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## **10. OUTLOOK**

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The year 2000 was eventful for the HMS Division. Management measures from the HMS FMP and the Billfish Amendment are still in the process of being implemented and evaluated. New SCRS information, new ICCAT recommendations, and other recently released studies need to be recognized and incorporated, consistent with National Standard 2. The swordfish, tuna, shark and billfish fisheries were also monitored during the year. The information provided in this section serves as a means of introducing some of the issues that will need to be addressed in the near future; some issues are new, while other are continuations of previous years' efforts. As the SAFE report is intended to provide information to help develop and evaluate regulatory adjustments, an outlook on the future of HMS fisheries management strategies is both valuable and necessary.

### **10.1 Current Issues and Potential Options for Consideration during 2001**

This section provides background material on some of the issues that are currently being addressed or anticipated to be of concern during calendar year 2001, and is provided strictly to present material for discussion purposes. These issues are based on input from public hearings, Advisory Panel meetings, Congressional briefings, staff concerns, and other forums. To that end, the issues discussed below are purposely broad in scope, with suggested potential options that encompass a wide spectrum of approaches that *could* be considered. The order of discussion does not reflect any relative order of importance. The information provided in this section can also be used as a starting point for discussion for the 2001 joint HMS and Billfish Advisory Panel meeting. It is important to note that the following discussion is not meant to be an exhaustive listing of the issues of concern to the management of HMS fisheries, rather it is an anticipatory look forward.

#### **10.1.1 Monitoring HMS Fisheries**

##### **10.1.1.1 HMS Recreational Fisheries**

Monitoring HMS recreational fisheries, particularly Atlantic billfish and swordfish, can be a challenge due to the rare event nature of these fisheries (i.e., fewer boats fishing offshore than inshore and success rates may be lower for large pelagics than for inshore species), the timing of landings (e.g., late-day returns from offshore trips), and the wide geographic range of landings (i.e., Texas to Maine and the Caribbean). Trips landing swordfish, sharks, blue marlin, white marlin, and sailfish are intercepted relatively infrequently within the scope of NMFS' current recreational statistical programs (Marine Recreational Fisheries Statistics Survey and Large Pelagics Survey). Further, species identification, particularly of shark species, is problematic for many recreational anglers. The Billfish Amendment and the HMS FMP established new requirements for registration of, and reporting by, tournaments scoring billfish, swordfish, tunas

and sharks. While landings reporting for HMS tournaments is becoming more comprehensive, a significant amount of recreational fishing effort for Atlantic HMS occurs outside of the tournament context. The HMS FMP included a commitment to count recreational landings of north Atlantic swordfish against the incidental catch quota. Additional emphasis on the need to enhance recreational monitoring resulted from a 2000 ICCAT recommendation that limited recreational landings of Atlantic blue and white marlin by the United States to 250 fish, combined. NMFS published an ANPR on August 6, 2000, (65 FR 48671) to solicit comments from the public regarding, among several other issues, monitoring of recreational landings of Atlantic billfish and swordfish.

Issue 1: Improve Monitoring of Recreational HMS Landings

NMFS is considering several management alternatives to improve the level of precision in monitoring of recreational landings of HMS. The following table offers four options, along with prospective pros, cons and costs, that NMFS could establish either independently or in combination.

Option	Pros	Cons	Cost
Call-in system to report landings	Easy to implement through a contractor or in-house	Non-compliance concerns, angler may forget to call in.	Minimal
Fax/OCR - similar to system currently in use to monitor BFT	Low personnel costs and easy updating of data files	Lack of access to fax machine; non-compliance concerns	\$40,000
Landing Tags	Improved estimates of recreational landings and enforcement are likely	Need a coordinator in SERO/Miami; Implementation over wide geographic area; non-compliance issue; tracking of unused tags	Full-time position, plus approximately \$10,000
Augment State monitoring programs	Allows local expertise within each state to be utilized	Cost could be prohibitive considering the number of states/territories involved	Depends upon negotiation of cooperative agreements, but could be approximately \$200,000
Increased Dockside Surveys	Biological measurements, direct accounting	Cost prohibitive Small sample size	Unknown additional costs to either LPS or MRFSS

Issue 2: Compliance with ICCAT Recommendation to Limit Atlantic Marlin Landings

The Secretary of Commerce has the responsibility, under the Atlantic Tunas Convention Act (ATCA), to implement ICCAT recommendations. The primary issue for the United States resulting from the 2000 ICCAT recommendations for blue and white marlin is determining the appropriate management strategy to ensure compliance with the annual cap of 250 marlin (total of blue marlin and white marlin recreational landings combined) for 2001 and 2002. The fishing season for Atlantic billfish is June 1 through May 31, therefore additional regulations, if needed, will need to be in place by June 1, 2001, (beginning of the 2001 season).

*Option 1, Increase Minimum Size:* An increase to the minimum size limit of blue and white marlin would further reduce the number of marlin landed, as estimated by the RBS, increasing the likelihood that total blue and white marlin landings (i.e., tournament and non-tournament) would be within the limits established by the 2000 ICCAT recommendation. The Billfish Amendment established a management strategy of controlling recreational billfish recreational landing through size limits. By following the same management philosophy, landings could be further reduced to minimize the possibility of exceeding the target cap of 250 marlin recreational landings by increasing minimum size limits.

*Option 2, Prohibit Atlantic blue marlin and white marlin landings in tournaments:* This option would eliminate landings during times of most concentrated effort. Some tournaments already have no-kill format; this would encourage a catch-and-release ethic among anglers and may reduce waste. However, this option would likely result in negative social and economic impacts, particularly if fewer people participate in these events.

*Option 3, Prohibit landings outside of tournaments:* This option could simplify the process of monitoring billfish landings since current programs (i.e., RBS) could be utilized to effectively account for blue and white marlin landings. On the flip-side, this option could encourage season-long tournaments to develop thereby minimizing the effectiveness of this alternative. Further, prohibiting landings of marlin outside of tournaments could be perceived as unfairly penalizing anglers, and associated businesses, who cannot afford to fish in tournaments or who are not interested in tournament fishing.

*Option 4, Allocate 250 landing tags:* Under this option a landing tag would be required for any U.S. citizen to land an Atlantic blue or white marlin within the management unit (Atlantic Ocean).

*Option 5, Status Quo:* Under this option, no changes would be made to current regulations relating to size limits or retention by U.S. recreational anglers.

### Issue 3: North Atlantic Swordfish Recreational Fishery

In recent months, NMFS has received information regarding the growing recreational fishery for North Atlantic swordfish off the U.S. Atlantic coast, particularly along the

southeastern coast of Florida. This information has been confirmed through direct observation by HMS staff, OLE, as well as numerous published articles. As noted in Section 4.4 of this report, these recreational swordfish landings must be counted against the Incidental quota. It is anticipated that as the pelagic longline closures are implemented in the Atlantic, this fishery, along with commercial handline fishing, will likely experience continued growth. In addition to the monitoring concerns discussed above, other components of this issue that may be addressed in 2001, include:

- establishing recreational bag limits;
- evaluating the use of “bang sticks” to boat fish; and
- evaluating post-hooking release mortality rates for undersized fish.

#### **10.1.1.2 Charter/Headboat Permits**

The FMP for Atlantic Tunas, Swordfish and Sharks, and the Billfish Amendment included final actions establishing a requirement for charter/headboats (CHB) that fish for HMS to obtain an annual permit, as an extension of the current charter/headboat permit for Atlantic tunas. Development of an HMS CHB permit was included as part of a suite of actions directed toward improving monitoring of the recreational segment of HMS fisheries by providing estimates of number of participants, effort, catch and bycatch (including discards). In the final consolidated rule, NMFS delayed the effective date of the HMS CHB permit pending Office of Management and Budget (OMB) approval of an increase in reporting burden due to a specific HMS permit. OMB approval was received in August 2000 and thus, once NMFS publishes a Federal Register Notice notifying the public and establishing an effective date, all for-hire vessels will be required to obtain an Atlantic HMS CHB permit prior to taking fee-paying anglers for fishing trips targeting or catching Atlantic tunas, swordfish, billfishes or sharks within the U.S. EEZ, as appropriate. However, revised regulations are needed to the consolidated regulations implementing the FMPs for Atlantic Swordfish, Tunas and Sharks and Atlantic Billfish to clarify certain provisions pertaining to the definition and operations of CHB and other related matters.

NMFS is aware of a number of issues that need to be resolved to ensure consistency between current regulations and the CHB permit requirement. Some items that should be clarified prior to implementation of the HMS CHB permit include captain requirements, sale of fish, and applicability of daily catch limits on board vessels used for several purposes. These issues are discussed generally below. NMFS is aware that there may be other inconsistencies or concerns with issuance of an HMS CHB permit and the current HMS regulations. NMFS welcomes any suggestions or comments.

##### Issue 1: Definition of Charter/Headboat

This action would clarify the existing definition of a CHB operation and which vessels would be required to obtain an HMS CHB permit.

*Option 1:* Define CHB operations as carrying a passenger who pays a fee or having a specified number of persons aboard. The number of persons aboard would be enumerated inclusive of the operator and crew.

- a) carrying more than three/four persons for a vessel licensed to carry six or fewer, or
- b) carrying more than the required number of crew for an inspected vessel, or
- c) some other enumeration strategy

*Option 2:* Licenced captain onboard, or proper documentation onboard.

*Option 3:* Some other defining characteristic(s)

## Issue 2: Clarification of Regulations for Charter/Headboats

NMFS recognizes that certain vessels operating as charter vessels and headboats by taking anglers fishing for HMS on a fee basis may, on occasion, sell fish taken by those anglers. Additionally, some of these vessels may, when not operating as a CHB, directly engage in commercial fishing operations. As the retention limits applicable to the recreational fisheries for HMS do not generally apply to persons aboard permitted commercial fishing vessels, it is necessary to specify the circumstances under which persons aboard a CHB vessel are subject to the recreational regulations and when they are subject to the commercial regulations. Allowing vessels with an HMS CHB permit the flexibility to engage in both commercial and recreational fishing operations raises regulatory and enforcement concerns as different regulations may apply depending on whether the CHB vessel is fishing commercially or recreationally. In the case of BFT fishing, such dual designation is practical because the quota categories are related to size classes of fish which in turn are divided between commercial versus recreational fishing categories. Thus, the size of the fish itself determines authorized catch limits and disposition and whether the CHB is defined as conducting a commercial or a recreational fishing trip. As no sale of billfish is allowed all CHBs trips targeting billfish are defined as recreational. However, regulations regarding allowed catch limits, size limits and authorized disposition applicable to sharks, swordfish, and yellowfin tuna (YFT) taken aboard vessels issued HMS CHB permits will require further clarification and are discussed below.

### *Permit Requirements*

This action would clarify the regulatory text defining what permits CHB vessels may need in order to fish for or sell HMS. This is an important consideration for a number of reasons. Current regulations restrict vessels with an Atlantic tunas permit to one category only. In other words, vessels with a CHB category Atlantic tunas permit cannot hold any other Atlantic tunas category permit. However, vessels with a swordfish directed or incidental limited access permit are required to hold an Atlantic tunas longline category permit. Thus, if the HMS CHB permit is treated similarly to the current Atlantic tunas CHB category, the regulations would preclude vessels with a CHB permit from having a swordfish directed or incidental limited access permit. Potential options are discussed below.

*Option 1:* Maintain the current Atlantic tunas permit regulations for vessels with an HMS CHB permit and require that CHB vessels that wish to sell swordfish hold a swordfish handgear limited access permit.

*Option 2:* Maintain the current Atlantic tunas permit regulations for vessels with an HMS CHB permit and prohibit vessels with CHB permit from selling swordfish caught during a CHB trip (i.e., CHB trips would be considered recreational only with regard to swordfish regardless of any commercial swordfish permit held by the vessel owner).

*Option 3:* Allow vessels with an HMS CHB permit to hold a different Atlantic tunas category permit in addition to the CHB permit.

*Option 4:* Other alternatives.

### *Retention Limits for YFT*

In a technical amendment to the consolidated regulations, NMFS recently clarified that the recreational retention limit of 3 YFT per person per day applies at all times to persons fishing aboard vessels permitted in the Atlantic tunas CHB category. While the Atlantic tunas CHB category permit is classified as a commercial permit, and fish landed by persons aboard such vessels may be sold to permitted dealers, the number of fish landed cannot exceed three times the number of persons aboard, including captain and crew. Since the technical amendment was issued, NMFS has received comment that applying the YFT retention limit at all times precludes legitimate commercial activity when the vessels are not carrying fee-paying anglers. These commenters have indicated that a few dozen charter vessels in the Mid-Atlantic region have historically conducted commercial fishing trips for YFT when not operating as a for-hire vessel.

*Option 1:* Apply YFT retention limits to vessels issued an HMS CHB permit only when such vessels are operating a charter vessel or headboat as defined above (i.e., classification based on fees or number of passengers aboard).

*Option 2:* Apply limit of 3 YFT/person all the time.

*Option 3:* Other alternatives.

### *Retention Limits for Sharks*

Another area of concern relates to CHB operations and retention of sharks aboard vessels issued limited access permits for sharks after closure of a shark management group if the vessel has also been issued an HMS CHB permit and fee-paying anglers are aboard. The current recreational limit for sharks (one shark per vessel per trip with a minimum size of 4.5 feet fork length) pertains to all shark species with the exception of Atlantic sharpnose sharks (one Atlantic sharpnose shark per person per trip with no minimum size). Generally, however, only the season for the large coastal species group closes early.

*Option 1:* During a shark closure, require that the recreational regulations be observed regardless of the shark species caught, that the sharks be landed in whole form, and that the

sharks are not sold.

*Option 2:* Allow some other catch limits specifically for CHBs, perhaps based on the licence size (6-pack vs. larger number of passenger licenced vessels).

*Option 3:* Designate CHBs with fee-paying anglers aboard as recreational vessels only with regard to Atlantic sharks, regardless of any commercial shark permits maintained by the vessel owner and regardless of any open season for sharks.

*Option 3:* Other alternatives.

### *Retention of Swordfish*

Another area of concern relates to CHB operations and retention of swordfish aboard vessels issued limited access permits for swordfish after closure of either swordfish quota groups, if the vessel has also been issued an HMS CHB permit. Current commercial restrictions limit the number of swordfish available to vessels with limited access permits during a closure depending on the gear type used. The options available to address this concern depend on the option chosen as a permit requirement, as described above for retention of sharks.

### Issue 3: Requirements for licensed captains

Current regulations require that, for a vessel issued an Atlantic Tunas CHB category permit, a Coast Guard licensed operator must be on board when fishing for or retaining Atlantic tunas.

*Option 1:* Extend that same requirement to vessels issued the HMS CHB permit. NMFS has received comment that the licensed operator requirement is overly restrictive for non-licensed owners of permitted vessels who wish to fish for HMS as a private vessel (i.e., no fee-paying anglers aboard). Without such a requirement, however, owners of private vessels would have an incentive to select the CHB permit to be eligible to sell fish and/or avoid retention limits otherwise applicable to the recreational fishery. Such an incentive would likely result in a large number of private vessels applying for the CHB permit category and would undermine the statistical purpose of separating the for-hire sector of the HMS fleet.

*Option 2:* Do not require a licenced captain to be onboard, just require the proper documentation to be onboard.

*Option 3:* Other alternatives

#### **10.1.1.3 Implementing Extended HMS Vessel Logbook Reporting**

Vessel logbook programs provide critical fishery dependent information to the Agency on fishing behavior, including vessel characteristics, effort, and amounts of fish caught (landed as well as discarded). The data is used by the agency for a variety of purposes including quota monitoring, stock assessments and monitoring the impacts of management measures on the industry and the stocks. The HMS FMP requires permitted shark, tuna and swordfish vessels, and

Atlantic HMS Charter/Headboat vessels to submit logbooks for all HMS trips, if selected by NMFS.

Currently in the HMS fisheries 100 percent of shark and swordfish permit holders and 100 percent of Atlantic tunas longline category vessels are already required to submit logbook reports under the NMFS Southeast Science Center Vessel Logbook program. These vessels or other vessels may also submit logbooks, or reports with similar types of information, under other Federal and State programs. NMFS intends to use existing forms and logbooks wherever possible to implement the requirement of the HMS FMP to address data gaps from certain aspects of HMS fisheries (i.e., socio-economic data, recreational effort, and discards) to generate a comprehensive approach to data collection for all HMS fisheries. Various methods are available to improve HMS data collection programs for enhanced management of the fishery while meeting these goals. These options are presented below with a brief summary of some of the potential consequences.

#### Issue 1: Selection of Vessel Owners/Operators for Reporting in Logbooks:

*Status Quo:* 100 percent of all shark and swordfish permit holders and Atlantic tunas longline category permit holders.

#### *Other Options:*

- a) Select 10 percent of all Atlantic tunas commercial permitted vessels (i.e., General category, harpoon, purse seine, trap).
- b) Select 10 percent of Atlantic tuna charter/headboat category vessels.
- c) Select 10 percent of Atlantic tunas recreational permitted vessels.
- d) Any combination of one or more of the above.
- e) Other (i.e., different percentages etc.).

Selecting vessels to participate in a logbook program, beyond that of the status quo, would significantly and positively increase NMFS' understanding of impacts of different gear-types and the associated social and economic impacts of proposed management measures. Depending on the percentage level of vessels selected (and the methods chosen for reporting - see below) there could also be a significant increase in the administrative burden on the agency to distribute and collect the logbook reports. Reporting burdens on individual participants may increase, if selected, if the individual does not already report similar data through another program or if the individual is already required to report in other logbooks that do not collect information on HMS.

#### Issue 2: Logbook Format

*Status Quo:* Use existing logbooks (i.e., Southeast pelagic longline vessel logbook,

## Northeast Vessel Trip Reports etc)

### *Other Options:*

- a) Design new paper logbooks.
- b) Develop electronic HMS only logbook program (i.e., use Internet and/or vessel computers).
- c) Develop new logbook (paper or electronic) to cover all fish species.
- d) Other.

Under the status quo vessel logbook information for the Atlantic is collected through a number of different programs at different locations, primarily located in the Southeast Fisheries Science Center in Miami and the Northeast Regional Office in Gloucester. One option would be to use these existing programs and avoid the need to generate a different and potentially duplicative logbook. However, certain existing programs may not collect all the data needed by HMS and creation of a comprehensive database may be difficult. Creation of a customized logbook to specifically address HMS data needs would help address data gaps, and streamline data collection efforts, but may result in fishermen completing multiple logbooks with similar information requirements in each. A new electronic reporting system may alleviate burdens on both the fishermen and the agency to report and collect information but much of the necessary technology is still in the developmental stage. Recent experiences with the tuna permit program show that many fishermen use the Internet to obtain fisheries information indicating that it may be possible to adapt this existing technology for use in a logbook program.

### **10.1.1.4 HMS Permitting Issues**

#### Background<sup>1</sup>

##### *Limited Access for Sharks, Swordfish, and Tunas (Longline)*

NMFS implemented limited access in the commercial Atlantic shark, swordfish, and tuna (longline category only) in 1999. Prior to that time, commercial swordfish, shark, and tuna longline category permits were open access, meaning that any vessel owner could qualify<sup>2</sup>; there was no distinction by permit type (directed, incidental, etc.); permits were independent of each other (there was no requirement to hold more than one permit for any reason); and permits were issued on a species-basis only (no consideration of gear type (other than bluefin tuna permits - see

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<sup>1</sup>For a full discussion of the limited access system, see Chapter 9.

<sup>2</sup>Commercial shark permits were subject to a minimum earned income requirement that either the vessel owner or operator could meet; however, this requirement was ineffective in limiting the number of commercial shark permit holders.

below)).

The limited access system implemented in the 1999 HMS FMP made several changes, including: (1) establishing different permit types for swordfish and sharks - directed, incidental, and swordfish handgear; (2) establishing eligibility requirements (based on historic and current participation in the respective fisheries) in order to qualify for those different types of permits; and (3) requiring for the first time that combinations of permit types be held by vessel owners in certain fisheries. For example, if a vessel owner qualified for any type of swordfish Limited Access Permit (LAP), then a shark LAP and a tuna longline category LAP must also be held for the swordfish LAP to be considered valid (NMFS issued these permits initially but it is the responsibility of vessel owners to maintain them).

The intent of requiring these permit linkages was to ensure complete reporting of all HMS and to prevent discards of HMS by vessels that would catch a particular HMS (either as bycatch or as a secondary target species) while conducting fisheries for another HMS. For example, in pelagic longline fisheries that target swordfish, tunas and sharks are frequent secondary or bycatch species. Thus, it was necessary to provide and require shark and tuna permits for vessels that qualified for swordfish LAPs.

**RENEWAL** - Shark, swordfish, and tuna (longline only) LAPs must be renewed within one year of the expiration date (e.g., if a permit expires on 1/31/01, it must be renewed no later than 1/31/02). If a permit is not renewed within one year of the expiration date, that permit may not be renewed and that permit is essentially "lost."

**TRANSFERS/UPGRADING RESTRICTIONS** - Shark, swordfish, and tuna (longline only) are subject to transfer and upgrading restrictions. The original vessel for which the limited access permits was issued constitutes the "baseline" for transfers. Transfers are only authorized if the transfer to the "new" vessel does not result in an increase of 10 percent of the length overall, gross and net tonnage, and 20 percent of the horsepower, relative to the baseline.

### *Atlantic Tunas Permits*

Commercial tuna vessel permits are issued in five gear-based categories - General (commercial handgear), Harpoon, Trap, Longline, and Purse Seine, plus the recreational-only Angling category permit. With the exception of the purse seine and longline categories, the gear restrictions of each category apply only to bluefin tuna; permit holders in any category may land bigeye, albacore, yellowfin, and skipjack (BAYS) tunas with any authorized gear. The Purse Seine category operates under an Individual Transferable Vessel Quota system, and has been limited Access since 1982. The tuna longline category permit became limited access with the implementation of limited access for sharks and swordfish in 1999. For the other tuna permit categories, a vessel can only hold a permit in one category, but category changes are allowed once per year. There is also a Charter/Headboat permit for Atlantic tunas, which is being converted to

an Atlantic *HMS* Charter/Headboat permit in 2001. The allowable/permitted activities for vessels with Charter/Headboats can be confusing, and are the subject of a separate Issues/Options document in this SAFE Report. Permitting and Charter/Headboat issues are very closely linked and should be considered comprehensively.

Issue 1. NMFS has received comments that the requirement to hold several limited access permits is confusing, often misunderstood, and cumbersome, and some of the required permit combinations are not appropriate in all cases (e.g., squid trawlers that are required to hold tuna longline category permits);

*Options:*

- 1) Status Quo - no changes in permit structure. This option would not address existing permit holder confusion but also would not introduce additional, potentially confusing, changes.
- 2) Keep the status quo permit structure but address individual issues (e.g., permit combinations for squid trawlers) as necessary. This could likely be addressed in the short-term through proposed and final rulemaking. Actions that could be taken include:
  - a) *Allow conversion from swordfish directed LAPs to swordfish handgear LAPs* - this would allow a vessel owner to convert a directed swordfish permit to a swordfish handgear permit, which does not require either shark or tuna longline category permits. This option would allow traditional handgear fishermen that qualified for swordfish directed LAPs to use the traditional gear without other permit combinations.
  - b) *Allow conversion from swordfish directed, incidental, or handgear permits and shark directed or incidental permits to HMS Charter/Headboat permits* - this would allow charter/headboat operators that retain and sell swordfish and sharks and that qualified for limited access permits to convert their permit to an HMS Charter/Headboat permit, which does not require other HMS permit combinations. The implications of allowing an incidental swordfish or shark permit to convert to a directed charter/headboat permit would have to be considered. See the issues/options paper on HMS Charter/Headboat permits for a full discussion of these issues.
  - c) Eliminate the requirement for vessels with directed or incidental swordfish LAPs to hold a tuna longline category permit - this would allow a vessel with a directed or incidental swordfish LAP to have any kind of commercial tuna permit. Longline retention of BAYS would be allowed by all vessels with swordfish LAP so long as they have a commercial tuna permit, while BFT retention would be allowed based on the type of tuna permit held. This option would be similar to the regulations

prior to limited access. This option would alleviate current conflicts with vessels using multiple gear types for different HMS. However, fishermen who use longlines without a tuna longline category permit would have to discard any bluefin tuna caught, which could increase bluefin discards and raise enforcement concerns. Additionally, this may affect the results of any rulemaking regarding the bluefin tuna longline target catch requirements (see the issues/options paper on that subject).

d) Eliminate the requirement for squid trawl vessels that have been issued swordfish LAPs to have shark LAPs or a tuna longline category permit. This option would alleviate concerns that permit combinations are inappropriate for this gear type.

3) Permit by gear type - change permit structure to issue permits by gear type, not species. Possible gear permits could include pelagic longline, bottom longline, drift gillnet, handgear, charter/headboat, and squid trawl. Permits could differentiate by directed or incidental levels through endorsements or classes (e.g., default pelagic longline permit could include tuna, incidental swordfish, and incidental shark; directed swordfish and/or shark “endorsements” would allow targeting those species). This option could reduce or eliminate permit combinations by issuing a single permit to cover all managed HMS species, and could alleviate some charter/headboat concerns (outlined in the issues/options paper on Charter/Headboats). This option would not, however, address the issue of vessels that use multiple gear types. This option would likely require long-term rulemaking, and possibly an FMP amendment.

Issue 2: NMFS has received comments that the current upgrading restrictions are problematic for fisheries where length overall, gross and net tonnage, and horsepower are not relevant to vessel harvesting capacity (e.g., longline fisheries). However, the current upgrading restrictions are consistent with those in place for fisheries under New England and Mid Atlantic Council jurisdiction; changes in upgrading restrictions may be problematic for fishermen that participate in those fisheries.

*Options:*

1) Status Quo - no changes in transfer/upgrading restrictions

2) Keep the general status quo transfer/upgrade restrictions, but address individual issues as necessary. This could likely be addressed in the short-term thru proposed and final rulemaking. These changes could include the following:

a) Eliminate transfer/upgrading restrictions - this would make the permits freely transferable and would not restrict larger and more efficient vessels from entering the fishery. This option could increase overall fleet harvesting capacity and impact

small owner/operator fishing businesses.

b) Limit hold capacity in addition to, or instead of, LOA, gross and net tonnage, and horsepower - this would include hold capacity or make hold capacity the sole limitation as a more relevant harvesting capacity measure in longline fisheries. This option is potentially inconsistent with New England and Mid Atlantic Council regulations. Additionally, because hold capacity data is not universally collected for all permitted vessels, this option could require many permit holders to comply with increased data collection.

c) Allow a greater percentage increase from baseline. This option is inconsistent with New England and Mid Atlantic Council regulations but would increase flexibility in vessel upgrading/transfers.

d) Create vessel categories such as <30', 30-49', 50'-69', >70' (from Larkin, 1998) and allow upgrading either within a category, but not across categories, or upgrading across categories only once. This option is inconsistent with New England and Mid Atlantic Council regulations. This option could alleviate some upgrading issues by making vessels within a specified size range freely transferable.

Issue 3: NMFS has received comments that some fishermen may not be aware of the current regulations that permits must be renewed within one year of expiration.

*Options:*

1) Status Quo

2) Adopt different permit renewal time frames:

a) Eliminate permit renewal time frames - this would allow permits to lapse indefinitely and would allow vessels that leave the fishery or are inactive for extended period to reenter the fishery at any time.

b) Lengthen the permit renewal time frame - this would provide longer than a one year period for vessel owners to renew their permit before it is "lost."

c) Shorten the permit renewal time frame - this would provide less than a one year period for vessel owners to renew their permit before it is "lost."

d) Adopt the same expiration dates for Atlantic tunas, swordfish, and shark permits. Currently, tuna permits expire at the end of the calendar year and are issued by a contractor; swordfish and shark permits expire at the end of the permit holders' birthmonth and are issued by NMFS. This option would make all HMS

permits expire at the same time.

Issue 4: The only recreational permit for Atlantic HMS is that for tunas. In order to capture the entire universe of recreational fishermen (for monitoring or other purposes), permitting vessels fishing for other HMS may be necessary.

*Options:*

1) Status Quo

2) Create Atlantic HMS recreational permit - this would establish a permit to retain HMS recreationally. This option would extend coverage of the Atlantic Tuna Angling category permit to all managed HMS.

## 10.1.2 Management of HMS Quotas

### 10.1.2.1 Longline Incidental Bluefin Tuna Catch Limits

Since 1981, NMFS has implemented a prohibition on the use of longline gear in a directed BFT fishery. However, the regulations do allow for the retention of certain amounts of BFT caught incidentally when fishing for other species, depending on the amount of target species landed. These incidental and target levels have frequently been the subject of public hearings, public comments, and regulatory adjustments.

In 1998, ICCAT established an annual dead discard allowance of 79 metric tons (mt) for western BFT, 68 mt of which was allocated to the United States, and required that nations minimize dead discards of BFT to the extent practicable. In 1999, recognizing the need to further reduce dead discards of BFT, the final regulations implementing the HMS FMP established a closed area off of the Mid-Atlantic coast during June to reduce overall interaction rates with BFT by pelagic longliners.

Several issues have arisen since publication of the HMS FMP, which indicate the regulations regarding BFT retention by pelagic longline vessels need to be revisited.

#### Issue 1: Low Level of Compliance with Current Regulations

Recent analyses of landings data indicate that almost 80 percent of longline trips landing BFT in the northern area from 1995-1999 did not meet the target catch requirements. Compliance in the southern area is better, about seven percent of trips did not meet the target catch requirements during the same period. The reason for the lack of compliance may be a combination of several factors, including that current longline fishing practices include shorter trips with less target catch, making it difficult for many vessels to have the necessary target catch to retain BFT, and the target catch requirement regulations are difficult to enforce. Upon discovery of the level of compliance over the last several years, NMFS sent out letters to all longline vessels and tuna dealers, informing and reminding them of the current regulations. Stricter compliance with the regulations may have resulted in more discards during this time period.

#### Issue 2: Estimation of Dead Discards

Logbook tallies of dead discards of BFT have been lower during the late 1990s compared to the late 1980s and early 1990s. A recent SCRS paper, however, using methods similar to those used to estimate discards for other species by pelagic longline vessels, estimated that dead discards of BFT have not changed since the 1980s, and that dead discards may have been significantly higher than logbook tallies for recent years.

Issue 3: Continued Low Landings by Longline Vessels

For the last several years, the longline category has landed only about 50 percent of its initially allocated quota. As indicated above, many of these landings have been from trips that did not have the required target catch. If the regulations had been complied with, landings would have been even lower.

Any changes to the regulations should balance the requirements to minimize discards, minimize negative impacts to the target fishery, and avoid an incentive to target BFT. Changes could be based on analyses of current fishing patterns to determine whether the current or alternative geographic and seasonal divisions are best at meeting management objectives.

Results of some preliminary analyses were provided in an ANPR requesting comments on possible changes to the target catch requirements (65 FR 69492; November 17, 2000). Observer data from longline trips (from 1991 to 1994) indicate that two or fewer BFT were hooked on 91 percent of all observed trips. Longline landings information for 1998 and 1999 are presented in Table 1, and indicate that median values for landed catch (not including BFT) are approximately 3,000 lb (1,361 kg) for trips made in the months of January through April, and 3,800 lb (1,724 kg) for trips made in May through December, in fisheries south of 34° N. lat.; and 3,700 lb (1,679 kg) for trips made throughout the year in fisheries north of 34° N. lat. For the same time period, 75 percent of the trips had a landed catch (other than BFT) of at least 1,350 lb (613 kg) for trips made in the months of January through April, and 1,650 lb (749 kg) for trips made in May through December, in fisheries south of 34° N. lat; and 1,600 lb (726 kg) for trips made throughout the year in fisheries north of 34° N. lat.

**Table 10.1 Landings (Other than Bluefin Tuna) in Pounds, by Trip, for Vessels Using Longline Gear, in Pounds, 1998-1999. Source: SEFSC Weighout Data.**

	North (NC and North)			South (SC and South)			All Areas		
	Jan - Apr	May - Dec	Year Round	Jan - Apr	May - Dec	Year Round	Jan - Apr	May - Dec	Year Round
<b>Avg.</b>	4,281	7,018	6,537	4,562	4,836	4,740	4,516	5,549	5,241
<b>Median</b>	3,010	3,869	3,735	3,083	3,845	3,580	3,078	3,855	3,607
<b>75 pctl.</b>	1,419	1,728	1,683	1,364	1,665	1,540	1,387	1,699	1,586

Alternative target catch requirements are presented below with a brief summary of some of the possible consequences.

*Option 1:* Status quo: Persons aboard a vessel permitted in the Atlantic Tunas Longline Category may retain, possess, land and sell large medium and giant BFT taken incidentally in

fishing for other species. Limits on such retention/possession/landing/sale are as follows:

1) For landings south of 34°00' N. lat., one large medium or giant BFT per vessel per trip may be landed, provided that for the months of January through April at least 1,500 pounds (680 kg), and for the months of May through December at least 3,500 pounds (1,588 kg), either dressed or round weight, of species other than BFT are legally caught, retained, and offloaded from the same trip and are recorded on the dealer weighout as sold;

2) For landings north of 34°00' N. lat., landings per vessel per trip of large medium and giant BFT may not exceed two percent by weight, either dressed or round weight, of all other fish legally caught, retained, and offloaded from the same trip and which are recorded on the dealer weighout as sold.

*Option 2:* Adjust the target catch requirements while maintaining the current geographic and southern area seasonal subdivision.

For example, in the Longline south subcategory, from January through April, one fish per vessel per fishing trip with at least 1,500 lb (680 kg) of target catch, or two fish per vessel per trip with at least 4,500 lb (2,040 kg) of target catch; from May through December, one fish per vessel per fishing trip with at least 3,500 lb (1,588 kg) of target catch, or two fish per vessel per trip with at least 6,000 lb (2,722 kg) of target catch. In the Longline north subcategory, one fish per vessel per fishing trip with at least 3,500 lb (1,588 kg), or two fish per vessel per trip, with at least 6,000 lb (2,722 kg) of target catch. Under this alternative, another option could be to adjust only the percent target catch requirement for the Northern area (e.g., five or eight percent versus two percent) and to maintain the current target catch requirements, by season, for the south.

*Option 3:* Institute one target catch requirement (either a percent or a fixed number of BFT coastwide regardless of season.

For example, one BFT per vessel per fishing trip with at least 1,500 lb (680 kg) of target catch, or two fish per vessel per trip with at least 4,000 lb (1,815 kg) of target catch, or one BFT per trip, so long as other targeted species are landed. Under this alternative, another option could be to apply a percent target catch requirement coastwide.

*Option 4:* Adjust target catch requirements, geographic location and seasonal subdivisions.

For example, apply different target catch requirements (as discussed above under option 1) for different time periods (e.g., January through August) and for two or more subareas (e.g., north Atlantic, versus mid-Atlantic versus Gulf of Mexico).

It may be possible that altering the landings allowance/target catch requirements would

improve the effectiveness of the regulation. As discussed in the HMS FMP, analyses of catch data show no relationship between target catch and the number of BFT discarded. This is expected if the fishery is truly incidental. Since the implementation of the current target catch requirements numerous changes have occurred in the pelagic longline fishery and management regime (i.e., changing quotas for target fisheries, and implementation of limited access). Low longline landings, poor compliance with current target catch requirements, and recent estimates of dead discards, may mean that if current regulations were adhered to, dead discards of BFT could be much higher than those landed. Decreasing the target catch requirements would allow BFT to be retained on more fishing trips and could reduce dead discards but may also provide an incentive to target BFT. If landings increase to the point of exceeding the annual quota, any additional incidental catch would have to be discarded. Instituting one target catch requirement for the entire coast would be easier to administer and enforce and would be simpler for fishermen to implement. However, one uniform catch requirement would not take into account any seasonal and/or geographic fluctuations in the target fisheries which in turn could provide for variations in BFT target catch requirements to minimize negative impacts to the fishery. Taking into account seasonal and geographic variability in the fishery is complicated and could also vary from year to year, particularly if other factors, such as quota limits in target fisheries, do not remain constant over time. As mentioned above, any changes to the regulations would strive to strike a balance with the requirements to minimize discards, minimize negative impacts to the target fishery and avoid an incentive to target BFT.

#### **10.1.2.2 General Category Effort Controls and Allocation of Quota Underage**

General category effort controls consist of dividing the General category season into time period subquotas, and the use of restricted-fishing days (RFDs). Effort controls are intended to affect where and when Atlantic bluefin tuna (BFT) are harvested for a variety of management objectives. These objectives consist of attaining optimum yield, including improvement of scientific data collection purposes, such as CPUE, lengthening the season for market reasons, and addressing allocation issues. Overall, the temporal and spatial effort control options for the General category seek to lengthen the fishing season in a category with high participation and catch rates. However, over the last two seasons catch rates have been relatively low compared to the previous five years.

The United States allocates its annual BFT among six categories of the fishery in order to collect the broadest possible array of scientific information and to optimize social and economic benefits. NMFS established "base" quotas for each category in the BFT fishery based upon the historical share of landings in each of these categories. NMFS must adjust quotas on an annual basis to reflect overharvest or underharvest in each category during the previous year. If a quota category or subcategory exceeds its quota or adjusted quota in a particular year, its quota must be reduced by that amount for the following year. In the following year NMFS also may allocate any remaining quota from the Reserve to cover this overharvest. The total of the adjusted quotas and the Reserve will be consistent with ICCAT recommendations. Accounting for overharvests is not

intended to "punish" the category that exceeded its quota or adjusted quota or to "reward" other categories that did not exceed their quota or adjusted quota. Over the past two seasons there has been large underharvests in several BFT quota categories, especially the Angling and Longline categories.

NMFS has received comments from General category constituents in response to these catch rates, requesting the agency address the current structure of General category effort controls, particularly RFDs. NMFS has provided some options below with a brief summary of some of the consequences associated with each individual option.

#### Issue 1: General Category Effort Controls

*Option 1:* Status Quo, subperiod quota split: June- August (60%), September (30%), October- December (10%). RFDs: Sunday, Monday, Wednesday, plus days that correspond to Japanese market closures.

*Option 2:* Adjust or remove the current quota sub-period percentages and/or time frames

*Option 3:* Adjust or eliminate the number of RFDs

*Option 4:* Establish RFD schedule for the season, but only implement them when landings increase and meet some predetermined criteria (e.g., 3 days in a 7 day time period with landings in excess of 10 mt/day). Looking at this years catch rates, RFDs would have been implemented on September 1, 2000.

*Option 5:* Any combination of one or more of the above

*Option 6:* Other

Implementing any of these alternatives should not have any ecological effects, either negative or positive, as the options would not alter the amount of BFT caught or landed by the General category. These options will potentially have effects that are economic, social and/or administrative in nature. Effort controls have been used in the past to have positive economic, social, and scientific consequences by extending the fishing season over time and space while avoiding market gluts. However, some members of the industry have argued that effort controls do not work and although they may extend the season the impacts are negligible and do not assist with market prices. Changing RFDs and other effort controls based on recent years experience may not necessarily yield the positive results due to year to year variability inherent to the fishery, such as migratory patterns or oceanographic conditions. Implementation of similar quota subdivisions and RFDs, as used in the past two years, may assist the agency with consistency of enforcement and administration while providing the industry with predictability to the pattern of fishing days in the General category.

#### Issue 2: Allocation of Quota Underage

To address this issue of large amounts of quota "roll-over" from one year to another several options are listed below.

*Option 1:* Status Quo: Underage from a particular category is added to that category's base quota the following fishing year.

*Option 2:* Adjust quota allocation percentages established in the HMS FMP for individual categories (i.e. redistribute quota to those categories with higher landing rates)

*Option 3:* Limit individual category quota transfers to some percentage of the base quota for that category, while redistributing the remaining category quota to the overall domestic quota

*Option 4:* Any combination of one or more of the above.

*Option 5:* Other

Under Option 1 (status quo), carrying-over large amounts of quota from one year to the next in a particular category could have negative biological as well as social and management impacts. For example, large carry-overs of unharvested quota may provide for the start of new unsustainable fisheries. Also, excessive fishing mortality during one year may significantly impact a particular year class and hinder long-term rebuilding. Option 2 requires adjustment of the HMS FMP and could incur extensive administrative and socio/economic burdens, and may open up the contentious issue of domestic quota allocation. Option 3 could alleviate extensive individual category roll-overs from one year to the next by redistributing a portion of the quota underage to all fishery participants based on quota allocations specified in the HMS FMP. For example, 20 percent of a category's quota underage could be allocated back to that same category the following year. The remaining quota underage could then be added to the total domestic landings quota and then redistributed to all quota categories based upon quota allocations specified in the HMS FMP. This potentially reduces the amount of excessive roll overs to any one category while maintaining consistency with ICCAT's recommendations.

### **10.1.3 Addressing Protected Resource Issues Related to HMS Fisheries**

HMS fishermen occasionally encounter sea turtles, marine mammals and sea birds, hooked or entangled in their fishing gear. Under the authorities of the Marine Mammal Protection Act, the Migratory Bird Act, and the Endangered Species Act, NMFS must protect these animals and reduce takes in fisheries. The pelagic longline fishery is a Category I fishery under the MMPA and NMFS also has significant concerns about interactions with endangered animals (jeopardy finding for turtles). The bottom longline fishery is a Category III fishery which also has occasional endangered species encounters. The southeast shark gillnet fishery is a Category II fishery which has the potential for serious ESA concerns (entanglement of a right whale). The commercial hand gear and purse seine fisheries are Category III with potential ESA concerns in the purse seine fishery due to observed entanglement of large whales. The HMS recreational fisheries have potential ESA concerns due to reported interactions with turtles. HMS is current in reinitiating consultation on the June 30, 1999, Biological Opinion.

## 10.2 Outlook by Species

### *Swordfish*

The 1999 SCRS stock assessment on North and South Atlantic swordfish was somewhat optimistic. The positive outlook provided by the 1999 swordfish stock assessment spurred the adoption of a 10-year rebuilding program at ICCAT. A reduction in quotas sets the stage for long-term sustainable fisheries Atlantic-wide. The mortality of small swordfish was addressed through time/area closures in the United States, accounting for dead discards of small swordfish as part of the total allowable catch, and the resolution to examine possible areas of small fish concentration *outside* the U.S. EEZ. Reductions in the mortality of small swordfish may yield significant long-term gains in yield. Concerns remain regarding the impact of the ICCAT recommendations implementing a dead discard allowance for U.S. commercial fishermen for the 2000 fishing season and beyond to 2003 when the dead discard allowance levels are reduced to zero.

In terms of addressing Illegal, Unregulated and Unreported (IUU) vessels and other vessels (belonging to both non-Contracting and Contracting Parties), ICCAT took important steps in 1999 to encourage all countries to report harvests of ICCAT-regulated species. The United States has implemented the 1999 ICCAT recommendation that prohibits imports of swordfish and tunas from non-compliant countries. Collection of swordfish import data will prove to be an important data source in the future to identify countries that are fishing in such a manner that diminishes the effectiveness of ICCAT conservation and management measures.

Due to the changes in the pelagic longline fishery resulting from implementation of extensive time/area closures, NMFS will be re-evaluating the comprehensive management of this fishery. NMFS will consider re-evaluating incidental catch limits in the commercial swordfish fishery in the future.

As anticipated in the 2000 SAFE report, the recreational swordfish fishery experienced an additional growth in popularity during 2000, not only along the east Florida coast, but in the mid-Atlantic Bight and off New Jersey as well. Further expansion of the recreational fishery during 2001 may necessitate expanded efforts to accurately monitor recreational landings. NMFS is developing plans to amend existing monitoring programs in order to collect additional data from this fishery. Additional concerns regarding sale of recreational-caught swordfish and the number of fish landed will also be considered.

### *Tunas*

Most of the tuna-related issues are addressed in Section 10.1. Issues regarding the yellowfin tuna bag limits, bluefin tuna bycatch and discards in pelagic longline fisheries, quota management, rebuilding programs for overfished species, and stock definition for bluefin tuna will

continue to be of concern during 2001. The most recent stock assessment for bluefin indicated that the 20 year rebuilding program is on track. Newly established totally established catches for bigeye tuna and northern albacore should serve as an important step toward rebuilding these overfished stocks.

### *Billfish*

The 2000 ICCAT recommendation related to Atlantic blue and white marlin may require agency actions to address recreational landing levels. One of the critical components of U.S. compliance will be development of adequate monitoring tools, as discussed under Section 10.1.1.1. Improving the tournament registration and reporting process will also be examined in 2001. Monitoring the impact of the time/area closures and live bait prohibition in the Gulf of Mexico by pelagic longline fishermen and the resulting reduction in billfish bycatch will also be an important element in the near-future management of billfish resources.

### *Sharks*

The HMS FMP incorporated the most recent stock assessment information, and included a rebuilding plan for the overfished LCS as well as precautionary management measures for SCS and pelagic sharks. However, the outlook for LCS at this time is uncertain. The 1998 stock evaluation workshop (SEW) indicated that LCS continue to be overfished in terms of excessive fishing mortality rates and depleted stock biomass. Projections in the 1998 SEW indicate that continued fishing at pre-HMS FMP levels will result in LCS stock declines at approximately 13 percent annually. The HMS FMP contained numerous measures to stop overfishing of LCS and begin rebuilding. Many of the commercial shark measures in the HMS FMP could not be implemented due to a court injunction. In December 2000, the court stipulated to a settlement agreement that calls for, among other things, maintaining the 1997 LCS quotas, an independent review of the 1998 SEW, and a new LCS stock assessment in 2001. Depending on the results of this review, NMFS may implement the HMS FMP management measures or NMFS may have to maintain the 1997 management measures until a new stock assessment is conducted. NMFS is currently working on an emergency rule to implement the terms of the settlement agreement.

While current fishing mortality and stock abundance estimates for SCS indicate that these species are fully fished, a stock assessment has not been conducted since 1993 and recent trends in landings and fishing practices need to be analyzed. The settlement agreement calls for NMFS to maintain the 1997 SCS quotas and conduct a new stock assessment for SCS. NMFS anticipates completing this stock assessment in 2001 and will proceed with rulemaking, as necessary, based on the results of the stock assessment. Similarly, the HMS FMP management measures for pelagic sharks were adopted to ensure that all sources of fishing mortality are accounted for and to limit expansion of fishing pressure until additional analyses can be conducted. The HMS FMP management measures for pelagic sharks can now be implemented under the settlement agreement. Additionally, NMFS expects stock assessments for some pelagic

shark species to be conducted in 2002.

International efforts to conserve and manage sharks continue to gain momentum. The ICCAT Sub-committee on bycatch held a workshop to analyze pelagic shark catch rates and an international pelagic shark workshop was held in February 2000. NMFS expects to release the Final National Plan of Action for shark conservation and management, consistent with FAO guidelines and requirements early this year. Additionally, as a result of the signing of the Shark Finning Ban Bill in December 2000, NMFS expects to ban finning of sharks in the United States and monitor the shark fin trade on an international level in 2001. These actions should contribute to the general awareness of the need for long-term, rational domestic and international management of all sharks.

### **10.3 Data and Monitoring Issues**

Improving data coordination is essential for successful HMS management. As fisheries resources become increasingly managed under quota systems, real time monitoring is critical, as discussed above under Section 10.1.1. Failure to abide by the quota levels established by international agreement may result in penalties assessed against future U.S. harvests. In order for the United States to continue to serve as a leader in the conservation of these resources, the development and use of innovative techniques must receive proper attention and funding. The following is a short list of data management tools and techniques that may assist in HMS management:

- The development of streamlined systems that transcend the traditional regional structures of NMFS data collection, entry, and dissemination.
- Implementation of VMS in the pelagic longline and shark drift gillnet fisheries.
- Improvement in the coordination of data collection and organization among various components of the agency.
- Use of contractors to consolidate data and add to the rapid dispersal of information.
- Placement of summary data on the HMS web page.
- Placing data in consolidated Oracle tables for easier access of data by scientists and managers.
- Improved tracking of dealer reports.
- Resolution of the LPS status including a retrospective analysis of the existing

system and the exploration of alternative methods to gather increasingly accurate data from the recreational components in the future.

- The use of electronic logbooks to facilitate reporting and data analysis.

NMFS is also developing a simple, user-friendly identification guide to commonly fished Atlantic HMS. The manual is intended for use by fishermen, enforcement officers, and fishery samplers. Particularly for the wide variety of Atlantic sharks, identification down to the species level is difficult for many recreational and commercial fishermen. Disseminating these guides is expected to increase the quality of species-specific landing data, and compliment the observer, logbook, and dockside monitoring systems already in place.

#### **10.4 Public Outreach**

A critical element of effective fishery management is providing a forum for information exchange, both from the standpoint of communicating new or changing regulations, as well as providing an opportunity to garner input from constituents that are involved in various components of HMS fisheries. In 2001, personnel from the HMS Division will be participating in events such as the Miami Boat Show, Boston Seafood Show, Maine Fishermen's Forum, fishing tournaments, scientific meetings and other forum to enhance HMS outreach capabilities. Efforts will also continue to enhance the HMS fax network, web pages, and toll-free HMS information telephone service to improve communication with HMS constituents.

#### **10.5 Research Needs**

The Comprehensive Research and Monitoring Plan for Atlantic Highly Migratory Species published in 1999 (Appendix I of 2000 SAFE report) detailed research underway as well as those studies that may directly benefit future HMS management. Summaries of current research are provided under specific species or sub-topics in sections 2 through 9 of the 2001 SAFE report.

#### **10.6 Conclusion**

The SAFE report is designed to not only summarize the current condition of the resource, but also address whether or not the fishery is operating properly under the mandates of the Magnuson-Stevens Fishery Conservation and Management Act and the Sustainable Fisheries Act. Through an annual appraisal of recent information, the SAFE report allows for a re-evaluation of management measures in light of the Magnuson-Stevens provisions and the National Standard Guidelines. In 2001, HMS plans to continue implementing and evaluating the FMP measures in an attempt to remedy the overcapitalization and overfishing problems that affect many highly migratory species. The 2001 AP meeting provides an excellent opportunity to identify and discuss those issues raised in the SAFE report which require further management actions. Through continuous public and constituent interaction, increased monitoring, ongoing life history

work, and additional socio-economic assessment, NMFS strives to continue building sustainable fisheries for all Atlantic highly migratory species.