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Conservation of Yellowtail Flounder in Subarea 5

Memorandum by the United States

The yellowtail flounder stock in Subarea 5 is presently under regulation through catch quotas and mesh size restrictions adopted by the Commission following scientific assessments that this species was being fished greatly beyond the level of estimated sustainable yield. These regulations are subject to review and possible adjustment at the forthcoming Annual Meeting.

1. Trawl Regulations

The United States proposes that the first sentence of paragraph 1 of the Trawl Regulations for Subarea 5 be amended to read as follows:

"that the Contracting Governments take appropriate action to prohibit (except as provided in paragraph 2) the taking of cod, Gadus morhua (L.), haddock, Melanogrammus aeglefinus (L.), and yellowtail flounder, Limanda ferruginea (Storer), in Subarea 5, by persons under their jurisdiction with trawl nets having in any part of the net meshes of dimensions less than 114 mm or 4-1/2 inches, and having in the codend of nets in fisheries for yellowtail flounder, Limanda ferruginea (Storer), meshes of dimensions of less than 130 mm or 5-1/8 inches, as measured by the ICNAF gauge specified below."

The only change made by this amendment would be an adjustment in the mesh size required when fishing for yellowtail flounder in Subarea 5. In this fishery, a mesh size of 130 mm would continue to be required in the codend of nets, while the remainder of the net would have to meet the standard (114 mm) required in fisheries for cod and haddock. Outfitting with entirely new nets as a result of small changes in ICNAF mesh requirements would result in severe hardship for the American fishermen who concentrate on the specialized yellowtail fishery and who compromise the largest element of the fishery in Subarea 5. In fact, enforcement of the increased minimum in the entire net would force most of them out of the fishery. Since they depend so heavily on this specialized fishery, this would mean that most of the yellowtail flounder fishermen could not remain in the fishing industry. The United States had intended that its proposal to increase the minimum mesh size for yellowtail only apply to the codend. In these circumstances, the United States has carefully reviewed selectivity studies carried out by scientists in both the United States and other ICNAF countries. Actual tests indicate that a very low percentage of the escapement of undersized fish from trawl nets takes place in any part of the net other than the codend. This is particularly true for flatfish such as yellowtail flounder.

In these circumstances, the proposed amendment to the Subarea 5 mesh regulation will serve conservation objectives while easing an acute economic problem for US fishermen. We, therefore, ask the cooperation of other members of the Commission in effecting this change in the mesh regulations for Subarea 5.

2. Catch Limitations

At the time quota limits for yellowtail flounder were adopted in 1970, the United States called the attention of those nations fishing in Subarea 5 to the special hardships the required regulations would pose for US fishermen due to their limited mobility and traditional dependence on this resource. In so doing, the United States reviewed within the ad hoc Working Group on Subarea 5 Fisheries those principles of quota allocation discussed previously within STACREM, including the concept that national shares should be allocated mainly on the basis of historical

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performance, with the provision that percentage shares of different countries would not necessarily remain fixed at all levels of total catch, but that the lower the level of total allowable catch the greater might be the degree of preference awarded to those countries in the scheme having special needs, i.e., factors other than historical performance. In accord with this principle the United States requested that special consideration be given the fleet of US vessels primarily dependent on this resource. Specifically, the United States proposed that the allowable catch under the 1971 quota regulation (except incidental catches) be reserved almost entirely for the United States until the resource had recovered satisfactorily. At that time, it was not possible for the Commission to formally provide for such a special allocation since it did not possess the authority necessary to propose national quota allocations. However, recognition was given to the special needs of the United States through informal assurances received from the principal countries fishing in Subarea 5 that they would avoid specialized fisheries for yellowtail flounder.

As Member Nations are aware, the Commission has had since 15 December 1971 the more flexible regulatory authority permitting the allocation of overall quotas among Member Countries. Accordingly, the Commission might consider it convenient to achieve the allocation of this quota through specified national shares which continue to recognize those special needs of the United States reflected in the existing informal division of the quota.