CHAIR'S REPORT

OF THE

SPRING WORKSHOP OF THE ADVISORY COMMITTEE

SPECIES WORKING GROUPS

Holiday Inn Silver Spring
Silver Spring, MD

APRIL 9-10, 2001

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CHAIR'S REPORT OF THE SPRING WORKSHOP OF THE ADVISORY COMMITTEE SPECIES WORKING GROUPS

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Summary: The Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) met for its spring Species Working Group (SWG) Workshop on April 9-10, 2001, at the Holiday Inn in Silver Spring, MD. The four Species Working Groups (Swordfish, Bluefin Tuna, Billfish, and BAYS or Bigeye, Albacore, Yellowfin, and Skipjack Tunas) are composed of Advisory Committee members and Technical Advisors, as appointed by the U.S. Commissioners to ICCAT.

On April 9, the Committee discussed the 2000 ICCAT meeting results, U.S. implementation of ICCAT recommendations and HMS research and monitoring activities. The Committee also heard a panel presentation on recent developments of interest within the Food and Agriculture Organization (FAO), including the International Plan of Action on Illegal, Unregulated, and Unreported fishing, and discussed issues surrounding the upcoming Allocation Criteria and Monitoring Working Group meetings.

The Advisory Committee and its Technical Advisors broke into SWGs for detailed discussions in the late afternoon of April 9. The purpose of the Working Group meetings was to identify management and research priorities which the Advisory Committee might wish to recommend to the U.S. Commissioners. Each SWG was asked to consider the status of the stocks, the effectiveness of international conservation and management measures, research needs, compliance issues, and any other matters relating to U.S. goals for and responsibilities under ICCAT. The SWGs met again on April 10 to finalize their recommendations.

In addition, the Committee discussed a variety of other topics during its two day meeting. The Committee established October 28-30, 2001, as the date of its fall meeting, approved locations for its four regional meetings in 2001, and elected a Planning and Review Subcommittee to assist the Chairman. The Committee was also consulted concerning the U.S. statutory requirement under the Atlantic Tunas Convention Act to identify countries that are diminishing the effectiveness of ICCAT. Finally, the Convener of each SWG presented the preliminary results of the working group discussions to the Committee for consideration and adoption.

The agenda for the meeting is attached as Appendix 1. The list of participants is included as Appendix 2. Detailed reports from the SWGs are contained in Attachments 1 through 4 (i.e., billfish, bluefin tuna, swordfish, and BAYS tunas respectively).

I. **Opening of the Meeting**

1) *Opening Comments and Introductions*: Advisory Committee Chairman John Graves opened the meeting on April 9 by welcoming the new committee. A participant list is attached as Appendix 2. Dr. Graves reviewed the process and goals for the meeting, noting the need to develop specific research and management recommendations for the Commissioners.

Rolland Schmitten, the U.S. Government Commissioner to ICCAT, also welcomed the new Advisory Committee. He emphasized the critical importance of the advice of the Committee on international HMS issues and underscored the comments made by the Chair. He noted that it was difficult to make progress toward meaningful conservation measures given the lack of consensus by ICCAT's working group on allocation criteria. Mr. Schmitten personally thanked those on the delegation who contributed to the successes of the 2000 ICCAT meeting, in particular the rebuilding plan for marlins.

Mr. Schmitten noted that Mike Nussman had recently completed his appointment as U.S. Recreational Commissioner to ICCAT. He noted that Mike had served with distinction. He explained that the process was underway to appoint a new recreational commissioner but that this would likely not occur until critical decision making positions in NOAA were filled, in particular the Under Secretary for Oceans and Atmosphere. Mr. Schmitten noted that the recreational community was well represented at the Advisory Committee meeting and he expressed his confidence that there would be no ill effects due to the fact that the recreational commissionership would be vacant a bit longer.

Mr. Schmitten highlighted several major issues ICCAT will be facing in 2001, including taking steps to improve the management of South Atlantic swordfish and east Atlantic bluefin tuna stocks. Finally, Commissioner Schmitten stressed the need to continue pursuing the full implementation of ICCAT's compliance regime and noted that he would likely be resigning from his position as Federal Commissioner this summer.

2) *Security Briefing:* Dave Balton of the Department of State reminded Committee members that many of the issues discussed at Committee meetings involve sensitive foreign affairs issues, including U.S. negotiating positions and strategies. All discussions of this nature are to be kept confidential unless otherwise specified by an appropriate U.S. government official.

3) Adoption of the Agenda: The Commissioners requested that an item called "The Future of ICCAT" be added to the agenda under the heading, "Discussion of Upcoming 2001 ICCAT Issues/Events". The agenda was adopted by the Committee with this modification. It is attached as Appendix 1.

4) *Appointments*: The Chair appointed the following individuals to his Planning and Review subcommittee: Rich Ruais (commercial representative), Bob Eakes (recreational representative), Brad Chase (academic/environmental representative), John Dean (Fishery Management Council representative). This subcommittee serves as the nominating committee in election years for the Chair and Vice-Chair. It also advises the Chair on administrative matters when quick consultation is necessary. The Chair appointed a convener and a rapporteur for each SWG. John Dean was appointed as the BAYS Working Group convener and Kim Blankenbeker was appointed rapporteur. Pete Jensen was appointed as the Swordfish Working Group convener and Jill Stevenson was appointed rapporteur. Bob Hayes was appointed as the Billfish Working Group convener with Dave Kerstetter serving as rapporteur. Brad Chase was appointed as the Bluefin Tuna Working Group convener and Rachel Husted was appointed rapporteur.

II. **2000 ICCAT Meeting Results and U.S. Implementation of ICCAT Decisions**

The Chair gave a presentation highlighting the accomplishments of the 2000 ICCAT meeting. Overhead slides from this presentation are available from the committee's Executive Secretariat upon request. Dr. Christopher Rogers, acting Chief of NMFS' Highly Migratory Species (HMS) Management Division, discussed the rulemaking that is necessary to implement ICCAT recommendations from the 2000 meeting. He noted that proposed regulations to implement the marlin rebuilding program, the conservation reserve for North Atlantic swordfish, the U.S. quota for North Atlantic albacore, a statistical document program for bigeye tuna, and the trade actions agreed at the 2000 ICCAT meeting would be published soon. There will be an opportunity for public comment before final regulations are developed. Several committee members expressed concern about reporting by vessels under charter arrangements.

III. **Research and Monitoring**

Dr. Rogers gave a presentation reviewing HMS research and monitoring activities. Overheads from this presentation are available upon request from the Executive Secretariat. The Commercial Commissioner requested that NMFS involve the industry

in the planning process as a new statistical document program is developed.

Dr. Jerry Scott of the NMFS Southeast Fisheries Science Center (SEFSC) reviewed the schedule of ICCAT scientific meetings for 2001. Further information on these scientific meetings was distributed to the Committee in advance of the meeting, and is available from the Committee's Executive Secretariat upon request.

A few committee members expressed interest in the upcoming intersessional meeting on bluefin tuna mixing. This workshop may highlight issues related to the unavailability of basic catch data. It will also be a forum to estimate mixing proportions given the available information. Dr. Scott confirmed that a Chair has not yet been appointed; the SCRS Chair would be the default choice. With respect to the proposed research on spawning sites in the Central Atlantic, the Committee discussed possible European Community (EC) involvement and the need to improve coordination.

Dr. Scott reminded everyone that SCRS meetings are open to scientists only if they are invited by the working group or if they are presenting a scientific paper at the meeting. He reviewed the process for contributing scientific papers to the SCRS through the U.S. Delegation, noting that titles and summaries are due about a month before a particular meeting and that a draft of the paper is due to the SEFSC no later than two weeks before the meeting unless prior arrangements have been made. He noted that a detailed description of this process had been circulated to the Committee prior to the meeting.

There was some discussion of the methodology used to estimate dead discards of bluefin tuna that occurred during the 1999 fishing season. The Commercial Commissioner suggested that discard estimation methodology should take factors like water temperature and oceanographic features into consideration. An advisor questioned whether the latest discard estimation methodology was applicable to data collected in the recreational fishery through the Large Pelagic Survey. Dr. Scott noted that the results of two independent reviews of the discard estimation methodology were available and copies were distributed.

Some committee members expressed disappointment that a stock assessment for East Atlantic bluefin tuna has not been conducted since 1998. Dr. Scott noted that the intersessional meeting on mixing may highlight problems regarding the unavailability of certain catch data. The Committee had a brief discussion on bluefin tuna caging and it was suggested that the expertise of

Australia be tapped to help address growth issues.

IV. **Panel Presentation on FAO Issues**

Ms. Robin Tuttle of the NMFS Office of Science and Technology led a panel discussion on recent efforts of the Food and Agriculture Organization's (FAO) Committee on Fisheries (COFI) that are of interest to the Committee.

IUU IPOA: David Balton of the State Department noted that the FAO recently adopted an International Plan of Action (IPOA) on Illegal, Unreported, and Unregulated (IUU) Fishing, which will be considered by the FAO Council for adoption in June 2001. The IPOA recognizes multilateral trade restrictions as a tool for addressing IUU fishing, and directs each state to develop its own National Plan of Action (NPOA). The text of this document is available on the FAO website.

Mr. Balton asked the Committee to consider which aspects of the IPOA could be used to further U.S. goals within ICCAT, especially through the activities of the Permanent Working Group and the Compliance Committee. The new statistical document programs under development may contribute to this effort. Mr. Balton suggested that the alternatives considered for the U.S. NPOA should not be limited to government action. Importers may also have a role to play. The Commercial Commissioner responded that individual businesses cannot be expected to shoulder this burden without a level playing field. There was some discussion of the difficulty in obtaining information on whether a particular shipment of fish had been harvested by IUU vessels. One advisor noted that ICCAT resolutions already encourage importers not to handle IUU fish. Another committee member suggested that only vessels registered with ICCAT and perhaps flying an ICCAT-issued flag should be allowed to offload for U.S. markets.

CITES: Dr. Pamela Mace joined the meeting via phone to give an update on activities related to the Convention on International Trade in Endangered Species (CITES). FAO held a technical consultation in June 2000 to consider the CITES listing criteria as they apply to marine species; a consultation with invited experts will be held in July 2001. The Fish and Wildlife Service has the lead on CITES implementation in the United States. An interagency team, including NMFS scientists, has been convened to consider how the existing criteria would apply to marine species, particularly exploited populations. There were some questions regarding the mandate of this group. Dr. Mace explained that while some case studies may be used to evaluate the effectiveness of the criteria, this group will not propose any particular

species for listing. Any proposals for listing would be published by the Fish and Wildlife Service in the Federal Register with the opportunity for public comment. There was some concern expressed by the Committee that a CITES listing could interfere with the management of species for which ICCAT has already adopted rebuilding programs. Ms. Tuttle noted that this concern was acknowledged in discussions at the COFI meeting in February.

MCS Initiative: Michelle Kuruc, of NOAA General Counsel, described the Monitoring, Control and Surveillance (MCS) initiative, which is designed to facilitate the exchange of enforcement information and personnel. This is a web-based program which should be operational in late April. The website will include primary points of contact for each country. While participation in this network is voluntary, regional fishery management organizations should encourage their members to participate. A copy of the latest report will be made available for interested members of the Committee.

Trade Tracking, Ecolabeling and Subsidies: Greg Schneider, NMFS Office of Industry and Trade, noted that there has been a proliferation of international catch documentation schemes over the last few years. The IPOA for IUU fishing suggest that these documentation schemes should be streamlined and harmonized. The United States is still developing its position on eco-labeling. No action was taken by the FAO, although private sector initiatives are beginning. FAO held an expert consultation on subsidies to the fishing sector, and their relation to overcapacity and overfishing, in October 2000. The issue of subsidies is also being discussed within the Organization for Economic Cooperation and Development, and coordination is critical. An advisor suggested that vessel repair should be considered within the context of these discussions.

Sea Turtle Bycatch: Therese Conant, NMFS Office of Protected Resources, outlined the U.S. position at COFI regarding sea turtle conservation. Incidental capture of turtles in fishing gear poses a significant risk, thus, there is a clear need to share information and pursue bilateral talks. An IPOA for sea turtles was proposed by Japan, but was not adopted by COFI. The United States expressed support for a workshop to address the following objectives: (1) To evaluate existing information on turtle bycatch in longline fisheries; (2) To facilitate and standardize collection of data from those longline fisheries that are likely to interact with marine turtles; (3) To exchange information on experimentation with longline gear relative to turtles and target species; and (4) To identify and consider

solutions to reduce turtle bycatch in longline fisheries.

Shark Finning Prohibition: Rachel Husted, NMFS International Fisheries Division, provided a brief update on plans to implement the Shark Finning Prohibition Act of 2000. At the February 2001 meeting of COFI, the United States called for all members to implement fully the IPOA for the Conservation and Management of Sharks. Following the COFI meeting, the Department of State and NMFS held a consultation to discuss possible bilateral, multilateral and regional agreements with other nations. There are a number of mechanisms that may be used to urge other governments involved in finning for sharks, or importing shark products, to collect trade data in order to determine the nature and extent of shark finning worldwide. The collection of biological data, such as stock abundance and bycatch levels, is also a critical part of the effort to gain international cooperation. The Department of State and Department of Commerce are developing a comprehensive plan to adopt international measures for the conservation of sharks. Rulemaking to implement other provisions of the Act is underway. A proposed rule is expected soon, and a final rule should be published by June 2001.

V. **Discussion of Upcoming 2001 ICCAT Issues/Events**

1. *Commission Update*: Kim Blankenbeker of the NMFS International Fisheries Division informed the Committee that three countries had joined ICCAT since the 2000 Commission meeting, namely, Algeria, Barbados, and Honduras. She noted that the People's Republic of China (PRC) had recently objected to ICCAT's bigeye tuna recommendation, adopted in 2000, and that a copy of the objection letter had been circulated. The United States, Canada, and Japan carried out a joint demarche protesting the Chinese action. In addition, she reported that, in reaction to the PRC action–particularly in light of the fact that the PRC fleet is composed largely of recently acquired flag of convenience vessels--Japan had asked its importers to stop accepting Chinese tuna products. Ms. Blankenbeker informed the Committee that the EC had recently distributed a "Green Paper" that was intended to facilitate the debate on the EC Common Fisheries Policy. She noted that the paper seems to embrace the need for a stronger conservation ethic in EC approach to fisheries issues. Copies of the paper can be obtained from the Executive Secretariat.

Ms. Blankenbeker reported that the U.S. Government had met in a mini-trilateral meeting to discuss issues of mutual concern with Japan and Canada, including the upcoming allocation criteria meeting and problems faced at the 2000 ICCAT meeting. Additionally, officials from Spain requested a meeting with U.S.

Government officials in early May to discuss fisheries matters, including ICCAT issues. Ms. Blankenbeker distributed for the Committee's information a draft letter to ICCAT detailing U.S. disappointment with some of the decisions taken at ICCAT in 2000 and with the recent PRC objection. The letter also called for the critical need to make progress at the allocation criteria meeting in May 2001. She reported that Canada has sent a letter to the ICCAT Secretariat seeking a review by FAO's Legal Department of the EC bluefin tuna carryover issue. No response had been received by the time of the Spring Committee meeting. Finally, Ms. Blankenbeker informed the Committee that long time Assistant Executive Secretary to ICCAT Peter Miyake had retired from the Secretariat.

2. *Future of ICCAT*: Commercial Commissioner Glenn Delaney, and the Federal Government Commissioner Rolland Schmitten circulated a document outlining general views of the difficulties facing ICCAT and a possible plan of action for addressing those difficulties. The Commissioners suggested that the ability of ICCAT to function as an effective forum has been seriously compromised and its future is uncertain. The paper noted that positions taken by certain ICCAT members in recent years have been a major factor contributing to the Commission's problems. The consequences include difficulties in reaching an agreement on allocation criteria and a negative atmosphere at ICCAT that is conducive to non-compliance and non-cooperation. The Commissioners proposed to elevate this problem to appropriate levels within the U.S. government.

There was general agreement among the Committee that conflicts with other delegations on ICCAT issues should be raised at higher levels of government and that fixing ICCAT would be a long-term proposition. Efforts to gain alliances with other like-minded ICCAT nations should be pursued and coordinated. Some suggested that "raising the stakes" (e.g. implementing trade restrictions) could stimulate action. A number of Committee members supported the idea of a Committee working group that would consider the issue and draft a letter to the Commissioners supporting the initiative. Such a letter could be widely circulated with the U.S. Government.

Several Committee members noted that the fundamental problem raised by the Commissioners is quite broad, thus, a strategy should not be limited to our relations with only one or two parties. Mr. Balton of the State Department reminded the Committee that our relationship with other members must be examined in a broader context, and the United States must develop a consistent policy on all fronts. Other environmental policy

initiatives also affect our relationships with other members of ICCAT (e.g. recent developments in climate change policy). Mr. Balton noted the utility of strengthening non-government organizations in Europe and other areas and seeking support from possible northern European allies. One Committee member suggested that perhaps we should consider renegotiating the ICCAT treaty. Mr. Balton responded that it would be easy to lose control of such a process and that the negotiation and implementation of a treaty can be a lengthy process.

Dr. William Hogarth noted that the new administration is still in the process of making political appointments. Once the new leadership is in place, every effort should be made to brief high-level officials on ICCAT issues. Dr. Hogarth commented that the issue needs to be controlled so that the Secretary of Commerce and the U.S. Congress can move forward together on the issue.

3. *Third Allocation Working Group Meeting*: Commissioner Schmitten briefly reviewed the outcome of the first and second allocation criteria working group meetings. Mr. Balton circulated a paper drafted by the United States and Canada that has been proposed as a starting point for negotiations in May. It was noted that this paper presents unresolved issues in bracketed text, and that the paper is not intended to represent the policy position of the United States. Copies of the paper are available from the Committee’s Executive Secretariat.

The Committee expressed general agreement that the United States should maintain the middle ground on allocation while continuing to emphasize the importance of historical catch, status of the stocks, compliance, and data monitoring and reporting as allocation criteria. There was also general consensus on the part of the Committee that a resolution of the issues facing the allocation working group is of critical importance.

Commissioner Schmitten noted that the delegation to the upcoming working group meeting would be small and could accommodate limited private sector representation. He stated that any Committee members with an interest in attending should notify him as soon as possible if they had not already done so.

Regarding the treatment of new members in the allocation process, Mr. Balton indicated that ICCAT has two main options. It can encourage countries to join and be part of the process, or it can discourage membership through restrictive allocation policies and let these nations continue to fish outside ICCAT controls. He suggested that the former represented a better approach.

4. *Intersessional Meeting on Monitoring*: Kim Blankenbeker reminded the Committee that ICCAT agreed to hold a meeting on May 17-18, 2001, in Brussels, Belgium, to consider development of an integrated monitoring regime. The terms of reference and the agenda had been circulated to the Committee previously. Also circulated was a Japanese proposal for a recommendation concerning a management standard for the large-scale tuna longline fishery, which is to be considered at the May meeting. Ms. Blankenbeker recalled that ICCAT had met intersessionally in 1997 to improve its monitoring and compliance regime and a number of new measures were developed at that time, including a VMS pilot project and a revised port inspection scheme. She also recalled that the Committee had held a special workshop in September 2000 to consider compliance issues and that the entire range of ICCAT's monitoring and compliance issues were presented and discussed. Ms. Blankenbeker noted that, despite the wide range of monitoring and compliance measures in place, countries have still been out of compliance with quotas and minimum sizes and some members have failed to report basic catch data.

Ms. Blankenbeker concluded that the monitoring and compliance issue is a very difficult and complex one. She stated that it is not perfectly clear what the EC's intentions are with regard to the Monitoring intersessional. Given the nature of the issue, she noted that it will be difficult to make significant progress in only two days. Despite this, she noted the need to make the meeting as productive as possible, and to guard against anything that might weaken ICCAT's current monitoring and compliance schemes. She asked the Committee to consider in its Species Working Groups what specific objectives the United States should try to achieve in May, and she requested particularly that the working groups review the Japanese proposal and provide advice and recommendations on it.

A Committee member suggested that this forum be used to address the lack of compliance with minimum size restrictions. The Committee concurred that improved data collection and reporting are necessary to determine individual members' compliance with the conservation and management measures that ICCAT currently has in place.

5. *Statistical Document Programs*: Dr. Christopher Rogers, Acting Chief of the HMS Management Division, reviewed the alternatives for implementation of the 2000 ICCAT Recommendation concerning Statistical Document Programs for bigeye tuna and swordfish: 1) use one document for all three species (and possibly others in the future); 2) use one document for bigeye and bluefin tuna, another for swordfish; or 3) use a separate document for each

species. He presented the pros and cons of these alternatives. The United States expects to offer to host a technical experts meeting to make progress towards the harmonization of these statistical documents, as mandated in the 2000 recommendation. Dr. Rogers assured the Committee that NMFS intends to coordinate with the affected industry throughout this process.

VI. **Species Working Group Meetings**

On the afternoon of April 9, each of the SWGs met separately in closed session to develop research and management recommendations for consideration by the Advisory Committee as a whole. Once agreed, these recommendations are transmitted to the Assistant Administrator for Fisheries and the U.S. Commissioners to ICCAT. The final reports of these Working Groups are attached. Attachment 1 is the Billfish Working Group report. Attachment 2 is the Bluefin Tuna Working Group report. Attachment 3 is the Swordfish Working Group Report. Attachment 4 is the BAYS Tunas Working Group report.

VII. **Advisory Committee Business**

Following the final deliberations of the SWGs on April 10, the Advisory Committee convened to review operational matters of the Committee.

a. Funding/Budget: Chair Graves presented the Committee's budget, noting that travel constituted the majority of the expenses. The current award (October 1, 2000 - September 30, 2001) of $150,000 was received in March 2001. In addition, there is a $20,000 surplus from last year. Because the processing of the grant was delayed at NOAA, it was necessary to use VIMS funds to cover Committee activities last fall. These funds were subsequently reimbursed. A copy of the budget is available from the Committee Chair.

b. Date of Fall Meeting: The Chair proposed that the Committee schedule its fall meeting on October 28-30, 2001, (Sunday through Tuesday). He noted that the Sunday public comment session has been successful in the past and proposed a similar approach again this year. The Committee agreed with the Chair's suggestions.

c. Regional Meetings: The Committee agreed upon the following dates and locations for the 2001 regional meetings: September 6 in Islip, NY; September 10 in New Orleans, LA; September 11 in Charleston, SC; September 19 in Boston, MA.

The Chairman indicated that every effort would be made to finalize the schedule of the meetings as soon as possible so that there would be ample time to advertise them to the public. He emphasized that it is the Committee's responsibility to ensure that all interested members of the public are aware of these meetings.

Some Committee members questioned whether four regional meetings were necessary, given that there are no major assessments scheduled for this year. The Chair responded that while five or six regional meetings had been held in past years, he believes that a minimum of four meetings is necessary to ensure adequate geographic coverage. These meetings assist Committee members in developing their views, and are also an opportunity to educate the public on ICCAT-related issues.

The Chairman noted that funds were available to reimburse the travel of each Committee member to attend two meetings, although no more than fifteen members will be funded per meeting (in addition to the Chair or Vice-Chair). Funds have been allocated for the Chair or Vice-Chair to attend all four meetings. As soon as the meeting schedule is finalized, Committee members will be asked to indicate in order of priority which meetings they would like to attend using Committee funds. If more than fifteen members express interest in attending a particular meeting, assignments will be made by placing the names in a hat and conducting a random drawing.

d. Summer Workshop: The Chairman suggested that the Planning and Review Subcommittee should discuss possible topics for a 1-2 day summer workshop, based on recommendations from the Species Working Groups.

e. Other Issues: Regarding the funding of Committee members' travel to ICCAT intersessional meetings, it was agreed that the surplus of the 2000 grant would be used to fund Committee members' travel to the May intersessionals, the technical experts meeting on statistical document development, and possibly the SCRS intersessional meeting on bluefin tuna mixing. Ruais, Beideman, Dean, Sloan

VIII. **SWG Meetings Continued**

In the morning and during lunch on Tuesday, April 10, the SWGs met again in closed sessions to finalize the recommendations to be made to the full Advisory Committee.

IX. **Consultation Regarding the U.S. Requirement to Identify**

Countries that are Diminishing the Effectiveness of ICCAT

Kim Blankenbeker reviewed the identification requirements under ATCA Section 971d(C)(6). She noted that the ATCA requires consultation with the Committee and Commissioners regarding the identification requirement and that this meeting fulfilled the requirement for a consultation. Ms. Blankenbeker reminded the group that the scope of the ATCA and the ICCAT processes differs in that ATCA limits the U.S. review to fishing activities of the current year and preceding calendar year, whereas ICCAT's review has no such limitation. NMFS is currently in the process of analyzing available information pursuant to the ATCA requirement.

While NMFS has not yet "identified" a country under the ATCA process, the agency has modified its regulations to implement actions by ICCAT to impose sanctions against Belize, Honduras and Equatorial Guinea. These trade measures are consistent with the intent of the ATCA identification provisions. A full description of ICCAT's actions with regard to "identifications" under relevant resolutions and its actions to gain compliance by members had already been presented by Dr. Graves during his review of the 2000 meeting accomplishments.

Ms. Blankenbeker reiterated that ICCAT is continuing its multilateral efforts to ensure member compliance and non-member cooperation with Commission recommendations and that the United States prefers to take such actions with multilateral support.

The Committee expressed serious concern that the United States had never identified a country under the ATCA provisions. Some Committee members stated that the United States was helping to diminish the effectiveness of ICCAT by providing a market for product taken in excess of agreed quotas. It was stressed that stocks are declining and that trade restrictions could help address this problem. It was suggested that the United States should seriously consider identifying European countries–if not unitlaterally then through the multilateral process. A technical advisor noted that much of the IUU fleet is headed by powerful Europeans, particularly from Spain. He noted it would be difficult to address this problem. A Committee member suggested that the Committee send a letter on this issue to high levels of the Administration.

It was noted that the new Administration would likely not embrace the use of unilateral trade measures any more than the Clinton Administration did. Dave Balton (State Department) stressed that other solutions need to be found. He suggested that the IUU IPOA could help address the concerns expressed by many Committee

members. He suggested that government action was not the only answer to the issue at hand. He indicated that public campaigns can be useful to put pressure on importers to refrain from purchasing from problem fleets and/or countries. Commissioner Delaney stressed that it is unacceptable to suggest that businesses voluntarily stop importing certain products and otherwise give up business. He noted that most businesses have no connection with ICCAT. He suggested that the IUU IPOA could help the United States move toward internationally supported import restrictions and that this should be the highest priority of the United States at the 2001 ICCAT meeting. He recognized that product will likely shift to foreign markets if the United States is the only country to implement restrictions, but U.S. industry will have less competition, prices will increase, and we will no longer offer a market for product taken improperly. Commissioner Delaney expressed support for the development of statistical documents as this will further highlight problem areas and lead to more multilateral solutions.

A committee member stated that the 1999 ICCAT recommendation calling for further action on IUU fishing has not been adequately implemented. He suggested more efforts be made to bring it to the attention of importers. Commissioner Delaney again noted that importers will fight against unilateral trade restrictions absent authority from the U.S. Government or ICCAT. An advisor suggested that moving toward ecolabeling could be useful. Some noted that this was problematic as it could be misleading to an uninformed public.

X. **Preliminary Reports of the Species Working Group Discussions**

The conveners of each Species Working Group presented to the full Advisory Committee the preliminary recommendations of their groups. The final drafts of these reports, the recommendations of which were adopted by the full Committee, are attached to this report. Attachment 1 is the Billfish Working Group report. Attachment 2 is the Bluefin Tuna Working Group report. Attachment 3 is the Swordfish Working Group report. Attachment 4 is the BAYS Tunas Working Group report.

Billfish: On behalf of the Billfish Working Group, Bob Eakes expressed appreciation for the efforts of the Commissioners that resulted in the adoption of an international rebuilding plan for marlins at the November 2000 ICCAT meeting. After a brief presentation, the SWG’s recommendations were adopted by the Committee. The report of the billfish working group is included as Attachment 1 to this report.

Bluefin Tuna: Brad Chase presented the recommendations of the Bluefin Tuna Working Group. There was general agreement that an assessment of the eastern Atlantic and Mediterranean bluefin tuna fishery should be conducted as soon as the data are available. A Committee member stressed the need to stop overfishing and develop a rebuilding program for the East Atlantic fishery. The Committee expressed general support for research initiatives in the Central Atlantic, and suggested that this research should receive substantial support from the United States.

Similar to last year's discussion, the Committee concluded that the need to improve compliance in the East Atlantic bluefin tuna fishery was of highest priority. It was agreed that the issue of non-compliance needs to be elevated to higher levels within the U.S. government, as outlined in the Commissioners' Emergency Initiative. The Committee supported the idea of forming a working subcommittee, with one point person from each constituency, to coordinate Committee action in support of this initiative.

Regarding the West Atlantic Bluefin Tuna quota, the Working Group put forward the following resolution to the full Committee for consideration:

> *The species working group expressed disappointment that the US did not support a modest increase in the west Atlantic bluefin tuna quota in 2000 as provided for by the Recovery Plan agreed to by ICCAT in 1998. The group notes that such an increase was supportable on the basis of the 2000 stock assessment. This latest stock assessment indicated that under certain scenarios, yields above 2700 mt would still allow achievement of the established MSY target within the 20 year rebuilding period with a 50% or greater probability. The group notes that this failure of the US to seek a modest increase in quota to reward the sacrifices of US fishermen has been perceived by the fishing communities as a serious betrayal of the commitment made to the fisheries in exchange for support of the rebuilding program. The decision not to raise the quota raises concerns of credibility from the fishing industry and questions over the process of setting US policy on ICCAT positions. The group is concerned that this apparent usurpation of the legitimate role of ICCAT Commissioners and other involved fishery managers to make critical policy decisions will further erode credibility and participation in the process, including the Advisory Committee process.*

While the members of the working group were generally supportive of the resolution, it was not unanimously supported by the full Committee. At least one Committee member expressed very serious reservations about the resolution language.

The report of the Bluefin Tuna Working Group is included as Attachment 2 to this report.

Swordfish: The Swordfish Working Group recommendations were presented to the full Committee by Pete Jensen. After seeking a few clarifications, the Committee endorsed these recommendations. The working group report is included as Attachment 3 to this report.

BAYS Tunas (and other species): John Dean presented the recommendations of the BAYS working group. After some debate and revision, they were agreed by the full Committee. The revisions were incorporated into the working group report, which is included as Attachment 4 to this report.

The BAYS working Group put forward the following motion for consideration by the entire Advisory Committee:

> *We, the members of the ICCAT Advisory Committee, strongly recommend that the Secretary of Commerce support the continuance of Rolland A. Schmitten as U.S. Federal Government Commissioner and head of the U.S. Delegation to ICCAT. There are many important issues now at critical stages of negotiation in ICCAT, including critical compliance issues. In fact, the viability of ICCAT itself is at stake. Therefore, the Committee believes a continuity of effort would be in the best interests of the commercial, recreational, and environmental interests as well as those of the United States.*

The motion carried by consensus. It was agreed that the Advisory Committee Chairman would write to appropriate NOAA officials to advise them of the contents of the motion and its endorsement by the Committee.

XI. **Other Business**

Finalization of SWG Reports: The Chair noted that the Executive Secretariat would be in touch with the Conveners and Rapporteurs in order to circulate each report to the respective working group members/participants for a short comment period. Comments received would be incorporated into the reports, but the reports would only be re-circulated to the working groups if the edits

were substantive. Upon finalization, all reports will be circulated to the Committee, the Commissioners, Technical Advisors, and government personnel.

XII. **Adjournment**

Chairman Graves expressed his sincere appreciation to government and VIMS personnel for their excellent support of the meeting and quality presentations. He also thanked the species working group conveners and rapporteurs for their hard work. He emphasized that all of these efforts contribute to the productivity and success of the Committee’s meetings. The Chairman adjourned the spring 2001 Advisory Committee meeting at 4:30 pm on April 10, 2001.

Appendix 1

Agenda

2001 Spring Species Working Groups Meeting of the
Advisory Committee to the U.S. Section to ICCAT

Monday, April 9 (Open to the Public Unless Otherwise Noted)
John Graves, Advisory Committee Chairman, presiding

9:00 *Registration*

9:30 *Opening of the Meeting* (Graves)
1) Opening Remarks and Welcome to the New Committee (Schmitten)
2) Security Briefing (DOS)
3) Adoption of the Agenda
4) Appointment of Planning and Review Subcommittee
5) Appointment of Conveners/Rapporteurs

10:00 *2000 ICCAT Meeting Results and U.S. Implementation of ICCAT Decisions* (Graves/Rogers)

10:45 *Research and Monitoring Activities* (NMFS)

11:15 *FAO Update: International Plan of Action on Illegal, Unregulated and Unreported (IUU) Fishing, Sea Turtle Bycatch, Subsidies, Other Issues* (Panel Discussion: NMFS/State)

11:55 Other Open Session Business

12:00 *Lunch*

1:15 *Discussion of Upcoming 2001 ICCAT Issues/Events* **(Closed to the Public)**
1) Commission Update (NMFS)
2) The Future of ICCAT (Schmitten/Delaney)
3) Third Allocation Working Group Meeting (Schmitten/Balton)
4) Monitoring Intersessional (NMFS)
5) Technical Meeting on Statistical Document Development (Rogers)

3:00-?? *Species Working Group Meetings* **(Closed to the Public)**

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Tuesday, April 10 (Open to the Public Unless Otherwise Noted)

9:00 *Advisory Committee Business* (Graves) **(Closed to the Public)**
a. Funding/Budget
b. Dates of Fall Meeting
c. Regional Meetings
1. Proposed Dates and Locations
2. Committee Participation
d. Summer Workshop
e. Other Issues

10:00 *SWG meetings* (Adoption of report/recommendations) **(Closed to the Public)**

11:30 *Consultation Regarding Identification Countries that are Diminishing the Effectiveness of ICCAT* (NMFS)

12:30 *Lunch* (Working Session)

1:30 *Preliminary Report of SWG Discussions* (Conveners)
- Billfish
- Bluefin Tuna

3:00 *Break*

3:15 *Preliminary Report of Working Group Discussions, Cont.*
- Swordfish
- BAYS Tunas

4:45 *Other Business* (Graves)

5:00 *Adjourn*

Appendix 2

LIST OF PARTICIPANTS

U.S. Commissioners to ICCAT

Glenn Delaney	Commercial Commissioner
Rollie Schmitten	Federal Commissioner

Advisory Committee Members

Pete Barrett	The Fisherman Magazine
Nelson Beideman	Blue Water Fishermen's Association
David Borden	New England FMC
Virdin Brown	Caribbean FMC
Brad Chase	Mass. Division of Marine Fisheries
Maumus Claverie	Gulf of Mexico FMC
John Mark Dean	South Atlantic FMC
Bob Eakes	Red Drum Tackle Shop
Peter Foley	L. Boone
Mike Genovese	F/V White Dove Too
John Graves	VA Institute of Marine Science
Bob Hayes	Ball Janik
Pete Jensen	Mid-Atlantic FMC
Gail Johnson	F/V Seneca
Molly Lutcavage	New England Aquarium
Ellen Peel	The Billfish Foundation
Ellen Pitkitch	Wildlife Conservation Society
Rich Ruais	East Coast Tuna Association
Steve Sloan	Confed/Assoc of Charterboats & Capts.
Peter Weiss	General Category Tuna Association
David Wilmot	Ocean Wildlife Campaign

Ex-Officio

Mark Amorello	Massachusetts

Committee Members not in Attendance:

Jack Devnew	*The Flagship Group*
Willie Etheridge	*Etheridge Seafood*
Randi Parks Thomas	*U.S. Tuna Foundation*
Steve Weiner	*Bluefin Tuna Fisherman*

Technical Advisors

Steve Berkeley	Oregon State University, AFS
Eleanor Bochenek	Rutgers University
Jim Donofrio	Recreational Fishing Alliance

Elizabeth Lauck	Wildlife Conservation Society

Technical Advisors (cont.)

Putnam MacLean	Bright Eye Fishing Corp.
Bob McAuliffe	McAuliffe Fishing, Inc.
Don Nehls	Lindgren-Pittman, Inc.
Ernie Panacek	Viking Village, BWFA
Vince Pyle	A Fisherman's Best
Dave Secor	University of Maryland
Greg Skomal	Mass. Division of Marine Fisheries
Bob Zales II	Panama City Boatmen Association

Technical Advisors not in Attendance:

James Budi	*Predator Packouts*
Warren Cannon	
Phil Goodyear	
Greg Stone	*New England Aquarium*

Government Personnel

David Balton	State Department
Kim Blankenbeker	NMFS International Fisheries
Nikki Brajevich	State Department
Therese Conant	NMFS Protected Resources
Leah Heise	NOAA GCEL
Bill Hogarth	NMFS, Acting Assistant Administrator
Rachel Husted	NMFS International Fisheries
Dale Jones	NMFS Enforcement
Tyson Kade	NMFS HMS Division
Michelle Kuric	NOAA GCEL
Pamela Mace (by phone)	NMFS Office of Science and Technology
Mariam McCall	NOAA GCF
Bruce Morehead	NMFS Office of Sustainable Fisheries, Acting Director
Christopher Rogers	NMFS HMS Division, Acting Chief
Greg Schneider	NMFS Industry and Trade Services
Jerry Scott	NMFS SEFSC
Mark Spurrier	NMFS Enforcement
Jill Stevenson	NMFS HMS Division
Robin Tuttle	Office of Science and Technology
Deirdre Warner-Kramer	Department of State

Other Attendees

Ray Bogan	Bogan and Bogan
Tim Hobbs	NCMC
David Kerstetter	VIMS

Attachment 1

Report of the Billfish Working Group

Advisory Committee to the U.S. Section to ICCAT

2001 Advisory Committee Species Working Group Workshop

Holiday Inn Silver Spring
April 9-10, 2001

Robert Eakes, *Convener*
David Kerstetter, *Rapporteur*

The Billfish Working Group discussed the management of billfish under the "Recommendation by ICCAT to Establish a Plan to Rebuild Blue Marlin and White Marlin Populations" (2000 Recommendation) that was approved by the Commission at the November 2000 meeting in Marrakech, Morocco. The group noted that several of the previous management concerns for billfish have now been addressed through the 2000 Recommendation.

The working group also discussed the report from the 2000 Spring Meeting. During this review, a question was raised whether an attempt had been made to revise the pre-1996 baseline landings data for billfish. However, it was noted that the 2000 Recommendation had made such an effort to review the U.S. baseline landings essentially moot by establishing a number of fish that can be landed rather than a percentage of historical landings.

Research Recommendations

1. **Describe the post-release survival of blue marlin caught by commercial longline and recreational gear.** The group was briefed on the progress of an ongoing collaborative research project examining this question. Several working group members noted that the preliminary results obtained before the Morocco meeting had a positive effect on the billfish Recommendation negotiations. While acknowledging that a full, ocean-wide assessment of post-release survival rates (percentage) on all gear types would be extremely expensive, the group felt that this research should be continued as appropriate.

2. **Identify areas of concentrations outside the U.S. EEZ of billfish bycatch (as defined by: high catch of billfish, high catch-per-unit-effort, and high billfish-to-target catch ratios) that will allow for the development of time/area closures in the Atlantic Ocean to reduce billfish mortalities.** The group noted that the 2000 Recommendation included a provision requiring reporting to five by five degree resolution, thereby making this analysis possible. Research into this item is reportedly underway**.**

3. **Continue work identifying basic billfish biological parameters.** Because stock

assessments are sensitive to several biological parameters, the group supported additional basic biological research consistent with the 2000 Recommendation. This should include research on habitat requirements as well as other parameters such as age-growth studies.

4. **Continue work on gear modification to reduce billfish mortality.** This should include research on circle hooks and other gear.

5. **Complete a market analysis of the various components of recreational and commercial billfish fishing for countries that sell and/or land billfish in the Atlantic Ocean.** It was noted that Dennis Weidner at NMFS has already conducted some components of this effort with the comprehensive World Swordfish Fisheries project. While recognizing that this would be a large undertaking, the working group feels that it should remain included as a research priority. Such an analysis should also include economic assessments of recreational billfish tournaments.

Management Recommendations

1. **Support the implementation of Phases 1 and 2 as described in the 2000 Recommendation.** This objective should be promoted by the U.S. Commissioners at the international level as well as at the national level by the NMFS HMS Division. However, the NMFS HMS Division should only implement those provisions specifically included in the 2000 Recommendation.

2. **Develop methodologies for targeted fisheries to minimize billfish bycatch and to the extent that bycatch cannot be avoided, minimize the mortality of the bycatch in each targeted fishery that hooks billfish.** Methodologies could include, but not be limited to such measures as time and area closures, gear modifications, use of gear practices, etc. While this is seen as a long-term goal, the group felt that more comprehensive management methodologies would better protect billfish stocks.

3. **Clarify schedule for SCRS stock assessment of sailfish.** There was concern that the quality of existing landings and catch data would prevent an accurate stock assessment for Atlantic Ocean sailfish stocks during the 2001 SCRS meeting. Discussion centered around whether delaying the assessment would allow for better data and hence more accurate assessments of the western and eastern sailfish stocks.

Additional concern was raised about the increased interest in the Hinton-Nakano model, which is based on several assumptions about both longline gear and the behavior of billfish that may not be accurate. Specifically, the use of this estimation technique may result in much higher, and potentially false, stock level estimates for billfish than current stock assessment models. There was concern that higher stock level estimates would likely result in increased pressure to revise catch limits for the Atlantic Ocean billfish stocks. The working group recommends the support of current efforts to test the sensitivity of the assumptions of this model.

The working group also discussed the "Future of ICCAT" proposal that was presented earlier in the meeting by U.S. ICCAT Commissioners Glenn Delaney and Rolland Schmitten. Although expressing general support for the overall plan, there was concern that many constituencies could be inadvertently overlooked in the process. The working group recommends that all efforts be made to include groups not necessarily represented within the Advisory Committee process.

Billfish Working Group Members
Robert Eakes (Chair)
Maumus Claverie
Peter Foley
Robert Hayes
Don Nehls (Technical Advisor)
Ellen Peel
Robert Zales (Technical Advisor)

Other Attendees
David Kerstetter (VIMS, Rapporteur)
Gerald Scott (NMFS)

Attachment 2

Report of the Bluefin Tuna Working Group

Advisory Committee to the U.S. Section to ICCAT

2001 Advisory Committee Species Working Group Workshop

Holiday Inn Silver Spring
April 9-10, 2001

Bradford C. Chase, *Convener*
Rachel Husted, *Rapporteur*

The Bluefin Tuna Working Group met on April 9th from 5:00 to 8:00 pm and again on April 10th from 8:00 to 10:00 am during the species working group workshop of the US Advisory Committee for the International Committee for the Conservation of Atlantic Tunas (ICCAT). A summary of recommendations from the three previous workshops was distributed and progress on these recommendations was discussed. Presentations were received from working group members on ongoing research programs. Molly Lutcavage discussed both the ongoing deployments of high technology tags in the Gulf of Maine and proposed exploratory longline cruises in the Central Atlantic. David Secor discussed progress on the use of otolith microconstituents to identify stock structure of bluefin tuna. Working group member, Pete Barrett, distributed a memorandum on recreational fishery interests related to ICCAT, and briefed us on specific proposals.

The Working Group discussed numerous topics related to Atlantic bluefin tuna and formulated these discussions into the following recommendations. A reoccurring theme in these discussions was the poignant dissatisfaction with western Atlantic bluefin tuna management as an inefficient design that creates a disadvantage for US interests both in terms of access to the resource and influencing conservation efforts in the east Atlantic.

Research Recommendations

1. Central Atlantic Research. The Working Group supports the planned cooperative research on bluefin tuna aggregations in the Central Atlantic. There are important questions on the relationship of these aggregations to the reproductive biology of bluefin tuna and Atlantic stock structure. ICCAT recognized the importance of this research with a resolution last fall that included a 15 mt research quota. We recommend that NMFS seek funding to support the proposed longline cruises in 2001.

2. Stock Structure Research. The Working Group discussed ongoing research that seeks to

define Atlantic bluefin tuna stock structure. The Working Group recommends continued support of ongoing efforts using genetics and otolith microconstituents. We also encourage the Advisory Committee and constituents to assist in identifying opportunities to collect young-of-the-year bluefin which have been elusive to date.

3. High Tech Tagging. Initial high-technology tagging research has yielded important insight on the migration pathways of Atlantic bluefin tuna. The Working Group strongly recommends continued high level support for fishery-independent high tech tagging studies to identify bluefin movement in the North Atlantic. We also urge development of modeling approaches that will allow timely incorporation of results from tagging into bluefin stock assessments. We acknowledge the progress made during the SCRS Malta meeting on tagging and urge nations fishing in the east Atlantic to continue to develop and expand fishery independent tagging activities, and to maintain a high level of international cooperation.

4. Alternative Stock Structure Hypotheses. The Working Group recommends that NMFS prepares a document and presentation for the Advisory Committee fall meeting on the implications of several alternative hypotheses on Atlantic bluefin tuna stock structure. The ICCAT Intersessional on mixing should provide a synthesis of available information on mixing rates and be timely for this request. The effectiveness of the 45° line in Atlantic stock management is suspect and new approaches are available for evaluation. We request that the consequences of various mixing rates be evaluated under scenarios of the existing stock line, modified stock boundaries and no boundary. We also request that the concept of metapopulations (populations that are linked through migration) is explored as an alternative to the current two-stock concept for bluefin tuna.

5. Fishery-Independent Abundance Indices. The Working Group expresses continued support for research that may lead to a fishery-independent index of abundance for western Atlantic bluefin tuna. This includes the application of aerial surveys and other new technologies towards an annual survey design that is based on a relationship with stock abundance.

<u>Management Recommendations</u>

1. Initiative to Improve ICCAT Process. The Working Group agreed that the effort to improve the functionality of ICCAT and US effectiveness in this forum should be a priority for the US Section in the coming year. Strong approval was expressed for the proposal presented by the U.S. Commissioners earlier this meeting. The Working Group recommends that support for this initiative should be encouraged at all levels of participation (including public and scientific circles) and that the Advisory Committee send a letter voicing the support of all Working Groups. We also encourage the Advisory Committee to establish a working group to assist this process.

2. Management of Atlantic Stocks of Bluefin Tuna. The working group expressed frustration and great concern over current stock management for bluefin tuna in the Atlantic Ocean. Evidence is mounting that indicates the two-stock approach may not be the most effective

or efficient management plan. Credibility of this working hypothesis and management strategy is at an all-time low. The separation of west and east stocks has put our interests at a disadvantage in negotiating solutions to serious compliance problems in the east. This separation gives the U.S. little effective leverage to deal with chronic problems in the east. The Working Group recognizes the need to integrate ongoing research into management solutions for Atlantic bluefin tuna. We believe that the upcoming ICCAT Intersessional on tuna mixing is critical and encourage open participation from principal researchers and ICCAT managers. We recommend that SCRS seek enhanced efforts to deploy high-technology tags in the east Atlantic on major fishing grounds to compliment efforts in the west. We recommend that a framework be developed at the Intersessional that sets a process in motion to hold subsequent meetings between fish managers and scientists on the synthesis of recent mixing information into changes in Atlantic tuna management.

3. Potential Impacts of Tuna Farming on ICCAT Quota. The Species Working Group notes with concern the apparent proliferation of operations involving the holding of giant and juvenile bluefin tuna primarily in the Mediterranean Sea. The group is concerned that this practice is occurring prior to the development and implementation of adequate management measures to properly account for catches against the respective national quotas. The Group is concerned that this practice could result in higher removals from the stock and that such catches could be hidden by claims of growth or fattening in the cage holding operations. The group recommends that the U.S. Commissioners, with the assistance of U.S. scientists through their participation in SCRS, seek resolutions of this issue at the 2001 ICCAT meeting. The technology exists to accurately monitor bluefin sizes at the time of entry into holding operations. If participants are unwilling or unable to monitor input sizes then we recommend that ICCAT impose the conservative alternative of using harvest weights to tally quotas.

4. Allocation Criteria. The Working Group recognizes the critical importance of the upcoming ICCAT meeting on Allocation Criteria (May, Brussels). The Working Group encourages the US Delegation to prioritize the protection of our traditional fisheries and importance of historical participation, both in term of harvest and compliance.

5. Eastern Stock Assessment and Rebuilding Plan. The inability of SCRS to conduct a stock assessment on eastern bluefin tuna because of insufficient catch reporting is a symptom of the fundamental problems that now confront ICCAT. SCRS recommended that catches in the east should not exceed 25,000 mt in 1998. Despite this recommendation, the 2000 quota was set substantially higher and no assessment was done. Without an assessment update or stronger resolution to comply with existing measures we anticipate the disappointment of the 2000 quota allocations will reoccur in 2001. We recommend that the US Section to ICCAT and SCRS continue to seek an assessment update and the construction of a rebuilding plan for the eastern stock.

6. Alternative Approaches to Minimize Size Violations. At the 2000 workshop we requested information from SCRS on catch records of undersized bluefin tuna in the East Atlantic and

Mediterranean Sea. The purpose was to evaluate catch patterns and explore the feasibility of applying time/area closures to reduce the large overharvests of undersized bluefin. This request is still pending. Our intention is to use the catch records to explore alternative approaches to resolving this long-standing problem. The outcomes could include market solutions as well as time/area closures. At this point, we direct our request to NMFS for this information and ask that the issue be introduced at the Integrated Monitoring meeting scheduled in May.

7. Western Allocation of small bluefin (8 percent measure). The Working Group expressed concern that the 8% restriction on small bluefin catches in the western Atlantic is not the most efficient approach for our recreational fisheries. There was interest in initiating steps toward increasing the 8% cap to provide more opportunity for traditional recreational fisheries. We request as a first step that NMFS evaluate the consequences of shifting mortality from larger school bluefin to smaller bluefin tuna. Our hope is that a resource-neutral shift can be made to increase small bluefin catches. If the shift can be made within the context of the existing rebuilding plan then the US can seek to modify the 8% measure within ICCAT.

Working Group Members

Pete Barrett
Jim Budi(Technical Advisor, absent)
Brad Chase (Convener)
Jim Donofrio (Technical Advisor)
Michael Genovese
Molly Lutcavage (Technical Advisor)
Richard Ruais
David Secor (Technical Advisor)
Greg Stone (Technical Advisor, absent)
Steve Weiner (absent)
Peter Weiss

Other Attendees

Mark Amarello (ex-officio)
Rachel Husted (Rapporteur)

Attachment 3

Report of the Swordfish Working Group

Advisory Committee to the U.S. Section to ICCAT

2001 Advisory Committee Species Working Group Workshop

Holiday Inn Silver Spring
April 9-10, 2001

Pete Jensen, *Convener*
Jill Stevenson, *Rapporteur*

The Swordfish Working Group met on April 9th from 5:00 to 8:00 pm and again on April 10th from 8:00 to 10:00 am during the species working group workshop of the US Advisory Committee for the International Committee for the Conservation of Atlantic Tunas (ICCAT). A summary of recommendations from the three previous workshops was distributed and progress on these recommendations was discussed. The Working Group discussed numerous topics related to Atlantic swordfish and formulated these discussions into the following recommendations.

Research and Monitoring Recommendations

1. **Stock Assessment.** The United States should support a 2002 stock assessment of North and South Atlantic swordfish by SCRS to determine rebuilding progress.

2. **U.S. Reporting.** NMFS should reformat the Marine Recreational Fishery Statistical Survey (MRFSS) to capture night-time recreational landings and improve the quality of U.S. swordfish catch data submitted to ICCAT.

3. **Observer Coverage (Domestic).** NMFS should increase observer coverage of HMS fisheries to at least 5 percent, including the developing swordfish recreational and hand gear fisheries. *Note: NMFS proposes to increase 2001 observer coverage of pelagic longline fleet; target is approximately 8 %.*

4. **Observer Coverage (International).** The United States should request an update and review on compliance of all nations with observer requirements and an IAC review of the quantity and quality of observer program data submitted by each nation to SCRS.

5. **Stock Structure.** The working group supports continue research on stock resolution using molecular genetics. The United States should ensure Japanese follow-through on research commitment, consistent with ICCAT recommendation, and review the results of such research.

6. **Bycatch Mortality.** The working group supports the development of a research program to determine survival rate of released swordfish from all gear types using pop-up tags or other appropriate methodology.

7. **Vessel Tracking.** The United States should encourage countries to comply with ICCAT VMS recommendation and support evaluation of ICCAT pilot program results.

Management Recommendations

1. **Reduce Undersized Swordfish Mortality** At the SCRS swordfish working group meeting, the U.S. delegation should be prepared to work with other delegations to identify areas of high catch of undersized swordfish, and other species of concern (sharks, marlins, tuna). SCRS should schedule an intersessional meeting to complete identification of time and area closures and agree upon data needs and methodology for the 2002 assessment. Finally, the United States should be prepared to introduce, if necessary, or support at the 2001 Commission meeting an ICCAT recommendation for a 2002 intersessional meeting on these topics.

2. **Trade/Compliance.** Continue to pursue additional, more effective strategies that support multi-lateral authority to implement unilateral measures including trade restrictive measures against Parties that do not comply with ICCAT management measures (e.g., diminished effectiveness of ICCAT measures when trade of a species from a country exceeds that country's quota).

3. **Allocation Issues.** In 2001, endorse an aggressive approach to solving allocation criteria issues. Address compliance as one of the most important allocation criteria. The United States should aggressively defend its allocated shares for *all* species. The U.S. delegation should be prepared to address the European Community's challenge to the U.S. South Atlantic swordfish quota. The IAC should be represented in addition to ICCAT Commissioners at the May 2001 meeting of the Working Group for allocation criteria.

Swordfish Working Group Members

Pete Jensen (Convener)
David Borden
Elizabeth Lauck

Other Attendees

Jerry Scott (NMFS)
Chris Rogers (NMFS)
Jill Stevenson (NMFS, Rapporteur)

David Wilmot
Nelson Beideman
Gail Johnson
Vince Pyle
Steve Berkeley
Putnam MacLean

Attachment 4

Report of the Bigeye, Albacore, Yellowfin, and Skipjack (BAYS)
Tunas Working Group

Advisory Committee to the U.S. Section to ICCAT
2001 Species Working Group Workshop

Holiday Inn Silver Spring
April 9-10, 2001

Dr. John Mark Dean, Convener
Kim Blankenbeker, Rapporteur

I. Recommendations for BAYS Tunas

A. Data

1) NMFS should meet with its state counterparts and the Atlantic Coastal Cooperative Statistics Program (ACCSP) to develop improved recreational and commercial landings data and develop new mechanisms to collect data in all regions (including the Caribbean) throughout the year. NMFS should develop a certification program for state agencies and/or organizations (such as universities) within those states to delegate data collection efforts (see attached statement).

2) Given the insufficiency of the U.S. landings data reported to ICCAT, NMFS should continue to report recreational BAYS landings as provisional, and these data should not be used for future allocation purposes. Data collected through the mechanisms in item 1 above will increase the quality and quantity of the data necessary to resolve this issue, which has been described in several previous reports from this SWG. All verifiable historical data collected and not previously reported should be incorporated into future statistical reports provided to ICCAT.

B. Research

1) The United States should conduct life history studies on BAYS tunas, including age and growth, reproduction, stock structure, and essential fish habitat studies. NMFS is encouraged to have this research conducted by third parties, where appropriate.

2) NMFS management should prepare a report in table form for the Spring 2002 Advisory Committee SWG meeting, and annually thereafter, that consists of a detailed listing of research projects on HMS species. The list should include all NOAA projects (both in-house and externally funded) and identify as many projects outside the government as possible. Specifically, the table should be composed of the following elements: Project title, investigator, affiliation, level of funding or budget allocation, man-years of effort, source of funding, time frame, and type of deliverable. (The table should list projects from all Federally funded sources, including but not limited to: NMFS, Sea Grant, Marfin, Saltonstall-Kennedy, and Wallop-Breaux. To the extent practicable, effort should also be made to determine the extent of projects funded by sources outside the Federal Government, such as outside foundations (e.g. Packard

Foundation, Pew Trust), states, universities, etc.)

3) Economic impact and economic benefit studies of recreational fisheries that target BAYS tunas should be conducted. An outline/proposal of the proposed economic impact and economic benefit studies should be provided to the Advisory Committee for discussion at the Spring 2002 Committee meeting.

C. Management

General Comment: The BAYS working group is very concerned that ICCAT members and other countries risk violating ICCAT recommendations if they harvest or accept undersized yellowfin and/or bigeye tunas, process them, and export the product into the United States duty-free. This is possible under the African Growth and Opportunity Act recently passed by Congress. This is analogous to the issue faced by our swordfishermen and is counter to the conservation of ICCAT species.

1) The United States should pursue international rebuilding programs for all overfished BAYS tuna stocks, in particular northern albacore and bigeye, considering their domestic importance. Given the nature of the U.S. fisheries for BAYS tunas, the United States should only be responsible for a proportional share of the burden associated with rebuilding.

2) The United States should seek to ensure that nations harvesting bigeye and yellowfin tunas comply with ICCAT's 1997 recommendation to improve compliance with minimum size recommendations and take steps to accelerate the implementation of measures to reduce the harvest of these tunas that are less than the minimum size, including implementing the provisions of the minimum size compliance measure.

3) Recognizing that the Gulf of Guinea is an important area for recruitment in the BAYS tunas fisheries, ICCAT should continue to direct efforts to investigate these fisheries and develop effective measures to reduce the mortality of sublegal fish in this area, including continued analysis of such measures directed at rebuilding tuna stocks.

4) Consistent with number 3 above, the SCRS should continue to identify spawning grounds and other areas of high concentrations of juvenile BAYS tunas (along with other HMS) and the United States should continue to support recommended international time/area closures and/or sanctuary areas for the BAYS tunas and other HMS, where needed.

5) The United States should seek a measure that would reiterate the responsibility to provide basic catch data and establish penalties for non-reporting. Specifically, ICCAT could create a process analogous to the IUU process that would identify those ICCAT members egregiously violating catch data reporting requirements.

6) The United States is encouraged to provide technical support/assistance to developing states to assist in the development of effective fishery management practices, including data collection and reporting (see item 5 above), in order to facilitate the full participation of these countries in ICCAT and their adherence to ICCAT's conservation and management measures.

II. Recommendations for Other Species:

A. Sharks

1) The United States should actively support efforts of the SCRS to conduct stock assessments for blue, mako, and porbeagle sharks as soon as possible after the 2001 data preparatory meeting and no later than 2002.

2) The United States should vigorously pursue an agreement to eliminate the practice of retaining only the fins of sharks while discarding the carcasses. The provisions of the U.S. Fishery Management Plan for Atlantic Highly Migratory Species pertaining to the ratio of fins to carcasses landed should be presented to ICCAT.

3) In the ICCAT forum, the United States should encourage the live release and tagging, when possible, of juvenile sharks.

4) The United States should conduct life history studies on sharks, including age and growth, reproduction, stock structure, and essential fish habitat studies. NMFS is encouraged to have as much of this research as possible conducted by third parties.

B. Dolphin and Wahoo

1) The United States should urge ICCAT to collect Task I data for dolphin and wahoo, so that databases for these species can be established or improved. If NMFS will work with the states as recommended in Section I(A), recommendation 1, it is likely that the quantity and quality of the data necessary will be collected in that activity and our ICCAT participation will be exemplary.

III. Other Issues:

A. Monitoring

1. NMFS should conduct a workshop to identify cooperative research with regard to at-sea data collection methods (e.g., observers, VMS, electronic logbooks) with a view to moving these issues into the ICCAT arena in the future.

2. The BAYS Working Group supports Japan's large-scale monitoring initiative in principle, but notes a number of items, such as VMS and real time data reporting, could be applied more broadly in ICCAT fisheries than contemplated in the Japanese proposal. Additional analysis of these applications should be conducted by the United States. In addition, the United States should consult with Japan regarding the possible addition of new items, such as the development of an ICCAT flagging program which would clearly indicate those vessels that are permitted to fish in the Convention area and the addition of language on compliance and on technical assistance.

B. Future of ICCAT

1. The working group is generally supportive of the Commissioner's initiative concerning the future of ICCAT, and would like to stress its concern for the continued viability of the organization. Forming strategic alliances, including with non-traditional ICCAT partners, to achieve conservation and

management goals should be considered as this could create an incentive for uncooperative members to alter their views and behavior.

BAYS Tunas Working Group Members

Eleanor Bochenek (Technical Advisor)
Virdin Brown
John Mark Dean (Convener)
Bob Eakes (Absent - temporarily reassigned to Billfish)
Bob McAuliffe (Technical Advisor)
Ernie Panacek (Technical Advisor)
Ellen Pikitch
Greg Skomal (Technical Advisor)
Steve Sloan
Randi Parks Thomas (absent)

Other Attendees

Kim Blankenbeker (NMFS, Rapporteur)
Nikki Brajevich (Department of State)
Jerry Scott (NMFS SEFSC)

Appendix to BAYS Tunas 2001 Report

STATEMENT BY STEPHEN SLOAN TO THE 2001 BAYS TUNA WORKING GROUP

After review of the 2001 BAYS tunas working group report, I wish to correct an inadvertent error. For the years 1994-2000 inclusive, and now 2001, the BAYS working group has had requests from recreational members to include language in its reports that objected to the amount of yellowfin tuna catch reported by NMFS to ICCAT. For the aforementioned years, the recreational community believes the true amount of recreational yellowfin catch is between 18,000 and 22,000 mt. NMFS has refused, despite many requests, to do the requisite study to determine the correct amount of yellowfin tuna recreational catch. A case in point was northern albacore where the United States was held to less than 2 percent of the TAC because of the previous 10 year average. The northern albacore TAC for the United States was determined to average 600 mt per annum. Therefore, if this system is used in the event TACs are established for yellowfin tuna, the U.S. recreational quota would be the fraction 5000/165000 mt instead of 18000-22000/165000 mt, a difference of over 300 percent. Before NMFS disenfranchises the yellowfin tuna recreational fishery and fishermen, a correction of the current number is in order (which has been outlined and requested since 1994). A correct count of the recreational yellowfin tuna fishery is once again urgently requested. (Signed: Stephen Sloan)

Note: It was determined at November 2000 ICCAT meeting that the 10-year average recreational catch of northern albacore was 450 mt and commercially was 150 mt.

(See Section I(A), recommendations 1 and 2, of the 2001 BAYS working group report for relevant recommendations.)