

RECALLING the 1998 Recommendation by ICCAT to Establish a Rebuilding program Western Atlantic Bluefin Tuna (Rec. 98-071, the Recommendation by ICCAT Concerning Conservation of Western Atlantic Bluefin Tuna (Rec. 02-071, the Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program and the Conservation and Management Measures for Bluefin Tuna in the Eastern Atlantic and Mediterranean (Rec. 04-051, and the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program (Rec. 06-061,)

FURTHER RECALLING that the objective of the Convention is to maintain populations at levels that will support maximum sustainable catch (usually referred to as MSY),

CONSIDERING that the 2008 Standing Committee on Research and Statistics (SCRS) stock assessment indicates that a constant total allowable catch (TAC) below 2,100 t over the period of 2009-2010 would produce gains in spawning stock biomass (SSB) of western Atlantic Bluefin tuna

ACKNOWLEDGING that management actions taken in the eastern Atlantic and Mediterranean are likely to impact recovery in the western Atlantic, and that the current fishing mortality rate in the eastern Atlantic and Mediterranean Bluefin tuna fisheries may be more than three times the level which would permit that stock to stabilize at the MSY level,

RECOGNIZING the need to amend the rebuilding program for western Atlantic Bluefin tuna in light of scientific advice in the 2008 stock assessment,

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

- 1. The Contracting Parties whose vessels have been actively fishing for bluefin tuna in the western Atlantic will initiate a 20-year rebuilding program beginning in 1999 and continuing through 2018. (*ABTA: We are in the middle of the rebuilding plan for Bluefin*)**

Effort and capacity limits

2. In order to avoid increasing fishing mortality of Bluefin tuna in the eastern or western Atlantic, Contracting Parties, non-contracting Parties, Entities and Fishing Entities will continue to eke measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic and from the eastern to the western Atlantic.

Catch limits and quotas

3. The rebuilding program for bluefin tuna in the western Atlantic, which began in 1999 and will continue through 2018, will have a total allowable catch (TAC), inclusive of dead discards, of 1,900 t in 2009 and 1,800 t in 2010. *(ABTA: total Western Atlantic quota reduction from 2,500 or ultimately a 700 ton reduction)*

4. The annual TAC, maximum sustainable yield (MSY) target and 20-year rebuilding period may be adjusted based upon subsequent SCRS advice. No adjustment to the annual TAC or the 20-year rebuilding period shall be considered unless SCRS advice indicates that the TAC under consideration will allow the MSY target to be achieved within the rebuilding period with a 50 percent or greater probability.

5. At such time as the SCRS determines the stock size has achieved the level that would produce MSY, TAC levels up to the level of MSY will be considered.

6. The allocation of the annual TAC, inclusive of dead discards, will be indicated as follows:

The annual TAC shall include the following allocations:

CPC	Allocation
UK in respect of Bermuda	4 t
France in respect of St. Pierre & Miquelon	4 t
Mexico (including incidental catch in longline fisheries in the Gulf of Mexico) <i>(ABTA: a specific first time ever quota for Mexico)</i>	95 t
USA (by-catch related to directed longline fisheries in vicinity of management event area boundary)	25 t
Canada (by-catch related to directed longline fisheries in vicinity of management area boundary)	15 t

b) After subtracting the amounts under paragraph 6 (a), the remainder of the annual TAC will be allocated as follows:

If the remainder of the TAC is:

CPC	< 2,413 t (A)	2,413 t (B)	> 2,413-2,660 t (C)	> 2,660 t (D)
USA	57.48 %	1,387 t	1,387 t	52.14 %
Canada	23.75 %	573 t	573 t	21.54 %
Japan	18.77%	453 t	453 t + all increase between 2,413 t and 2,660 t	26.32%

c) Consistent with paragraphs 1 and 6 (b), the TAC for each of 2009 and 2010 results in the following CPC-specific quota allocations (not including by-catch allowances listed in 6 a):

	2009	2010
	(1,900 t)	(1,800 t)
USA	1,009.92 t	952.44 t
Canada	417.29 t	393.54 t
Japan	329.79 t	311.02 t

d) Notwithstanding paragraph 8 below, in 2009, 73 t will be transferred to Canada from Mexico's 2007 underage. *(ABTA: Many question why the special treatment for Canada?, Shouldn't they participate in rebuilding bluefin under the same ICCAT quota reduction in 2009 that the USA is adhering to, why provide Canada with extra 2009 quota if the objective is to reduce western catch to speed rebuilding and stop over fishing?)*

e) Notwithstanding paragraph 8 below', in 2010, under harvests carried forward by Mexico from 2008 to 2010 will be subsequently transferred to Canada such that Canada's initial allocation (excluding the by- catch allowance listed in 6 a) for 2010 is 480 t. If such a transfer results in an initial Canadian allocation (excluding the by-catch allowance listed in 6 a) of less than 480 t, then a transfer of under harvest from the US will be used to bring Canada's initial 2010 allocation (excluding the by-catch allowance listed in 6 a) to 480 t. *(ABTA: Again if you increase Canada's 2009 quota and do it again in 2010 with Mexico's under harvest (if any) where is the conservation gain. Remember Canada's base*

allocation is supposed to be 393 tons but the agreement gives Canada favorable treatment unlike the U.S. situation. It appears especially egregious to make sure that they get 480 tons even if it has to come from US quota. Rather than change the rules so that Americans can catch their allocation, the agreement encourages NMFS to force US underages to encourage Canada to not protest reduced TAC levels that give them better market advantages with less total fish available.)

f) The two-year combined Canadian total catch (excluding by-catch allowed under 6 a) for 2009 and 2010 will be no more than 970 t. *(ABTA: appears to be a very advantageous agreement negotiated by the Canadian government that apparently takes care of its own)*

7. Contracting Parties and Cooperating non-contracting Parties, Entities and Fishing Entities (CPCs) holding TAC allocations of western Atlantic Bluefin tuna agree to re-negotiate the quota allocations for this stock in 2010 and that, at such time, all directed fishing allocations are to be included in the allocation table in accordance with ICCAT'S allocation criteria. *(ABTA: Here is where Mexico makes permanent its first time share. And, given that we are under greater unilateral restrictions than any other country, fishing more conservatively than others and not achieving our allocation other countries expect to take our quota under the “re-negotiate” clause.) ABTA means to prevent this from happening on behalf of current and future generations. Are you going to let them take it or help ABTA?*

8. Any over harvest of a CPC'S specific TAC allocation provided under paragraph 6 shall be subtracted from that CPC'S specific TAC allocation for the next year. Any under harvest of a CPC'S specific TAC allocation in a given year may be carried forward to the next year. In no event shall the under harvest that is carried forward exceed 50% of the CPC'S initial TAC allocation under paragraph 6 above, with the exception of those CPC'S with initial allocations of 25 t or less. After 2010, the under harvest that may be carried forward by any CPC to the following year shall not exceed 10% of the CPC'S initial TAC allocation. Each year shall be considered as an independent management period for the purposes of paragraph 9 below. *(ABTA: carry over reduced from 50 percent to 10 percent after 2010, this change mostly only hurts Americans because we fish according to rules that are above ICCAT standards and have not obtained our quota level in several years. The EC pushed for no rollovers because an underage in the east would be unprecedented!)*

9. a) If in the applicable management period, and each subsequent management

period, any CPC has an over harvest of its TAC allocation under paragraph 6, its TAC allocation will be reduced in the next subsequent management period by 100% of the amount in excess of such TAC allocation; and ICCAT may authorize other appropriate actions.

b) Notwithstanding paragraph 9 (a), if a CPC has an over harvest of its TAC allocation under paragraph 6 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 TAC allocation equal to a minimum of 125% of the over harvest 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.

10. Notwithstanding the Recommendation by ICCAT Regarding the Temporary Adjustment of Quotas ('Rec. 01- 12) in between meetings of the Commission, a CPC with a TAC allocation under paragraph 6 may make a one-time transfer within a fishing year of up to 15% of its TAC allocation to other CPC'S with TAC allocations, consistent with domestic obligations and conservations considerations. The transfer shall be notified to the Secretariat. Any such transfer may not be used to cover over harvests A CPC that receives a one-time quota transfer may not retransfer that quota. For parties with a quota allocation of 4 t, the transfer may be up to 100% of the allocation. *(ABTA: this rule is adamantly opposed by ABTA especially with the course NMFS has taken to taking the 15% off the top of our quota before distributing category shares. This gives NMFS the option to use the quota for any deal that benefits them or the State Department foreign policy objectives most likely unrelated to fishery issues. The agreement is a pretense to allow quota trading and possible injure US fishermen)*

Minimum fish size requirements and protection of small fish

11. Contracting Parties, non-contracting Parties, Entities and Fishing Entities will prohibit the taking and landing of western Atlantic bluey tuna weighing less than 30 kg or, in the alternative, having a fork length of less than 115 cm.

12. Notwithstanding the above measures, Contracting Parties, non-contracting Parties, Entities and Fishing Entities may grant tolerances to capture western Atlantic bluey 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 so that the average over the 2009 and 2010 fishing periods is 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.

13. Contracting Parties, non-contracting Parties, Entities and Fishing Entities 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.

(ABTA: The US minimum commercial fish size is 73 inches, The US quota re-allocation to other countries demanding bluefin that is likely to occur as a result of #7 will be fished using the ICCAT standard of 115cm (about 47 inches) and this will slow the rebuilding plan, possibly causing additional western Atlantic reductions at future ICCAT meetings.)

Area and time restrictions

14. There shall be no directed fishery on the bluefin tuna spawning stocks in the western Atlantic in spawning areas such as the Gulf of Mexico.

Scientific research and data and reporting requirement *(ABTA: this longstanding restriction against directed BFT fishing on the spawning grounds makes the allocation to Mexico very dangerous for the stock. U.S. negotiators need to look at a map? Where else could the Mexican artisan Atlantic/Gulf fishermen possibly catch BFT? No way can they reach the Central Atlantic and they will not likely find commercial quantities in the Caribbean Sea or Yucatan Straits.)*

15. The SCRS shall conduct a stock assessment of western Atlantic bluefin tuna in 2010 and thereafter every two/four years.

16. If scientific evidence results in an SCRS recommendation to alter the definition of management units, or to take explicit account of mixing between management units, then the rebuilding program shall be reevaluated.

17. In 2010, the SCRS will conduct a stock assessment for bluefin tuna for the western Atlantic and eastern Atlantic and Mediterranean and provide advice to the Commission on the appropriate management measures, inter alia, on total allowable catch levels for those stocks for future years.

18. All Contracting Parties, non-contracting Parties, Entities and Fishing Entities shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable. *(ABTA: The US longline fleet is the only longline fleet in the world that is fishing clean and green, spawning area closures, turtle and mammal reduction gear, and*

continues to be a world wide industry leader testing new fishing techniques to minimize bycatch. US quota transfers that occur as a result of #7 will increase bycatch of all undirected species by recipient nations.)

19. All Contracting Parties, non-contracting Parties, Entities and Fishing Entities 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 age classes possible, consistent with minimum size restrictions.

20. This Recommendation replaces the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program (Rec. 06-061).

ABTA thinks it is about time that American fishermen come first at the next ICCAT negotiation, we should not be punished for fishing conservatively. Our historical share belongs to us and our future generations.

To protect USA quota at ICCAT we need to change the way America does business at ICCAT. Those ideas are expressed in our “[Senate Letter](#)”. Please take the time to read the “Senate Letter” by using the link included on the “Fishery Action Page”.

ABTA encourages your suggestions for our US Government for additional agreements to advance equitable, efficient and effective conservation of BFT across its wide distribution range.

Please see” [contact us](#)” to join ABTA and help us in the fight to keep America’s bluefin quota