

Canada/U.S. Transboundary Resources Steering Committee
Conference Call
May 2, 2018
Meeting Minutes

Canadian Participants:

Mary-Ellen Valkenier, Fisheries and Oceans Canada (DFO), Steering Committee Co-chair
Jill Currie, DFO, Policy & Economics, Integration Committee Co-Chair
Jennifer Ford, DFO, Transboundary Resource Assessment Committee (TRAC) Co-Chair
Terry Higgins, DFO, Policy & Economics, Integration Committee
Jennifer Hiltz, DFO, Transboundary Management Guidance Committee (TMGC)
Donald Humphrey, DFO, Species at Risk Working Group (SAR WG) Co-Chair
Roger Stirling, Gulf of Maine Advisory Committee (GOMAC) Co-chair
Doug Wentzell, DFO, Associate Regional Director General

U.S. Participants:

Michael Pentony, National Marine Fisheries Service (NMFS) Greater Atlantic Region Fisheries Office (GARFO), Steering Committee Co-chair
Jennifer Anderson, NMFS GARFO, Integration Committee Co-chair
Michael Asaro, NMFS GARFO, SAR WG Acting Co-Chair
Libby Etrie, New England Fishery Management Council (NEFMC), TMGC
Marianne Ferguson, NMFS GARFO, Integration Committee
Tom Nies, NEFMC Executive Director, TMGC
John Quinn, NEFMC Chairman, TMGC
Michael Simpkins, NMFS NEFSC, TRAC
Katerine Sosebee, NMFS NEFSC, TRAC Co-chair
Terry Stockwell, NEFMC Vice Chairman, TMGC Co-chair
Michele Traver, NMFS NEFSC, TRAC
Carrie Upite, NMFS GARFO, SAR WG Acting Co-Chair

Opening Remarks

Mary-Ellen Valkenier welcomed the new Canada - U.S. Transboundary Resource Steering Committee U.S. co-chair and other participants to the teleconference and opened the meeting with several important updates. She advised that there had been a few changes in senior management at DFO that might be of interest to staff in the U.S.: Doug Wentzell, formerly Regional Director of Fisheries Management, was appointed as Associate Regional Director General. Annette Daley, formerly of Ecosystem Management Branch, is now the Acting Regional Director of Fisheries Management. Rhea King returned to her substantive position as Regional Director of Ecosystem Management.

Ms. Valkenier advised that the Government of Canada's 2018 Budget brought significant investment in science and received important investments in a number of key program areas such as renewal of small craft harbours and maintenance of existing Coast Guard fleet capabilities.

There were also smaller, but significant, investments made in the protection, preservation and recovery of endangered whale species in Canada, in our aquaculture program, in implementation of modern safeguards in the *Fisheries Act* and in supporting the renewal of Canada's marine environmental impact assessment regime.

Ms. Valkenier provided an update on important amendments to the *Fisheries Act* under Bill C-68 which, if passed into law, would improve the protection of our fisheries and their ecosystems. She also indicated that proposed changes to strengthen and modernize Canada's *Oceans Act* under Bill C-55 had passed through the House of Commons on April 25, 2018 and is undergoing second reading in the Senate. These changes were in relation to Marine Protected Area processes as well as updates to enforcement officers' powers.

Michael Pentony introduced himself to the group and noted the new U.S. members on the Steering Committee: Carrie Upite (GARFO, Acting for Dave Gouviea's former position as SAR WG Co-Chair); Mike Asaro (GARFO, SAR WG Acting Co-Chair); Marianne Ferguson (GARFO, Integration Committee); Katherine Sosebee (NMFS NEFSC, TRAC Co-Chair); and Michele Traver (NMFS NEFSC, TRAC).

Mr. Pentony also updated the group on a few recently implemented fisheries actions in the region. Fisheries specifications published on May 1, 2018 for U.S./Canada shared stocks. These specifications implemented the numbers agreed upon last fall. The Omnibus Habitat Amendment 2 final rule published in April 2018. NMFS approved most of the measures put forth by the New England Fishery Management Council.

Transboundary Resource Assessment (TRAC) Committee Update

TRAC Scheduling

Jennifer Ford reported that the 2018 TRAC meeting will be taking place in Woods Hole as approved by the Steering Committee in September 2017.

DFO Winter Georges Bank Survey

Ms. Ford indicated that the DFO winter survey on Georges Bank was slightly delayed due to an issue with the vessel. A commercial shrimp vessel that is a sister ship was chartered, the survey was completed and a DFO scientist is now studying the results to determine whether vessel effects can be determined, which will be presented at the TRAC intercessional on May 29, 2018. Doug Wentzell acknowledged the efforts of industry partners and DFO Science staff to implement this solution and complete the survey.

U.S. Fall Survey

Ms. Katherine Sosebee reported that the U.S. fall survey was late as well, although the survey still took place on Georges Bank at a similar time as previous years, and that they had used a sister ship that was identical to the original vessel. She noted that U.S. scientists have been analyzing the swept area of their trawl at different depths (over-spreading in deeper water, under-

spreading in shallower water), and how that might affect the survey results. This analysis will also be presented by a NMFS scientist at the May 29, 2018 TRAC Intercessional.

TRAC Structure and Process Document

Ms. Ford referred to the TRAC Structure and Process document that was developed last year and presented as an information piece to the Steering Committee at the May 2017 teleconference. TRAC's objective was to work towards harmonizing the two jurisdictional requirements, and finding middle ground that maintained the spirit of both countries' obligations. Changes to the process that were implemented in 2017 include: use of an independent meeting chairperson; a phased approach to discussion, and revising how the TRAC report is developed and edited. Following the 2017 meeting, some minor revisions to the TRAC Structure and Process document have been made by TRAC members. TRAC Co-Chairs are in the process of finalizing this revised document, and could distribute it secretarially to the Steering Committee for information, following final TMGC approval.

Action: The final TRAC Process document to be approved by TMGC and distributed secretarially to Steering Committee for information.

Species at Risk

Ms. Valkenier made a few remarks about the North Atlantic Right Whale before the co-chairs of the Canada-U.S. Species at Risk Working Group provided their brief update on activities. She noted the tragedy of the past year with respect to the recovery of the North Atlantic Right Whale, with the 17 confirmed mortalities, as well as additional entanglements in Canadian and U.S. waters. The fact that no newborn calves were observed this season within their usual breeding habitats, as well as the latest science suggesting that the population is in decline and that breeding females represent a small proportion of the population, draws further concern. Ms. Valkenier and Mr. Pentony both remarked on how pleased and grateful they were that both countries are collaborating to protect and recover this species.

Canadian Right Whale Update

Donald Humphrey provided an update regarding activities and measures taken in Canada to reduce the risk of entanglement, improve ability to detect and respond to such incidents, and better understand the risks associated with our various fisheries. DFO Maritimes Region staff held ten engagement sessions and workshops with stakeholders and made more than 15 presentations at fishery advisory committee meetings.

As a result of these stakeholder meetings and discussions among scientists and resource managers, a number of new mandatory and voluntary management measures are being implemented within DFO Maritimes Region. Mandatory measures include the reporting of all lethal and non-lethal marine mammal interactions, reporting of lost gear and minimizing the rope in the water column for specific snow crab and lobster fisheries. Voluntary measures include asking harvesters to shorten lines between the primary and secondary buoys, not leaving rope

floating on the surface after gear has been set, and reporting all sightings of marine mammals that are in distress or dead.

With regards to science activities, the department has also developed a surveillance plan in cooperation with Transport Canada, NOAA and other external partners that includes a combination of aerial and acoustic surveillance. Data gathered will be used to inform the need for the implementation of additional management measures, including the opening and closing of fisheries, where applicable. Surveillance activities are supported through a \$167M five-year investment by the Government of Canada to help protect and recover endangered whales in Canada, and the Department has committed \$1M per year to support marine mammal response groups across the country for disentanglements. Following a review of the risk involved with disentanglement and in consultation with experts, the department also lifted the pause on North Atlantic Right Whale (NARW) disentanglement.

Mr. Humphrey further noted that the Department is working on the development of the second action plan for the NARW that focuses on threats other than fishing, which was the focus of the first action plan. He also reported that the department published the critical habitat order for the NARW in Canada Gazette II in December 2017. The order is intended to satisfy the obligation to legally protect critical habitat, which includes Grand Manan and Roseway Basin, by triggering the subsection 58(1) SARA prohibition against the destruction of any part of the identified critical habitat.

U.S. Right Whale Update

Mike Asaro recognized DFO for the remarkable pace at which they worked at engaging stakeholders. He noted that the five year *Endangered Species Act* (ESA) Review Period for NARW finalized in 2017. This review captures the current state of policy and science for the stock. The review found that 85 percent of NARW have entanglement scars, and NARW have reduced fitness and health. Calving intervals increased, and there has been a reduction in calving in general. He reported that there were 18 NARW mortalities in 2017, and that the population has been in decline since 2010 (~480 in 2010 to less than 440 now). He also shared that Richard Pace at the NEFSC improved the assessment methodology for NARW. The assessment used to be completed via photo census, but Pace's statistical model can estimate the population down to an error of ± 6 whales and the previous year's assessment is now available in October, which is an advancement in timing.

Mr. Asaro then gave management updates. He began with the ESA and described the expanded NARW recovery program. Diane Borggaard (GARFO, Protected Resources Division) is the NARW recovery coordinator. In this role, she builds on external expertise, assists NMFS in developing NARW science and management priorities, implements recovery efforts, and engages with stakeholders. Mr. Asaro also described the Section 7 consultation process under the ESA. Section 7 of the ESA states that federally funded projects need to consult with the agency that manages the resources to ensure that the activity does not cause jeopardy to species or critical habitat. This consultation has a commercial fishing focus, with a heavy focus on NARW impacts. Consultations are ongoing and will help inform the impacts on NARW. NMFS hopes to get to eventually be able to assess specific fishery impacts on the NARW population.

Mr. Asaro followed up the ESA discussion with an update on efforts related to the Marine Mammal Protection Act (MMPA). He gave an update on the Atlantic Large Whale Take Reduction Team (ALWTRT), which formed in 1996. This team works to assess and mitigate fishery impacts, work through problems affecting whales in the region, makes recommendations to reduce entanglements and reduce fixed gear fishery impacts (such as weak links and sinking groundlines), and coordinates regional disentanglement efforts. The team met in Fall 2017 following the NARW ESA five year review. Mr. Asaro also provided an update on the two working groups the ALWTRT is convening: ropeless gear and weaker ropes. These groups hosted multiple webinars and meetings and are discussing feasibility, safety, and cost effectiveness.

Mr. Asaro first discussed the ropeless gear working group. He noted there is apprehension and challenges regarding the current state of the technology, but there is general support for the idea over the course of long-term development. The group thinks the idea is worthy of research and development and field-testing. Ropeless fishing is not ready for large scale use in its current state, but the group considered testing the technology in closed areas and opening them up to fishermen who want to fish there as an incentive to test and develop the product. There is a need for increased field testing by both the NEFSC and interested fishermen. The working group will continue to work with engineers and manufacturers to improve the technology.

Mr. Asaro then provided an overview of the weak rope working group discussions. This technology, rope that is manufactured with a weaker breaking strength and hollow links, is less forward looking and easier to implement in the short term than ropeless fishing. Mr. Asaro mentioned that there are operational challenges to adopting weak rope in certain fisheries and locations. Specifically, there are concerns about heavier loads on the line when hauling lobster traps offshore. Mr. Asaro noted that ideas to combat this issue include increasing the length of the line or connecting weak line to a stronger line.

Mr. Asaro concluded his update on the working groups by noting that the ALWTRT will likely meet in October 2018 to review the working groups' findings and begin a decision-making process. Mr. Asaro also discussed gear marking. This practice was amended in 2015 to include expanded colors (that note gear type and fishing area) and increased marking frequency on end lines. These updates double the rate that marked gear is recovered – previously only 20 percent of recovered gear was marked; now the rate is around 40 percent. Mr. Asaro also briefly mentioned that the ALWTRT is looking into putting a tracer/RFID at a high enough frequency along the rope so that lost gear could be identified more easily. The ALWTRT will share all gear technology best practices with Canada as they continue to meet and develop options.

Species at Risk Working Group Teleconference

Mr. Humphrey closed the Species at Risk discussion by providing an update on the Species at Risk Working Group (SARWG) teleconference held in March 2018. He noted that this was the first call held since August 2016, and that participants from both countries provided updates on research and recovery activities being undertaken for a number of transboundary species at risk. Since a new Canada-U.S. Cetacean Working Group was recently established, and since the Terms of Reference for the original SARWG are over ten years old, the co-chairs of the SARWG asked the co-chairs of the Steering Committee for approval to revisit the Terms of Reference.

Action: SARWG to review the Terms of Reference for their Working Group and report to the Committee with recommendations for revisions.

Closing Remarks

Ms. Valkenier and Mr. Pentony agreed that there is an impressive amount of commitment from both countries and a strong level of collaboration. Mr. Pentony stated he is looking forward to further updates and to hosting the September 2018 meeting in Boston.

Acronyms List:

DFO: Department of Fisheries and Oceans Canada
GARFO: Greater Atlantic Regional Fisheries Office
GOMAC: Gulf of Maine Advisory Committee
NARW: North Atlantic Right Whale
NEFSC: Northeast Fisheries Science Center
NEFMC: New England Fishery Management Council
NMFS: National Marine Fisheries Service
NRA: Northeast Regional Administrator
TMGC: Transboundary Management Guidance Committee
TRAC: Transboundary Resources Assessment Committee
RDG: Regional Director General
SAR WG: Species at Risk Management Working Group