



MAY 27 2008

MEMORANDUM FOR: James H. Lecky
Director, Office of Protected Resources

FROM: Angela Somma *Angela Somma*
Chief, Endangered Species Division

SUBJECT: Proposal to Remove White Marlin from the Species
of Concern List

In March 2008, the National Marine Fisheries Service's (NMFS) Southeast Regional Office (SER) submitted a request to the Office of Protected Resources to remove white marlin from the Species of Concern list. The request was based on NMFS' decision not to list white marlin as threatened pursuant to the Endangered Species Act in January 2008. No further justification for the request was provided. In response to the request, the Endangered Species Division requested the SER to submit a memo providing justification for removing white marlin from the Species of Concern list. The SER submitted that memo in early May 2008.

The Endangered Species Division reviewed the SER's most recent memo and concluded that it still does not meet Species of Concern (SOC) guidelines for removing species from the SOC list as there is no evidence the Southeast Fisheries Science Center SOC representative was consulted (criteria 3).

In terms of substantive justification for removing the species from the SOC program the SER cites:

- 1) "the absolute [sic] population size appears to be increasing (Fig 13, Table 14)",
- 2) "there is no apparent constriction of geographic range (Figs 16 and 17)", and
- 3) "fishing mortality rate has decreased continually since 2002 (Table 16)."

The Endangered Species Division cannot concur with the SER's recommendation for the following reasons:

1) The absolute population size can not be determined at this point to be increasing. There is no evidence in the figure of a population size increase as the confidence intervals bracket a slope of 0 (i.e., there is no evidence the population has changed in size or is increasing). Moreover, the confidence intervals presented are 80% CI's. More standard 95% CIs would be even wider, and thus even less supportive of any change in population trajectory beyond random sampling error. The Biological Review Team (BRT) report quotes (and does not challenge) the International Convention on the Conservation of Atlantic Tunas (ICCAT) conclusion that "at least an additional 4 to 5 years of data are necessary to confirm an upward [population] trend" (pg 40).



2) The best-guess for absolute population size in the 2007 Status Review is identical to that from the 2002 Status Review (200,000). Pg vii.

3) While Figure 16 does not show a constriction of geographic range, it does appear to show that catches in the Northern Hemisphere and off the U.S. (areas where an SOC designation are most likely to have an impact) have drastically declined since the 1980s.

4) While fishing mortality means have declined, there is no statistical or logical substantiation that the data presented in Table 16 of the 2007 Status Review is a real trend. We can not agree with the SER's conclusions in this regard because they do not take into account the confidence intervals around those means (also presented in Table 16).

5) New data in the 2007 Status Review show that recreational post-release mortality is significantly higher than was assumed in the 2002 Status Review [35% vs 10%] (pg 25). Circle hooks have been shown to decrease this mortality (Graves and Horodsky 2008 N. Am. J. Fish Mgmt. 28:471), but are only required in the commercial fishery, not in recreational fishery. Moreover, recreational catch is still almost entirely unknown with any degree of accuracy (pg 23).

6) White marlin are still overfished and are undergoing overfishing according to NMFS' official list as of the first quarter 2008. Further, the BRT concludes: "white marlin are likely overfished, and some overfishing may or may not continue" (2007 SR pg 51 and 52, Table 13).

7) There is wider recognition since the 2002 SR of the widespread presence of the look-alike roundscale spearfish (pg 9). No methods exist to determine the relative proportion of these 2 species in the prior data. However, this new knowledge would lead one to conclude that the status of white marlin is worse than originally assumed in the 2002 SR, which assumed all 200,000 individuals were white marlin. Recent data from New Jersey recreational fishery found that roundscale spearfish made up 17.5% of the "white marlin" catch (pg 9).

8) ICCAT recommendations to improve white marlin status have not been fully implemented (pg 56) and Illegal, Unreported, and Unregulated (IUU) fishing continues to be a potentially large problem with great uncertainty in the level of IUU fishing (pg 57).

RECOMMENDATION

Based on the above, I recommend the white marlin remain on the Species of Concern list until there is verifiable evidence that the population size is truly increasing and until overfishing has ceased.

1. I Concur _____

Date

2. I do not Concur

Jan T. Lynch

12/6/08

Date