

**45th ANNUAL MEETING OF NAFO - SEPTEMBER 2023****Establishment of New Measures in the Yellowtail Fishery (Article 6)****Background**

3LNO yellowtail flounder was historically a mixed flatfish fishery with 3LNO American plaice, which has been under moratorium since 1995. As the primary quota holder for both stocks, Canada is strongly committed to the conservation of both and specifically the rebuilding of 3LNO American plaice.

Noting that American plaice 3LNO is currently under moratorium and noting the advice of the Scientific Council that bycatches should be kept to the lowest possible level and restricted to unavoidable bycatch in fisheries for other species.

Canada has been successful over the years in consistently maintaining a bycatch rate well below the 15 per cent threshold including in the most recent years when catch of yellowtail flounder has increased. However, this proved particularly challenging in fall of 2022 when Canadian operators encountered levels of bycatch that, while low in tonnage, triggered the move-away protocols under Article 6.6 of the NAFO Conservation and Enforcement Measures (CEM). These challenges have continued in 2023.

The fluctuation in distribution of these stocks may be the results of climate change as it appears to coincide with general warming of the core fishing areas in the southern Grand Banks during the fall period as determined by temperature recorded during fishing events. This warming trend has also been noted by NAFO Scientific Council (NAFO SCS Doc. 22/18 p.87) as well as peer-reviewed Fisheries and Oceans Canada research (Canadian Science Advisory Secretariat (CSAS) Report 2023-019¹ p.6).

In light of these circumstances, Canada has been exploring adaptive management approaches that respond to the changing fishery dynamics to allow operators to conduct economically viable fisheries while minimizing the potential impact on moratoria species. As such, at the 2023 STACTIC Intersessional meeting, Canada proposed two amendments to the NAFO CEMs in STACTIC WP 23-14.

Recognizing that the annual by-catch of American Plaice in the directed Canadian yellowtail flounder fishery has been maintained at levels well below the current threshold of 15%, and have generally been in the range of 3-5%.

Highlighting that the obligation remains to ensure that annual 3LNO American plaice catches do not exceed the 15% threshold.

Noting that the measure has a very narrow application, impacting only Canadian fishers, and the need to addresses a challenge in this fishery that to date has been seasonal in nature, Canada also proposes an expedited implementation period, as provided for in the Convention.

¹ https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2023/2023_019-eng.html



Following discussions at the 2023 STACTIC Annual meeting, Canada now presents a number of additions to Article 6.

Proposed Amendments

Article 6 – Bycatch Retention on Board of Stocks Identified in Annex I.A as Bycatch when No Directed Fishery is Permitted

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 Divisions 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 (moratorium): 1 250 kg or 5%, whichever is the greater;
 - (e) when the "Others" quota opened for that stock has been fully utilized: 1 250 kg or 5%, whichever is the greater, for those Contracting Parties that notified the use of the "Others" quota in accordance with Article 5;
 - (f) 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
 - (g) while conducting a directed fishery for yellowtail in Divisions 3LNO: 15% of American plaice; otherwise bycatch provisions in Article 6.3(d) apply. Until December 31, 2024, if a vessel is carrying an observer:
 - (i) this maxima shall be 2 900 kg or 15% of American plaice, whichever the greater;
 - (ii) a vessel may exceed the maxima referred to in Article 6.3(g)(i) for bycatches of American plaice retained on board during the first 9 fishing days in the Regulatory Area provided that American plaice bycatches represents 15% or less by the end of that period or when the vessel leaves the Regulatory Area, whichever occurs first.
 - (iii) each Contracting Party shall inspect 100% of landings of fishing vessels that have conducted directed fishery for yellowtail in Divisions 3LNO.
4. The limits and percentages in paragraph 3 of this Article are calculated by Division as the percentage, by weight, for each stock of the total catch of stocks listed in Annex I.A retained on board for that Division at the time of inspection, on the basis of the fishing logbook figures.

Exceeding Bycatch Limits in Any One Haul

8. When a vessel is conducting a directed fishery for skate with a legal mesh size appropriate for that fishery, the first time that catches of stocks for which bycatch limits apply, as specified in paragraph 2, comprise the largest percentage by weight of the total catch in a haul, they shall be considered as incidental catch, but the vessel shall immediately move as specified in paragraph 6.
9. Until December 31, 2024, where a vessel is carrying an observer and is conducting a directed fishery for yellowtail with a legal mesh size appropriate for that fishery, the first two times on a fishing trip that catches of American plaice comprise the largest percentage by weight of the total catch in a haul, they shall be considered as incidental catch, but the vessel shall immediately move as specified in paragraph 6.
- 9bis. Until December 31, 2024, by way of derogation from Article 6.6.b(ii), if the American plaice bycatch limits are exceeded again, instead of leaving the Division for at least 60 hours, the vessel may move a minimum of 10 nautical miles from any position of the previous tow in up to three consecutive hauls in which the American plaice bycatch limit is exceeded. If the bycatch limits are exceeded again, the vessel shall leave the Division and not return for at least 60 hours, in accordance with Article 6.6.b(ii).
10. The percentage of bycatch in any one haul is calculated as the percentage, by weight, for each stock listed in Annex I.A of the total catch from that haul.
11. Upon its first entrance into a Division on a fishing trip, a vessel may undertake one trial tow for up to a maximum duration of 3 hours. If the stocks subjected to bycatch limits form the largest percentage, by weight, of the total resultant catch in the haul, this shall not be considered as a directed fishery for those stocks, and the vessel must immediately change position in accordance with provisions of paragraph 6(b). Vessels must identify any trial tow conducted in accordance with this paragraph and record in the fishing logbook the coordinates pertaining to the start and end locations of any trial tow conducted.

Implementation

12. In 2024, STACTIC shall:
 - (a) assess if the provisions in paragraphs 6.3(g) and 9 led to an increase on American plaice bycatches or directed fishery on American plaice; and
 - (b) review paragraphs 6.3(g) and 9.
13. This measure shall become binding on each Contracting Party seven days following the date of transmittal by the Executive Secretary, with no bearing on the provisions of paragraph 2 of Article XIV.