
1. INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes a long-range management process to manage sustainably the nation's fisheries beginning with the creation of a Fishery Management Plan (FMP). A component of the *Final Fishery Management Plan for Atlantic Tunas, Swordfish, Sharks* (HMS FMP) and *Amendment One to the Atlantic Billfish Fishery Management Plan* (Billfish Amendment) is the production of an annual Stock Assessment and Fishery Evaluation (SAFE) report. The SAFE report provides a summary of the best available scientific information on the condition of stocks, marine ecosystems, and fisheries being managed under federal regulation. Consistent with the guidelines for National Standard 2 of the Magnuson-Stevens Act, the SAFE report is prepared annually and used as a reference in the evaluation and refinement of fisheries management practices. The report updates the data necessary to determine appropriate annual harvest levels, documents significant trends in the resources, marine ecosystems, and fisheries over time, and identifies associated bycatch and safety issues. Through a comprehensive annual update of key biological, economic, and social indicators, NMFS can ensure the use of the best available scientific data in its decision making process.

The 2002 SAFE report for Atlantic HMS is a vehicle to introduce information made available after completion of the final HMS FMP and Billfish Amendment, identify additional management issues that may need to be addressed, and begin preliminary assessment and evaluation of the fishery regulations. The SAFE report includes the latest stock assessment data, recommendations, and resolutions from the International Commission for the Conservation of Atlantic Tunas (ICCAT) and their Standing Committee on Research and Statistics (SCRS). In adherence with National Standard 2 guidelines, the report presents a comprehensive summary of the most recent Atlantic HMS fisheries-related data from a variety of sources across a wide range of disciplines. In addition, the current information is contrasted with previous years' data to highlight important trends and concerns for future management.

The SAFE report is divided into nine sections: Stock Assessment Update; Essential Fish Habitat; Fishery Data Update; Economic Status of HMS Fisheries; Community and Social Data Update; Fish Processing, Industry and Trade; Bycatch; HMS Permits; and Issues for Consideration and Outlook. The structure of the SAFE report is designed to provide a cohesive view of new information and present it in a format that is easily accessible to managers, Advisory Panel members, and the public.

1.1 Update on HMS Activities During 2001

The year 2001 was very active for the HMS Division, with several significant actions completed during the year. On April 2-4, 2001, an Advisory Panel meeting was held in Silver

Spring, Maryland. The HMS and Billfish panels provided valuable comments on a suite of management actions to be considered during calendar year 2001, including the following issues:

- Recreational swordfish fishery
- Enhanced monitoring of recreational billfish fishery to insure compliance with the ICCAT marlin landings cap
- Implementing extended HMS vessel logbook reporting
 - Purpose and need
 - Financial constraints on fishermen
 - Legal issues
 - Integration with other initiatives
 - Operational design
- HMS charter/headboat permit requirements
- Reducing bycatch
- Longline incidental bluefin tuna (BFT) catch limits
- Advisory panel operating plan

The international Atlantic swordfish rebuilding program developed as a result of a 1999 ICCAT recommendation was implemented in 2000, with the United States establishing a reduced North Atlantic swordfish quota over the next three years (December 12, 2000; 65 FR 77523). Further, a 320 mt dead discard allowance was implemented for the 2001 fishing season; the dead discard allowance will be incrementally reduced to 0 mt by 2003. In 2001, a 400 mt portion of the U.S. swordfish quota was given to Japan who had overages in their swordfish fishery, in return for future conservation considerations.

Numerous Atlantic tuna actions were completed during 2001, with several relating to bluefin tuna (BFT), including annual quota specifications, closures, in-season transfers in quota distribution, and adjustments to Angling and General category retention limits. NMFS also published a final rule to implement mandatory dealer reporting of Atlantic bigeye, albacore, yellowfin and skipjack tunas, and to move the bluefin tuna Angling category north/south division line and adjust the quota distribution between the two areas accordingly (August 15, 2001; 66 FR 42801).

The Final National Plan of Action (NPOA) for Conservation and Management of Sharks was published in 2001 and made available to the public. NMFS published observer coverage and gear-handling requirements in the shark drift gillnet fishery (March 30, 2001; 66 FR 17370) and

also published a proposed rule prohibiting the finning of sharks (June 28, 2001; 66 FR 34401). Other Atlantic shark-related actions during this year included publication of large coastal shark (LCS), small coastal shark (SCS) and pelagic shark quotas, and fishing season notifications. Several applications for Exempted Fishing Permits (EFP) for sharks collections for the aquarium trade were received during the year (see Section 3 of this document for further information). The appeals process for directed and incidental shark and swordfish permits was also completed during calendar year 2001.

There were nine active lawsuits during 2001, with a tenth lawsuit filed in January of 2002. In response to the settlement agreement reached in two shark-related lawsuits, NMFS published an emergency rule on March 6, 2001 (66 FR 13441), which expired on September 4, 2001. The emergency rule established the LCS and SCS commercial quotas at 1,285 and 1,760 mt dw, respectively (1997 levels), and suspended the regulations on splitting the LCS management group into ridgeback and non-ridgeback LCS subgroups, the commercial LCS ridgeback minimum size, and counting dead discards and state landings after Federal closures against Federal quotas. A third lawsuit was closed after the court ruled in favor of the agency, the three-fish yellowfin tuna possession limit, and shark recreational retention limits.

Another significant HMS issue that came to light during 2001 was the continued growth of a swordfish recreational fishery, particularly off the east Florida coast and mid-Atlantic regions. In response to the rapidly rebuilding fishery, NMFS published a proposed rule to establish a recreational retention limit and monitor landings in the Atlantic swordfish fishery (December 26, 2001; 66 FR 66386).

1.2 2001 ICCAT Accomplishments

In 2001, the ICCAT meeting was suspended without certain decisions necessary for the normal functioning of the Commission and for the adequate management of Atlantic highly migratory species. In order to continue progressing towards the objectives of ICCAT, the Commission will decide by correspondence on the manner in which to proceed. Various recommendations and resolutions were adopted by consensus at the 2001 meeting, including:

Compliance Committee

- Supplemental Recommendation on Compliance in the Bluefin Tuna and Atlantic Swordfish (SWO) Fisheries;
- Resolution by ICCAT on the Deadlines and Procedures for Data Submissions;
- Resolution Concerning a Management Standard for the Large-Scale Tuna Longline Fishery;
- Letter to Equatorial Guinea indicating continuance of trade restrictions;
- Revised Terms of Reference for the Working Group on Integrated Monitoring Measures;
- Compliance Tables and Interpretative Application Decisions; and

- Letter to Panama re: Identification under 1998 Unregulated and Unreported Fishing Resolution.

Tropical Tunas

- Recommendation by ICCAT on the 2002 Bigeye Tuna (BET) Conservation Measures.

Temperate Tunas-North

- Recommendation by ICCAT on Northern Albacore Catch Limits;
- 2001 Recommendation by ICCAT on Bluefin Tuna Research in the Central Atlantic Ocean; and
- ICCAT Resolution Regarding the SCRS Mixing Report on Atlantic Bluefin Tuna.

Working Group

- Resolution by ICCAT Concerning More Effective Measures to Prevent, Deter, and Eliminate Illegal, Unregulated, and Unreported (IUU) Fishing by Tuna Longline Vessels.

Many recommendations, resolutions, and other matters were not discussed in plenary but were approved by various Panels and Committees. These may be decided by mail vote in the near future. These include:

Working Group

- Recommendation by ICCAT Concerning the ICCAT BET Statistical Document Program;
- Supplemental Resolution Concerning ICCAT BET Statistical Document Program;
- Recommendation by ICCAT Establishing a SWO Statistical Document Program;
- Recommendation by ICCAT Concerning the Importation of BET and its Products from St. Vincent and the Grenadines;
- Resolution on Becoming a Cooperating Party, Entity, or Fishing Entity;
- Resolution by ICCAT Further Defining the Scope of IUU Fishing;
- Permanent Working Group Packet of Letters;
- Letter to Honduras re/ the Lifting of BFT and SWO Sanctions; Maintenance of BET Sanctions;
- Recommendation by ICCAT Concerning the Importation of BFT and SWO and their Products from Honduras;
- List of Large-Scale Longline Vessels Believed to be Engaged in IUU Fishing Activities; and

- Large-Scale Longline Vessels Listed on the 1999 and 2000 ICCAT Lists but which had no Record of Imports into Japan Since January 1, 2000.

Temperate Tunas-South

- Recommendation by ICCAT on Revision and Sharing of the Southern Albacore Catch Limit.

Other Species

- Recommendation by ICCAT on South Atlantic Swordfish;
- Recommendation by ICCAT to Amend the Plan to Rebuild Blue Marlin and White Marlin Populations;
- Resolution on Interpretation of the Recommendation to Establish a Rebuilding Program for North Atlantic Swordfish;
- Resolution by ICCAT on Atlantic Sharks; and
- Resolution by ICCAT for Evaluating Alternatives to Reduce Catches of Juveniles or Dead Discards of Swordfish.

One recommendation regarding east Atlantic bluefin tuna was discussed at plenary but was not adopted because there was no quorum. It is likely this topic will be addressed in debate early in 2002.

1.3 Summary of HMS Actions Published in the Federal Register during 2001

In summary, during calendar year 2001, the HMS Division completed a total of five proposed rules, ten final rules, 11 in-season actions (mainly related to the bluefin tuna fishery), six notices, five emergency rules, and two notices of availability (NOA). Table 1.1 provides a summary of all the Federal Register Notices filed during 2001 relating to specific actions taken by the HMS Division. All required analytical documents accompanied these actions (e.g., Environmental Assessments, Environmental Impact Statements, Regulatory Impact Reviews, Regulatory Flexibility Analyses, etc.).

Table 1.1 Summary of 2001 NMFS HMS actions

ACTION TYPE NMFS ID; RIN	ACTION DESCRIPTION	
Final Rule ID 121200G	Atlantic HMS; Pelagic Shark Species; Commercial Fishing Quota Notification	66 FR 55; 01/02/2001
Notice ID122800D	Atlantic HMS; Issuance of 2001 EFPs/SRPs	66 FR 779; 01/04/2001
Final Rule ID 110800A; RIN 0648-AJ67	Atlantic HMS; Pelagic Longline Fishery Vessel Monitoring Systems	66 FR 1907; 01/10/2001

ACTION TYPE NMFS ID; RIN	ACTION DESCRIPTION	
Final Rule Technical Amendment ID 122700B; RIN 0648-AO95	Atlantic HMS; Regulatory Adjustments to Clarify Blue Shark Quota, Revise Cross-References and Revised Specifications for Closed Areas	66 FR 8903; 02/05/2001
Notice of Availability ID 121300A	Atlantic HMS; Final Plan of Action for Conservation and Management of Sharks	66 FR 10484; 02/15/2001
Emergency Rule ID 120500A; RIN 0648-AO85	Atlantic HMS; Commercial Shark Management Measures	66 FR 13441; 03/06/2001
Notice ID 022701F	ICCAT Spring Species Working Group; Notice of Public Meeting	66 FR 14893; 03/14/2001
Notice ID 031401D	Atlantic HMS; Advisory Panel Meeting; Public Hearing	66 FR 15396; 03/19/2001
Interim Final Rule ID 110600A; RIN 0648-A076	Atlantic HMS; Pelagic Longline Fishery; Sea Turtle Protection; Shark Drift Gillnet Fishery; Observer Coverage and Gear and Handling Requirements	66 FR 17370; 03/30/2001
Proposed Rule ID 022201B; RIN 0648-AP13	Atlantic HMS; Pelagic Longline Management; Proposed Extension of Charleston Bump Closure	66 FR 17389; 03/30/2001
Proposed Rule ID 010301C; RIN 0648-AO96	Atlantic HMS; 2001 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls	66 FR 17520; 04/02/2001
Notice of Availability ID 032601D	Atlantic HMS; Draft Biological Opinion	66 FR 18755; 04/11/2001
Notice ID 042301A	Atlantic HMS; Draft Biological Opinion; Extension of Comment Period	66 FR 21121; 04/27/2001
Proposed Rule Withdrawal ID 022201B; RIN 0648-AP13	Atlantic HMS; Pelagic Longline Management	66 FR 22994; 05/07/2001
Notice ID 051701H	Atlantic HMS; Notice of Scoping Workshop on Development of ICCAT Statistical Document Program	66 FR 29529; 05/31/2001
Temporary Rule ID 051501C; RIN 0648-AP29	Atlantic Tuna Fisheries; Regulatory Adjustments; Amendment of Permit Category Change Deadline from 05/15 to 05/31 for 2001	66 FR 29510; 05/31/2001
Final Rule Technical Amendment ID 040601J; RIN 0648-AP23	Atlantic HMS; NOAA Information Collection Requirements; Regulatory Adjustments	66 FR 30651; 06/07/2001
Final Rule Inseason Action ID 051701G	Atlantic HMS; Bluefin Tuna Recreational Fishery; Retention Limit Adjustments	66 FR 31844; 06/13/2001

ACTION TYPE NMFS ID; RIN	ACTION DESCRIPTION	
Final Rule ID 061101A	Atlantic HMS; Large Coastal, Pelagic, and Small Coastal Shark Species Fishing Season Notification	66 FR 33918; 06/26/2001
Proposed Rule ID 041901A; RIN 0648-AP21	Atlantic HMS; Fisheries of the Northeastern United States; Shark Finning Prohibition	66 FR 34401; 06/28/2001
Emergency Rule ID 060401B; RIN 0648-AP31	Atlantic HMS; Pelagic Longline Fishery; Sea Turtle Protection Measures; Implementation of 2001 BO	66 FR 36711; 07/13/2001
Final Rule ID 010301C; RIN 0648-AO96	Atlantic HMS; 2001 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls	66 FR 37421; 07/18/2001
Final Rule Inseason Action ID 072501A	Atlantic HMS; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit	66 FR 40151; 08/02/2001
Final Rule ID 031500A; RIN 0648-AN97	Atlantic HMS; Atlantic Tunas Reporting, Fishery Allocations and Regulatory Adjustments	66 FR 42801; 08/15/2001
Final Rule Inseason Action ID 080201B	Atlantic HMS; Bluefin Tuna Recreational Fishery; Retention Limit Adjustment	66 FR 42805; 08/15/2001
Final Rule Inseason Action ID 082701D	Atlantic HMS; Atlantic Bluefin Tuna Fisheries; Adjustment of Daily Retention Limit; Inseason Quota Transfer	66 FR 46400; 09/05/2001
Final Rule ID 082901B	Atlantic HMS; Large Coastal Shark Species; Postponement of Closure	66 FR 46401; 09/05/2001
Final Rule Inseason Action ID 070201A	Atlantic HMS; Swordfish Quota Adjustment; Adjustment of Annual Catch Quotas	66 FR 46401; 09/05/2001
Final Rule Inseason Action ID 091201C	Atlantic HMS; Atlantic Bluefin Tuna Fishery; Harpoon Category Closure; General Category Adjustment of Daily Retention Limit	66 FR 48221; 09/19/2001
Emergency Rule ID 060401B; RIN 0648-AP31	Atlantic HMS; Pelagic Longline Fishery; Sea Turtle Protection Measures; Revision	66 FR 48812; 09/24/2001
Final Rule Inseason Action ID 092001A	Atlantic HMS; Atlantic Bluefin Tuna Fisheries; General Category Daily Retention Limit Adjustment; Harpoon Category Reopening; Quota Transfer	66 FR 49321; 09/27/2001
Final Rule Inseason Action ID 101501B	Atlantic HMS; Atlantic Bluefin Tuna; Quota Transfers; General Category Daily Retention Limit Adjustment	66 FR 53346; 10/22/2001
Final Rule Inseason Action ID 102201D	Atlantic HMS; Atlantic Bluefin Tuna; Coastwide General Category Closure	66 FR 54165; 10/26/2001

ACTION TYPE NMFS ID; RIN	ACTION DESCRIPTION	
Final Rule Inseason Action ID 110601A	Atlantic HMS; Atlantic Bluefin Tuna; Quota Transfers; General Category Reopening	66 FR 57397; 11/15/2001
Proposed Rule ID 010201A; RIN 0648-AO93	Atlantic HMS; Quotas and Fishing Areas; Trade Monitoring	66 FR 57409; 11/15/2001
Notice ID 110201D	Atlantic HMS; Advisory Panels; Notice of Intent; Request for Nominations	66 FR 57424; 11/15/2001
Final Rule Inseason Action ID 112801A	Atlantic HMS; Atlantic Bluefin Tuna; General Category Closure	66 FR 63002; 12/04/2001
Emergency Rule ID 060401B; RIN 0648-AP31	Atlantic HMS; Pelagic Longline Fishery; Sea Turtle Protection Measures	66 FR 64378; 12/13/2001
Proposed Rule ID 032900A; RIN 0648-AN06	Atlantic HMS; Monitoring of Recreational Landings	66 FR 66386; 12/26/2001
Emergency Rule ID 110501B; RIN 0648-AP70	Atlantic HMS; Commercial Shark Management Measures; Fishing Season Notification	66 FR 67118; 12/28/2001