation concerning the cause of the decline and that both countries need to work together to determine gaps. He further stated that the Take Reduction process is working in the U.S. He noted that the U.S. industry agreed to make concessions and removed 30,000 miles of rope from the water and implemented 32,000 square nautical miles of seasonal closures. Mr. Bullard stated that Canada seemed to be having the same sort of rapid negotiations with their industry, and that using scientific data from both countries can demonstrate to fishers that their actions can have an effect.

Mr. Terry Stockwell added his thanks to Mr. Humphrey for a great report and indicated that what Canada had done voluntarily with industry is commendable. Mr. Humphrey agreed that DFO

has a strong relationship with industry and that many of those involved with disentanglements are former or current fishermen.

Mr. Mike Simpkins stated that in his role as division chief over the Species at Risk unit, he has seen a lot of cooperation over the years. The strong collaboration between Canada and the U.S. on surveillance has been very helpful. He noted that the new money and extra human resources for Canada would be good and offered the help of his team in whatever capacity is required.

Mr. Doug Wentzell agreed that the collaboration of industry was key and that he was pleased with the responsiveness on both sides of the border. He stated that recently DFO had contacted groundfish industry members and asked them to monitor their gear carefully. He was pleased with how willing industry was to help, noting that no fisher wants to find whales in their gear. He noted that in the longer term, there will likely be more detailed discussions concerning gear and other issues.

#### *Update on Atlantic Large Whale Take Reduction Plan Activities*

Mr. Gouveia advised that the U.S. is continuing to put considerable effort into working with industry. He stated that conservationists and academic scientists have been applying considerable pressure regarding the mandatory requirements under the Acts. He also noted that many times entanglements are just rope and it is difficult to determine what fishery and even from what country the rope originated. The criticisms from conservationists and academia are frustrating for the fishers who have made concessions over the years by modifying their fishing gear and fishing practices, as well as being subject to large area closures. Although these sacrifices have provided modest gains in right whales abundance in the past, in recent years the decline in abundance has made them feel that their sacrifices have been made for nothing. U.S. fishers feel that the whales are migrating north and the whale issue is no longer their problem. The U.S. government is trying to keep industry engaged and informed as they do not want to lose the cooperation of industry. Mr. Gouveia noted that Mr. Bullard has been very candid with senior Canadian officials about the difficult position of trying to keep U.S. industry engaged, so collaborative science is vital. Mr. Bullard agreed that there are many causes of the mortalities, and that we can only manage the anthropogenic ones. Governments need to be able to go to industry and show that there is a correlation between their behaviour and the mortalities. U.S. industry wants to see that Canadian industry is making concessions, too. He noted that the problem had been in U.S. waters a lot longer than in Canadian waters, but that the problem is an “us” issue, not a U.S. issue.

#### *Update on Right Whale Ocean Protection Plan Activities*

Mr. Humphrey advised that one of the initiatives of the OPP was to address threats to populations of marine mammals in Canadian waters. Earlier this year, DFO scientists were tasked with undertaking a review of the effectiveness of current management and recovery actions for three at risk whales (North Atlantic right whale, St. Lawrence Estuary beluga whale and Southern Resident killer whale). Over the summer, DFO carried out stakeholder and public engagement processes to hear their views and gather support for these actions. The engagement process will conclude mid-September and DFO will then take the feedback from Indigenous communities, government agencies (including some NOAA staff), environmental groups and other key partners and stakeholders to develop a report for the Canadian Deputy Minister. .

### *Update on U.S./Canada Bilateral Right Whale Working Group*

Mr. Gouveia spoke briefly about the importance of the working group, indicating that their primary focus is to increase coordination and communication to collaboratively address threats to right whales, with an emphasis on reducing human impacts. To achieve this objective, the bilateral workgroup will identify science and management gaps that are impeding recovery of North Atlantic right whales throughout their range. The working group last met via teleconference in August 2016 and is scheduled to convene a face-to-face meeting September 11 and 12 in Boston. He indicated that both Canada and the U.S. have done a lot of work together in a short amount of time, and as is their charge, they will identify gaps in science and management where both countries can focus on collaborative work. The working group co-chairs hope to hone in on specific areas and define additional working groups/partnerships which could then provide feedback to our respective senior officials. He noted that there is great potential for collaboration, not just on right whales but for other species going forward.

### **2018 TRAC Terms of Reference (ToR) and Future Meeting Schedule**

Ms. Kirsten Clark reported that this past year's TRAC meeting was the first time an independent meeting chair was used and that it was positively received. She indicated that next year's TRAC meeting will take place in Woods Hole (July 10-12, 2018) and that the ToR for cod was similar to the previous year.

Ms. Clark reminded the committee that, as agreed a few years ago, haddock would undergo a full assessment every two years, so in the non-assessment year, TRAC would provide an update only. Therefore, the ToR for haddock are similar to those in 2016 when the first update was conducted. At the September Transboundary Management Guidance Committee (TMGC) meeting one bullet was added to the haddock TRAC ToR for 2018: "Advise on whether a TAC in 2019 of 40,000 mt remains appropriate or should be reduced."

Ms. Clark also advised that the yellowtail flounder ToR for 2018 only had one additional bullet as recommended by TMGC "Describe the rationale for the range of exploitation rates provided by the TRAC as catch advice compared to previous guidance."

Ms. Clark noted that there were no changes to the ToR for allocation shares, thus the only ToR was "review the biomass distribution relative to the U.S./Canada boundary, update results with the 2017 survey information, and apply the allocation shares formula."

Under the "Other" category, Ms. Clark advised that, as a result of the U.S./Canada Ecosystem Working Group meeting in December and the ICES working group, TRAC would discuss targeted research to help identify mechanisms contributing to apparent increases in unaccounted mortality. TRAC would also report on progress with cod stock structure research and draft ToR for the 2019 TRAC assessment of Eastern Georges Bank Atlantic cod, Eastern Georges Bank haddock and Georges Bank yellowtail flounder.

Finally, Ms. Clark noted that the 2017 meeting took almost 4 days, because it was a full assessment year, but that 2018 would likely only take 3 days as it will be an update year. As previously agreed, the second week of July was confirmed as the best week for the TRAC meetings.

The co-chairs of the Steering Committee approved the 2018 TRAC ToRs.

## **TMGC Report**

Mr. Alain d'Entremont reported that the recent TMGC meeting was a productive and cordial negotiation. He advised that there were new members from both countries, including Laura Hussey-Bondt of DFO. Mr. Terry Stockwell seconded Mr. d'Entremont's remarks and thanked Canadian TMGC members for their hospitality and stated that U.S. TMGC is looking forward to hosting the Canadian team in Boston a year from now.

### *2018 Quota Advice*

Mr. Stockwell reported that there was a slight change in yellowtail shares, with Canada's share being down slightly and the U.S. share up slightly. He explained that an adjustment of survey catchability resulted in an increased estimate of survey biomass. In the end, TMGC settled on 300 mt Total Allowable Catch (TAC) as it met the U.S. rebuilding goals. Ms. Valkenier indicated that this was above the science advice, and that Canada had proposed a lower TAC, and questioned whether a TAC of 300 mt was appropriate. Mr. Stockwell indicated the exploitation rate is going down while the total mortality remains high, so the limited catch from the fishery is not driving the decline. There was some discussion around the various causes for mortality and Mr. Nies indicated that TRAC might focus on this issue next year as it appears to be unrelated to fishing effort.

Mr. d'Entremont noted that Canada does not have a directed fishery for yellowtail and that the estimated catch so far this year is less than 3 tonnes. Mr. Bullard agreed that no one is directing on yellowtail but it is taken as bycatch in the scallop and groundfish fisheries. Mr. Nies advised that due to rotating scallop closures in the U.S., there is higher bycatch of yellowtail in some years than others. Mr. d'Entremont and Mr. Wentzell agreed that it is important to balance stock status with the ability to fish other species and Mr. Wentzell agreed that it would be good if science efforts could focus on yellowtail at TRAC.

Mr. d'Entremont thanked the U.S. TMGC members for travelling to Canada, as well as the observers who attended the meetings which included representatives from some Canadian Indigenous groups. He then presented the results of the haddock negotiations, indicating that TMGC had agreed to a TAC of 40,000 mt for 2018 with an upper bound of 40,000 mt for 2019. He remarked that it was a successful negotiation, as industry is looking for stability with steady quotas and the stock is in the healthy zone. On behalf of TMGC, he asked the co-chairs to consider a benchmark review as it is difficult to reconcile poor model performance with changes in haddock productivity. Mr. Stockwell agreed that the TMGC negotiations underscore collaboration, which is good for the industry and good for the sustainability of the fish stocks.

Mr. d'Entremont then spoke about the cod negotiations, indicating a recommended TAC of 951 mt for 2018, which is an increase from 2017. The stock status remains low, so TMGC is being more cautious than some of the outputs from the scientific projections. However, he noted that there had been some recent improvement in all three survey indices and that cod is important to the Canadian haddock fisheries. Mr. Stockwell noted that the U.S. had come in with a lower TAC, but had reached consensus during the TMGC negotiations.

### *New TRAC Process*

Mr. d'Entremont noted that as policy and legal frameworks in both countries have evolved, TMGC had tasked TRAC to review and refine its process to ensure it could meet requirements. Through an intercessional call, TRAC and TMGC members had worked through the new TRAC process. TMGC agreed that the new process was considerably better, though some further refinements will be pursued. TMGC members agreed that the independent TRAC meeting chair really seemed to move the meeting along.

### *10 year review conclusions*

Mr. Stockwell noted that a couple of years ago, staff had been asked to do a ten year review of the TMGC process. The review resulted in seven recommendations, three of which were administrative (such as improvements to recordkeeping, postings on the web) and four of which were next steps. This week, TMGC reviewed and approved the TMGC Review Report, noting that TMGC will continue to make administrative improvements to the process and will use the other recommendations to guide future work. Mr. Stockwell thanked all staff that had worked on the review.

### *Other Business and Planning*

Mr. Stockwell and Mr. d'Entremont advised that the U.S. and Canada must now seek approval of the 2018 quotas through the New England Fisheries Management Council and Gulf of Maine Advisory Committee, respectively. Further, the TMGC does not plan to hold an intercessional meeting this year and the 2018 TMGC agenda will tentatively include discussion on the review of harvest strategies.

### **Closing Remarks**

Mr. Bullard announced that he would be retiring January 5, 2018, and he hoped the new Regional Administer appointment would be named before January. He further noted it had recently been announced that Mr. Chris Oliver was appointed as the Assistant Administrator of NOAA fisheries. Mr. Oliver was Mr. Nies' counterpart from Alaska, so he is familiar with fisheries and no significant changes to NOAA fisheries are expected. The Under Secretary of Commerce for Oceans and Atmosphere has not been announced, Mr. Ben Friedman is currently acting in that role. The Secretary of Commerce is Wilbor Ross, who has taken quite an interest in fisheries. Mr. Bullard expressed his regrets that he would not have an opportunity to work with Ms. Valkenier. His hopes for the future include continued collaboration on issues such as the 10-year review of TMGC, environmental influence and whether that might change the way we manage stocks. He stated that he felt there is capacity to look at other species such as mackerel and halibut. He concluded by stating that while three stocks brought this committee to the table, the people here are a very important resource and the good relationships we have built can help tackle issues of common interest.

Ms. Valkenier agreed that she was also very impressed with the collaboration around the table. She stated that it is much easier to come to decisions when we have great people and noted the great deal of good will. Finally, she wished Mr. Bullard well and agreed with him that there are a lot of things our countries can work on together moving forward.

**NEXT MEETINGS:**

- **TRAC July 10 – 12, 2018, Woods Hole, MA**
- **Steering Committee Teleconference April 26, 2018, 2 PM AST/1 PM EST**
- **TMGC – September 11 –12, 2018, Boston, MA**
- **Steering Committee – September 12-13, 2018, Boston, MA**