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## **Report on the Annual Meeting of the Northwest Atlantic Fisheries Organization**

**September 21-25, 2020**

This report is submitted to the New England Fishery Management Council (NEFMC) by Michael Sissenwine, who represented the NEFMC at the September 21-25, 2020 meeting of the Northwest Atlantic Fisheries Organization (NAFO). The report is brief because the NAFO meeting was completed just a few days prior to the NEFMC meeting of September 29-October 1, 2020. A detailed report will become available from NAFO. A US Delegation report is also being prepared. The NAFO press release about the meeting, which contains information on the Total Allowable Catches (TACs) and Allocations for 2021, is attached to this report.

The NAFO meeting was planned for Halifax, Nova Scotia, Canada, but it was conducted as a virtual meeting (using Webex) because of the COVID-19 pandemic. Several other meetings leading up to the annual meeting were cancelled or conducted as virtual meetings. As a result, several items of business that were planned for the annual meeting had to be postponed because preparatory work had not progressed as far as expected. The overall impact of the pandemic was that only the most pressing business of NAFO was conducted at the 2020 annual meeting.

The US participation in the NAFO annual meeting included Michael Pentony (Government Commissioner), Michael Sissenwine (NEFMC Commissioner), Eric Reid (Fishing Industry Commissioner), Katherine Sosebee (Lead US Scientist), additional government staff and private sector representatives.

The US goals and guiding principles for the NAFO annual meeting are highlighted in the US Delegation's opening statement (attached). The key points are that the USA believes that NAFO should adhere to scientific advice and be transparent in decision making. In addition to advocating adherence to scientific advice and transparency, a key motivation for US participation in NAFO is to obtain fishing opportunities for the US fishing industry in the NAFO Regulatory Area (e.g., primarily on the "tail" of the Grand Banks outside of the Canadian EEZ).

In addition to overarching goals of adherence to scientific advice and transparency, the US is a leading advocate for NAFO protection of vulnerable marine ecosystems (VMEs).

Some noteworthy topics from the NAFO annual meeting are as follows:

1. In light of the United Kingdom's (UK) withdrawal from the European Union (EU), the UK joined NAFO. It reached a preliminary agreement with the EU to share in the EU allocation of quota according to the allocation of quota it received as a member of the EU.

2. Cod in area 3M – The TAC for cod on the Flemish Cap (3M) was the most controversial matter during the meeting. The scientific advice based on NAFO's Precautionary Approach (PA) was for a reduction in TAC from 8531 tons to 1000 tons. The most recent projections from the assessment indicate a sharp decline in spawning biomass over the last few years extending to at least 2023. While the TAC had been reduced at the previous year's NAFO annual meeting, it was set at the upper end of the range of advice given by the Science Council (SC). A further reduction at this year's annual meeting was anticipated. However, some Contracting Parties objected to reducing the TAC to the level recommended by the SC. They argued that the Scientific Council should have provided options (including higher levels than the level it recommended) instead of applying the risk level that it had applied routinely since the PA was adopted more than a decade ago (i.e., less than 10% probability of spawning stock size falling below the biomass limit reference point). While all CP agreed that the Commission should decide on the acceptable level of risk, the USA and some other delegations argued that the level of risk should not be "cherry picked" to obtain an acceptable TAC level. It was also noted that the Science Council's application of 10% is backed by years of precedent. Nevertheless, the Commission agreed to a catch level of 1500 tons with a risk of the stock declining below the spawning biomass limit reference point slightly higher than 10%.
3. Splendid Alfonsino – The fishery had been closed at the previous year's Annual Meeting. This year, Spain submitted a plan to conduct acoustic surveys accompanied by some fishing (presumably to verify acoustic data). The plan was submitted to the SC for review. Since the SC was unable to complete its review of the plan (in part because the plan requires additional work), no action was taken.
4. Flemish Cap shrimp – After the fishery being closed for more than a decade, the SC advised at least year's annual meeting that the stock had recovered enough to resume fishing. However, when the fishery closed, it had been managed by effort limits, which all CPs agreed should not be the management method in the future. It was decided in 2019 to open the fishery in 2020 according to the effort allocation scheme that had been in place when the fishery had closed, but to hold an intersessional meeting before the 2020 Annual Meeting to formulate a new TAC based management approach. However, due to the COVID pandemic, the intersessional meeting was not held. The effort allocation scheme was continued for another year at this year's annual meeting with agreement to address the need for a TAC based management approach intersessional (either virtually or a physical meeting). The process of establishing a catch allocation scheme to replace effort management for the Flemish Cap shrimp fishery is relevant to the US because it is a vehicle for potentially opening a broader discussion about the catch allocation key, which currently provides minimal fishing opportunities for the USA (see the table in the attached NAFO press release).
5. Other stocks – The total allowable catch (TAC) was set for several other stocks without controversy. In most cases, 2020 TACs were "rolled over" for 2021 including some

moratoriums. In the case of 3NO witch flounder, a TAC of 1175 tons was rolled over for 2021 in spite of scientific advice calling for a moratorium on directed fishing.

6. Vulnerable Marine Ecosystems (VMEs) – Much analysis of existing and potential future protection for VMEs was reported during the 2020 Annual Meeting. The US objectives for the meeting were the extension of VME closures that were set to expire at the end of 2020 and to add of sea pens and black corals as VME indicator species. The Commission agreed to extend the VME closures for 2021, but no action was taken on sea pens and black corals.
7. In terms of transparency, the US will continue to advocate debate in open session rather than a few heads of delegation making deals in private. In recent years, an additional concern about transparency has arising with some Contracting Parties of NAFO objecting to non-governmental members of the US delegation attending some meetings of NAFO (particularly when enforcement and compliance issues are on the agenda). Previously, NAFO contracting parties had agreed that there would be no “blanket” restrictions on non-government members of delegations attending such meeting. Instead, CPs would be polled in advance of meetings to nominate topics for sessions where attendance is limited to government employees. However, at least one CP responded prior to the 2020 annual meeting that all sessions of the Standing Committee on International Control (STACTIC) should be closed to non-government members of delegations. The US objected to this broad restriction. Non-government members of the US delegation did attend virtual meetings of STACTIC.

A key US goal for NAFO is to obtain opportunities for the US fishing industry to fishery resources within the jurisdiction of NAFO. As indicated in the attached table of quota allocations by stock and CP, current US allocations are minimal, and they are not fished.

The most immediate US fishing interest in fishing in the NAFO regulatory area is for yellowtail flounder in area 3LNO (the “tail” of the Grand Banks just outside of the Canadian EEZ). Canada is allocated most of the 17,000-ton TAC for this stock. US interest in this stock was not addressed during the 2020 NAFO meeting. It had been the subject of intense negotiations between the US and Canada at the 2019 annual meeting and intersessionally since then. Prior to 2019, the US had a bilateral arrangement with Canada to fish 1000 tons annually of Canadian quota. The agreement expired in 2019. The US and Canada came to a short-term agreement for the transfer of approximately 500 tons in 2020. Since then, the US and Canada have agreed on an annual transfer of 1000 tons per year for a period of 5 years. In exchange for the transfer of quota from Canada, the US has agreed not to challenge the existing allocation keys for national allocations for stock currently being fished. For stocks subject to a moratorium on fishing at the time of the agreement with Canada, the US can seek an allocation when such stocks recover enough to resume directed fishing.

When the NEFMC considered NAFO at its November 2019 meeting, an agreement to fish some of the Canadian yellowtail flounder quota in area 3LNO had not been reached. The Council was presented with the following three options on the way forward:

1. Make a deal with Canada for quota transfer.
2. Build aliens to re-open allocations.
3. Re-think participation in NAFO
  - a. No more “Mr, Mrs, or Ms. Nice guy or gal!”
  - b. Reduce support – e.g., sending scientists, serving as chairs.
  - c. Formally withdraw from Convention.

Since then, the US has made a deal with Canada for the transfer of quota (option 1) as described above. Nevertheless, the US remains a minor beneficiary of NAFO fishing opportunities (some might describe the US as a “second class citizen” of NAFO) in spite of being a coastal state that has contributed substantially (in terms of human resources and leadership) to NAFO. Options 2 and 3 may still merit consideration.

**NAFO HOSTS 42nd ANNUAL MEETING VIRTUALLY  
AND WELCOMES UNITED KINGDOM AS A NAFO CONTRACTING PARTY  
FOR IMMEDIATE RELEASE Halifax, Canada, 25 September 2020**

The 42nd Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) took place from 21-25 September. Due to the current global pandemic, NAFO conducted the Annual Meeting virtually for the first time in its history. During the opening session, delegates from all the NAFO Contracting Parties were welcomed to the meeting by NAFO President, Stéphane Artano. The NAFO President also formally welcomed NAFO's newest Contracting Party, the United Kingdom of Great Britain and Northern Ireland, which joined NAFO earlier this month. The United Kingdom is NAFO's 13th Contracting Party. Despite the limitations imposed this year by the current global pandemic, NAFO continued to have a productive meeting. NAFO further advanced its revision of its Precautionary Approach (PA) Framework with the adoption of a detailed three-year workplan. Under this workplan, it is expected that NAFO's revised PA Framework will be finalized by September 2023. NAFO also adopted a number of decisions related to the further development of its ecosystem approach framework to fisheries management and the upcoming review of its measures to protect vulnerable marine ecosystems (VMEs) from bottom fishing activities. In particular, these decisions include a rollover of the current VME closures in the NAFO Regulatory Area for an additional year, pending a more comprehensive review in 2021. In addition, to the traditional total allowable catch (TAC)\* and quota decisions, significant decisions were made regarding the following:

- Additional conservation measures were agreed for cod in Div. 3M including a closure of the directed fishery from January until March 2021; increased port inspection requirements; and introduction of sorting grids to protect juvenile fish.
- Streamlined vessel authorization process.
- The term of the Executive Secretary, Fred Kingston, was extended for an additional year until the end of 2022. NAFO is also planning intersessional work to review the current management approach for shrimp in Div. 3M and a workshop to identify ecosystem level objectives in advance of the 2021 Annual Meeting. The 43rd Annual Meeting will take place 20-24 September 2021, in Halifax, Nova Scotia, Canada.

\* The 2021 TACs and quotas are attached.

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# ANNEX I – FISHERIES MANAGEMENT

## Annex I.A – Annual Quota Table

**DRAFT** CATCH LIMITATIONS – Article 5. Total allowable catches (TACs) and quotas (metric tons in live weight) for 2021 of particular stocks in Subareas 1-4 of the NAFO Convention Area.

Species	Cod				Redfish				REB 1F.2.3K (i.e. Sub-Area 2 and Divs. 1F+3K)	American plaice		Yellowtail
Stock Specification	COD 3L	COD 3M		COD 3NO	RED 3LN		RED 3M	RED 3O		PLA 3LNO	PLA 3M	YEL 3LNO
% of TAC			% of 3M Cod TAC			% of 3LN Redfish TAC						
Contracting Party												
Canada		12	0.80	0	7 710	42.60	500	6 000	0 <sup>1</sup>	0	0	16 575
Cuba		56	3.70	-	1 774	9.80	1 750		0 <sup>1</sup>	-	-	-
Denmark (Faroe Islands and Greenland)		335	22.35	-	-		69 <sup>10</sup>		0	-	-	-
European Union		716	47.71	0 <sup>4</sup>	3 300 <sup>4</sup>	18.23	7 813 <sup>4</sup>	7 000	0 <sup>7</sup>	0	0 <sup>4</sup>	-
France (St. Pierre et Miquelon)		-		-	-		69 <sup>10</sup>		0 <sup>1</sup>	-	-	340
Iceland		-		-	-		-		0	-	-	-
Japan		-		-	-		400	150	0 <sup>1</sup>	-	-	-
Korea		-		-	-		69 <sup>10</sup>	100	0 <sup>1</sup>	-	-	-
Norway		139	9.25	-	-		-		0	-	-	-
Russian Federation		97	6.47	0	5 207	28.77	9 137	6 500	0	-	0	-
Ukraine								150	0 <sup>1</sup>			
United Kingdom		140	9.32									
United States of America		-		-	-		69 <sup>10</sup>		0 <sup>1</sup>	-	-	-
Others		6	0.40	0	109	0.60	124	100	-	0	0	85
TOTAL ALLOWABLE CATCH	*	1500	100.0 <sup>13</sup>	*	18 100 <sup>8</sup>	100.0 <sup>14</sup>	8 448	20 000 <sup>8</sup>	0 <sup>3,9</sup>	*	* <sup>11</sup>	17 000

Species	Witch			White hake	Capelin	Skates	Greenland halibut	Squid ( <i>Illex</i> )	Shrimp		Alfonsino
Stock Specification	WIT 3L	WIT 3NO		HKW 3NO	CAP 3NO	SKA 3LNO	GHL 3LMNO	SQI 3.4 (i.e. Sub-areas 3+4)	PRA 3L	PRA 3NO	ALF 6 (i.e. Sub-area 6)
% of TAC			% of 3NO Witch TAC								
Contracting Party											
Canada		705	60.00	294	0	1 167	1 834	N.S. <sup>2</sup>	0		
Cuba		-			0		-	510	0		
Denmark (Faroe Islands and Greenland)		-			-		210	-	0		
European Union		156 <sup>4</sup>	13.27	588	0 <sup>5</sup>	4 408	7 168 <sup>6</sup>	N.S. <sup>2</sup> 611 <sup>5</sup>	0 <sup>6</sup>		
France (St. Pierre et Miquelon)		-			-		200	453	0		
Iceland		-			-		-	-	0		
Japan		-			0		1 253	510	0		
Korea		-			-		-	453	0		
Norway		-			0		-	-	0		
Russian Federation		302	25.73	59	0	1 167	1 560	749	0		
Ukraine							-		0		
United Kingdom											
United States of America		-			-		-	453	0		
Others		12	1.00	59	-	258		794	0		
TOTAL ALLOWABLE CATCH	* <sup>8</sup>	1 175	100.00 <sup>15</sup>	1 000	*	7 000 <sup>8,12</sup>	12 225	34 000 <sup>8</sup>	0	*	*

\* Ban on fishing in force.

1 Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.

2 The allocations to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC (= 29.467 tonnes).

3 Should NEAFC modify its level of TAC, these figures shall be adjusted accordingly by NAFO through a mail vote.

4 Including allocations to Estonia, Latvia and Lithuania in accordance with the sharing arrangement of the former USSR quota adopted by the Fisheries Commission in 2003 (FC WP 03-07), as applied by NAFO since 2005 following their accession to the European Union.

5 Including allocations to Estonia, Latvia and Lithuania in accordance with the sharing arrangement of the former USSR quota adopted by the Fisheries Commission in 2003 (FC WP 03-07), and to Poland, as applied by NAFO since 2005 following their accession to the European Union.

6 Including allocations to Estonia, Latvia, Lithuania and Poland, as applied by NAFO since 2005 following their accession to the EU.

7 Allocation of 17.85% to Lithuania and 2.15% to Latvia following their accession to the European Union.

8 Applicable to 2021 and 2022.

9 If an increase in the overall TAC as defined in footnote 3 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote

10 Notwithstanding the provision of Article 5.3(b) and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.

11 Applicable to 2021, 2022, and 2023.

12 Should catches exceed 5 000 tonnes, additional measures would be adopted to further restrain catches in 2021.

#### Historical statements

13 The allocation key of this stock is based on the 1998 Quota Table. In 1999, a moratorium on cod in Division 3M was declared.

14 The allocation key of this stock is based on the 1997 Quota Table. In 1998, a moratorium on redfish in Division 3LN was declared.

15 The allocation key of this stock is based on the 1994 Quota Table. In 1995, a moratorium on witch flounder in Division 3NO was declared.

**U.S. Opening Statement**  
**42nd NAFO Annual Meeting**

Mr. Chair, Delegates, Ladies, and Gentlemen, the United States is pleased to be here with everyone, albeit under somewhat different and challenging circumstances. Although we are very disappointed that we will not be able to see all of our NAFO colleagues in person, we trust that the strong relationships amongst NAFO Parties will help to ensure a successful and productive meeting. We are pleased to welcome the United Kingdom to the organization; we look forward to next year's meeting for a proper in-person congratulations. Along these lines, we would like to take this opportunity to recognize and thank the NAFO Secretariat for their dedication and hard work to ensure that this Annual Meeting takes place. Under these extremely unusual circumstances, they have once again demonstrated their professionalism and commitment to NAFO and its members.

The on-going pandemic associated with COVID19 continues to impact all of us to various degrees and in various ways, and this 42<sup>nd</sup> NAFO meeting will give us an opportunity to examine how we are dealing with these challenges both on an individual member basis and as a regional fisheries management organization. Although the circumstances are difficult, the United States maintains its strong commitment to the standards we have set for ourselves relative to the conservation and management of NAFO and associated species. Thus, we will continue to insist that all of the Commission's management decisions be in line with the advice of the Scientific Council, and that these decisions be made in a collaborative and transparent fashion. We must work together to ensure that we adhere to these basic foundational principles of NAFO.

In support of these principles, we must continue to recognize and address the increasing demands on the Scientific Council and the need to ensure the availability of necessary and appropriate scientific expertise and resources. Given the current circumstances, we must recognize that the SC will face significant obstacles and potential delays as they respond to Commission requests. Some of these issues have been highlighted in the Report of the 2020 SC Meeting and others have undoubtedly not yet become apparent. For this reason, we must collaborate closely with the SC relative to setting 2020/2021 priorities to ensure that vital work can be completed – or to plan for the possibility that it will not be completed.

The United States will also continue to advocate for transparency – both in deliberations by NAFO bodies and in the decisions that result from those deliberations. Although plenary, side-bar, and other communications may be challenging in the online setting in which we are



working this year, we are hopeful that a reasonable level of transparency will be maintained. On a related subject, we would like to note that we are pleased with the balance that is developing in STACTIC relative to participation by non-Governmental members of our delegations, and we look forward to continued discussions to codify fair and predictable measures for appropriate participation in that forum. The United States recognizes the commitment of NAFO to open discussion and information-sharing, and we look forward to maintaining that principle this year.

Relative to NAFO stocks, while we welcome the continuing positive developments reported by the Scientific Council regarding the Division 3M shrimp stock, we also continue to urge precaution moving forward – particularly relative to the use of the previous effort-based management regime. The United States is still of the opinion that NAFO must engage in a transparent and open dialogue as soon as possible regarding how the fishery will be managed in the long-term.

The United States also looks forward to further discussion during this meeting relative to the application of the CEM to fishing operations during the COVID19 crisis. Although some discussions on this topic occurred via email and during the STACTIC intersessional meeting – and a number of papers on the subject have been submitted, we are concerned that there is still no common understanding regarding how emergency/interim measures will be applied by individual Contracting Parties, and no resolution regarding how such activities/decisions will be reported and dealt relative to the NAFO compliance process moving forward. This could impact CP reporting and, thus, scientific and management decisions relative to some stocks.

Thank you for your attention and, again, I am looking forward to a productive week.