
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 (NS 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 resource, 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 use of the best available scientific data in its decision making process.

The 2001 SAFE report for Atlantic Highly Migratory Species is a vehicle to introduce information made available after completion of the final HMS FMP and Billfish Amendment One of the Atlantic Billfish FMP, 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 NS 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.

1.7 Update on HMS Activities During 2000

The year 2000 was very active for the HMS Division, with several significant actions completed during this year. On February 9-11, 2000, 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 2000, including the following issues:

- ICCAT overview
 - Swordfish assessment and rebuilding
 - Trade issues
 - Northern albacore tuna rebuilding options
- Time/Area Closure Proposed Rule
- Bluefin tuna issues
 - Restricted fishing days
 - Bag limits
 - General category effort control
 - Angling category allocation
- Current HMS Activities
 - Essential fish habitat
 - Upcoming proposed rules:
 - Permitting
 - Authorized gears in HMS fisheries
 - Billfish commercial prohibition clarification
- Long Term Activities and Planning
 - Budget
 - Permitting/reporting
 - Economic data collection
 - Communities
 - Research

One of the major accomplishments of 2000 was completion of Regulatory Amendment One to the Atlantic Tunas, Swordfish and Sharks FMP to reduce bycatch, bycatch mortality, and incidental catch in the Atlantic pelagic longline fishery. On June 14, 2000, the Final Supplementary Environmental Impact Statement (FSEIS), Regulatory Impact Review (RIR) and Final Regulatory Flexibility Analysis (FRFA) were published and made available for public review, with the implementing regulations establishing time/area closures and gear restrictions published on August 1, 2000 (65 FR 47214). Several Congressional Bills with alternative time/area closure scenarios and vessel buy-back options to reduce bycatch in the pelagic longline fishery were also developed during 2000. The HMS Division provided numerous comments and analyses on the potential impacts of proposed Congressional closures; however, none of the bills were passed by Congress during 2000. Another important bycatch action taken during this year was the preparation and publication of an emergency rule on October 13, 2000 (65 FR 60889), closing

areas of the Grand Banks and requiring the use of line cutters and dip nets by the pelagic longline fishery. More information is provided on the specifics of these rules in Chapter 9 (Bycatch) of this document.

The international Atlantic swordfish rebuilding program developed as a result of a 1999 ICCAT recommendation was implemented this year, 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. Finally, the December 12, 2000, final rule also prohibited imports of bluefin tuna from Equatorial Guinea, as well as swordfish from Belize and Honduras.

Numerous Atlantic tuna actions were completed during 2000, with several relating to bluefin tuna (BFT), including annual quota specifications, closures, proposed changes to the Angling Category north/south line, in-season transfers in quota distribution, adjustments to Angling and General category retention limits, determination of state jurisdiction, and trade restrictions. An Advanced Notice for Proposed Rulemaking (ANPR) was also completed relating to developing a requirement for mandatory dealer reporting for Atlantic bigeye, albacore, yellowfin and skipjack tunas. An ANPR was published on November 17, 2000 (65 FR 69492), requesting comments on reducing BFT bycatch by pelagic longline gear.

The draft National Plan of Action (NPOA) for Conservation and Management of Sharks was made available for comment during 2000, as was the draft NPOA for Seabird Bycatch in Longline Fisheries. The final shark NPOA was published in early 2001 and made available to the public. NMFS also reached a settlement agreement during 2000 with the plaintiffs in two shark-related lawsuits. Other Atlantic shark-related actions during this year included publication of large coastal shark, small coastal shark and pelagic shark quotas, and fishing season notifications. Several applications for Exempted Fishing Permits 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 2000.

Other significant HMS issues that came to light during 2000 include the continued growth of a swordfish recreational fishery, particularly off the east Florida coast and mid-Atlantic regions. An ANPR requesting comments on potential methods to monitor this fishery, as well as to improve estimates of Atlantic billfish landings was also completed this year (August 9, 2000; 65 FR 48671). The vessel monitoring requirement established in the HMS FMP for all Atlantic pelagic longline vessels was delayed by several agency actions, and subsequently delayed indefinitely by a federal court ruling.

1.2 2000 ICCAT Accomplishments

The following summarizes the major accomplishments achieved at the 2000 ICCAT meetings held November 13 to 20, 2000, in Marrakech, Morocco. Several management measures, such as quotas, were only established for a single year due in part to the unfinished work of ICCAT's Working Group on Allocation Criteria. The commission decided that this working group, created to address concerns of developing countries that quota allocation practices were unfair, would meet for a third time in Brussels, Belgium, from May 21-23, 2001, in an effort to finalize criteria that should be taken into account when making quota allocations.

Atlantic Marlin Rebuilding

The United States successfully negotiated a two-phase rebuilding plan for Atlantic blue and white marlin. Phase One of the Atlantic marlin rebuilding plan requires that countries capturing marlins commercially reduce white marlin landings by 67 percent and blue marlin landings by 50 percent from 1999 levels. To accomplish these reductions, the plan requires the release of all live marlins taken as bycatch in commercial fisheries, but allows landing of fish unavoidably killed provided that they are not sold. The United States agreed to limit annual landings by recreational fishermen to 250 marlin, combined, to provided scientific monitoring of at least 5 percent of the Atlantic billfish tournaments, and to maintain regulations that prohibit retention of marlins on U.S. longline vessels. Phase One of the plan also encourages countries to set minimum sizes for marlins taken in recreational fisheries that are consistent with the requirements for conservation, but they may take into account the specific circumstances of local fisheries.

In Phase Two of the program, ICCAT will reassess the status of the billfish stocks and develop specific time tables to rebuild the stocks to levels that will support maximum sustainable yield. At such time, additional landings restrictions or alternative management measures such as fishing gear modifications or time and area closures may be recommended.

Atlantic Tunas

ICCAT's science body advised that the total allowable catch for the western stock of bluefin tuna "should not be changed significantly from the current level..." Given this advice and noting the 20-year rebuilding program agreed by ICCAT in 1998 was only in its second year, ICCAT members that fish for western Atlantic bluefin tuna (the United States, Canada, and Japan) agreed to maintain the current 2,500 mt quota.

In stark contrast and despite scientific advice that the total catch for the eastern Atlantic bluefin tuna fishery must be reduced to 25,000 mt in order to begin rebuilding, the commission adopted an overall catch level of 29,500 mt for 2001. This catch level represents the status quo and does not take into account other factors that may lead to actual harvest levels that exceed this target. The United States expressed extreme disappointment with this recommendation as it will allow continued overfishing of the eastern Atlantic bluefin tuna stock and could threaten recovery

measures in the western Atlantic. An intersessional scientific meeting in 2001 will examine stock boundary issues and possible new spawning areas in the central Atlantic Ocean. ICCAT also recommended a total allowable catch levels for bigeye tuna and northern albacore as the first step toward rebuilding overfished stocks in the Atlantic.

Swordfish

The United States was concerned about the overall 2001 total allowable catch for South Atlantic swordfish. While this stock is significantly healthier than eastern bluefin tuna, the target total allowable catch of 14,620 mt could allow overfishing to occur. Moreover, unlike past years, no member-specific quotas were agreed to for this fishery. Additionally, during compliance discussions, Japan reported that it had seriously exceeded its North Atlantic swordfish quota. Swordfish are a non-target species taken in Japan's bigeye tuna fishery. Although Japan had taken some actions to address this compliance problem, Japan sought help from ICCAT to rectify the situation fully. Because of concerns for the integrity of the 10-year swordfish rebuilding program adopted by ICCAT in 1999 and given the recent underharvest by the United States of its North Atlantic swordfish quota, the United States, with the full support of the U.S. longline industry, agreed to assist Japan in addressing its swordfish overharvest. Specifically, a measure was adopted that, among other things, will allow Japan access to 400 mt of unused U.S. quota for 2001 only. NMFS will publish proposed and final rules to address this allocation of quota.

1.3 Summary of HMS Actions Published in the Federal Register during 2000

In summary, during calendar year 2000, the HMS Division completed a total of 3 ANPRs, 12 proposed rules, 6 final rules, 12 in-season actions (mainly related to the bluefin tuna fishery), 8 notices, 1 Emergency Rule, and 2 Notices of Availability (NOA). Table 1.1 provides a summary of all the Federal Register Notices filed during 2000 relating to specific actions taken by the HMS Division. All required analytical documents accompanied these actions (e.g., Environmental Assessments, Environmental Impact Statements, RIR, Regulatory Flexibility Analyses, etc.).

Table 1.1 Summary of 2000 NMFS HMS actions

Action Type NMFS ID#	CFR Part*	Action Description	
Final Rule Inseason Action ID 010600A	635	Atl. HMS Fisheries; Atl. BFT Closure of the Angling Category Large Medium/Giant BFT Fishery in the So. Area	01/13/2000; 65 FR 2075
Proposed Rule ID 121799E	635	Atl. HMS Fisheries; Additional Public Hearings; Extension Comment Period on Proposed Regs to Reduce Bycatch in Atl. Pelagic Longline Fishery	01/20/2000; 65 FR 3199
Notice ID 011100E	600*	M-S Act Provisions; Atl. HMS; Applications for Exempted Fishing and Scientific Research Permits; Req. Comments	01/21/2000; 65 FR 3419
Notice ID 021100D	635*	BFT Recr. Landings Reports; Proposed Information Collection; Req. Comments	02/16/2000; 65 FR 7853
Notice ID 022500A	635*	Atl. Tuna Vessel Permits; Proposed Information; Req. Comments	03/01/2000; 65 FR 11039
Final Rule Inseason Action ID 102299B	635	Atl. HMS Fisheries; Swordfish Adjustment of Annual Catch Quotas	03/24/2000; 65 FR 15873
Notice ID 032100A	635*	National Plan of Action for Conservation and Management of Sharks; Revised Time Frame	03/27/2000; 65 FR 16186
Advance Notice of Proposed Rulemaking ID 031500A; RIN 0648-AN97	635	Atl. HMS; Atl. BFT Angling Category No/So Division Line and Associated Quota Adjustment	04/10/2000; 65 FR 18960
Notice of Availability ID 040400A	635*	Atl. HMS Fishery Mgmt Plan (FMP) Second Errata Sheet	04/11/2000; 65 FR 19361
Final Rule Inseason Action ID 033100D	635	Atl. HMS; Atl. BFT; Retention Limit Adjustment Angling Category	04/13/2000; 65 FR 19860
Final Rule ID 012800H; RIN 0648-AN56	635	Atl. HMS; BFT Rec. Landings Reporting; Determination of State Jurisdiction	04/14/2000; 65 FR 19860

Action Type NMFS ID#	CFR Part*	Action Description	
Final Rule ID 040500B; RIN 0648-AJ67	635	Atlantic HMS; Vessel Monitoring Systems Delay of Effectiveness until 09/01/2000	04/19/2000; 65 FR 20918
Proposed Rule ID 110499B; RIN 0648-AM79	635	Atl. HMS; Pelagic Longline Mgmt; Time/Area Closures; Addl. Area; Notice of Availability of DSEIS/RIR/IRFA; Req. Comments	04/26/2000; 65 FR 24440
Correction to Proposed Rule ID 110499B; RIN 0648-AM79	635	OFR Correction to OFR printing error in table (appeared incomplete in 04/26/2000 issue)	05/09/2000; 65 FR 26877
Notice ID 042500A	635*	Atl. HMS; Issuance of EFPs for Qualifying Holders of Swo/Shark Ltd Access Permits; Request for Comments	05/16/2000; 65 FR 31149
Proposed Rule ID 120999B; RIN 0648-AN52	635	Atl. HMS; Atl. Swordfish Quotas; No. Albacore Tuna Rebuilding	05/24/2000; 65 FR 33519
Proposed Rule ID 051600B; RIN 0648-AN52	635	Atl. HMS; Trade Restrictions for BFT and Swordfish	05/24/2000; 65 FR 33517
Proposed Rule ID 041200D; RIN 0648-AO03	635	Atlantic HMS; Atlantic BFT Annual Specifications and HMS Regulatory Amdt. Re. Authorized Gear in No. Atl. Swo Fishery	05/24/2000; 65 FR 33513
Proposed Rule ID 120999B	635	Atl. HMS; Change in Public Hearing Date for ID 120999B above	06/06/2000; 65 FR 35881
Final Rule Inseason Action ID 052500B	635	Atl. HMS; Large Coastal, Small Coastal and Pelagic Sharks Quota Adjustment and Fishing Season Notification	06/06/2000; 65 FR 35855
Final Rule Inseason Action ID 052500B	635	Atl. HMS; Implementation of Prohibited Species Provisions (per Court Order); Large Coastal Sharks Commercial Fishery Closure Change	65 FR 38440; 06/21/2000
Final Rule Inseason Action ID 061500D	635	Atl. HMS; Atl. BFT Harpoon Category Closure	65 FR 40538; 06/30/2000

Action Type NMFS ID#	CFR Part*	Action Description	
Final Rule ID 041200D; RIN 0648-AO03	635	Atlantic HMS; Atlantic BFT Annual Specifications and HMS Regulatory Amdt. Re. Authorized Gear in No. Atl. Swo Fishery	65 FR 42883; 07/12/2000
Proposed Rule ID 070500C	635	Atl. HMS; Bycatch Reduction. Notice of Intent to Prepare an SEIS. NOA of Biological Opinion. Scoping Meetings Announcement	65 FR 44753; 07/19/2000
Final Rule Inseason Action ID 072100C	635	Atl. HMS; Atl. BFT; Adjustment of General Category Daily Retention Limit on Previously Restricted Fishing Days	65 FR 46654; 07/31/2000
Final Rule ID 110499B; RIN 0648-AM79	635	Atl. HMS; Pelagic Longline Mgmt; Time/Area Closures and Gear Restrictions (Live Bait Prohibition)	65 FR 47214; 08/01/2000
Proposed Rule ID 070500C	635	Atl. HMS; Bycatch Reduction; Additional Scoping Meetings	65 FR 46885; 08/01/2000
Notice 062300A	635*	Notice of Availability; Draft National Plan of Action for Conservation and Management of Sharks	65 FR 47968; 08/04/2000
Proposed Rule 032900A	635	Advance Notice of Proposed Rulemaking; Atl. HMS; Billfish Size Limits; Monitoring Rec. Landings; Post-Release Mortality	65 FR 48671; 08/09/2000
Final Rule ID 040500B; RIN 0648-AJ67	635	Atlantic HMS; Vessel Monitoring Systems Delay of Effectiveness until 10/01/2000	08/16/2000; 65 FR 49941
Final Rule Inseason Action ID 080300A	635	Atl. HMS; Atl. BFT; Retention Limit Adjustment Angling Category	08/17/2000; 65 FR 50162
Proposed Rule ID 090600B	600	M-S Act Provisions; Notification of a Proposal for Exempted Fishing Permits to Conduct Experimental Fishing for Giant BFT by Purse Seine Vessels in NE Multispecies Closed Area 1	09/11/2000; 65 FR 54833
Final Rule Inseason Action ID 081600A	635	Atl. HMS; Atl. BFT; Adjustment of General Category Daily Retention Limit on Previously Restricted Fishing Days	09/12/2000; 65 FR 54970

Action Type NMFS ID#	CFR Part*	Action Description	Action Pub Info
(Final) Emergency Rule ID 091100A	635	Atl. HMS; Pelagic Longline Fishery; Sea Turtle Protection Measures Time/Area Closure and Gear Deployment Restrictions.	10/13/2000; 65 FR 60889
Final Rule Inseason Action ID 101300B	635	Atl. HMS; Atl. BFT. Inseason Transfer to General Category	10/20/2000; 65 FR 63021
Final Rule Inseason Action ID 101700B	635	Atl. HMS; Atl. BFT; Retention Limit Adjustment Angling Category	10/25/2000; 65 FR 63807
Advance Notice of Proposed Rulemaking ID 110200D; RIN 0648-AO75	635	Atl. HMS; Atl. BFT; Incidental Catch of BFT in Pelagic Longline Fishery (Target Catch Requirements)	11/17/2000; 65 FR 69492
Proposed Rule section ID 110800C	635	Atl. HMS; Technical Gear Workshops (Pelagic Longline Fishery) aimed at reducing takes mortality of sea turtles	11/21/2000; 65 FR 69898
Proposed Rule section ID 110800C	635	Atl. HMS; Technical Gear Workshops (Pelagic Longline Fishery) aimed at reducing takes mortality of sea turtles - Postponement	11/29/2000; 65 FR 71085
Proposed Rule section ID 110800C	635	Fishing Season Notification for Atlantic large coastal sharks, small coastal sharks, and pelagic sharks	12/5/2000; 65 FR 75867
Proposed Rule section ID 031500A; RIN 0648-AN97	635	Atlantic Tunas Reporting, Fishery Allocations, and Regulatory Adjustments	12/7/2000; 65 FR 76601
Final Rule section ID120999B, RIN0648-AN52	635	Implementation of ICCAT Recommendations, annual swordfish landings quotas, dead discard allowance, importation prohibitions	12/12/2000; 65 FR 77523

* Part 600/635 not listed in FR publication, but M-S Provisions are codified under part 600 and all HMS regulations are consolidated under Part 635.