

INTERNATIONAL REVIEW PANEL  
MINUTES OF THE 10TH MEETING

October 1-2, 1995  
Panama City, Panama

Presider: Lic. Carlos Camacho Gaos

Agenda Items 1 & 2. Opening of the Meeting and Election of Presider

The meeting was called to order by Dr. Joseph who, in the absence of the Presider of the 9th meeting, asked for nominations for Presider of the current meeting. Lic. Carlos Camacho Gaos was elected. The attendees are listed in Appendix 1.

Agenda Item 3. Approval of the Agenda

The Panel agreed to move Item 5 of the provisional agenda to new Item 11 in order to allow other items which were expected to take less time to be completed. It also agreed to consider the bycatch of other species, and asked about a report on the recent peer review of the IATTC bycatch database. Dr. Joseph said that the report had not been completed, but that an oral report could be made. The final agenda is attached as Appendix 2.

Agenda Item 4. Approval of minutes of the 9th Meeting of the IRP

The minutes of the IRP's previous meeting, held in June 1995, were approved.

a) Matters arising:

"11.a) Updated statistics on releasing the bow ortza to liberate dolphins"

The Secretariat noted that IATTC data were insufficient to analyze the efficacy of this method for releasing dolphins. The IATTC did not have the data from the Mexican national program, but even with them there would not be enough information to allow firm conclusions to be drawn. The Panel agreed that the matter should be considered when sufficient data had been accumulated.

b) Observers

The Panel discussed a request for observers to join the meeting. Recalling the discussion at the 8th meeting in January 1995, it was agreed not to allow observers at the present meeting.

Agenda Item 5. Review of observer data

During its consideration of observer data, the Panel discussed:

- a) a new method of sacking-up, using a crane rather than the skiff to support the corkline;
- b) whether initiating a set with sufficient time to ensure a high probability of completing the backdown prior to 30 minutes after sunset should automatically mitigate the potential infraction;

c) the need for vessels which are fishing in "dolphin-safe" mode to take proper measures to rescue dolphins which are accidentally captured.

The Panel agreed to refer various potential infractions and other concerns to governments for action.

**Agenda Item 6. Proposed procedures for dealing with special problem sets**

Dr. Joseph outlined two issues which were not dealt with at the previous meeting. First, what action ought to be taken in respect of the 1996 DML for a vessel which had exceeded its 1994 DML because of a special problem set, and subsequently had its 1995 DML reduced by 40%; and second, the general procedure to be followed in similar cases.

The Panel agreed to recommend that the intergovernmental meeting adopt the "Procedures for dealing with special problem sets" (Appendix 3), and to address the procedure again at its first meeting in 1996.

**Agenda Item 7. Problems with living accommodations for observers aboard vessels.**

The Secretariat outlined instances in which observers were not provided adequate accommodation, and reported on a recent analysis showing that 26% of vessels observed did not provide a bunk for the observer. The Panel agreed that the governments should be advised that the Director would adopt a policy on accommodation along the lines of that specified in Mexican law (Appendix 4), and should be asked to incorporate similar requirements in their national laws. The Panel further instructed the Director that he should, after giving adequate notice to vessel owners, refuse to place observers on vessels which did not comply with this policy.

**Agenda Item 8. Research to reduce dolphin mortality**

Dr. Hall presented a list of research projects (Appendix 5) aimed at reducing dolphin mortality, in the order of priority assigned them by gear experts, captains and biologists. Members of the Secretariat and the Panel described cooperative work between the Mexican national program, the U.S. National Marine Fisheries Service, and the IATTC, and explained some recent research.

In response to a question, Dr. Joseph said he had no information about additional funding for the research apart from the government contributions. The Panel agreed that governments should be asked to make additional efforts to fund the research.

The Panel sought information about the Scientific Advisory Board, and Dr. Joseph noted that so far it had only had one meeting. The Panel asked the Secretariat to prepare a short list of research projects which should have the highest priority.

**Agenda Item 9. Estimates of the quantities of discards in the fishery**

**a) Peer review of bycatch database**

Dr. Joseph explained the background to the review, which was intended to be an independent evaluation of the IATTC's bycatch database by a group of experts. At present only a draft of the review group's report was available; this was very favorable, citing the collection of data on bycatch as exemplary.

However, it also noted that further work was needed to describe the variability in the data. Members of the Panel who also took part in the peer review supported these comments.

**b) Juvenile tuna**

Dr. Hall described the catches of juvenile tuna in 1993 and 1994 in purse-seine sets on dolphins, schoolfish, and floating objects. The data showed that a shift from dolphin sets to sets on schoolfish or logs would cause an increase in the bycatch of small tuna. Dr. Joseph emphasized that while the IATTC has determined that such a shift would lower the average size of fish in the catch and hence the total catch itself, and may lead to a restriction in the range of the fishery, it has not made an assessment of the effect of bycatch on the productivity of the fishery.

**c) Other species**

Dr. Hall presented information showing bycatch of other species in 1993 and 1994. The data was highly variable between years, showing the importance of obtaining a longer time series.

The Panel agreed that the issues surrounding bycatch were relevant to the La Jolla Agreement and should be pursued further. Draft terms of reference (Appendix 6) were considered: the Panel agreed that they should be amended to take account of the expertise available within the IATTC and the Panel, and that the Intergovernmental Meeting ought to decide whether the work should be carried out by the Scientific Advisory Board or an *ad hoc* working group.

**Agenda Item 10. Review of compliance with the IDCP**

**a) Options for reducing the incidence of night sets**

The Panel discussed a table showing the distribution of elapsed time between the start of a set and the end of backdown; in 91.9% of sets without malfunctions or serious problems the time elapsed was 105 minutes. The Panel agreed that, while not completing backdown within 30 minutes after sunset was an infraction, it would not review those sets which commenced 75 minutes or more prior to sunset, neither would it refer them to governments for action. The Panel asked that fishing captains be informed of this decision.

**b) Letters to fishermen**

The Panel approved the text of letters to be sent to captains and crew of purse-seine vessels (Appendix 7).

**c) Options for actions against nations not in compliance with the Agreement (discussion of U.S. working document)**

This item was deferred for future discussion.

### Agenda Item 11. Dolphin Mortality Limits

#### a) Review of 1995 DMLs to date

Dr. Joseph reported that 13 vessels has asked for second-semester DMLs under the regular provisions of the Agreement. Fifteen vessels which had lost their 1995 DMLs because of non-utilization had applied for, and received, second-semester DMLs under the provisions adopted at the intergovernmental meeting in June 1995. Of these 15, 4 have used their DMLs and 11 have not.

#### b) DMLs for 1996

Dr. Joseph informed the Panel that 91 vessels had applied for DMLs for 1996; he proposed that the overall DML be divided equally among them, for an individual-vessel DML of 98 animals in 1996.

The United States noted there were still some U.S. vessels who would like to apply for 1996 DMLs. The Panel agreed to recommend that the deadline for application for DMLs, and hence the calculation, be deferred until December 1, 1995.

### Agenda Item 12. Approval of modified Rules of Procedure

The Panel agreed to recommend the amendment to its Rules of Procedure contained in Appendix 8.

The Panel also agreed to advise the intergovernmental meeting that the number of governments represented in the IRP has increased from the original five to eight, while the total number of representatives from environmental groups and the tuna industry is still limited to two each. Concern was expressed that this reduced effective participation by non-governmental members, and the Panel requested analysis of this situation with a view to increasing both the number of representatives of both groups and the regions they represent.

### Agenda Item 13. Place and date of next meeting

The Panel agreed that the next meeting would be held in Ensenada, Mexico, in January 1996.

### Agenda Item 14. Other business

The Panel agreed the following items should be included in the agenda for the next meeting:

- a) A description and illustration of the new sack-up procedure.
- b) Information about rescue alternatives which might be used prior to backdown.
- c) Analysis of mortality rates in sets on large herds of dolphins.
- d) Follow-up of infractions relating to interference with observers identified at this and earlier meetings.

### Agenda Item 15. Adjournment

The meeting was adjourned at 9:00 p.m. on October 2, 1995.

INTERNATIONAL REVIEW PANEL  
PANEL INTERNACIONAL DE REVISION

10th MEETING -10ª REUNION  
Panamá City - Ciudad de Panamá  
October 1-2, 1995 ---- 1-2 de octubre de 1995

ATTENDEES -- ASISTENTES

COLOMBIA

ALEJANDRO LONDOÑO GARCIA  
JOSE ADOLFO RINCON PRIETO  
Instituto Nacional de Pesca y Acuicultura

COSTA RICA

ALVARO MORENO GOMEZ  
INCOPECA

ECUADOR

GUSTAVO GONZALEZ CABAL  
LUIS TORRES NAVARRETE  
CARLOS CALERO  
Ministerio de Industrias, Comercio, Integración y  
Pesca

MEXICO

DAMASO LUNA CORONA  
Secretaría de Relaciones Exteriores

CARLOS CAMACHO GAOS  
MARA MURILLO CORREA  
JERONIMO RAMOS  
GUILLERMO COMPEAN JIMENEZ  
PABLO ARENAS FUENTES  
Secretaría de Medio Ambiente  
Recursos Naturales y Pesca

PANAMA

JUAN L. DE OBARRIO  
Dirección General de Recursos Marinos

UNITED STATES

BRIAN HALLMAN  
Department of State

MICHAEL TILLMAN  
PAUL NIEMEIER  
DANA WILKES  
National Marine Fisheries Service

MARTIN HOCHMAN  
National Oceanic and Atmospheric Administration

NINA YOUNG  
Center for Marine Conservation

VANUATU

ANTHONY TILLET  
Commission of Maritime Affairs

VENEZUELA

MIRIAM R. de DE VENANZI  
Ministerio de Comercio Exterior

-----  
TUNA INDUSTRY--INDUSTRIA ATUNERA

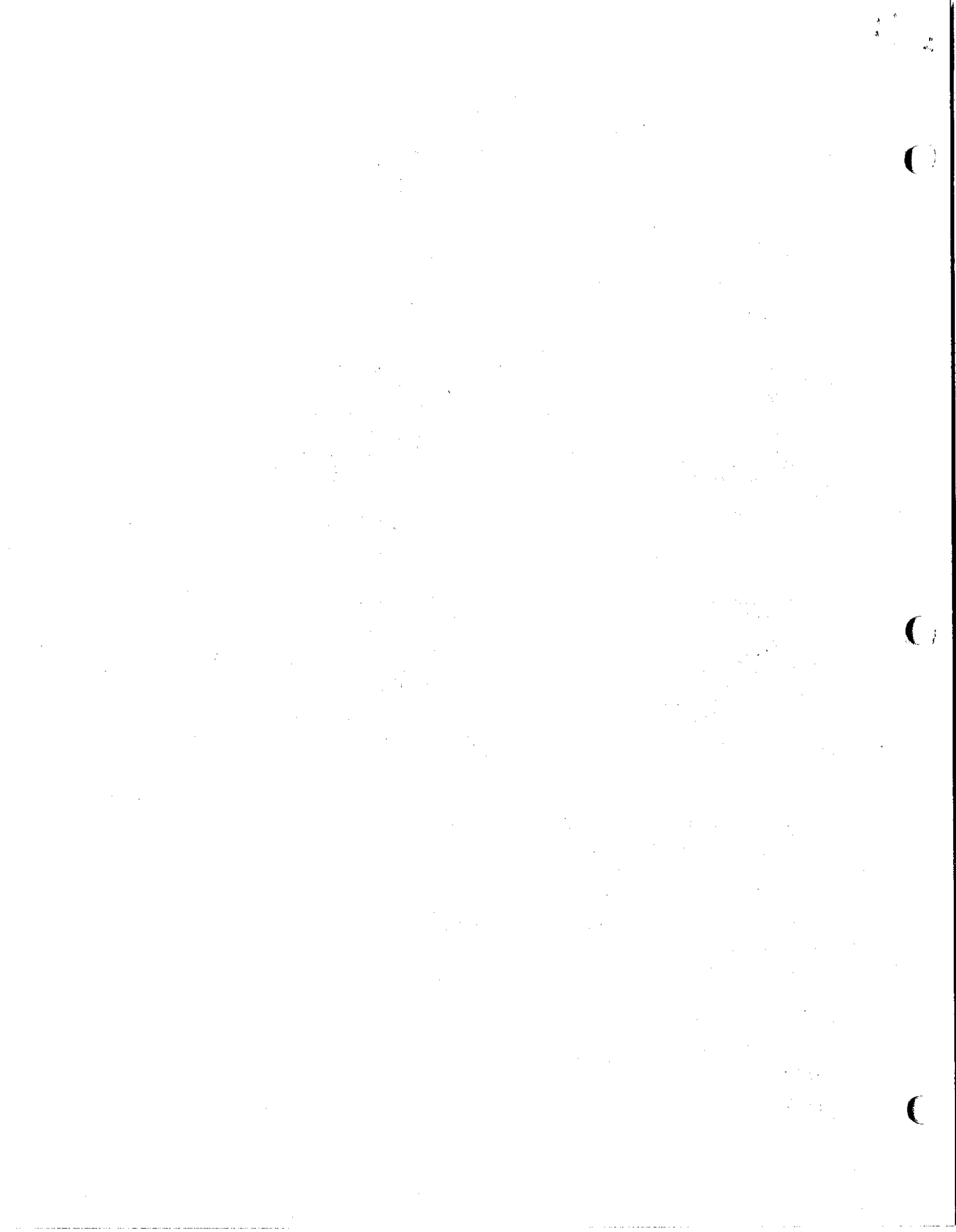
FELIPE CHARAT  
ALFONSO ROSIÑOL LLITERAS  
CANAINPES

ENVIRONMENTAL ORGANIZATIONS--ORGANIZACIONES AMBIENTALISTAS

TRACI ROMINE  
Greenpeace International

SECRETARIAT

JAMES JOSEPH  
ROBIN ALLEN  
MARTIN HALL  
DAVID BRATTEN  
ERNESTO ALTAMIRANO  
ENRIQUE UREÑA



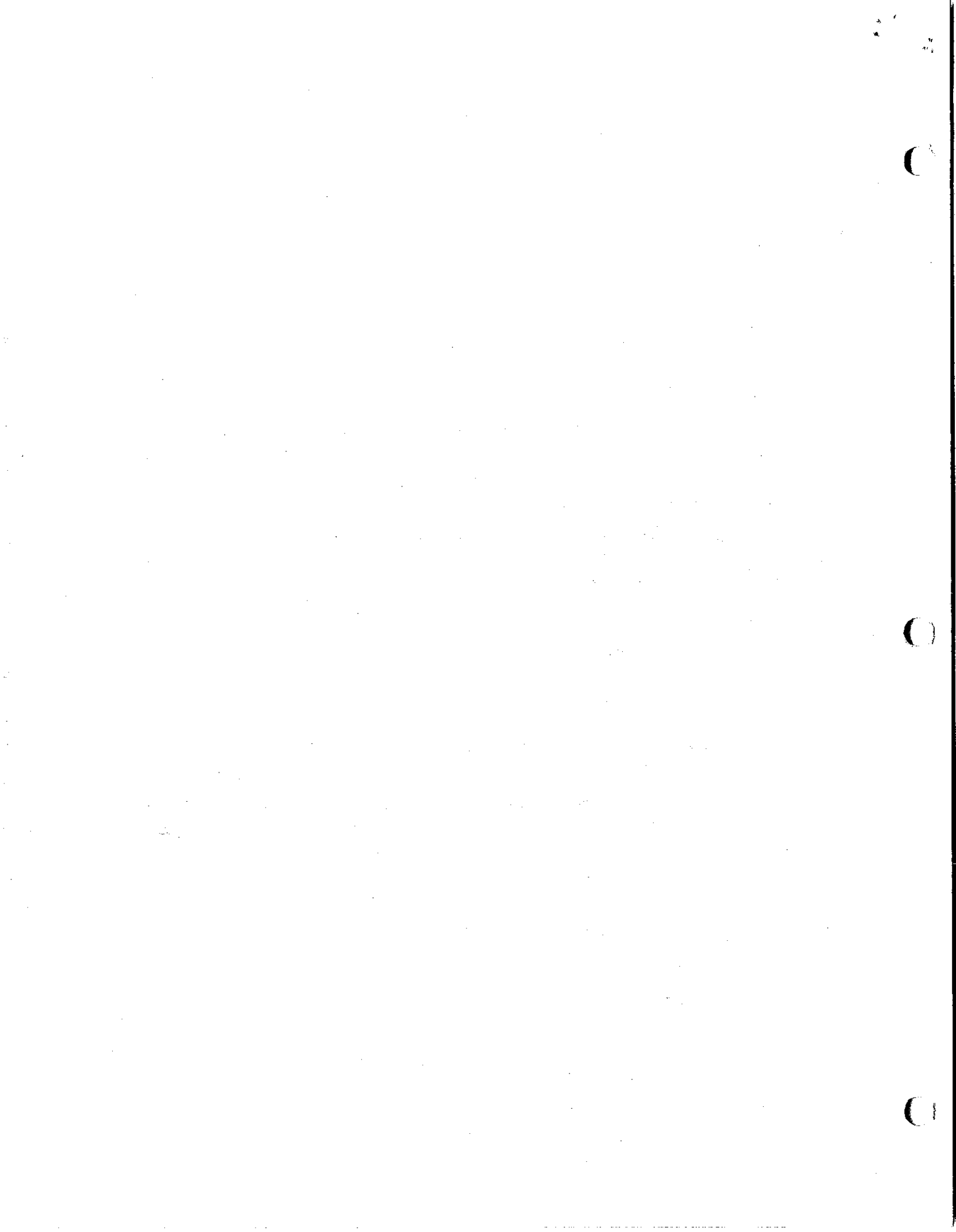
INTERNATIONAL REVIEW PANEL

10TH MEETING

October 1-2, 1995  
Panama City, Panama

AGENDA

1. Opening of the Meeting
2. Election of Presider
3. Approval of agenda
4. Approval of minutes of the 9th Meeting of the IRP
5. Review of observer data
6. Proposed procedures for dealing with special problem sets
7. Problems with living accommodations for observers aboard vessels
8. Research to reduce dolphin mortality:
  - a) Types of research to be performed
  - b) Mechanisms to fund such research
9. Estimates of the quantities of discards in the fishery:
  - a) Peer review report
  - b) Juvenile tuna
  - c) Other species
10. Review of compliance with the IDCP:
  - a) Options for reducing the incidence of night sets
  - b) Letters to fishermen
  - c) Options for actions against nations not in compliance with the Agreement (discussion of U.S. working document)
11. Dolphin Mortality Limits:
  - a) Review of 1995 DMLs to date
  - b) DMLs for 1996
12. Approval of modified Rules of Procedure
13. Place and date of next meeting
14. Other business
15. Adjournment





## INTERNATIONAL REVIEW PANEL

## WORKING GROUP ON SPECIAL PROBLEM SETS

La Jolla, California, June 9, 1995

## PROCEDURES FOR DEALING WITH SPECIAL PROBLEM SETS IN 1995 AND 1996

## 1. DEFINITION

A special problem set is a set in which:

- a) the mortality exceeds 50% of the individual-vessel DML for the year of the event and affects that vessel's DML for the following year;
- b) the mortality is not caused by or contributed to by:
  - i) an infraction committed by the fishing captain, or
  - ii) a gear failure or malfunction resulting from a lack of proper maintenance of the vessel and its gear,
- c) taking account of all the circumstances, the fishing captain acted with the degree of skill and care that would be expected of a reasonably competent fishing captain, and did not take unreasonable risks, and
- d) Every reasonable effort and/or efforts beyond those normally required were made, in the course of the set, to reduce or eliminate the mortality.

## 2. DETERMINATION

- a) In the course of its regular review of sets, the IRP shall be solely responsible for determining whether any set qualifies as a special problem set and making the appropriate recommendations to the Intergovernmental Meeting.
- b) The IRP should, as appropriate, obtain and hear expert evidence, to be given by fishing captains, gear technicians, and such other qualified persons as deemed necessary.
- c) The flag state or the state responsible for the vessel's fishing operations shall be given an opportunity to carry out its own investigation and to make such representations to the IRP as it wishes.
- d) For the purposes of making its determination, the IRP shall not consider the past performance of the fishing captain.
- e) Notwithstanding d) above, the IRP may take into account sets made during the same trip for the purpose of determining whether the fishing captain continued fishing after having experienced similar environmental conditions or gear malfunctions which should have put him on notice of the risks.

## 3. ACTION TO BE TAKEN

- a) If at any time after making a special problem set or as a consequence of such a set, the vessel exceeds its DML, it must immediately cease fishing on dolphins for the remainder of that year.
- b) When a vessel exceeds its DML due to a special problem set, its DML for the following year will be reduced by 40% or by the difference between the actual mortality and the DML in the year of the event, whichever is less. If that difference is not fully covered in the year after the event, then the

DML for the following year will be reduced by 20% or by the remaining difference, whichever is less. As an incentive, if the vessel achieves a reduction of 50% or more from the DML for the year after the event (before any reduction due to the special problem set), it will be exempted from any further DML reductions in the following year.

- c) If the total mortality caused by the fleet exceeds the overall DML for the year of the event, the excess imputable to the special problem sets will be deducted from the DMLs for the year after the event assigned to the vessels responsible in proportion to the level of mortality caused in the respective special problem sets. Provided that the reduction shall in no case be less than the reduction that would have been made under paragraph (b) had the overall DML for the year of the event not been exceeded. If this deduction exceeds an individual vessel's DML, that vessel shall not be permitted to fish on dolphins in the year after the event.
- d) The treatment of the DMLs for any vessel making a special problem set in the years 1997 onwards shall be decided by further resolution of the IRP and the Intergovernmental Meeting.

#### 4. RECOMMENDATIONS

- a) We recommend to the IRP that the analysis and opinions of a captain's panel, to be constituted by the IATTC, be requested in all cases with special problem sets.
- b) The conclusions of the captains' panel shall be circulated to all members of the IRP which, in this case only, may by confirmation of all its members make a final determination as to whether the set qualifies as a special problem set without the necessity of calling another meeting.
- c) The captains' panel shall be bound by the same rules as the IRP, including that of absolute confidentiality.

Appendix 4

### PROBLEMS WITH LIVING ACCOMMODATIONS FOR OBSERVERS ABOARD VESSELS

OFFICIAL REGISTER - Friday, December 31, 1993

#### FISHERIES SECRETARIAT

Mexican Official Rule 001-PESC-1993, to regulate the fishery for tunas by purse-seine vessels in waters under federal jurisdiction of the United States of Mexico in the Pacific Ocean and by Mexican-flag purse-seine vessels in international waters and jurisdictional waters of other nations in the eastern Pacific Ocean.

- 4.1.8. Provide to said personnel suitable accommodation, food, and sanitary facilities identical to those of the crew, as well as suitable space for office duties in the area from which the vessel is commanded, or as close as possible, and for the work on deck.

MAIN RESEARCH PROJECTS PENDING EXECUTION

(costs in US\$)

	YEAR 1	YEAR 2
<b>A) Improvements in current technology:</b>		
1) Freitas Panel	100,000	100,000
2) Hyperester net Hexamesh net		
3) Current profiler	(30,000 available)	
4) Net-lifting/opening devices	100,000	100,000
5) Dolphin-rescue boats	50,000	
6) Remotely-operated vehicle	75,000	
7) Engineering workshop	100,000	
<b>B) Methods involving dolphins, but not encirclement:</b>		
1) Pair trawling	not budgeted	
2) Separation by acoustic or other methods	not budgeted	
<b>C) Methods not entailing chasing nor encirclement of dolphins:</b>		
1) FAD program: feasibility study	212,000	
2) Expanded FAD program	4,000,000	
3) Longliner and baitboat studies	not budgeted	
<b>D) Other:</b>		
1) Establish Scientific Advisory Board	not budgeted	

**TERMS OF REFERENCE FOR THE WORKING GROUP  
DEALING WITH THE ISSUE OF BYCATCH****PRIORITIES:**

1. Identify studies needed to determine the impact of bycatch, including discards, on tuna populations and other marine species.
2. Standardize training and data collection procedures.
3. Review of statistical deficiencies and identify the studies needed to avoid them.
4. Make recommendations for reducing bycatch.

0

0

0

# INTER-AMERICAN TROPICAL TUNA COMMISSION COMISION INTERAMERICANA DEL ATUN TROPICAL

COSTA RICA - FRANCE - JAPAN - NICARAGUA - PANAMA - UNITED STATES OF AMERICA - VANUATU - VENEZUELA

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla, CA 92037-1508, U.S.A.

Tel: (619) 546 7100 - Fax: (619) 546 7133 - Director: James Joseph, Ph. D.

FTS Tel: (700) 893 6100 - FTS Fax: (700) 893 6133

Appendix 7

(date)

Dear (x):

During its last meeting, held in October 1995, in Panama City, Panama, the International Review Panel expressed great satisfaction with the progress achieved by the tuna-fishing fleet in reducing the mortality of dolphins in the fishery. As you know, the Panel was created in 1992 by the Agreement for the Conservation of Dolphins for the purpose of monitoring the progress of the International Dolphin Conservation Program, and ensuring that vessels comply with the objectives of that Program. It is made up of representatives of governments, environmental organizations, and the tuna industry.

For the second year in a row, the total number of dolphins killed in the fishery has been not only substantially lower than the overall Dolphin Mortality Limit set by the Program, but has been less than the upper limit of 5,000 animals originally established for 1999. These achievements are largely the result of dedicated effort and hard work by the fishermen of the fleet. The members of the Panel are aware of the risks taken and the sacrifices made by the fishermen in order to realize the Program's objectives, and wish to take this opportunity to express their deepest appreciation and gratitude for making this possible.

The Panel has asked me to write to you on its behalf to congratulate you, and all the fishermen working under your command, for your unselfish and diligent efforts to make the International Dolphin Conservation Program such a success. The Panel is confident that, thanks to your continued and unstinting effort, the Program will continue to be a success, and the world will come to see it as an example of how cooperation and goodwill can overcome even such biologically complex and emotionally charged problems as face us here in the tuna fishery of the eastern Pacific Ocean.

Yours sincerely,

James Joseph  
Director

AMENDMENT TO RULES OF PROCEDURE

**RULE IX:** Add "and observers" following the words "Members of the Panel."

**NEW RULE X. ATTENDANCE AT MEETINGS:**

- a) There shall be no restrictions on the number of persons a member government can include in its delegation to an IRP meeting.
- b) Any IATTC member country or country signatory to the Agreement that is not a member of the IRP may be represented by an observer.
- c) Any country not a member of the IATTC or not signatory to the Agreement may be represented by an observer with the approval of two-thirds of the members of the Panel.
- d) The Secretariat may invite representatives of intergovernmental organizations as observers, with prior notification of IRP members.
- e) Observers are limited to two delegates, but may bring more with the approval of two-thirds of the members of the Panel.

Former Rules X and XI to be renumbered as XI and XII.