

**Report of the Advisory Committee to the  
U.S. Section to the International Commission  
For the Conservation of Atlantic Tunas (ICCAT)**

**October 10, 2013  
(Closed Session)**

**Summary:** The Advisory Committee (IAC) to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) met in closed session on October 10, 2013, in Silver Spring, Maryland. The IAC considered recent information related to bilateral consultations as well as new scientific information and management updates for ICCAT species including bluefin, bigeye, yellowfin, albacore, and skipjack tunas, swordfish, sharks, marlins, and sailfish. The IAC also reviewed information related to the work of the Working Group on Convention Amendment, the Permanent Working Group, and the upcoming elections. The IAC provided advice on possible U.S. positions and strategies for the 2013 ICCAT Annual Meeting. Dr. John Graves (Chair of the IAC) presided over the closed session. Due to the partial government shutdown, the U.S. government was represented by the Department of State; NOAA was not in attendance. The agenda for the closed session is included as Attachment 1.

### **I. Questions from the Committee regarding SCRS scientific advice**

It was decided that any questions regarding advice from the SCRS would be discussed during the species-specific deliberations of the Committee.

### **II. Committee business**

Dr. Graves informed the Committee that he submitted a grant to NOAA for three years of funding for the IAC, which was approved. It is estimated that after expenses for the fall meeting and committee member travel to the ICCAT meeting in Cape Town that the current award will have a balance of about \$20,000. Dr. Graves has requested a no cost extension for the current award to apply any remaining funds toward the purchase of a new sound system.

Dr. Graves tentatively planned the 2014 Spring Meeting for the week of March 3-7, pending consultation with the Commissioners.

Dr. Graves announced that the U.S. Delegation to ICCAT will include Rich Ruais, Jack Devnew, Mike McGowan, Rick Weber, Sonja Fordham, and Gerry Leape.

Dave Kerstetter announced that the Planning and Review Subcommittee made a unanimous decision to nominate Dr. John Graves to continue as IAC Chairman, and brought the nomination to the Committee as a motion. The motion was seconded by several Committee members and adopted by acclamation.

### **III. Update on other consultations/issues**

#### **Overview of consultations**

Deirdre Warner-Kramer from the Department of State briefed the Committee on the outcome of bilateral consultations on ICCAT-related matters, including conversations with Canada, Mexico, and Russia. The primary goal of this outreach was to provide a general sense of U.S. objectives and priorities and seek similar information from other Contracting Parties. Outreach efforts will continue in the weeks leading up to the 2013 ICCAT Annual Meeting. Ms. Warner-Kramer noted that planned bilateral consultations with the EU, Norway, and Ghana were up in the air due to the U.S. government furlough, as was U.S. participation in the annual quadrilateral meeting with Japan, the EU, and Canada scheduled for the end of October. In addition to species-specific concerns and efforts to build support for a fins-attached requirement for sharks, broad-based outreach has taken place on a number of other issues. She reported specifically that the United States has been working with Canada and the EU on the high seas boarding and inspection issue.

One Committee member inquired if the IAC will make specific recommendation for panels and species. Dr. Graves replied that a U.S. position setting meeting has not been scheduled, and he would encourage Federal Commissioner Russell Smith to hold a conference call prior to that meeting so that views and advice could be provided directly to him by Committee members. Another member was concerned with the outcome of the U.S. transfer of 150 t of swordfish quota to Morocco to facilitate a gear transition, noting Morocco's subsequent withdrawal from the project. The member inquired whether Morocco or other countries expressed interest in a similar transfer. Ms. Warner-Kramer replied that we have not been approached by Morocco or other countries for a transfer of quota to support that kind of work.

### **2013 ATCA Identification Review**

Ms. Warner-Kramer provided the IAC with an update on the identification review required by the Atlantic Tunas Convention Act (ATCA). ATCA Section 971d(c)(6) requires NMFS, in consultation with DOS, to "*identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the Convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation.*" Ms. Warner-Kramer stated that no countries were identified under this year's ATCA identification review.

One Committee member asked if there were updates on the Magnuson-Stevens Act (MSA) identification process. Ms. Warner-Kramer replied that the MSA requires the Secretary of Commerce to submit a report to Congress on IUU fishing, sharks, and bycatch issues. The most recent report came out in January 2013 in which 10 countries were identified for IUU fishing and one country for bycatch issues. Currently NMFS is in the two year consultation process and will produce a progress report in January 2014.

## **IV. Discussion of Options**

### **Panel 1**

The Committee is supportive of SCRS plans for a skipjack assessment next year. Several Committee members stated that we need to push forward the process in Recommendation 11-01 for the SCRS to look at the efficacy of FAD closed areas. Committee members also inquired if

data has been compiled on the transfer of effort from the Indian Ocean to the Atlantic. One member was concerned with whether there is information about bycatch of small bigeye and yellowfin tunas in the increased purse seine catches of skipjack. The Committee noted the importance of the Compliance Committee reviewing implementation of the port sampling plan developed by SCRS last year to help determine this information.

## **Panel 2**

### *Northern Albacore*

The Committee agreed that the United States should seek to maintain the multiyear flexibility for the U.S. fleet without changing the total allowable catch (TAC) for northern albacore. One committee member inquired about the harvest control rule for albacore and swordfish and whether it is related to Marine Stewardship Council (MSC) certification. It was clarified that the Commission asked the SCRS to develop limit reference points on a pilot basis for two stocks (northern albacore and North Atlantic swordfish), as a number of RFMOs are taking up this approach as part of the Kobe process. It was also noted that the MSC certification process does also take into account whether RFMOs have established harvest control rules with limit reference points for relevant fisheries.

### *Bluefin*

Regarding western bluefin, several members of the Committee urged that the United States seek an increase in the TAC for western Atlantic bluefin, arguing that an increase would greatly benefit the U.S. industry without significantly affecting the probability of rebuilding. The requests for a higher TAC ranged from a 50 t increase (to 1,800 t) to an additional 200 t (to 1,950 t). One Committee member expressed concern about the HMS Amendment 7 process and how that will affect bluefin and swordfish management. The member relayed that many in the Committee support a 200 t increase in the western bluefin quota to alleviate uncertainty under Amendment 7. The member pointed out that management advice from the SCRS suggests that biomass would continue to increase with catches up to 2,000 t, leaving room for an increase above the current TAC of 1,750 t. The member called for the SCRS to analyze a range of TAC levels between 1,750 t and 2,000 t. Another member responded that the SCRS recommended that stock growth would be needed to determine recruitment. One member pointed out that the SCRS was answering a request by the Commission to test the stock-recruitment relationship and that the decision to set the TAC is a management decision, not a decision of the SCRS.

One Committee member stated that when the stock recruitment changed from high to low, it was abrupt, not a gradual change. The member said that in order to get back to high recruitment levels, we would have to know where the threshold is, but we are not currently dealing with all of the variables. This member noted the clear effects of climate change being seen and recent unusual movements of stocks for which we do not fully understand the cause. The member stated that he had previously supported the current TAC level, but had now lost faith that we would ever return to a high recruitment paradigm. The member went on to say that because of this uncertainty, the decision to follow the high recruitment versus low recruitment scenario is no longer about science, but about economics. Another member agreed and added that the United States should be in a position to do research and construct an index using our fleets and data from landings and observers. A few members echoed what was said and stated that they are

seeing more fish but have not caught them and need to find a way to assess the numbers of fish. One member stated that it would take very little additional quota to fix the problems under Amendment 7, even 50-100 t, and that the carry-forward of underharvest must at least be maintained at 10% or even increased.

One Committee member stated that we should support the 1,750 t TAC and look toward the results of the upcoming stock assessment. Another member suggested the SCRS change the bluefin assessment, which is to be run with new mixed stock models, from 2015 to 2017 to have more information.

One member proposed that we set a TAC that would cover more than one year, for example a total TAC of 3500 t for 2014 and 2015. Dr. Graves posed the question to the Committee if they would support a two-year combined TAC to allow flexibility with Amendment 7. There was some agreement among members. One member suggested increasing the 10% rollover of underharvest instead of going to a two-year measure. Dr. Graves pointed out that there is not agreement on the rollover issue, but the Committee seems more prepared to accept a two-year TAC.

Regarding eastern bluefin, one Committee member pointed out that the eastern recovery program has been touted as a success in European news articles and emphasized that any action in the east must consider the overall bluefin tuna fishery and the effects of the eastern TAC on western fisheries. The member said that the TAC in the Mediterranean and the east must allow enough emigration to the west. A few members gave the opinion that since the eastern bluefin is a two-year measure it will not be reopened this year. One member disagreed based on the level of debate on eastern bluefin at the SCRS meeting and whether the measure would need to be opened to make changes to the 2014 assessment recommendation.

One member presented a position on eastern Atlantic and Mediterranean bluefin, asking to maintain the TAC at current levels until a new assessment is available. The member also presented recommendations to address overcapacity, for the SCRS to focus all resources on a more reliable stock assessment by 2015, and regarding fish farming, which will be circulated in a paper.

### **Panel 3**

One Committee member supported maintaining the TAC for southern albacore and stated that the information for the new assessment is much more accurate.

### **Panel 4**

#### *Swordfish*

Regarding northern swordfish, one Committee member stated that, in total, North Atlantic harvesters exceeded the TAC by about 300 t, which was not a surprise because we have been right at the limit. The member urged that any decrease in quotas to fit within the TAC must be equal across all quota-holders and not harm the United States disproportionately. The member noted that the United States could support an increase in the TAC to better accommodate the

current allocations. Another member cautioned that we shouldn't seek an overall increase in TAC when the United States is not catching its full quota and supported status quo. The member pointed out that Amendment 7 affects swordfish as well as bluefin.

One Committee member recalled the requirement that new quota recipients submit fishery development plans and that the United States should start pushing for timelines for those countries to actually develop their fishery or lose their quota. Another member recounted that the U.S. fleet is not fishing because swordfish from Canada is entering the U.S. market and depressing U.S. fishers' prices. One member cautioned that the United States be careful with allocating quota given what occurred with Morocco.

Regarding southern swordfish, a few Committee members urged the United States to retain its quota in order to remain in the discussion.

### *Billfish*

Dr. Graves pointed out that a significant measure, including country-specific quotas, was put in place last year for blue and white marlin. One Committee member inquired whether there are opportunities for sailfish this year, and Dr. Graves replied that sailfish measures in previous years have met considerable opposition due to the unknown impact of artisanal fisheries.

### *Sharks*

The Committee agreed the United States should continue to press the fins attached proposal. One Committee member urged that the "no data, no fish" measure be enforced. The member also supports banning the retention of porbeagle and setting strict catch limits for blue and mako sharks until we have a stock assessment. Another member replied that the United States does more than anyone else to conserve sharks and that we should not be pushing new measures, such as for porbeagle, shortfin mako, and blue shark, until other countries come up to our level.

## **Compliance Committee and elections**

Dr. Graves pointed out that this is Chris Rogers' last year as Compliance Chair. Ms. Warner-Kramer stated that all positions are up for election this year including Chair of the Commission, the Panels, Compliance Committee, PWG, and STACFAD. The United States has heard interest from Stefaan Depypere from the EU for the Commission Chair and someone else from the EU for Compliance Chair. The United States was considering putting itself forward for Panel 2. The Chairs of Panels 1, 3, and 4 are expected to remain, but it was unknown whether the current chairs of STACFAD and PWG intended to continue. Ms. Warner-Kramer asked the Committee where we should put our priorities.

Several Committee members agreed that the EU candidates are a good start and that the United States should Chair a major group such as Panel 2. One member suggested that Dr. Rogers may have recommendations for a good successor.

Dr. Graves stated that there were no compliance tables to review. One member asked about "no data, no fish" and how the Compliance Committee will respond if countries say they could not submit data because they don't have the resources. Ms. Warner-Kramer replied that "no data, no

fish” is designed to be applied automatically, but she also noted that there are funds available within ICCAT to assist parties to build capacity for data collection.

One Committee member presented a report, which had already been shared with Dr. Rogers as Compliance Committee Chair, outlining potential irregularities in catch and farming reports in certain Mediterranean bluefin fisheries.

### **Permanent Working Group (PWG)**

Ms. Warner Kramer noted that several issues were anticipated, including VMS, high seas boarding and inspection regime, and advancing the use of IMO numbers as a unique vessel identifier. One Committee member hoped that progress would be made on these issues.

### **Plenary, including Working Group on Convention Amendment**

Ms. Warner-Kramer introduced Patrick Pearsall from the Department of State, a legal adviser to the U.S. delegation to the Working Group. Ms. Warner-Kramer recalled that the IAC was informed of the progress of the Future of ICCAT Working Group each time it met and that in 2012 and 2013, the IAC species working groups were requested to develop recommendations on Convention issues. She emphasized that these discussions had already informed the early development of U.S. positions and priorities.

The Committee discussed different options to expand and clarify the scope of the Convention. A few Committee members expressed concerns that the current workload of SCRS was very heavy, and questioned whether adding sea turtles, mammals, and seabirds would take up time and resources that should go to tuna and tuna-like species. One member stated that the United States needs to look at where we want the Convention to go over the next 2-3 decades. He pointed out that the decision will affect priorities and that other RFMOs manage sharks but are still able to deal well with tuna. Another member replied that given the restricted resources, prioritizing would mean that something is left off. One Committee member urged that it should be more difficult under the current Convention to add new species.

Ms. Warner-Kramer explained that in the preliminary discussions at the Working Group, most seemed to agree that the Convention could already be read to allow ICCAT to take measures regarding the bycatch of sharks and other species in fisheries for tuna or tuna-like species. The debate in the Working Group focused on what changes might be appropriate to expand ICCAT’s mandate to cover management of directed fisheries for sharks or other species. Mr. Pearsall emphasized that a key U.S. goal is to make sure the Convention catches up to what we are already doing within ICCAT as well as to make sure it covers what we may want or need to do in the future.

Several Committee members expressed concern at the prospect of including the ecosystem and precautionary approaches in the Convention. Mr. Pearsall explained that the U.S. proposal submitted with Brazil and Norway created a new article establishing several general principles to guide the Commission’s work, including a call to apply the precautionary approach in accordance with relevant internationally agreed upon standards, as we are already doing. Mr.

Pearsall also read the text from the paper on the ecosystem approach and reiterated that he would take questions back to the Working Group head of delegation, Bill Gibbons-Fly. One Committee member stated great skepticism of the ecosystem approach, as even managing a single species is challenging.

## **V. Strategies and Priorities**

The Committee considered that these matters had been adequately covered during the discussion of the various issues. Dr. Graves invited Committee members to distribute position papers supporting their views to the rest of the IAC. He added that the meeting report will go to the Commissioners and form the basis for the Committee's input to the position setting process. Dr. Graves thanked Staci Rijal, Luis Leandro, and Carrie Soltanoff for their support of the Committee meeting. The meeting was adjourned by the Chair.

**Attachment 1**

AGENDA

**Advisory Committee to the U.S. Section to the International  
Commission for the Conservation of Atlantic Tunas**

*Fall Meeting  
Sheraton Hotel  
8777 Georgia Ave.  
Silver Spring, MD*

CLOSED SESSION

**SESSION 1: Thursday, October 10, 2013**

*John Graves, Advisory Committee Chairman, presiding*

***(NOTE: Advisory Committee Members, Ex Officio State Representatives and Federal Government Officials only)***

- 1:15 pm      I. Questions from the Committee regarding SCRS scientific advice
- 1:30pm      II. Committee Business (*Graves*)
- A. Funding/Budget
  - B. Dates for 2014 Spring Meeting
  - C. U.S. Delegation to ICCAT in 2013
  - D. Election of IAC Chairman
- 1:45 pm      III. Update on other consultations/issues
- A. Overview of Consultations (*Warner-Kramer*)
  - B. 2013 ATCA Identification Review (*Warner-Kramer*)
  - C. Other matters
- 2:00pm      IV. Discussion of Options (break as needed)
- Panel 1
  - Panel 2
  - Panel 3
  - Panel 4
  - Compliance Committee
  - Permanent Working Group (PWG)
  - Plenary, including Working Group on Convention Amendment, elections
- \*6:00pm      V. Strategies and Priorities

\*Ideally, we will finish our discussions by 6:00 pm on Thursday. If not, we will reconvene at 8:30 a.m. on Friday.