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**EXPLANATORY NOTE FOR A DRAFT RECOMMENDATION BY ICCAT TO ESTABLISH
REBUILDING PROGRAMS FOR BLUE MARLIN AND WHITE MARLIN/ROUNDSCALE SPEARFISH**

Proposal submitted by United States, Brazil and Panama

In 2000, ICCAT adopted a two-phase rebuilding plan for marlins that was intended to set the stage for the future adoption of a formal rebuilding program. That plan has been altered over the years, eventually resulting in adoption of the *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Stocks* (Rec. 15-05), then extended through Recommendation 18-04. ICCAT has never taken the next step to establish formal rebuilding programs for these species, and the measures ICCAT has put in place over the last 19 years to rebuild marlins have failed. The 2018 stock assessment for Atlantic blue marlin found that the stock is still overfished and overfishing is still occurring, with reported catches that generally exceeded the TAC from 2012 through 2017. The 2019 stock assessment for Atlantic white marlin/roundscale spearfish found that the stock was overfished but not undergoing overfishing. Although there is some evidence of slow rebuilding in recent years, catches have exceeded the 400 t TAC in every year since its initial implementation; the SCRS warned that if catches continue to exceed the TAC, any rebuilding of the stock will proceed more slowly, or be put at risk of further declines.

The U.S. proposal would establish annual landings limits of 1,500 t for blue marlin and 300 t for white marlin/roundscale spearfish beginning in 2020. These annual landings limits are below the 1,750 t and 400 t total allowable catch levels recommended by the SCRS, to provide a buffer to account for reported dead discards as well as unquantified sources of mortality, such as unreported dead discards, unreported landings from certain recreational and other fisheries, and post-release mortality. We anticipate that the landings limit for blue marlin would stop overfishing in 2020 with a greater than 50% probability and rebuild with [greater than 50 percent] probability within 10 years.. White marlin/roundscale spearfish would also be rebuilt, with a proposed limit that would take into account that the SCRS estimated in the 2019 stock assessment that unreported catches, including dead discards, may be around 27% of the reported catches. (The SCRS did not offer specific probabilities associated with rebuilding white marlin/spearfish due to significant uncertainties in the stock assessment results.)

The proposal does not specify the change needed in landings limits for individual CPCs within the proposed annual limits for these two stocks; limits should be established at this meeting taking into account the *Resolution by ICCAT on Criteria for the Allocation of Fishing Possibilities* (Res. 15-13). That Resolution specifies, among other things, that the application of the allocation criteria should take into account “the contributions to conservation made by qualifying participants necessary to conserve, manage, restore or rebuild fish stocks in accordance with the Convention objective.” In that regard and given how long ICCAT has had management measures in place for marlins, this discussion will need to take into full consideration the contributions to conservation already made by qualifying participants to the collective benefit of the stock and other CPCs, as well as other allocation criteria regarding the contribution of qualifying participants to the collection and provision of accurate data required by ICCAT and the exercise of responsibilities concerning the vessels under the jurisdiction of qualifying participants. Examples of proactive measures taken by such CPCs with regard to these allocation criteria include the use of circle hooks to reduce marlin catch rates, haulback mortality, and post-release mortality as recommended by SCRS and reporting catch data, including dead discards, from all fisheries including recreational and artisanal fisheries.

The proposal also includes important measures to help ensure the annual limits are not exceeded, and to further reduce fishing mortality for both blue marlin and white marlin/roundscale spearfish. As recommended by the SCRS, pelagic longline vessels and purse seine vessels will be required to release marlins/roundscale spearfish that are alive at haulback. Marlins/roundscale spearfish that are dead at haulback could be retained under certain limited conditions. In order to do so, pelagic longline vessels must have an observer or electronic monitoring system on board. This would help ensure compliance with the live release requirement, improve safe handling, and facilitate data collection, which is much needed for these species. In recreational and sport fisheries, the minimum size currently specified in Rec. 18-04 (251 cm LJFL for blue marlin and 168 cm LJFL for white marlin/roundscale spearfish) will be maintained. In addition, we have retained the provision from the current measure that specifically allows those CPCs with a domestic requirement to land all dead or dying fish not to count those fish against their landings limit,

provided the fish are not sold or entered into commerce. Finally, we have included a general provision that prohibits the sale of marlins/roundscale spearfish caught in pelagic longline and purse seine fisheries, to further incentivize conservation of these heavily exploited species. At the same time, this proposal recognizes food security needs by exempting developing coastal States from the live release requirement as well as the prohibition on sale, provided that these fish do not enter international trade and that catches are reported to the SCRS as required.

The use of large circle hooks is included to further reduce fishing mortality on marlins. Research has demonstrated that the use of circle hooks reduces billfish mortality in longline fisheries, while the catch rates of several of the target species remained the same or were greater than the catch rates observed with the use of conventional J hooks. In light of this research, the SCRS included in its 2019 management recommendations for white marlin/roundscale spearfish that the Commission should consider adopting the use of circle hooks. In addition, the independent Panel that conducted the Second ICCAT Performance Review supported previous SCRS advice that the Commission actively encourage, or make obligatory, the use of circle hooks in longline fisheries to reduce the mortality of released marlin.

In its report, the SCRS stressed that the inability to accurately estimate fishing mortality will continue to compromise the ability of the SCRS to predict and monitor the stock's recovery. This is due to the inadequate reporting of dead discards, as well as the lack of reporting from some artisanal and recreational fisheries that take marlin species. The SCRS emphasized the need for all CPCs to comply with mandatory requirements to report discards (both dead and alive) for billfishes. Given the emphasis from the SCRS on discard reporting deficiencies for marlins, this proposal is designed to improve and strengthen data reporting in commercial, recreational, and artisanal fisheries.

In summary, this U.S. proposal establishes rebuilding programs for blue marlin and white marlin/roundscale spearfish by accounting for all sources of mortality, encouraging gear configurations that help to further reduce impacts on marlins, and taking steps to ensure compliance, including data reporting. The proposal takes into account scientific advice from the SCRS, and would implement measures with a high probability of avoiding overfishing and rebuilding the stocks to B_{MSY} consistent with the provisions of the *Recommendation by ICCAT on Principles of Decision Making for ICCAT Conservation and Management Measures* (Rec. 11-13). Given that much of these species' mortality is due to bycatch in other fisheries, key elements of any effective rebuilding program for blue marlin and white marlin/roundscale spearfish are measures aimed at increasing survival at haulback and post-release, as well as reducing the incentive to harvest these vulnerable species, rather than continuing to focus on landings limits alone. This measure will effectively address all of these necessary elements.

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REBUILDING PROGRAMS FOR BLUE MARLIN AND WHITE MARLIN/ROUNDSCALE SPEARFISH**
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RECALLING the 2000 blue marlin stock assessment, which found that the stock was below B_{MSY} (overfished) with fishing mortality above F_{MSY} (overfishing occurring), and subsequent assessments, most recently in 2018, confirming that the stock remains in this state;

ACKNOWLEDGING the 2019 white marlin/roundscale spearfish stock assessment, which found that overfishing is not occurring, but the stock remains overfished after more than twenty years of management by ICCAT;

AWARE OF measures adopted by the Commission over the last 20 years to improve the status of blue marlins and white marlins, including the *Recommendation by ICCAT to establish a Plan to Rebuild Blue Marlin and White Marlin Populations* (Rec. 00-13), *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin stocks* (Rec. 12-04), and subsequent recommendations;

UNDERSTANDING, however, the 2019 SCRS advice that total catches of blue marlin should be reduced to 1,750 t or less to provide at least a 50% chance of rebuilding by 2028 and that total catches of white marlin/roundscale spearfish should not exceed 400 t to support rebuilding;

ACKNOWLEDGING that dead discards and unreported catches are not currently accounted for in the annual limits in the *Recommendation by ICCAT to Replace Rec. 15-05 to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Stocks* (Rec. 18-04);

NOTING WITH CONCERN the landings by some Contracting Parties, non-Contracting Parties, Entities and Fishing Entities (CPCs) that are significantly in excess of landing limits under ICCAT recommendations, fishing by non-CPCs for these species occurring outside of the ICCAT management framework, and the significant levels of unreported catches highlighted by the SCRS;

AIMING to establish limits for blue marlin and white marlin/roundscale spearfish that take into account both reported dead discards and an additional buffer for unreported catches to ensure overall annual catches will not exceed the levels recommended by the SCRS;

UNDERSCORING the existing obligations of CPCs to require the collection of data on dead and live discards in their domestic observer and logbook programs under the *Recommendation by ICCAT on Information Collection and Harmonization of Data on By-catch and Discards in ICCAT Fisheries* [Rec. 11-10], consistent with the *Recommendation by ICCAT to Establish Minimum Standards for Fishing Vessel Scientific Observer Programs* [Rec. 16-14], and to report these data to ICCAT;

EMPHASIZING that research has demonstrated that in some longline fisheries the use of circle hooks resulted in a reduction of billfish mortality, while the catch rates of several of the target species remained the same or were greater than the catch rates observed with the use of conventional J hooks;

UNDERSCORING advice in the 2019 SCRS report that to reduce the chance of exceeding any established total allowable catch, the Commission should consider the use of circle hooks;

SEEKING to implement measures without delay that will further decrease mortality of hooked marlins, help to ensure catch limits will not be exceeded, and improve data collection;

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

1. CPCs shall implement measures for blue marlin and white marlin/roundscale spearfish to end overfishing as soon as possible and rebuild these species to their respective B_{MSY} levels within 10 years, as follows:

Annual Limits and Related Provisions

2. An annual limit of [1,500 t] for blue marlin and of [300 t] for white marlin/roundscale spearfish are established beginning in 2020. Landings limits shall be implemented as follows, in accordance with the Resolution by ICCAT on Criteria for the Allocation of Fishing Possibilities (Res. 15-13):

| <i>Blue Marlin</i> | <i>[Landings Limit (t) in Rec. 18-04]</i> | <i>Landings Limit (t) beginning in 2020</i> |
|---------------------|---|---|
| Brazil | [190] | X |
| China, P.R. | [45] | X |
| Chinese Taipei | [150] | X |
| Côte d'Ivoire | [150] | X |
| European Union | [480] | X |
| Ghana | [250] | X |
| Japan | [390] | X |
| Korea Rep. | [35] | X |
| Mexico | [70] | X |
| S. Tomé & Príncipe | [45] | X |
| Senegal | [60] | X |
| Trinidad and Tobago | [20] | X |
| Venezuela | [100] | X |
| TOTAL | [1,985] | [1,500] |

| <i>White Marlin/ Roundscale Spearfish</i> | <i>[Landings Limit (t) in Rec. 18-04]</i> | <i>Landings Limit (t) beginning in 2020</i> |
|---|---|---|
| Barbados | [10] | X |
| Brazil | [50] | X |
| Canada | [10] | X |
| China, P.R. | [10] | X |
| Chinese Taipei | [50] | X |
| European Union | [50] | X |
| Côte d'Ivoire | [10] | X |
| Japan | [35] | X |
| Korea Rep. | [20] | X |

| | | |
|---------------------|-------|-------|
| Mexico | [25] | X |
| S. Tomé & Príncipe | [20] | X |
| Trinidad and Tobago | [15] | X |
| Venezuela | [50] | X |
| TOTAL | [355] | [300] |

The United States shall limit its landings to 250 recreationally caught Atlantic blue marlin and white marlin/roundscale spearfish combined on an annual basis. All other CPCs shall limit their landings to a maximum of 10 t of Atlantic blue marlin and 2 t of white marlin/roundscale spearfish combined.

3. (a) Any excess of the annual landings limits established in paragraph 2 shall be deducted from the respective landings limits during or before the adjustment year, in the following way:

| <i>Catch Year</i> | <i>Adjustment Year</i> |
|-------------------|------------------------|
| 2019 | 2021 |
| 2020 | 2022 |
| 2021 | 2023 |

- (b) Notwithstanding subparagraph (a) above, if any CPC exceeds its landings limit during any two consecutive years, its landings limit shall be reduced on or before the adjustment year by at least 125% of the excess harvest, and the Commission may recommend additional actions, as appropriate.
- (c) Any underharvest by a CPC of its annual landings limit may not be carried forward to a subsequent year.

Live Release Requirement and Retention Allowances

4. CPCs shall require pelagic longline vessels and purse seine vessels flying their flag to promptly release blue marlin and white marlin/roundscale spearfish that are alive when brought alongside the vessel in a manner that causes the least harm, while giving due consideration to the safety of crew members.
5. CPCs may authorize their pelagic longline and purse seine vessels to catch and retain on board, transship, or land blue marlin and white marlin/roundscale spearfish that are dead when brought alongside the vessel, provided that their vessels have either an observer or a functioning electronic monitoring system on board that can confirm whether the fish is dead or alive. CPCs shall prohibit the sale, or offering for sale, of any part or whole carcass of blue marlin or white marlin/roundscale spearfish retained pursuant to this paragraph.
6. For CPCs that prohibit dead discards, the landings of blue marlin and white marlin/roundscale spearfish that are dead when brought alongside the vessel and that are not sold or entered into commerce shall not count against the limits established in paragraph 2, on the condition that such prohibition be clearly explained in their Annual Report.
7. Blue marlin and white marlin/roundscale spearfish that are caught by developing coastal CPCs for local consumption are exempted from paragraphs 4 and 5, provided these CPCs (a) submit Task I and Task II data according to the reporting procedures established by the SCRS and (b) take necessary measures to ensure that blue marlin and white marlin/roundscale spearfish do not enter international trade and notify the Commission of such measures in their Annual Report.

8. For recreational and sport fisheries:
 - a. CPCs shall take appropriate measures to ensure that any released fish are released in a manner that causes the least harm.
 - b. CPCs shall establish minimum sizes for retention that meet or exceed the following lengths: 251 cm Lower Jaw-Fork Length (LJFL) for blue marlin and 168 cm LJFL for white marlin/roundscale spearfish.
 - c. CPCs shall prohibit the sale, or offering for sale, of any part or whole carcass of blue marlin or white marlin/roundscale spearfish caught in recreational and sport fisheries.

Gear Requirements

9. To reduce marlin/roundscale spearfish mortality at the vessel and post-release, CPCs shall require that vessels in their longline fisheries use large circle hooks, which are fishing hooks with the point turned perpendicularly back to the shank to form a generally circular or oval shape, and the point of the hook not offset more than 10 degrees.

Data Collection and Reporting

10. CPCs shall collect catch data on blue marlin and white marlin/roundscale spearfish, including live and dead discards, through logbooks and scientific observer programs as required by Rec. 11-10 and Rec. 16-14. CPCs shall include their estimates of total dead and live discards in their Task I Nominal Catch data submission.
11. No later than 2020, CPCs shall present to the SCRS the statistical methodology used to estimate these discards. The SCRS shall review these methodologies and if it determines that a methodology is not scientifically sound, the SCRS shall provide relevant feedback to the CPCs in question to improve the methodologies. The SCRS shall also determine if one or more capacity building workshops are warranted to help CPCs to comply with the requirement to report total live and dead discards. If so, the Secretariat in coordination with the SCRS should begin organizing the SCRS-recommended workshop(s) in 2021 with a view to convening them as soon as practicable.
12. The SCRS shall evaluate the completeness of Task I and II data submissions, including estimates of total dead and live discards. If after conducting such evaluation, the SCRS determines that significant gaps in data reporting exist, the SCRS should explore approaches to estimate the level of unreported catches to include in future stock assessments in order to enhance the basis on which to provide management advice to the Commission.
13. CPCs shall establish or maintain data collection programs in recreational and sport fisheries, including a minimum of 5% scientific observer coverage of blue marlin and white marlin/roundscale spearfish tournaments, to ensure that catches are reported in accordance with existing ICCAT reporting obligations.
14. Consistent with the *Recommendation by ICCAT on Improvement of Compliance Review of Conservation and Management Measures Regarding Billfish Caught in the ICCAT Convention Area* (Rec. 18-05), CPCs shall submit details of their implementation of this measure through domestic law or regulations, including monitoring, control and surveillance measures, and of their compliance with this measure using the billfish check sheet.
15. Failure to report Task I data, including dead discards, for blue marlin and white marlin/roundscale spearfish in accordance with established ICCAT requirements will result in a prohibition of retention of these species in accordance with Rec. 11-15, *Recommendation by ICCAT on Penalties Applicable in Case of Non Fulfilment of Reporting Obligations*.

Repeals

16. This Recommendation repeals and replaces the *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Populations* (Rec. 18-04).