

2019-2020 CONSERVATION HARVESTING PLAN
Atlantic Halibut (4RST) - Prince Edward Island fixed gear fleet
Less than 19.81 meters

EKME: 4077185

Approved on July 19, 2019

APPLICATION

This Conservation Harvesting Plan (CHP) applies to all Prince Edward Island (PEI) fixed gear licence holders fishing Atlantic halibut in NAFO Divisions 4RST with vessels less than 13.1716 meters (45 feet) in overall length from **May 15, 2019 to May 14, 2020**.

When fishing in a particular area, the CHP for that area will apply. It is to be noted that this CHP is subject to change following ministerial decisions or annual review.

Directed fishing for any other groundfish species will require a separate harvesting plan.

COMMERCIAL FISHERY

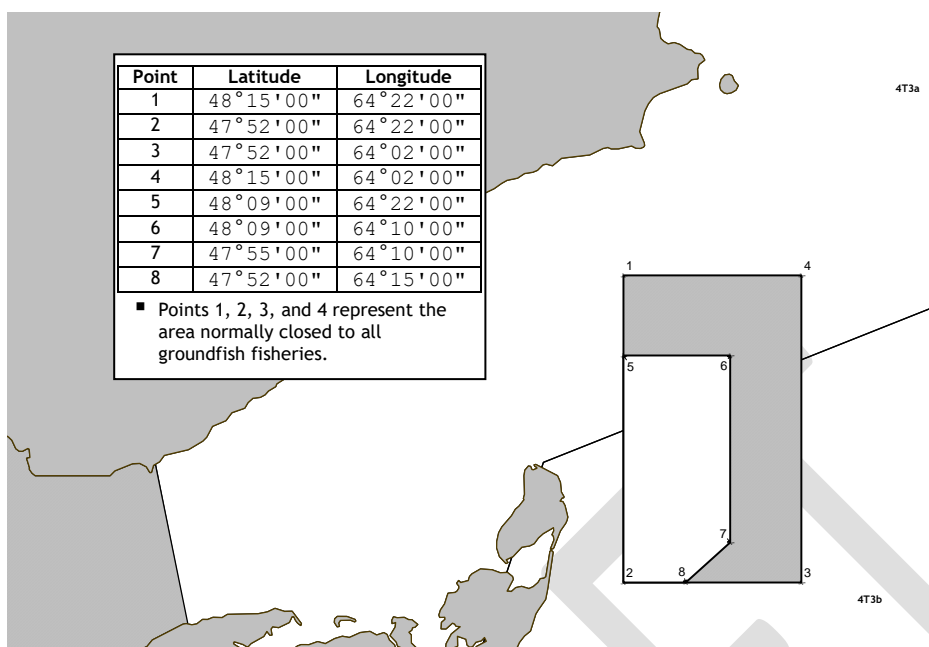
1. Protection of spawning fish and concentration of juveniles

The protection of fish during the spawning period and areas where there are concentrations of juveniles is a priority that the department and the industry consider very important for the reconstruction of the cod stock in the Gulf of St. Lawrence. The following conservation measures will apply:

- Closure of all groundfish fisheries from April 1 to June 23 in part of the NAFO Division 4R offshore from St. Georges Bay and Port au Port Bay.
- Closure by variation order of all groundfish fisheries from January 1 to December 31 in part of groundfish fishing area 4T3 known as Miscou Bank.
- Permanent closure of all groundfish fisheries from January 1 to December 31 in groundfish fishing area 4T5 known as Shediac Valley, which is a juvenile area.

The following map represents the Miscou Bank closure, as well as the portion of that area that is open to the directed Atlantic halibut fishery.

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2. Participants

For the purposes of this Conservation Harvesting Plan, commercial groundfish licence holders using longline who belong to the Prince Edward Island fixed gear fleet are fishers having their home port in the province of Prince Edward Island using Vessel Class A-68. To be eligible to participate in this fishery, eligible fishers must register with the Prince Edward Island Fishermen's Association between **July 08 and 09, 2019**.

Fish harvesters will be required to pay a registration fee of \$250.00 covering the fleet's observer coverage costs as well as fleet improvement activities and/or Atlantic halibut research to be determined by the PEIFA Groundfish Advisory Committee.

In a case where the number of licence holders applying to register is in excess of 400, a meeting of those registered will be organized to discuss participation level and vote on subsequent controls.

3. Season Catch Limit

Fish harvesters would be required to limit catch following a predetermined formula. A maximum catch limit per licence will be authorized and will be indicated in the licence conditions. When the individual Atlantic halibut catch limit has been reached, fishing gear must be immediately removed from the water. All Atlantic halibut caught over the seasonal catch limit authorized in the licence condition is required to be returned (a) to the place from which it was taken forthwith; and (b) where it is alive, in a manner that causes it the least harm. In accordance with the text from the conditions of licence, any quantity landed in excess of the catch limit will place the harvester in a position of infraction and charges can be laid.

4. Allocation

The Atlantic halibut allocation for the PEI fixed gear fleet will be **62.075** metric tonnes (t) in total for 2019. This corresponds to the initial allocation for this fleet (**59.04** t) as well as a carry forward of **3.035** t remaining from the 2018 season.

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Given the results of previous years of the fishery since the inception of individual catch limits; and in an effort to achieve the goal of harvesting a minimum of 90% of the quota during the first fishing period and thereby eliminating the reallocation of quota, for the purpose of calculating individual quotas, an additional 35% will be added to the fleets total allowable quota. 83.80 tonnes (62.075 X 1.35) will be divided by the number of registered fishers plus the number of communal commercial licences in order to establish a seasonal catch limit per licence. This does not increase the catchable quota for the fleet beyond 62.075 tonnes.

Transfer of seasonal catch limit between participants is NOT authorized.

5. Fishing gear

➤ **Longline only**

- i. Minimum hook size: opening must be equal to or greater than 15.4 mm.
- ii. Maximum number of hooks: 300 hooks

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6. By-Catch Limits

By-catch is defined as the weight of a by-catch species divided by the weight of the directed species, in this case, Atlantic halibut. If below by-catch limits are exceeded, the fishery may be closed. By-catch of groundfish species **may not be released** unless a condition of licence authorizes to do so.

For management purposes, the individual by-catch limits of groundfish while directing for Atlantic halibut are as follows:

| | |
|-----------------------------|---------------------------------------|
| Cod | Maximum fishing period limit of 50 kg |
| White Hake | Maximum daily limit of 10% |
| Other species of groundfish | 25% |

Special provision regarding cod: Once a licence holder reaches the by-catch limit of 50kg of cod, all fishing gear shall be immediately removed from the water and fishing shall cease. All cod caught in excess of 50 kg shall be forthwith returned to the water from which it was taken and where it is alive, in a manner that causes it the least harm.

7. Small Fish Protocol

The following small fish protocol will apply: areas may be closed for specified fleet sectors when the number of undersized fish reaches or exceeds 15% of the catch of any of the above species. Where there is a requirement by condition of licence to release undersized fish to the water, it will not be counted within the small fish protocol. Undersized fish **may not be released** unless a condition of licence authorizes to do so.

| | | |
|----|--------------------------------------|-------|
| a. | Cod | 43 cm |
| b. | American Plaice | 30 cm |
| c. | Witch Flounder | 30 cm |
| d. | White Hake | 45 cm |
| e. | Winter Flounder /Yellowtail Flounder | 25 cm |
| f. | Atlantic Halibut | 85 cm |
| g. | Greenland Halibut | 44 cm |
| h. | Redfish | 22 cm |

8. Catch Monitoring and Test Fishery

Small fish and by-catch closures will be of a minimum duration of ten days. The cost of conducting all test fisheries must be borne by industry. If a fishery is closed, it will not re-open unless DFO feels that it can be effectively monitored and controlled. If any particular fishery is closed twice during the year because of high levels of small fish or incidental catch, the fishery may remain closed for the remainder of the year.

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9. Logbook

Logbooks are mandatory for all vessels.

10. Dockside Monitoring

Dockside Monitoring Program (DMP) will apply at 100%.

11. Observer Coverage

Industry-funded at-sea observer coverage at a minimum of 10% will apply for vessels less than 13.716 meters (45 feet).

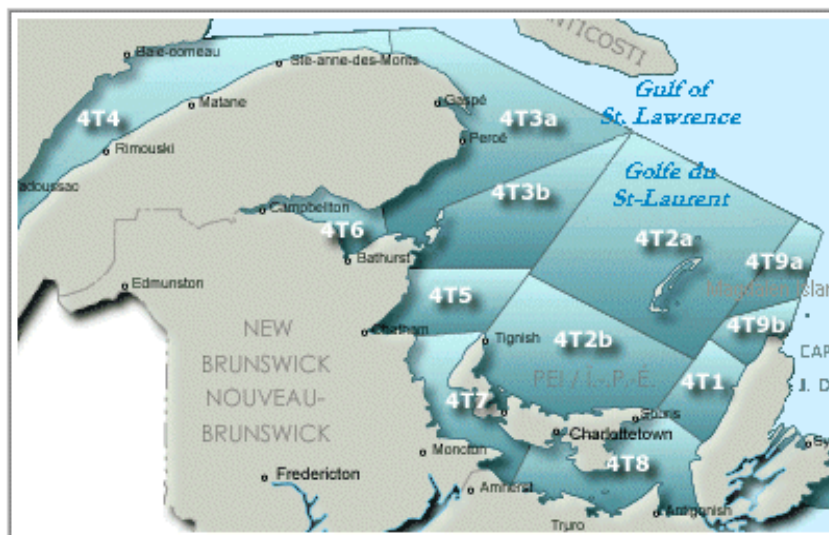
Fishers are required to contact the DFO Vessel Hail-Out System at **1-800-561-2467**, at least **10 hours before leaving** on each fishing trip (mandatory hail-out).

12. Fishing Seasons/Periods

The following seasons will be in effect during the year. However, the actual fishing periods for the PEI geographical fleet will be for thirty-six hours, every Wednesday and Thursday for four weeks starting on July 24/25, then July 31/August 01, with the next two openings to be determined. During openings the fishery will occur from 4 am until 4 pm the following day. There will be no weather calls to determine opening and closing. The fishery will open and close via variation order.

- | | |
|-----------|---|
| 4T1 | ▪ May 15 to May 14 the following year |
| 4T2 (a) | ▪ May 15 to May 14 the following year |
| 4T2 (b) | ▪ May 15 to May 14 the following year |
| 4T3 (a) | ▪ May 15 to May 14 the following year, except Miscou bank |
| 4T3 (b) | ▪ May 15 to May 14 the following year, except Miscou bank |
| 4T4 | ▪ May 15 to May 14 the following year |
| 4T5 | ▪ No directed fishery |
| 4T6 | ▪ May 15 to May 14 the following year |
| 4T7 | ▪ No directed fishery |
| 4T8 | ▪ May 15 to May 14 the following year |
| 4T9 (a+b) | ▪ May 15 to May 14 the following year |

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A review of the quota will occur on September 13, 2019. If after that point, the total catch is over 90% of the quota, the objective will be considered to have been reached and the fishery will not reopen. In such a situation DFO Gulf Region will support a request to carry-forward the remaining fleet quota into the 2019 fishing year.

If, after the prescribed period, the 90% threshold has not been harvested, a second fishing period will occur. Eligible commercial licence holders will include active fishers from the first fishing period (those with a hail out AND hail in number). Registration for a draw to redistribute the remaining quota to eligible commercial licence holders will be administered by the PEIFA after **September 13, 2019**. There will be no fee for the reallocation draw and participants will be included on a rotating list. The remaining PEI quota will be equally distributed with the same individual licence catch limit as the initial fishing period. The number of participants will be determined by the amount of remaining quota. After the second fishing period, if the 90% threshold has not been harvested, a third fishing period will occur. The remaining PEI quota will be equally distributed with the same individual licence catch limit as the initial fishing period. The number of participants will be determined by the amount of quota remaining and the next participants on the rotating list will be contacted to take part. This methodology will continue until the 90% threshold is met. If at any point a fisher participates in the reallocation fishery but does not catch their allotted limit for that time frame, the remaining allocation goes back into the PEI quota to be equally distributed in the following reallocation period. NO EXCEPTIONS for weather, boat breakdowns, etc.

13. Night fishing

While fishing under this CHP, night fishing is allowed. Licence holders must tend their gear if North Atlantic Right Whales are present or an area is closed to fixed gear due to the presence of North Atlantic Right Whales. .

14. Closures for the protection of corals and sponges

On December 15, 2017, sensitive benthic areas were closed to all fishing using bottom touching gears in order to protect corals and sponges. You will find the coordinates and a map of those closures on the following website <http://www.dfo-mpo.gc.ca/oceans/ceccsr-cerceef/egsl-eng.html>.

A portion of the closure called "Gulf-East" may be situated in 4T9a.

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15. Protection of marine mammals and North Atlantic Right Whales

A shift in the distribution of the North Atlantic Right Whales (NARWs) population in recent years has resulted in an increased presence of NARWs in the Gulf of St. Lawrence. In an effort to minimize the risks of interactions with this species, other marine mammals and species at risk, DFO is announcing important management changes in the Gulf Region groundfish fishery.

a) Reducing the amount of rope floating on the surface of the water

To reduce the amount of rope floating on the surface of the water, the following requirements will be in place to minimize the length of rope floating on the surface of the water and to reduce the risks of entanglements:

- No rope attaching a longline or gillnet to a primary buoy shall remain floating on the surface of the water after the longline or gillnet has been set.

If fishing with a primary and secondary buoy:

- A maximum of 3.7 meters of rope shall be used when attaching a primary buoy to a secondary buoy.

Note: A primary buoy is defined as a buoy or other floating device attached to a trap. A secondary buoy is defined as a buoy or other floating device attached to a primary buoy.

b) Requirement to report lost and retrieved gear

Licence holders will be required to report lost and retrieved gear. This new management measure will help quantify the amount of gear lost annually and identify the need to increase efforts to retrieve gear that has been lost, which would reduce the risks of whale entanglements.

c) The Lost fishing gear form and the Retrieval of previously reported fishing gear form are included in licence conditions and are now available online at: <http://www.dfo-mpo.gc.ca/fisheries-peches/commercial-commerciale/reporting-declaration-eng.html>. The appropriate forms must be completed and submitted within **24 hours** of entering port.

d) Marine mammal interaction reporting

In order to comply with the implementation of the US Marine Mammals Protection Act (MMPA) regulations, licence holders must now provide information regarding all interactions with a marine mammal including: bycatch, collisions and all sightings of entangled marine mammals that occur during fishing expeditions.

A Marine Mammal Interaction Form (included with licence conditions) must be completed and submitted by email to DFO.NAT.InteractionsMM-InteractionsMM.NAT.MPO@dfo-mpo.gc.ca unless it is filled out online at: <http://www.dfo-mpo.gc.ca/species-especes/mammals-mammiferes/report-rapport/fish-harvester-pecheur-eng.asp>, within 48 hours after the end of a fishing trip.

The information provided on the form will be used by DFO to estimate levels of accidental mortality and injury to marine mammals. This information will allow DFO to better assess the types of threats that may affect Canada's marine mammals and to develop mitigation strategies.

e) Requirement to report sightings of live whales

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(Sightings of live, free-swimming whales must be reported to DFO by telephone: 1-844-800-8568, or by email: XMARwhalesightings@dfo-mpo.gc.ca.

f) Protocol for the dynamic management of the fisheries – ANYWHERE IN THE GULF OF ST. LAWRENCE

DFO will implement a protocol for the dynamic management (anywhere in the Gulf of St. Lawrence) of the fisheries in 2019, which will close areas to all non-tended fishing activities when the presence of NARW is observed. When fishing for Atlantic Halibut anywhere in the Gulf of St. Lawrence where a notice of a temporary closure was given, the licence holder shall closely attend their fishing gear at all times and must remove all fishing gear from the water prior to entering port. The licence holder shall also remove all fishing gear from the water as soon as a NARW is observed in the vicinity of the fishing activity when it is safe to do so. This protocol will allow DFO to close specific areas to fishing activities to prevent incidents with NARW, such as entanglements. DFO will use the existing soft shell/white crab grids to close areas due to the presence of NARW. These measures may be adapted as needed over the season.

Observations inside a foraging area for the groundfish fixed gear fishery

When at least one NARW is observed inside a foraging area (see map below), a maximum of nine grids will be closed to provide a buffer area around the sighting location to account for whale movements.

Closing and reopening of the areas

Closures will be in force for a minimum period of 15 days, counted from the date of the NARW sighting, and will be extended by a minimum of 15 days from the last NARW sighting. Closures will be regulated through applicable variation orders and licence holders will be provided an advance notice of 48 hours to retrieve fishing gear from the area prior to the closure. If NARWs are not seen during at least two aerial surveillance flights during the 15 days period, the dynamic closure for the relevant sections will be lifted at the end of the period. Static closure

DFO will implement a static closure to all fishery activities using non-tended gear, in an area where 90% of the NARW observations occurred in 2018 to provide a large gear-free area for the NARWs, thus reducing the risk of gear interaction. The closure has been in effect since **April 28, 2019**. This measure may be adapted as needed over the season. The coordinates for the static closure are as follow:

| Points | Latitude | Longitude |
|--------|---------------|---------------|
| 1 | 48° 20' 00" N | 63° 50' 00" W |
| 2 | 47° 40' 00" N | 63° 50' 00" W |
| 3 | 47° 40' 00" N | 64° 00' 00" W |
| 4 | 47° 30' 00" N | 64° 00' 00" W |
| 5 | 47° 30' 00" N | 64° 20' 00" W |
| 6 | 47° 50' 00" N | 64° 20' 00" W |
| 7 | 48° 00' 00" N | 64° 10' 00" W |

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8 48° 10' 00" N 64° 10' 00" W

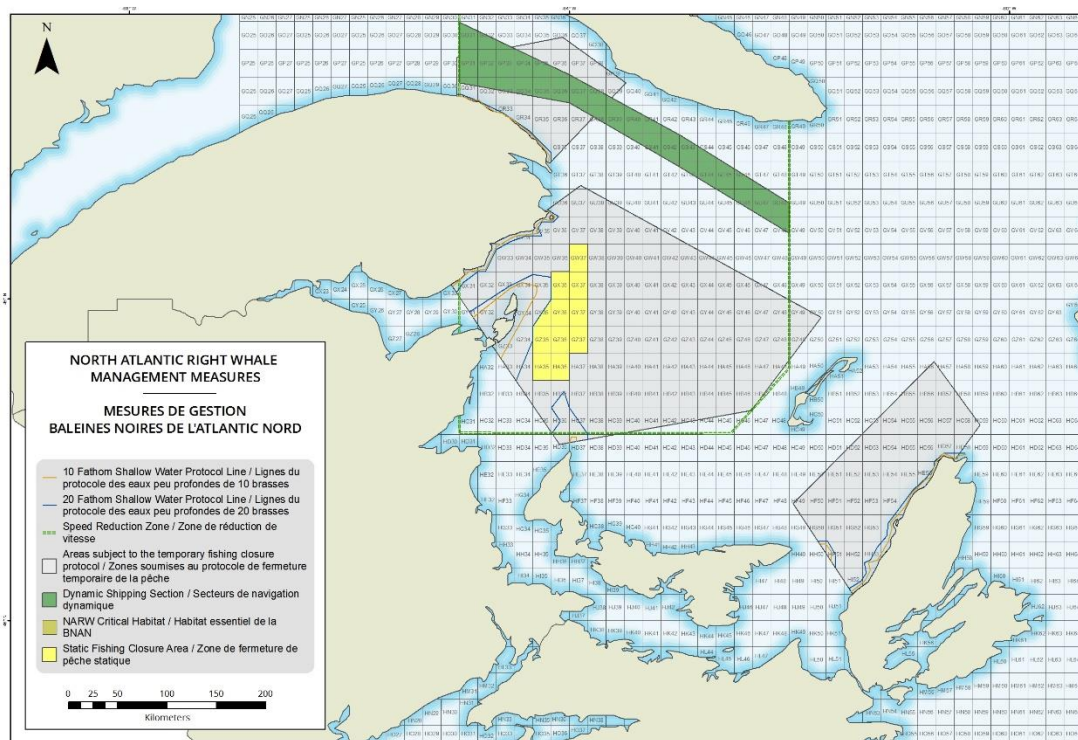
9 48° 10' 00" N 64° 00' 00" W

10 48° 20' 00" N 64° 00' 00" W

11 48° 20' 00" N 63° 50' 00" W

The point references are based on the geodesic system North American Datum 1983 (NAD83). Positions are expressed in **degrees, minutes and seconds.**

Map showing of the foraging areas and the static closure



The areas in grey are the NARW foraging areas.

16. Other Management Measures

The Department will continue to monitor the level of dumping and discarding of groundfish at sea. An industry funded sampling program is already in place to collect data to monitor small fish and by-catch. The sampling program will further be enhanced to include the collection of additional data to monitor discard of groundfish. If a fleet sector or an individual is suspected of dumping and discarding groundfish at sea, the industry funded at-sea observer coverage may be increased up to 100%.

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Buddy-up arrangements will not be authorized in this fishery.

17. Quota reconciliation

Quota reconciliation provides that any overharvest of a quota in one year will be accounted for in advance of the following fishing season. For example, quota overruns by a fleet during the current season will be deducted from quotas for the following season on a one-for-one basis.

In the month following the end of the fishing season, the Department will make any necessary changes to quotas for the current year based on quota overruns, if applicable.

18. Species At Risk Act

Pursuant to the Species at Risk Act (SARA), no person shall kill, harm, harass, capture, take, possess, collect, buy, sell or trade an individual or any part or derivate of a wildlife species designated as extirpated, endangered or threatened.

At the time this Management Plan is promulgated, the Atlantic species targeted by these measures are the following ones: spotted wolffish (threatened), northern wolffish (threatened), leatherback turtle (endangered) and Atlantic walrus (Northwest Atlantic population) (extirpated). New species could be added to the SARA within the year.

All by-catches of species identified above must be returned to the water and released in the exact capture location and, if the fish is still alive, with as little harm as possible. The information related to species at risk shall be collected for each fishing trip where such a species is caught. This information must be entered into the logbook and reported to Fisheries and Oceans Canada immediately after the fishing trip.

COMMERCIAL COMMUNAL FISHERY

Whereas, 'Government of Canada in carrying out its activities, will respect potential or established Aboriginal or Treaty rights of First Nations, Metis, and Inuit people' by consulting with Aboriginal groups¹,

Whereas, aboriginal organizations seek to develop economically viable commercial fisheries enterprises, improved governance and capacity building in commercial fisheries operations; and desire a more effective voice in fisheries co-management, and

Whereas, DFO encourages aboriginal organizations to, 'build their capacity to manage successful commercial fishing enterprises and participate in the co-management of the integrated commercial fisheries along with other commercial harvesters'².

This section therefore sets out those provisions specific to all commercial fishing activities carried out under the '*Aboriginal Communal Fishing Licences Regulations*', in particular that all fishing will be operated in accordance with the provision of Sections 1 to 16 outlined in this CHP, except as otherwise indicated in this section.

1 Aboriginal Consultation and Accommodation, 'Updated Guidelines for Federal Officials to fulfill the Duty to Consult'

2 Evaluation of the Atlantic Integrated Commercial Fisheries Initiative (AICFI)

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SPECIFIC EXEMPTIONS

Two weeks prior to the opening of the fishery, Communal Commercial licence holders will provide notice of which licences they will be using during the fishery and designation lists to Fisheries and Oceans. These licence holders will be granted access to the fishery without the requirement to register with the PEIFA.

If reallocation of quota is necessary, communal commercial licence holders will notify Fisheries and Oceans which of the eligible licences (those with a hail out AND hail in number) they will use. The Department will assign individual catch limits to those licences prior to determining the number of commercial participants.

Given the ability of Indigenous groups to designate more than one licence to the same fisher, and the fact that each of these licences can be fished independently, more than one individual catch limit may be landed per trip. However, for the purpose of this fishery, a vessel will be restricted to gear amounts of one licence.