



39th ANNUAL MEETING OF NAFO - SEPTEMBER 2017

Reinstatement of footnote 21 of the 2015 NAFO CEM quota table

At the 2015 Annual Meeting, the commission adopted the 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. The U.S. believes that this incorporation does not accurately reflect the language of former footnote 21. EDG requested Canada and the U.S. to try to draft language that more accurately reflects former footnote 21. Canada and U.S. were not able to come to agreement on such language based on differences of interpretation and application of the footnote and both CP's agreed that the best solution is to reinsert the footnote into the Quota Table. Therefore the U.S. proposes that the incorporated language be removed from the NAFO CEM and former footnote 21 be reinstated into the Quota Table consistent with the current numbering of footnotes. The reinsertion of former footnote 21 will be done without prejudice to NAFO's ability to review the footnote. The proposed revisions are outlined below.

Article 6.3:

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.~~

Reinsert footnote 21 of the 2015 CEM as a new footnote 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 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 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.**

References to footnote 14 will be placed within the quota table next to the TACs for 3LNO American plaice and 3LNO yellowtail.

