

**EXPLANATORY NOTE ON DRAFT RECOMMENDATION BY ICCAT FOR A CONSERVATION AND
MANAGEMENT PLAN FOR WESTERN ATLANTIC BLUEFIN TUNA**

(Proposal by the United States)

The Recommendation by ICCAT for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna (Rec. 17-06), was amended and extended through 2022 by two separate recommendations (Recs. 20-06 and 21-07). With the current extension expiring at the end of 2022, ICCAT must adopt a new conservation and management measure this year. Given the anticipated adoption of a management procedure (MP) at this meeting, the United States has proposed a western Atlantic bluefin tuna measure that would incorporate the annual total allowable catch (TAC) level resulting from the application of an adopted MP and that maintains, and, where appropriate, updates other longstanding provisions related to the conservation and management of the stock. Specifically, PA2-615/2022 uses the amended Rec. 17-06 as a starting point and incorporates references to the Chair's draft *Recommendation by ICCAT Establishing a Management Procedure for Atlantic bluefin tuna to be Used for Both the Western Atlantic and Eastern Atlantic and Mediterranean Management Areas (PA2-613/2022)* in constructing the new measure. The preambular text has been revised from that of Rec. 17-06 (as amended) to provide context for the new proposed recommendation, in particular, its relationship to PA2-613/2022. The U.S. proposal does not yet include a proposed annual TAC level or time period as these will depend on which CMP variant is selected by Panel 2 and proposed for adoption by the Commission. Other changes to the operative text are aimed at bringing the provisions of Rec. 17-06 up-to-date by revising the years associated with certain actions; eliminating text that is no longer necessary; ensuring consistency between paragraphs, including those related to the TAC, allocations, and transfers; and updating the research provisions in line with activities identified by SCRS, including supporting priority work needed to facilitate the future reconditioning of the MSE operating models and review of the MP by 2028. We look forward to receiving feedback on the draft proposal before and during Panel 2 discussions at the 2022 ICCAT Annual Meeting.

**DRAFT RECOMMENDATION BY ICCAT FOR A CONSERVATION AND
MANAGEMENT PLAN FOR WESTERN ATLANTIC BLUEFIN TUNA**

(Proposal by the United States)

NOTING that the objective of the Convention is to maintain populations of tuna and tuna-like species at levels that will support maximum sustainable catch (usually referred to as Maximum Sustainable Yield (MSY));

MINDFUL that, in anticipation of completing a 20-year rebuilding program in 2018, the Commission adopted the *Recommendation by ICCAT for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna* (Rec. 17-06);

RECALLING that the SCRS, being unable to resolve recruitment uncertainty, provided short-term management advice in 2017 based on a fishing mortality rate ($F_{0.1}$) that the SCRS considered to be a reasonable proxy for F_{MSY} and that accounted for the effect of recruitment changes on stock biomass, which provided the basis for interim stock management pending development of a management procedure (MP) through the management strategy evaluation (MSE) process;

RECALLING FURTHER that Rec. 17-06 was amended and extended through 2021 by the *Recommendation by ICCAT Amending Recommendation 17-06 for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna* (Rec. 20-06) and that it was amended and extended again through 2022 by the *Recommendation by ICCAT Amending Recommendation 17-06 for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna* (Rec. 21-07), which included a modest increase in the total allowable catch (TAC) in line with the 2021 scientific advice;

FULLY AWARE of the intention to replace the interim conservation and management plan first adopted in 2017 with an MP tested through MSE to manage bluefin tuna fisheries more effectively in the face of identified uncertainties;

APPRECIATING the substantial work undertaken by ICCAT to advance MSE for bluefin tuna, including adoption of the *Resolution by ICCAT on Development of Initial Management Objectives for Eastern and Western Bluefin Tuna* (Res. 18-03), and intersessional activities aimed at finalizing these management objectives consistent with the Convention and *Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures* (Rec. 11-13) and *Recommendation by ICCAT on the Development of Harvest Control Rules and Management Strategy Evaluation* (Rec. 15-07);

RECOGNIZING the completed MSE framework developed by the SCRS that has been used to test candidate MPs to demonstrate tradeoffs between management objectives identified by Panel 2 with regard to stock status, safety, stability, and yield and considering the outcome of that testing, which also included examination of 2- and 3-year management cycles and the possible establishment of a minimum TAC change threshold;

WELCOMING the adoption of an MP in 2022 to establish TACs for both the eastern Atlantic and Mediterranean and western Atlantic bluefin tuna management areas starting in 2023;

RECOGNIZING that an important element of the MP is its review and that the SCRS has recommended that the first review be completed by 2028 to ensure the MP is performing as expected and to determine whether there are conditions that warrant: reconditioning the MSE operating models; retuning the existing MP; and/or considering alternate candidate management procedures or a new, full MSE;

HIGHLIGHTING the value of continued research on the stock, including increased fisheries and biological sampling, to provide additional support toward addressing some key uncertainties in the stock assessment and the MSE, including size structure of catches and releases, genetic samples for stock identification and genetic mark-recapture studies, age and growth estimation, and electronic tagging for monitoring stock migrations and rates of mixing;

RECOGNIZING the *Resolution by ICCAT on Criteria for the Allocation of Fishing Possibilities* (Res. 15-13);

RENEWING the commitment to the full implementation of existing mandatory reporting obligations including those in the *Recommendation by ICCAT Concerning the Recording of Catch by Fishing Vessels in the ICCAT Convention Area* (Rec. 03-13);

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. Contracting Parties and Cooperating non-Contracting Parties, Entities and Fishing Entities (CPCs) whose vessels have been actively fishing for bluefin tuna in the western Atlantic shall implement the following conservation and management plan starting in 2023, including establishing TACs based on the application of the bluefin tuna management procedure (MP) adopted in *Recommendation by ICCAT Establishing a Management Procedure for Atlantic bluefin tuna to be Used for Both the Western Atlantic and Eastern Atlantic and Mediterranean Management Areas* (Rec. 22-XX).

Effort and capacity limits

2. In order to avoid increasing fishing mortality of bluefin tuna in the eastern or western Atlantic, CPCs shall continue to take measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic and Mediterranean and from the eastern Atlantic and Mediterranean to the western Atlantic.

TACs, TAC allocations, and catch limits

3. In accordance with the application of the MP established in Rec. 22-XX, an annual total allowable catch (TAC), inclusive of dead discards, of [X,XXX t] is established for [2023 and 2024]. The TACs for the [2025-2026] period and [2027-2028] period shall be established at the [2024] and [2026] ICCAT annual meetings, respectively, in accordance with the application of the MP.
4. CPCs shall update abundance indices and fishery indicators annually and provide them to the SCRS when requested in support of the annual assessment by the SCRS of the occurrence of exceptional circumstances, as specified in Rec. 22-XX, and for other relevant scientific purposes as determined by the SCRS.
5. The allocation of the annual TAC, inclusive of dead discards, shall be as follows:
 - (a) The annual TAC shall include the following allocations:

<i>CPC</i>	<i>Allocation</i>
USA (by-catch related to longline fisheries in vicinity of management area boundary)	25 t
Canada (by-catch related to longline fisheries in vicinity of management area boundary)	15 t

- (b) After subtracting the amounts under paragraph 5(a), the remainder of the annual TAC will be allocated as follows:

	<i>If the remainder of the annual TAC is:</i>			
CPC	<2,413 t (A)	2,413 t (B)	>2,413-2,660 t (C)	>2,660 t (D)
United States	54.02%	1,303 t	1,303 t	49.00%
Canada	22.32%	539 t	539 t	20.24%
Japan	17.64%	426 t	426 t + all increase between 2,413 t and 2,660 t	24.74%
United Kingdom (in respect of Bermuda)	0.23%	5.5 t	5.5 t	0.23%
France (in respect of St. Pierre & Miquelon)	0.23%	5.5 t	5.5 t	0.23%
Mexico	5.56%	134 t	134 t	5.56%

- (c) Consistent with paragraphs 1, 3, and 5(b), the annual TACs for [2023 and 2024] result in the following CPC-specific quota allocations (not including by-catch allowances listed in 5(a)):

Annual TAC for [2023 and 2024]: [X,XXX t]

United States	[X,XXX.XX t]
Canada	[XXX.XX t]
Japan	[XXX.XX t]
United Kingdom (in respect of Bermuda)	[X.XX t]
France (in respect of St. Pierre & Miquelon)	[X.XX t]
Mexico	[XXX.XX t]

In no case shall the allocation to France (in respect of St. Pierre & Miquelon) and to the United Kingdom (in respect of Bermuda) be less than 4 t each in any single year unless the fishery is closed.

- (d) Depending on availability, Mexico can transfer up to [XXX.XX t] of its adjusted quota in each of [2023 and 2024] to Canada to support cooperative research as specified in paragraph 15.
- (e) Depending on availability, the United Kingdom (in respect of Bermuda) can transfer up to the amount of its adjusted quota in each of [2023 and 2024] to the United States to support cooperative research as specified in paragraph 15.
- (f) Depending on availability, France (in respect of St. Pierre & Miquelon) can transfer up to the amount of its adjusted quota in each of [2023 and 2024], to Canada to support cooperative research as specified in paragraph 15.
- (g) CPCs planning to engage in the cooperative research activities specified in paragraphs 5(d), 5(e), and 5(f) above shall: notify the Commission and the SCRS of the details of their research programs to be undertaken before they commence and present the results of the research to the SCRS.

6. A CPC's total quota shall include its allocations in paragraph 5, adjusted for underharvest or overharvest consistent with the remainder of this paragraph. Each year shall be considered as an independent management period for the remainder of this paragraph.
 - (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 5, with the exception of the United Kingdom (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 5 (i.e., the total quota for such CPC shall not exceed twice its annual quota in any given year).
 - (b) If, in the applicable management period, and each subsequent management period, any CPC has an overharvest of its total quota, its initial quota for the next subsequent management period will be reduced by 100% of the excess of such total quota, and ICCAT may authorize other appropriate actions.
 - (c) Notwithstanding paragraph 6(b), if a CPC has an overharvest of its total quota during any two consecutive management periods, the Commission will recommend appropriate measures, which may include, but are not limited to, reduction in the CPC's total quota equal to a minimum of 125% of the overharvest amount and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each CPC's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine.

Minimum fish size requirements and protection of small fish

7. CPCs shall prohibit the taking and landing of western Atlantic bluefin tuna weighing less than 30 kg or, in the alternative, having a fork length of less than 115 cm.
8. Notwithstanding the above measures, CPCs may grant tolerances to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative, having a fork length of less than 115 cm, provided they limit the take of these fish to no more than 10% by weight of the total bluefin tuna quota for each CPC, and institute measures to deny economic gain to the fishermen from such fish. Any overharvest of such tolerance limit from one year must be subtracted from the tolerance limit applicable in the next year or the year after that. CPCs granting such a tolerance will prohibit the taking and landing of western Atlantic bluefin tuna having a fork length of less than 67 cm, except as the subject of a research project notified to the SCRS, developed taking into consideration the recommended research priorities of the SCRS, and conducted by individuals duly permitted by the CPC to undertake such research.
9. CPCs shall prohibit fishermen from selling or offering for sale recreationally harvested fish of any size.
10. CPCs will encourage their commercial and recreational fishermen to tag and release all fish less than 30 kg or, in the alternative, having a fork length less than 115 cm and report on steps taken in this regard in their Annual Report.

Area and time restrictions

11. There shall be no directed fishery on the bluefin tuna spawning stock in the western Atlantic spawning grounds (i.e., the Gulf of Mexico). In light of advice received from the SCRS pursuant to paragraph 19, the Commission shall consider revising this measure and the need for alternative management actions, taking into account the efforts of Mexico and other CPCs to conserve western Atlantic bluefin tuna, including reducing bycatch.

Transshipment

12. Transshipment at-sea shall be prohibited.

Scientific research and data and reporting requirements

13. The SCRS will conduct a review of the MP by 2028 to ensure the MP is performing as expected and to determine whether there are conditions that warrant: reconditioning the MSE operating models; re-tuning the existing MP; and/or consideration of alternate candidate MP or a new full MSE. Based on that review and subsequent SCRS advice, the Commission shall decide on future management measures, approaches, and strategies, including, *inter alia*, regarding TAC levels, for bluefin tuna stocks in both management areas.
14. Canada, the United States, Japan, Mexico, and, as appropriate, other CPCs harvesting western Atlantic bluefin tuna shall continue to collaborate in the improvement of existing indices of abundance and the development of new combined indices.
15. CPCs that harvest Atlantic bluefin tuna should make every effort to contribute to priority research and other scientific activities, including that being undertaken through or in collaboration with the ICCAT GBYP. CPCs should make or continue special efforts to enhance Atlantic bluefin tuna fisheries sampling, including providing measurements of fish lengths by fleet, month, and area, and the collection of biological samples, such as through sample contributions to the coordinated sampling plan recommended by the SCRS. An area of particular focus should be to support and provide tissue biopsy and otolith samples for genetic close-kin mark-recapture and stock of origin analyses. The SCRS will report annually to the Commission on these efforts. In addition, it is important to continue to explore sampling and/or other approaches for enhancing, and where needed developing, accurate abundance indices for juvenile bluefin tuna. CPCs should also make special efforts to ensure complete and timely submission of any collected data to the SCRS through the Secretariat.
16. With a view to facilitating the reconditioning of the MSE operating models and supporting review of the MP by 2028, the SCRS is requested to prioritize the following:
 - (a) evaluate absolute spawner abundance estimates of western Atlantic bluefin tuna from the close-kin mark-recapture study, as well as catch stock composition estimates from the large-scale genetic sampling programs implemented by the United States and Canada since 2016;
 - (b) evaluate the MSE estimates of stock size and mixing in the western Atlantic taking into account close-kin mark-recapture estimates; and
 - (c) consider and advise the Commission on when and how data from the large-scale genetic sampling programs will be incorporated into the MSE to expand the information on the current state of stock mixing.
17. All CPCs shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable.
18. Each CPC shall ensure that its fishing vessels landing bluefin tuna are subject to a data recording system, in accordance with the *Recommendation by ICCAT Concerning the Recording of Catch by Fishing Vessels in the ICCAT Convention Area* (Rec. 03-13).
19. Further to Paragraph 11, the SCRS shall review any new available information related to the identification of specific spawning times and areas of bluefin tuna within the western Atlantic Ocean, including from those CPCs that harvest western Atlantic bluefin tuna, and advise the Commission on the results of this review for its consideration. Concerned CPCs are encouraged to work through the SCRS to develop advice for managing any identified times and specific areas under a precautionary approach. In addition, the SCRS shall advise on the efficacy of the Gulf of Mexico directed fishery restriction to reduce mortality of spawning age bluefin tuna.
20. Each CPC shall report its provisional monthly catches of bluefin tuna. This report shall be sent to the ICCAT Secretariat within 30 days of the end of the calendar month in which the catches were made.
21. The ICCAT Secretariat shall, within 10 days following the monthly deadline for receipt of the provisional catch statistics, collect the information received and circulate it to CPCs together with aggregated catch statistics.

22. All CPCs shall provide the best available data for the assessment of the stock by the SCRS, including information on the catches of the broadest range of all age classes encountered in their fisheries, consistent with minimum size restrictions.
23. SCRS should provide guidance on a range of fish size management measures for western Atlantic bluefin tuna and their impact on yield per recruit and spawner per recruit considerations. The SCRS should also comment on the effect of fish size management measures on their ability to monitor stock status.
24. This Recommendation repeals and replaces the *Recommendation by ICCAT for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna* (Rec. 17-06) as amended by *Recommendation by ICCAT amending Recommendation 17-06 for an Interim Conservation and Management Plan for Western Atlantic Bluefin Tuna* (Rec. 21-07).