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PA2-620

## **The Pew Charitable Trusts' Statement During the Second Comment Period of Panel 2 November 2020**

Now that ICCAT is entering the second comment period for correspondence on issues pertinent to Panel 2, The Pew Charitable Trusts offers the following thoughts for the Panel's consideration. In our opening statement (PA2\_611), we supported each of the Chair's original proposals for management of albacore and bluefin tuna stocks, recognizing the difficulty in negotiating finer details under our current circumstances. As such, we are happy to see that issues related to the north Atlantic albacore and east Atlantic and Mediterranean bluefin tuna are progressing as the Chair originally suggested. We reiterate our support for those efforts, including for executing the north Atlantic albacore harvest control rule to set a new total allowable catch for 2021. There may be some allocation decisions still to be finalized, but the overall management of those stocks should be finalized during this second comment period. We also support the Chair's recent correspondence (PA2-618) on the need for preliminary work on a series of topics prior to the virtual intersessional meeting in March 2021, and we agree with the Chair's proposal to follow a more ambitious agenda beyond just the fishing and farming plans. The detailed chronological instruction he has given Panel 2 should be a model for the Chairs of other ICCAT working groups in preparation for their own intersessional meetings.

Correspondence on western Atlantic bluefin tuna has, on the other hand, progressed in the wrong direction. Pew is concerned to read that some CPCs prefer to maintain the current TAC of 2350 t despite clear evidence from this year's stock assessment that overfishing is occurring and a general understanding in 2017 that the TAC would have to be lowered this year. When Panel 2 endorsed and ICCAT adopted an  $F_{0.1}$  approach for western bluefin, the assessment projections clearly indicated that higher catches for 2017-2019 would require a quota reduction this year. This year's updated assessment confirmed this and suggested that significant cuts would be required to have even a 50% chance of ending overfishing. Instead of taking this necessary and anticipated cut, some have called into question the accuracy of the stock assessment—the same one used to justify quota increases in 2017—and proposed the TAC be maintained until the indices in question can be corrected and a new assessment run in 2021. While there is a soft commitment to take more significant TAC reductions in future years, it is hard to have faith that will come to fruition given this recent history.

If ICCAT takes this approach, it would knowingly be adopting a TAC that the science shows will lead to a 94% likelihood of overfishing next year and further deplete the western bluefin stock. While we appreciate the SCRS Chair's assurance to Panel 2 that the two processes would not compete with each other, we are also concerned that a new assessment in 2021 would slow progress on the management strategy evaluation process, something that is desperately needed for this stock, especially in light of the members' willingness to delay necessary action to the future.

Fortunately, there is still an opportunity to adopt a measure that more closely aligns with the Chair's original proposal (PA\_608). Pew offers the below suggested edits and comments to the Chair's second proposal (PA2\_608A), which would uphold ICCAT's commitment to following the best available science by lowering the TAC to 1785 t in 2021, followed by TACs that stay on the same line of the SCRS advice table, until the MSE is completed and new TACs can be adopted through that process. This way forward would end overfishing with a nearly 60% likelihood from year one. If

ICCAT chooses another path forward, it is critical that Panel 2 adopt a series of TACs now that have a low probability of continued overfishing in 2022-23 rather than requiring endorsement of those TACs in 2021.

**Suggested amendments to the fifth paragraph of the preamble**

*TAKING INTO ACCOUNT the results of the 2020 western Atlantic bluefin tuna stock assessment update, which indicates a concern for maintaining the current TAC level for the next three years and includes the management scenarios the SCRS provided for the three-year projection period that address overfishing with a 50% probability; with varying probabilities.*

*Rationale: As alluded to in the Chair's comment, some of the options provided by the SCRS do not reach the 50% threshold. In fact, the options vary from 6% to 83% probability of ending overfishing in 2021.*

**Suggested amendments under the Chair's point (2) regarding amendments to paragraph 3 of Rec. 17-06**

*3. The annual total allowable catch (TAC), inclusive of dead discards, of ~~2,350 t~~ 1785 t, 1684 t, and 1633 t is established for 2021, 2022, and 2023, respectively.*

*Rationale: The 2021 TAC should be set at the PA2 Chair's original proposal of 1785 t, as supported by Canada, Norway, and the EU because this TAC is the highest level that would allow a nearly 60% chance of ending overfishing in 2021 (i.e., 58%). While Rec. 17-06 does not specify a minimum required percent likelihood, the 2019 P2 intersessional meeting agreed to using a minimum 60% likelihood for success in the bluefin MSE process. Additionally, ending overfishing is required by ICCAT Rec. 11-13: "Commission shall immediately adopt management measures...to result in a high probability of ending overfishing in as short a time as possible." The 2020 assessment found that overfishing started in 2018. Lastly, delaying necessary quota cuts will require even greater cuts in the future.*

**Suggested amendments under the Chair's point (3) regarding amendments to paragraph 4**

*4. The annual TACs in Paragraph 3 shall be reviewed and amended, as appropriate, in 2021 by the Commission on the advice of the SCRS. ~~The Commission at its 2021 meeting shall endorse the TACs for 2022 and 2023 at 1,685 t and 1,632 t, respectively unless the Commission decides otherwise based on new SCRS advice.~~ In support of this work, CPCs shall make special efforts, inter alia, to update abundance indices and other fishery indicators and provide them to the SCRS.*

*Rationale: If TACs are being suggested for 2022 and 2023, they should be identified in paragraph 3, along with the TAC for 2021, and they should be updated based on the relevant line in the SCRS advice table that also includes the TAC chosen for 2021. The deletion of the language highlighting the Commission's ability to change future TACs at the 2021 Commission meeting reflects the flexibility that the Commission always has to make such decisions based on new science. The function of our proposed edit is to adopt something this year that will be in effect through 2023 unless the Commission chooses to take action and renegotiate. As written, Panel 2 must reopen the western bluefin measure next year, even if there is no new science or if the science implies that no changes are necessary.*

**Comment on the Chair's point (4) regarding amendments to paragraph 6**

*Comment: The allocation tables should be updated for the final TAC. Following on the previous point, the allocation table should also already include allocated quotas for 2022 and 2023, again to avoid the need to reopen the western bluefin measure next year if there is no new science or if the science implies that no changes are necessary.*

**Suggested amendments under the Chair's point (5) regarding amendments to paragraph 7(a)**

7(a) Any underharvest of a CPC's total quota in a given year may be carried forward to the next year. However, in no event shall the underharvest that is carried forward exceed 10% of the CPC's initial quota allocation under paragraph 6\*, with the exception of UK (in respect of Bermuda), France (in respect of St. Pierre and Miquelon), and Mexico (i.e., those with initial allocations of 130 t or less), for which the underharvest that is carried forward shall in no event exceed 100% of the initial allocation under paragraph 6 (i.e., the total quota for such CPC shall not exceed twice its annual quota in any given year).

~~\*As an exception to this rule, for a temporary basis, the underharvest that is carried forward from 2020 onward may not exceed 25% of the CPC's initial quota allocation in paragraph 6.~~

*Rationale: This footnote should be removed since it is our understanding that landings data do not indicate anomalously high underages for 2020. If some CPCs have significant quota remaining, those values should be provided in a statement to P2 to explain this request. As stated in the 2008 ICCAT performance review, and reaffirmed in the 2016 review, carryforward of underharvest "is not considered to be good practice in fisheries management. The Panel strongly recommends that ICCAT immediately discontinue this practice of allowing the carry forward of uncaught allocations in all fisheries." This is especially true for a stock that has been subject to overfishing for the past 3 years.*

**Suggested amendments under the Chair's point (6) regarding amendments to paragraph 16**

16. The SCRS shall refine the MSE and continue testing the candidate management procedures. On this basis, **and in accordance with the SCRS workplan, in 2021 2022**, the Commission shall review the candidate management procedures and select one for adoption and implementation, including pre-agreed management actions to be taken under various stock conditions."

*Rationale: The SCRS workplan now includes submission of candidate management procedures to the Commission in 2022.*

**Suggested amendments under the Chair's point (7) regarding amendments to paragraph 17**

17. In 2021, the SCRS will conduct a full stock assessment for the western Atlantic bluefin tuna stock, including the review of the most recent available data such as abundance indices ~~and stock mixing~~ and provide advice to the Commission on the appropriate management measures, approaches, and strategies, including, inter alia, regarding TAC levels for that stock for future years." Such assessment shall be conducted in a way that does not negatively affect the other work of the SCRS, particularly the ongoing MSE work for BFT. **In order to assist this work**, an external expert shall be hired with a voluntary fund from Canada to review, prepare a report and present the findings to the BFT Species Group. No stock assessment shall be conducted in 2022."

*Rationale: We are unaware of any plans by the SCRS to evaluate mixing as part of a western stock assessment in 2021.*

*Further comment: Terms of reference (TORs) should be developed for both the WBFT stock assessment and the external expert review. Those TORs should be published somewhere, perhaps as an addendum to the SCRS advice document (PLE-104). The stock assessment TORs should specify the four elements (i-iv) included in PA2-17 to ensure that the assessment does not negatively affect the other SCRS work. It should be clear how the BFT workplan included*

*in PLE-104 will be amended to include this unexpected stock assessment. The external review TORs should outline the full scope and timeline for the review. For example, the language included here implies that the external expert might present the entire assessment to the BFT SG, not just the expert review. Is that the intention? And will this presentation be in 2021 or 2022? What are the minimum required qualifications for the external expert, and who will select him/her?*