

# Terms of Reference

For The

Joint Management Committee

Of

The Pacific Hake/Whiting Agreement  
Between The Governments of  
The United States of America and Canada

## **Purpose and Need**

The purpose of these terms of reference is to identify and comply with the annual responsibilities of the Joint Management Committee (JMC) established under the 2003 Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (hereafter referred to as Treaty).

Article II (4) of the Treaty language states:

### **JMC Composition**

A Joint Management Committee (JMC) is hereby established comprising eight members, four appointed by each Party. The members appointed by each Party shall comprise the national section of that Party. Recommendations of the JMC shall be made by agreement of the two national sections.

### **Terms of Reference**

#### **JMC Meetings**

JMC meetings will be conducted as public meetings, with opportunity for public comment. In some circumstances, as determined by the JMC, a closed session may be necessary.

The Parties will be individually responsible for providing notice of upcoming meetings.

The JMC will make decisions via bilateral agreement or consensus, taking into account the advice from the JTC, SRG, and AP.

The JMC will operate with co-chairs, with one from the United States and one from Canada, selected by the JMC members representing the individual Parties.

The JMC shall meet at least once per year and more often as necessary to:

- Adopt its terms of reference and consider, as necessary, changes to the terms of reference for the Joint Technical Committee (JTC) and Scientific Review Group (SRG);
- Provide the SRG and JTC the direction necessary to guide their deliberations;
- Refer any technical issues or other duties to the SRG or JTC as it deems appropriate;

- Consider information on management measures employed by the Parties, and
- Review the advice of the JTC, the SRG, and the Advisory Panel (AP) and, by no later than March 25 of each year, recommend for approval of the Parties the overall total allowable catch (TAC) for that year, calculate each Party's individual TAC pursuant to paragraph 2 of Article III, and identify any adjustments pursuant to paragraph 5 of Article II.
- The JMC will review the advice of the AP on scientific and management matters.
- The JMC will review the recommendations of the AP for independent appointments to the scientific bodies.

### **Harvest rate recommendations to the Parties**

Article III of the Treaty identifies a default harvest rate of F-40 percent with a 40/10 adjustment. The JMC, after consideration of the advice of the JTC, SRG, or the AP, may recommend to the Parties, in writing, a different harvest rate if the scientific evidence demonstrates that a different rate is necessary to sustain the offshore hake/whiting resource. If the Parties approve such a recommendation, they shall so inform the JMC.

### **TAC recommendations and adjustments**

The JMC is responsible for providing a TAC recommendation to the Parties by no later than March 25 of each year.

Once the JMC establishes an overall TAC for the year, they shall calculate each Party's TAC, with the U.S. share of the TAC being 73.88 percent, and Canada's share of the TAC being 26.12 percent.

Article II (5) addresses adjustment procedures for the annual TAC. The JMC, taking into account the advice of the JTC, SRG, and AP, shall be responsible for recommending TAC adjustments to the Parties in two circumstances.

- First, if a Party's catch exceeds the TAC, an amount equal to the excess catch shall be deducted from the individual TAC in the following year.
- Second, if a Party's catch is less than its individual TAC, an amount equal to that shortfall shall be added to its individual TAC in the following year, unless the JMC recommends different measures. Adjustments in these circumstances shall not exceed 15

percent of the Party's unadjusted individual TAC for the year in which the shortfall occurred.

All JMC recommendations to the Parties shall be written and transmitted consistent with the protocols of the respective Parties.

**Duration**

The JMC shall follow this sharing arrangement for an initial nine-year period, and will continue unless the Parties agree in writing to adjust the sharing arrangement. Any negotiated adjustment shall take effect in the following year, unless the Parties agree otherwise.

The JMC perspective, subject to approval by the Parties, is that the start date will be June 25, 2008.