

**40th ANNUAL MEETING OF NAFO - SEPTEMBER 2018****NAFO CEM – Reinstatement of Footnote 14 into Article 6.3
for American Plaice bycatch provisions in the 3NO directed Yellowtail fishery****Background**

At the 2015 Annual Meeting, the Commission adopted revisions to the footnotes in Annex I of the NAFO CEM (FC Doc. 15-08). One of the amendments was incorporating footnote 21 to the Quota Table into the text of the NAFO CEM under Article 6. At the 2016 Annual Meeting, the U.S. raised a concern that the newly implemented provision under Article 6 did not accurately reflect the language or intent of the former footnote 21. Therefore, at the 2017 Annual Meeting, the U.S. proposed in STACTIC WP 17-41 (Revised) that Article 6.3(f) be removed from the NCEM and that the former footnote 21 be reinstated into the Quota Table as footnote 14 without prejudice. This proposal was adopted at the 2017 Annual Meeting and the 2018 NAFO CEMs were updated to reflect this change. It was also agreed that Canada and the U.S. would have further discussions on the issue.

Canada and the United States have met in advance of the 2018 Annual Meeting and discussed the issue and have agreed on a way forward. Canada proposes that the by-catch provision established in 2016 for American Plaice in the 3NO directed Yellowtail fishery be reinstated under Article 6 of the NCEM and Footnote 14 be deleted. References to Footnote 14 located within the quota table under Total Allowable Catch listed for both 3LNO Yellowtail and 3LNO American plaice will also be deleted.

Proposed Amendments***Limits for Species Listed in Annex I.A Retained on Board as Bycatch***

3. Each Contracting Party shall ensure that its vessels, including vessels chartered in accordance with Article 26, shall limit the retention of on-board species classified as bycatch to the maxima specified below:
 - (a) for cod in Division 3M, redfish in 3LN and witch flounder in 3NO: 1 250 kg or 5%, whichever is the greater;
 - (b) for cod in Division 3NO: 1 000 kg or 4%, whichever is the greater;
 - (c) for all other stocks listed in Annex I.A where no specific quota has been allocated to the flag State Contracting Party: 2 500 kg or 10%, whichever is the greater;
 - (d) where a ban on fishing applies (moratoria), or when the "Others" quota opened to for that stock has been fully utilized: 1 250 kg or 5%, whichever is the greater; and
 - (e) once the directed fishery for redfish in Division 3M is closed in accordance with Article 5.5 (d): 1 250 kg or 5%, whichever is the greater; and



- (f) while conducting a directed fishery for yellowtail in Divisions 3LNO: 15 % of American plaice; otherwise bycatch provisions in Article 6.3 (d) apply.

ANNEX I – FISHERIES MANAGEMENT
Annex I.A – Annual Quota Table

CATCH LIMITATIONS – Article 5. Total allowable catches (TACs) and quotas (metric tons in live weight) for 2018 of particular stocks in Subareas 1-4 of the NAFO Convention Area.

Species	Cod				Redfish					American plaice		Yellowtail
	COD 3L	COD 3M		COD 3NO	RED 3LN		RED 3M	RED 3O	REB 1F_2_3K (I.e. Sub-Area 2 and Divs. 1F+3K)	PLA 3LNO	PLA 3M	YEL 3LNO
% of TAC			% of 3M Cod TAC			% of 3LN Redfish TAC						
Contracting Party												
Canada		89	0.80	0	6 049	42.60	500	6 000	0 ¹	0	0	16 575
Cuba		412	3.70	-	1 392	9.80	1 750		0 ¹	-	-	-
Denmark (Faroe Islands and Greenland)		2 491	22.35	-	-		69 ¹⁰		0	-	-	-
European Union		6 356 ⁵	57.03	0 ⁴	2 589 ⁴	18.23	7 813 ⁴	7 000	0 0 ⁷	0	0 ⁴	-
France (St. Pierre et Miquelon)		-		-	-		69 ¹⁰		0 ¹	-	-	340
Iceland		-		-	-		-		0	-	-	-
Japan		-		-	-		400	150	0 ¹	-	-	-
Korea		-		-	-		69 ¹⁰	100	0 ¹	-	-	-
Norway		1 031	9.25	-	-		-		0	-	-	-
Russian Federation		721	6.47	0	4 085	28.77	9 137	6 500	0	-	0	-
Ukraine								150	0 ¹			
United States of America		-		-	-		69 ¹⁰		0 ¹	-	-	-
Others		45	0.40	0	85	0.60	124	100	-	0	0	85
TOTAL ALLOWABLE CATCH	*	11 145 ^{15,16}	100.0	*	14 200 ¹⁷	100.0	10 500 ⁸	20 000 ⁸	0 ^{3,9}	**	**11	17 000 ^{12,14}

14. In lieu of Article 6.3 of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply: Contracting Parties projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , this rate may be subject to a reassessment by the Fisheries Commission. fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 15% of their total yellowtail fishery as calculated in accordance with Article 6.4. If a Scientific Council