

Transboundary Management Guidance Committee (TMGC)
Minutes from October 24, 2006 Conference Call

Attendees

Co – chairs: Mike O’Connor – Canada, and George, Lapointe – USA

Canada Industry: Claude d’Entremont, Brian Giroux

U.S. Industry: John Pappalardo, Phil Ruhle

Canada Science (DFO): Stratis Gavaris, Lou Van Eeckhaute

U.S. Science (NMFS): Ralph Mayo, Fred Serchuk

Canada Management (DFO): Jorgen Hansen, Verna Docherty

U.S. Management (NMFS): Doug Christel

New England Council (NEFMC): Tom Nies

Documentation Supporting Conference Call

- October 2, 2006, letter from John Pappalardo to Pat Kurkul
- October 5, 2006, letter from Pat Kurkul to Faith Scattolon
- October 19, 2006, response letter from Faith Scattolon to Pat Kurkul
- TMGC Guidance Document

Agenda

Participants agreed to discuss the TMGC yellowtail flounder total allowable catch (TAC) recommendation, followed by a discussion of the cod TAC recommendation, and a discussion of how to present any revised recommendations resulting from this call.

Better documentation of discussions at this and future TMGC meetings will more clearly record agreements reached and minimize the potential for misunderstandings.

2007 Yellowtail Flounder TAC Recommendation

The Transboundary Resource Assessment Committee (TRAC) analysis indicated that an overall TAC of 1,250 mt would result in a neutral risk that the fishing mortality rate (F) will exceed the reference F (F_{ref}) of 0.25 in 2007, consistent with the management strategy under the U.S./Canada Resource Sharing Understanding (Understanding). Although the U.S. proposed, and the TMGC originally accepted, an overall TAC of 1,500 mt due to the socioeconomic impacts of recent TAC reductions, concern had been expressed that the proposed TAC may be inconsistent with U.S. law. The New England Fishery Management Council (Council) considered the TMGC guidance, but concluded that an overall TAC of 1,500 mt is not consistent with the recently-adopted rebuilding plan for this stock or the harvest strategy of the Understanding. The Council recommended that the TMGC develop revised guidance consistent with the rebuilding plan for this stock and the management strategy of the Understanding.

The U.S. proposed a revised TAC of 1,250 mt. Canada supported the revised TAC, stating that they support rebuilding yellowtail flounder as quickly as possible. However, there was disappointment that the U.S. process may not be flexible enough to deal with economic disruptions. Although yellowtail flounder biomass is expected to continue increasing, participants were reminded that U.S. requirements to increase biomass to

certain levels by a particular date may further limit the flexibility of the U.S. management system to respond to continued socioeconomic impacts and may instead require the U.S. fishery to fish below F_{ref} in the near future.

With the recent decreasing trend in yellowtail flounder TACs, concern was expressed whether there would be enough TAC to allocate to the Canadian fishery. With a 1,250 mt overall TAC, the Canadian share of the TAC (350 mt) would barely cover the recently-observed yellowtail flounder discards in the Canadian scallop fishery. It was acknowledged that this is a serious concern and the Canadian plan is to not allocate the yellowtail flounder TAC for 2007, but instead set this entire amount aside as a bycatch TAC for all fisheries.

2007 Cod TAC Recommendation

It was unclear whether the Council approved or disapproved the proposed 2007 eastern GB cod TAC of 1,900 mt. It was clarified that the Council remanded the 2007 cod TAC to the TMGC because the 2005 Canadian overage was not addressed in the original TAC recommendation, not because the Council objected to the proposed overall TAC of 1,900 mt.

Another concern involved an alleged agreement between Pat Kurkul and Neil Bellfontaine that the 2005 Canadian overage of eastern GB cod would not be deducted from the 2007 Canadian TAC allocation. Some recalled mention about such an agreement at the September 2006 TMGC meeting. However, the minutes for this meeting do not reflect such a discussion and no other documentation exists to support that any such agreement was reached. All participants agreed that better documentation of TMGC meetings is needed to help avoid similar misunderstandings in the future.

During 2005, the Canadian fisheries were allocated 740 mt of eastern Georges Bank cod. According to the 2006 TRAC document, the Canadian fisheries landed 630 mt, with an additional 144 mt of discards in the groundfish fishery and 110 mt of discards in the scallop fishery. Thus, although Canadian landings were less than the 2005 Canadian TAC allocation, when combined with discards, the Canadian catch exceeded the 2005 Canadian TAC allocation by approximately 144 mt.

The TMGC discussed whether the 2007 eastern GB cod Canadian TAC allocation should be reduced to account for the overage during the 2005 fishing year. There was confusion about whether both nations agreed to deduct any overages due to landings and discards prior to 2006. U.S. participants argued that the combined U.S./Canada TAC amounts were considered to include both landings and discards and that the U.S. fishery was closed in 2005 to prevent the total catch, including discards, from exceeding the USA TAC allocation. Also, it was understood by U.S. participants that both nations had previously agreed that any overage due to landings or discards would be deducted from the responsible nation's TAC during the following fishing year. However, while Canadian representatives acknowledged that such issues had previously been discussed, they noted that the assessment did not include discard information until 2005 and that deduction of overages due to discards should only take place starting with the 2006 fishing year.

The minutes of the 9-10 Dec 2004 TMGC meeting indicates the TMGC had considered “that the adjustment should occur in 2005 for overages in 2004”. While not clear, the minutes suggest that Canadian overage (catch) in 2004 would be included. The TMGC presented a proposed “Summary of TAC Adjustment Process (12/10/04: TMGC)” to the USA/CAN Steering Committee at their 15-16 Feb 2005 meeting. Based on further consultation and consideration of the TAC adjustment process, Canada noted that it “has become apparent that not building discards into the 2004 assessment, yet counting discards toward the TACs in 2004 (2005) created an inconsistency” and “it is now difficult to subtract the estimated Canadian scallop discards from the lower 2005 TAC “. If discards would have been included in the 2004 eastern GB cod assessment, the overall TAC would have been higher, reducing the scale of the 2005 Canadian overage. However, the magnitude of the effect on the TAC if discards would have been included in the assessment was not established.

After much debate, the TMGC recommended that the Canadian fishery should not be required to deduct the 2005 GB cod overage because the 2004 eastern GB cod assessment did not include information on discards-at-age and, therefore, the 2005 eastern GB cod TAC should only be treated as regulating landings. The TMGC concluded that all elements of catch (landings and discards) will be applied against all TACs in the current and subsequent fishing years and that any overage, including an overage due to discards, will be deducted from the appropriate TAC of the responsible nation during the following year.

Beginning with the 2006 fishing year, the DFO has established a process that would account for all landings and discards of eastern GB cod, GB yellowtail flounder, and eastern GB haddock caught in every fishery, including the groundfish, scallop, herring, and lobster fisheries. More specifically, the process estimates anticipated discards of cod and yellowtail in the scallop and groundfish fisheries and sets aside that amount from the overall allocation prior to distributing allocation to individual participants for a particular fishing year. The estimated discard “reserve” for each stock will be revised in future years, if necessary, to ensure that discards do not contribute to any future overages. This process was similar to the process used to monitor catch and discards in the U.S. fisheries. A TMGC meeting to present and discuss the catch monitoring processes of each nation will be scheduled for sometime in December or January.

Documentation of Conclusions

The TMGC concluded that the most effective way to represent the resolution of the issues discussed during this conference call was through a single addendum to the TMGC guidance documents. This addendum would provide an introduction, the original recommendations made by the TMGC, a summary of the issues of concern for both the 2007 eastern GB cod and GB yellowtail flounder TAC recommendations, and a discussion of the agreed-upon resolution for each species.