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***BLUEFIN TUNA ADDENDUM***  
***to the***  
***DRAFT Highly Migratory Species Fishery Management Plan***

**Chapter 1: INTRODUCTORY MATERIAL**

*February 8, 1999*

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*The Addendum follows the same format and structure as the draft HMS FMP, but only includes sections of the draft FMP which have been modified in some way. Sections which are not changing at all have been indicated as such by (STET), and are not included in the Addendum. The final HMS FMP will combine information from the Addendum and the draft HMS FMP.*

**1.3 Summary**

This document is the Bluefin tuna Addendum to the draft Fishery Management Plan (FMP) for Atlantic tunas, swordfish, and sharks, highly migratory species (HMS) that inhabit the Atlantic Ocean and adjacent waters. The draft HMS FMP and Addendum replace the existing Atlantic Shark and Atlantic Swordfish FMPs, and establish an FMP for Atlantic tunas. Domestic management of these species presents several interesting problems for fishery managers. First, several Atlantic HMS have been identified as “overfished” (western Atlantic bluefin tuna, Atlantic bigeye tuna, North Atlantic swordfish, and large coastal sharks (LCS)). Building and maintaining sustainable HMS fisheries is particularly challenging given the fact that many nations fish for these species. For most Atlantic HMS fisheries, the United States accounts for a fraction, and in several cases, a small fraction, of total fishing-related mortality of the species. Consistency in implementation and enforcement of conservation and management measures by all fishing nations is an important management problem that affects domestic HMS management and is considered in the FMP and Addendum. Also, bycatch mortality of Atlantic HMS can further depress overfished stocks, slowing rebuilding, and representing an opportunity cost to users of the resource. Other problems under consideration are common to many fisheries: assuring optimal data collection and streamlining and updating the management program. These management problems are addressed through a set of objectives for the FMP that can be found in Section 1.5 of the draft FMP.

Atlantic tunas and swordfish fisheries are managed under both domestic and international mechanisms. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary domestic legislation governing management of the nation’s marine fisheries. In the international forum, the International Commission for the Conservation of Atlantic Tunas (ICCAT), a multi-national cooperative management body, provides scientific information and management recommendations for stocks of Atlantic tunas, swordfish, and billfish (which are managed under a separate FMP). In the United States, ICCAT

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recommendations are implemented under the authority of the Atlantic Tunas Convention Act (ATCA). U.S. fisheries are also managed consistent with requirements of the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and several other acts, as described in Chapter 8 of this document. The United States Congress reauthorized the Magnuson-Stevens Act in 1996 and included a new emphasis on the precautionary approach in U.S. fishery management policy. New provisions of the Magnuson-Stevens Act require managers to halt overfishing and rebuild overfished fisheries; to minimize bycatch and bycatch mortality, to the extent practicable; and to identify and protect essential fish habitat (EFH). However, these provisions are coupled with the recognition that management of HMS needs international cooperation and that rebuilding programs must reflect traditional participation in the fisheries by U.S. fishermen, relative to foreign fleets. The FMP and Addendum addresses these new requirements and requirements of other legislation, and incorporates new scientific information into Atlantic HMS management.

To date, Atlantic sharks and Atlantic swordfish have been managed under the authority of the Magnuson-Stevens Act by separate FMPs. Until preparation of these documents, there has been no FMP for Atlantic tunas. Swordfish and tunas are also managed under the authority of ATCA. Wherever possible, implementing regulations for the FMP and Addendum will be issued under the dual authority of the Magnuson-Stevens Act and ATCA. The FMP integrates management for the Atlantic tunas, swordfish, and sharks fisheries, replacing the existing FMPs. The FMP and Addendum was developed in coordination with the development of Amendment 1 to the Atlantic Billfish FMP. Billfish (blue marlin, white marlin, longbill spearfish, and sailfish) are highly migratory species that the Secretary of Commerce has the authority to manage under both the Magnuson-Stevens Act and ATCA. Billfish are managed under a separate FMP, given the unique characteristics of the billfish fishery. It should be noted, however, that the strategies and objectives of the domestic billfish management program are similar to and consistent with those of the FMP and Addendum. Indeed, several preferred alternatives in the billfish and HMS FMPs are complementary.

Development of this document began in September 1997 with the formation of the HMS Advisory Panel (AP). The HMS AP was established under a requirement of the Magnuson-Stevens Act, and is composed of representatives of the commercial and recreational fishing communities, conservation and academic organizations, the five regional fishery management councils involved in Atlantic HMS management, the Atlantic and Gulf coastal states, and the U.S. ICCAT Advisory Committee. Members of the HMS AP and their affiliations are listed in Appendix 1. The HMS AP met six times during development of the draft FMP and provided extensive guidance to NMFS during that time. The draft FMP and Addendum do not necessarily reflect all of the views expressed by the AP members, however, input from the advisory panels was extremely helpful in allowing NMFS to consider all aspects of the management issues. NMFS appreciates the contributions of each AP member to the HMS management process, and encourages fishery participants to communicate with AP representatives regarding issues of concern in their fisheries. All AP meetings are open to the public and NMFS holds AP meetings throughout the HMS fishing region.

In October 1997, NMFS prepared and distributed a scoping document, *Issues and*

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*Options for Management of Atlantic Highly Migratory Species* to serve as the starting point for consideration of issues for the FMP and Addendum. The scoping document described major issues in the fishery, legal requirements for management, and potential management measures that could be considered for adoption in the FMP. The scoping document was the subject of 21 public hearings that were held in October and November 1997 throughout the management area. The scoping meetings allowed NMFS to gather information from participants in the fisheries, and provided a mechanism by which the public could provide input to NMFS early in the FMP development process. Following the scoping meetings, this document was revised and reviewed several times by the HMS AP and interested members of the public. Drafts that were considered by the HMS AP reflected new information in both the scientific (e.g., the June 1998 Shark Evaluation Workshop) and management (e.g., the final guidelines to implementation of the National Standards for fishery conservation and management) spheres. Some of the very latest information, such as the results of the September 1998 ICCAT stock assessment for bluefin tuna, was not available at the time of publication of the draft FMP. The information from the 1998 BFT stock assessment, as well as the results of the November 1998 ICCAT meeting, have been incorporated into this Addendum, and will be incorporated in the final version of the HMS FMP.

The FMP and Addendum incorporates all existing management measures for Atlantic tunas and North Atlantic swordfish that have been issued previously under the authority of the Atlantic Tunas Convention Act. It also incorporates all existing management measures for north Atlantic swordfish and Atlantic sharks that have been issued previously under the authority of the Magnuson-Stevens Act. Notable modifications or additions to the existing management program are discussed in this document. All existing management measures are retained under ~~this~~ the FMP and Addendum; modifications to some measures are explicitly discussed below. Should NMFS determine that further changes are necessary, they will be made through the FMP amendment process or through rulemaking as described in the framework provisions (section 3.12). The FMP and Addendum includes rebuilding programs for HMS that have been designated as “overfished.” The rebuilding program includes status determination criteria that allow managers to determine whether overfishing is occurring or a stock is overfished. Other measures proposed in the HMS FMP and Addendum are listed below and are presented in generally the same order in which they are presented in the text. Section numbers where the alternative can be found follow each preferred alternative in parentheses. The list of proposed measures is followed by a set of tables (tables 1.1-1.5) that summarize current regulations as well as the FMP and Addendums’ preferred alternatives by gear type. Table 1.6 summarizes current and proposed measures affecting shark fishermen. Table 1.7 summarizes current and proposed permitting and reporting requirements for HMS dealers.

- Adopt quotas and time periods to support rebuilding of Western Atlantic Bluefin tuna, North Atlantic swordfish and large coastal sharks stocks (2.4 - 2.5);
- Limit access to the shark and swordfish fisheries; require shark or swordfish limited access permit to gain access to the bigeye, albacore, yellowfin, and skipjack (BAYS) tunas fisheries (4.5 - 4.7);
- Implement observer coverage on charter/headboat vessels, and in the bluefin tuna purse seine and harpoon fisheries (3.5);

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- Prohibit the use of drift gillnets in Atlantic tunas fisheries (2.3.7);
  - Establish a “School Reserve” category in the bluefin tuna fishery (3.2.1);
  - Change the fishing year for Atlantic tunas to June 1 through May 31 (3.6);
  - Close the Florida Straits to pelagic longline fishing gear between July and September, including a requirement for use of a vessel monitoring system (VMS) and gear marking for all HMS commercial net and longline fisheries (2.4.3);
  - Close an area off the Mid-Atlantic and New England coast to pelagic longline fishing gear during the month of June to reduce dead discards of bluefin tuna (2.3.2.6);
  - Change the quota monitoring procedures for the Atlantic swordfish fishery including counting dead discards against the quota and accounting for recreational fishing mortality (2.4.2);
  - Require attendance at a vessel operator education workshop for all pelagic longline vessel operators (2.4.4);
  - Require all vessel operators who must complete logbooks to submit them within 24 hours of hauling a longline or drift gillnet set, or within 24 hours of completing fishing activities for the day (3.5);
  - Implement recommendations of the Atlantic Offshore Cetacean Take Reduction Plan relevant to pelagic longline vessels (2.4.4);
  - Implement the recommendations of the Large Whale Take Reduction Plan (2.5.2.3);
  - Develop and implement a bycatch and bycatch mortality reduction outreach program for recreational HMS fishery participants (3.5);
  - Allow retention of only those shark species known or expected to be able to withstand specified levels of fishing mortality (2.5.1.1);
  - Change the system of opening and closing shark fisheries and making seasonal quota adjustments (2.5.1.2);
  - Establish catch and release fishing only for recreational shark fisheries for large coastal and small coastal sharks with a limit of one pelagic shark/vessel/trip (2.5.1.3);
  - Require that all sharks landed by recreational anglers have heads, tails, and fins attached (2.5.1.3);
  - Extend the anti-finning prohibition for sharks to all sharks (2.5.2.4);
  - Dissolve the Shark Operations Team (2.5.2.6);
  - Change the quotas for pelagic and small coastal sharks and establish a separate quota for porbeagle sharks and for dead discards of blue sharks (3.4);

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- Require all charter/headboat vessels to obtain an annual vessel permit and to submit logbooks for all HMS trips (3.5);
  - Require registration for all HMS tournaments (3.5); and
  - Establish new procedures for issuing experimental fishing permits for sharks (2.5.2.5).

**Table 1.1** What the Draft HMS FMP and Addendum Mean to Pelagic and Bottom Longline Fishermen.<sup>1</sup>

Species	Landings Allowed	Permit required	Reporting & Monitoring required <sup>2</sup>	Annual quota	Season opening	Minimum size	Trip limit/Incidental catch limits
Swordfish	yes	yes; limited access proposed	Observer coverage and logbook	yes	June 1 Dec. 1 Time/area closure <sup>3</sup>	29" (73 cm) cleithrum to keel	15 swordfish per trip during closure of directed N. Atlantic fishery.
Bluefin Tuna (BFT)	yes	yes-Atlantic tunas LL permit <sup>4</sup>	Observer coverage and logbook, if selected; in addition, BFT must be tagged	yes	Jan. 1 <sup>3</sup>	73" curved fork length for sale	<u>North of 34° N:</u> 1 BFT not to exceed 2% of catch by weight <u>South of 5° N:</u> Jan 1 - April 30: 1 BFT with ≥1500 lb of other target species May 1-Dec. 31: 1 BFT with ≥ 3500 lb of other target species
Yellowfin / Bigeye Tuna	yes	yes-Atlantic tunas LL permit <sup>4</sup>	Observer coverage and logbook	no	no season	27" curved fork length	no
Other Tunas	yes	yes-Atlantic tunas LL permit <sup>4</sup>	Observer coverage and logbook	no	no season	no	no
Large Coastal Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>5</sup>	Jan. 1 July 1	Ridgebacks: 4.5 feet (137 cm) fork length	4,000 lb trip limit Incidental catch limits <sup>6</sup>
Pelagic Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>5</sup>	Jan. 1 July 1	no	Incidental catch limits <sup>6</sup>
Small Coastal Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>5</sup>	Jan. 1 July 1	no	Incidental catch limits <sup>6</sup>
Prohibited Species <sup>7</sup>	no	no	yes	N/A	N/A	N/A	N/A

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP and Addendum. Please refer to the regulations for details of current requirements.

<sup>2</sup>Observer coverage and logbooks if selected; logbooks should be filled out within 24 hours of hauling set. In addition, VMS is required for pelagic longliners. NMFS will publish the specifications for vessel monitoring systems at a later date. Please contact NMFS before you purchase a vessel monitoring system.

<sup>3</sup>NMFS proposes to close the Florida Straits to pelagic longline fishing from July-September in order to reduce discards of juvenile swordfish; NMFS also proposes to close an area off the Mid-Atlantic and New England coast to reduce dead discards of BFT.

<sup>4</sup>Swordfish or shark limited access permit also required. To obtain an Atlantic Tunas Longline permit, call 1-888-USA-TUNA or go to [www.usatuna.com](http://www.usatuna.com).

<sup>5</sup>Dead discards and state landings after Federal closures are proposed to be counted against Federal quotas.

<sup>6</sup>For limited access permit holders: 5 LCS per trip; a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip.

<sup>7</sup>Prohibited for possession by pelagic and bottom longline fishermen: White marlin, blue marlin, sailfish, longbill spearfish, and the following sharks: sand tiger, bigeye sand tiger, whale, basking, white, dusky, night, bignose, Galapagos, Caribbean reef, narrowtooth, Caribbean sharpnose, smalltail, Atlantic angel, blue, longfin mako, bigeye thresher, sevengill, sixgill, and bigeye sixgill sharks.

**Table 1.2** What the Draft HMS FMP and Addendum Mean to Recreational HMS Fishermen.<sup>1</sup>

Species	Landings Allowed	Permit required	Reporting required	Annual quota	Catch Limit	Season opening	Minimum size
Swordfish	yes	no	Large Pelagics Survey (LPS) and Marine Recreational Fisheries Statistical Survey (MRFSS) only	subtracted from Incidental catch quota	no	June 1	29" (73 cm) cleithrum to keel eel
Bluefin Tuna	yes	yes <sup>2</sup>	LPS/MRFSS Tournament registration & reporting Call-in reporting 888-USA-TUNA	yes	may change throughout season <sup>3</sup>	June 1	27" curved fork length
Yellowfin (YFT)/ Bigeye Tuna	yes	yes <sup>2</sup>	LPS/MRFSS Tournament registration & reporting	no	3 YFT per person per day	June 1	27" curved fork length
Other Tunas	yes	yes <sup>2</sup>	LPS/MRFSS Tournament registration & reporting	no	no	June 1	none
Large Coastal Sharks	no	no	LPS/MRFSS Tournament registration & reporting	no, see below <sup>4</sup>	catch and release only	N/A	N/A
Pelagic Sharks	yes	no	LPS/MRFSS Tournament registration & reporting	no, see below <sup>4</sup>	1 pelagic shark per vessel per trip	January 1	none
Small Coastal Sharks	no	no	LPS/MRFSS Tournament registration & reporting	no, see below <sup>4</sup>	catch and release only	N/A	N/A
Prohibited Species <sup>5</sup>	no	no	yes	N/A	N/A	N/A	N/A

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP and Addendum. Please refer to the regulations for details of current requirements.

<sup>2</sup>To obtain an Atlantic Tunas permit, call 1-888-USA-TUNA or go to [www.usatuna.com](http://www.usatuna.com).

<sup>3</sup>Anglers are advised to call 1-888-USA-TUNA to check catch limits before fishing.

<sup>4</sup>Known sources of mortality to be included in establishing catch limits.

<sup>5</sup>Sharks prohibited for possession by recreational fishermen include: sand tiger, bigeye sand tiger, whale, basking, white, dusky, night, bignose, Galapagos, Caribbean reef, narrowtooth, Caribbean sharpnose, smalltail, Atlantic angel, blue, longfin mako, bigeye thresher, sevengill, sixgill, and bigeye sixgill shark.

**Table 1.3** What the Draft HMS FMP and Addendum Mean to Commercial Harpoon Fishermen<sup>1</sup>

Species	Landings Allowed	Permit required	Reporting & Monitoring required	Annual quota	Catch Limit	Season opening	Minimum size	Miscellaneous
North Atlantic Swordfish	yes	yes; limited access proposed	Logbook	yes: subtracted from Longline/Harpoon quota	none	June 1	29" (73 cm) cleithrum to keel	Gear marking
Bluefin Tuna	yes	yes	Logbook, observer coverage	yes: Harpoon Category or General Category	Harpoon category: 73" to <81": 1 fish per day ≥81": no limit General category: ≥73": 1 fish	June 1	73" curved fork length	Gear marking Airplanes allowed

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP and Addendum. Please refer to the regulations for details of current requirements.

**Table 1.4** What the Draft HMS FMP and Addendum Mean to Purse Seine Fishermen<sup>1</sup>

Species	Landings Allowed	Permit required	Reporting & Monitoring required	Annual quota	Catch Limit	Season	Minimum size	Miscellaneous
Bluefin Tuna	yes	yes—limited to current owners	Observer coverage and logbook, if selected	yes; Individual Vessel Quota (IVQ)	<73": 1% per trip incidental take (no sale) deducted from IVQ ≥73": IVQ	For each vessel, August 15 to Dec. 31 or date when IVQ is filled	73" curved fork length, except for 1% incidental take	Incidental take allowed while fishing for YFT and skipjack
Other tunas	yes	yes—limited to current owners	Observer coverage and logbook, if selected	no		June 1 to May 31	YFT, bigeye: 27" curved fork length Skipjack, albacore, bonito: none	Season ends when BFT IVQ is filled.

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by this the FMP and Addendum. Please refer to the regulations for details of current requirements.



**Table 1.5** What the Draft HMS FMP and Addendum Mean to Commercial Rod & Reel/Handline Fishermen<sup>1</sup>

Species	Landings Allowed	Permit required	Reporting & Monitoring required	Annual quota	Catch Limit	Season	Minimum size	Miscellaneous
Bluefin Tuna	yes	yes	Observer coverage, logbook and LPS/MRFSS, if selected.	yes; General category	1 BFT $\geq$ 73" curved fork length per day	June 1 to date when quotas is filled (quota divided into subquotas)	73" curved fork length	
YFT, BFT	yes	yes	Observer coverage, logbook and LPS/MRFSS, if selected.	no	no	June 1 to May 31	27" curved fork length	
Other tunas	yes	yes—limited to current owners	Observer coverage, logbook and LPS/MRFSS, if selected.	no	no	June 1 to May 31	none	
Swordfish	yes	yes	Logbook	yes	no	June 1 to May 31	29" (73 cm) cleithrum to keel	
Large Coastal Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>2</sup>		Jan.1-June 30; July 1-Dec. 31	Ridgebacks: 4.5 feet (137 cm) fork length	4,000 lb trip limit Incidental catch limits <sup>3</sup>
Pelagic Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>2</sup>		Jan.1-June 30; July 1-Dec. 31	no	Incidental catch limits <sup>3</sup>
Small Coastal Sharks	yes	yes; limited access proposed	Observer coverage and logbook	yes <sup>2</sup>		Jan.1-June 30; July 1-Dec. 31	no	Incidental catch limits <sup>3</sup>

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP and Addendum. Please refer to the regulations for details of current requirements.

<sup>2</sup>Dead discards and state landings after Federal closures are proposed to be counted against Federal quotas.

<sup>3</sup>For limited access permit holders: 5 LCS per trip; a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip.

Table 1.6 What the Draft HMS FMP Means to Atlantic Shark Fishermen<sup>1</sup>

<p>The following sharks could not be kept commercially or recreationally: Whale, basking, sand tiger, bigeye sand tiger, white, dusky, night, bignose, Galapagos, Caribbean reef, narrowtooth, blue, longfin mako, bigeye thresher, sevengill, sixgill, bigeye sixgill, Caribbean sharpnose, smalltail, and Atlantic angel sharks.</p>				
Management Unit	Species that can be kept	Quota	Size Limit	Authorized Gears
Large Coastal Sharks - trip limit of 4,000 lb dw	<u>Ridgeback</u> : Sandbar, silky	642	4.5 feet (137 cm) fork length	LL; DGN; Rod and reel; handline; bandit gear
	<u>Non-ridgeback</u> : Blacktip, spinner, tiger, lemon, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead	218	None	
Pelagic Sharks	Shortfin mako, thresher, oceanic whitetip	550	None	
	Porbeagle	30		
	Blue (dead discard quota)	273		
Small Coastal Sharks	Atlantic sharpnose, blacknose, finetooth, bonnethead	359	None	
<p><u>Additional remarks:</u>                  All sharks not retained must be released in a manner that ensures the maximum probability of survival                  No finning any sharks no matter what species                  Fishing year Jan 1- June 30; July 1- Dec 31                  Season-specific quota overage and underage adjustments; no reopening that year                  Limited access proposed                  Exempted Fishing Permit (EFP) requirements                  Count dead discards against Federal quota                  Count state landing after Federal closure against Federal quota</p>				
Management Unit	Species that can be kept	Bag Limit	Authorized Gear	
Pelagic sharks	Shortfin mako, thresher, oceanic whiteip, porbeagle	1 shark per vessel per trip	Rod and reel; handline; bandit gear	
Large & Small Coastal Sharks	None	Catch and release only		
<p><u>Additional remarks:</u>                  Landed sharks must have fins, head, and tail attached (can be bled if tail is still attached)</p>				

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP. Please refer to the regulations for details of current requirements.

**Table 1.7** What the Draft HMS FMP Means to HMS Dealers<sup>1</sup>

Species	Permit required	Reporting	
		U.S. Fish	Imported Fish
Swordfish	yes	yes	yes; proposed Certificate of Eligibility <sup>2</sup>
Bluefin Tuna	yes	yes	yes; Bluefin Statistical Document
Other Tunas	yes	yes	No ATCA restrictions currently apply. NOAA Form 370 required in certain instances.
Sharks	yes	yes	no

<sup>1</sup>This table presents existing regulations as well as measures that are proposed by the FMP and Addendum. Please refer to the regulations for details of current requirements.

<sup>2</sup>Contact Jill Stevenson of NMFS Highly Migratory Species Management Division (301-713-2347) for a copy of the proposed rule.

## 1.4 International Considerations

### *International Rebuilding*

During the development of the draft FMP and Addendum, a principal discussion at AP meetings revolved around the relationship between international management and domestic management of Atlantic HMS. Since 1966, ICCAT has been responsible for international conservation and management of tuna and tuna-like fishes. ICCAT's stated objective is to "cooperate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes." All of the Atlantic HMS including tunas, swordfish, and billfish, but with the exception of the shark species, are currently subject to ICCAT management authority.

The United States Congress, in amending the Magnuson-Stevens Act, was clearly aware that these species support international fisheries. For instance, the U.S. Congress included HMS in the rebuilding provisions of § 304, and directed the Secretary of Commerce to address rebuilding of these stocks. Additionally, § 304(e) provides for consideration of recommendations by international organizations and specifies that rebuilding programs for HMS must reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

NMFS recognizes that there must be international cooperation to rebuild ICCAT-managed fisheries. For those species subject to ICCAT management authority, the United States share of the total reported landings in 1996 is as follows: 55 percent of bluefin tuna landings in the

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western Atlantic, 25 percent of swordfish landings in the north Atlantic, six percent of Atlantic yellowfin tuna landings, and one percent of Atlantic bigeye landings. Unilateral reduction of the U.S. quota may not have a significant effect from a biological perspective, if the international Total Allowable Catch (TAC) remained the same and the U.S. share were reallocated or otherwise harvested. Further, any unilateral action that would reduce U.S. fishing effort may not reflect traditional participation in the fishery relative to foreign competitors and thus may not be consistent with the Magnuson-Stevens Act. By law, the United States must provide its fishing vessels with a reasonable opportunity to harvest an allocation, quota of fish, or fishing mortality level specified by international agreement. The Magnuson-Stevens Act also requires the United States to minimize, to the extent practicable, any disadvantage to U.S. fishermen in relation to foreign competitors.

NMFS has seriously considered the concerns of the AP as well as the requirements of the Magnuson-Stevens Act in determining how to develop rebuilding plans for these internationally fished stocks. The FMP and Addendum addresses overfishing and rebuilding in the international context, in that it analyzes the international quota levels that would be necessary to rebuild stocks that are subject to ICCAT management authority. While NMFS recognizes that it cannot take unilateral quota action once it accepts an ICCAT quota recommendation, NMFS believes that it is possible to comply with the Magnuson-Stevens Act by using the rebuilding provisions in ~~this~~ the FMP and Addendum as the foundation for negotiations at ICCAT. Although ICCAT recommendations include minimum sizes, quotas, and compliance measures, these measures are not currently implemented as a coordinated rebuilding plan. A formal rebuilding program must allow overfished stocks to rebuild to the appropriate level to produce maximum sustainable yield (MSY) in a clearly specified time period that is as short a time as possible within the international context. The rebuilding program must include targets for recovery, limits, and explicit interim milestones expressed in terms of measurable improvement of the stock. While the FMP and Addendum forms the foundation for U.S. policy, NMFS recognizes that other factors may affect U.S. strategy in developing the U.S. position and negotiating at ICCAT.

The ICCAT Standing Committee on Research and Statistics (SCRS) has identified Atlantic bluefin tuna as over-exploited, and in 1997, ICCAT approved a resolution requesting SCRS to develop additional recovery scenarios for Atlantic bluefin tuna. Based on the 1998 stock assessment, parties at the 1998 meeting of ICCAT established a rebuilding program for western Atlantic BFT with the goal of reaching MSY in 20 years and adopted a recommendation to set the annual TAC at 2,500 mt, including a 79 mt allowance for dead discards (See Appendix 2 for a copy of the ICCAT recommendation). The landing quota allocated to the United States was increased by 43 mt from 1,344 mt to 1,387 mt, to apply annually, until such time as the TAC is changed based on advice from SCRS. The 1998 recommendation does not use the term “scientific monitoring” to describe the western Atlantic BFT quota, but the recommendation requires all contracting parties, entities, and fishing entities to provide the best available data for the assessment of the stock by the SCRS, including information on the catches of the broadest range of age classes possible.

ICCAT has also identified north Atlantic swordfish as over-exploited. In 1996, SCRS reported that total swordfish biomass corresponding to MSY levels in the north Atlantic may not be achieved in five or ten years without substantial reductions in catch from current levels. Unless recruitment increases substantially, a constant quota for a declining stock implies ever-increasing

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levels of fishing mortality. SCRS has suggested that target fishing mortality rates are less risky than constant catches for rebuilding over-fished stocks. These target fishing mortality rates are usually translated into corresponding quotas which require adjustment after each assessment, depending on the status of the stock. In response to the findings of SCRS, ICCAT implemented a substantial reduction in quotas for 1997 through 1999. However, in order to allow for an increase in stock biomass, SCRS has maintained that the level of harvest needs to be immediately reduced below the level of replacement yield. North Atlantic swordfish quotas will be re-evaluated by ICCAT at the 1999 meeting.

Although the bigeye tuna stock has not been identified as over-exploited, SCRS has determined that under the current exploitation pattern, and assuming recruitment at recent average levels, yields would be expected to decline in the near future to levels below MSY. ICCAT has recognized the danger that could be presented by the recent increase in bigeye tuna catches, especially increased landings of juveniles in the equatorial fishery by non-U.S. vessels. An observer program was mandated in 1995 to determine the incidences of catches of undersized fish resulting from the use of fish aggregating devices (FADs), with special emphasis on time/area analyses. ICCAT requested that, based on this program and other available information, SCRS determine the measures necessary to reduce catches of undersized fish that threaten the sustainability of this fishery.

For sharks, which are not managed pursuant to ICCAT recommendations, the FMP addresses rebuilding requirements through domestic measures. No international management regimes currently exist; however, several international organizations do collect scientific and trade data on Atlantic sharks (ICCAT, International Council for the Exploration of the Sea, International Union for the Conservation of Nature Shark Specialist Group, Northwest Atlantic Fisheries Organization, Convention on International Trade in Endangered Species Animals Committee, Latin American Organization for Fishery Development). NMFS recognizes that international cooperation is important, and the United States is actively pursuing international management of sharks through the FAO consultation process and regional management of sharks through cooperative discussions with Canada and Mexico. Despite the lack of international management, NMFS believes that strong domestic management is warranted due to the fact that several important nursery areas (notably Delaware Bay, Chesapeake Bay, Bull's Bay, and Florida Bay) are located within U.S. waters. Therefore, proactive domestic management should greatly enhance rebuilding of shark stocks by protecting the most sensitive juvenile and subadult life history stages (see Chapter 2). As these stages are critical to rebuilding U.S. shark populations which also migrate into international waters, domestic management is also a critical element for successful international shark management.

### *International Compliance*

NMFS concurs with the AP's concern about the lack of international compliance with ICCAT's management regimes. The agency shares the concern of U.S. fishery participants that their sacrifices may not result in the desired conservation effects when other nations fail to implement and enforce similar measures. Lack of compliance can diminish the effectiveness of ICCAT's recommendations and could impede the progress of any rebuilding plans that ICCAT develops. Thus, the United States has taken the lead in developing measures to encourage compliance by both ICCAT member countries and non-member countries.

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Recognizing that compliance with catch limits is essential to the conservation of Atlantic bluefin tuna and north Atlantic swordfish, ICCAT adopted a recommendation to this effect in 1996. At the 1997 meeting, and each year thereafter, each ICCAT member nation with landings that exceed the catch limit for that species in the previous fishing year will explain to the Compliance Committee how the overharvest occurred, and the actions already taken, or to be taken, to prevent further overharvest. If, in the applicable management period any member nation exceeds its catch limit, its catch limit will be reduced in the next subsequent management period by 100 percent of the amount in excess of such catch limit, and ICCAT may authorize other appropriate actions. If any member nation exceeds its catch limit during any two consecutive management periods, ICCAT will recommend appropriate measures, which may include but are not limited to, reduction in the catch limit equal to a minimum of 125 percent of the excess harvest, and if necessary, trade restrictive measures. Any trade measures will be import restrictions on the subject species that are consistent with each nation's international obligations. The trade measures will be of such duration and under such conditions as ICCAT may determine.

ICCAT has also approved a binding recommendation to improve compliance with minimum size regulations. At the 1998 meeting, and each year thereafter, each ICCAT member nation that has harvested any bluefin tuna weighing less than 1.8 kg, or whose harvest of any ICCAT stock exceeds the specified minimum size tolerance level must explain: a) the magnitude of the overharvest; b) domestic measures implemented to avoid further overharvest; c) monitoring of compliance with domestic measures; and d) any other actions to be taken to prevent further overharvest. Beginning at the 2000 meeting, if any member nation's actions have failed to prevent further overharvest, ICCAT may recommend measures to reduce the harvest of undersized fish, which may include, but are not limited to, time and area closures, assignment of small fish quotas, and/or gear restrictions.

Several other measures have been designed by ICCAT to further compliance with conservation and management measures, including resolutions on vessel sighting, port inspection, and cooperation with non-contracting parties. In 1997, member countries approved a binding recommendation to establish a vessel monitoring system pilot program. It is likely that compliance will be a priority for the United States again at the 1998 meeting. Consistent with other applicable law, the FMP provides a framework to take necessary action under ICCAT compliance recommendations. However, while the FMP forms the foundation for U.S. policy, other factors may affect U.S. strategy in negotiating at ICCAT. The FMP will be reviewed on a continuing basis, and promptly whenever a recommendation has been made by ICCAT, and conservation and management measures will be revised as appropriate.

## **1.5 Problems for Resolution**

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## **1.6 Objectives**

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## **1.7 Management Unit**

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**REFERENCES CITED IN CHAPTER 1**

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