

## 1. INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes a long-range, transparent, and inclusive process to sustainably manage the fisheries of the United States. The fishery management plan (FMP) is the primary management instrument established by the Magnuson-Stevens Act. A component of both 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. It also provides updated information regarding the economic status of fisheries, fishing communities, and industries, as well as the socio-economic impacts of recently implemented regulations. 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 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, NOAA Fisheries can ensure use of the best available scientific data in its decision making process.

The 2003 SAFE report for Atlantic Highly Migratory Species is a vehicle to introduce new information, 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). The report also includes the latest domestic shark assessment information. In compliance 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 ten sections, including: Introduction; 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, HMS and Billfish Advisory Panel members, and the public.

### 1.1 Update on HMS Management Division Activities During 2002

The year 2002 was very active for the HMS Management Division, with several significant

actions completed during this year. On April 1-3, 2002, a combined HMS and Billfish Advisory Panel meeting was held in Silver Spring, Maryland. These panels provided valuable comments on a suite of management actions considered during calendar year 2002. A partial list of discussion topics included the following:

- Longline incidental bluefin tuna (BFT) catch limits  
Observer Issues
- Charter/Headboat permitting issues
- Recreational HMS permitting issues
- Northeast Distant Statistical Area experimental fishery
- Recreational swordfish fishery
- Enhanced monitoring of recreational billfish fishery to ensure compliance with the ICCAT marlin landings cap
- Bycatch
- Advisory panel operating plan
- Draft compliance guide of all HMS regulations

Numerous Atlantic tuna actions were completed during 2002, with most relating to bluefin tuna, including annual quota specifications, season closure and opening notices, in-season transfers in quota distribution, and adjustments to Angling and General category retention limits. NOAA Fisheries published a final rule to clarify certain provisions pertaining to the definition and operations of HMS Charter/Headboat permitted vessels as well as requiring an Atlantic HMS recreational permit which will be effective March 1, 2003 (67 FR 77434, December 18, 2002). NOAA Fisheries also published a proposed rule to reduce discards of BFT in the Atlantic pelagic longline fishery (67 FR 78404, December 24, 2002).

NOAA Fisheries finalized a number of rules pertaining to swordfish during 2002 and early 2003. NOAA Fisheries implemented a rule (67 FR 70023, November 20, 2002) facilitating a one time transfer of up to 400 metric tons (mt) to Japan per ICCAT recommendation, and established a reserve quota for North Atlantic swordfish. In addition, NOAA Fisheries corrected trade restrictions to facilitate the enforcement of the swordfish dead discard allowance and better monitor the importation of swordfish from designated countries. In January 2003, NOAA Fisheries implemented a rule (68 FR 711, January 7, 2003) mandating reporting of recreationally caught Atlantic billfish and North Atlantic swordfish, established a recreational retention limit for

North Atlantic swordfish, and added handlines as an authorized gear for the North Atlantic swordfish fishery.

In response to receiving a petition to list the Atlantic white marlin as endangered or threatened throughout its range, and to designate critical habitat under the Endangered Species Act (ESA) in September of 2001, NOAA Fisheries convened a status review team (SRT) of experts in pelagic fish biology, fisheries management, and fisheries stock assessment. The SRT was requested to assess the species status and the degree of threat to the species in the context of the listing criteria provided by the ESA. The SRT summarized all available biological information on white marlin and conducted analyses to predict population trends under various scenarios. The status review document prepared by the SRT contains a summary of the information they assembled and constitutes the best available scientific, commercial, and recreational data on Atlantic white marlin. The document addresses the status of the species, the five ESA listing factors, and the effect of efforts underway to protect the species. NOAA Fisheries also conducted a number of public meetings to solicit information from the public about the status of white marlin during the status review process.

After reviewing the best scientific and commercial information available and the effects of current conservation efforts, on September 3, 2002, NOAA Fisheries determined that listing Atlantic white marlin as either threatened or endangered under ESA was not warranted at that time. The best available information indicated that the Atlantic white marlin population has declined greatly, but did not fall to levels that merited ESA protection. NOAA Fisheries added Atlantic white marlin to the ESA list of “candidate species of concern” and will reevaluate the need for ESA protection of Atlantic white marlin in 2007.

In 2002, pending new stock assessments, the large and small coastal shark commercial quotas were maintained at the 1997 levels via an emergency rule (66 FR 67118, December 28, 2001; extension 67 FR 37354, May 29, 2001). On May 8, 2002, NOAA Fisheries announced the availability of the first small coastal shark stock assessment since 1992 (67 FR 30879). Additionally, after conducting extensive sensitivity analyses and modeling on older data sets (67 FR 36858, May 28, 2002), NOAA Fisheries held a shark evaluation workshop that led to a new large coastal shark stock assessment (67 FR 64098, October 17, 2002). This large coastal shark stock assessment was subsequently peer reviewed. Based on these new stock assessments, NOAA Fisheries announced its intent to amend the portions of HMS FMP regarding shark management (67 FR 69180, November 15, 2002). In December 2002, NOAA Fisheries implemented an emergency rule that implemented large and small coastal shark commercial management measures based on the results of the new stock assessments pending the amendment to the HMS FMP (67 FR 78990, December 27, 2002). Four public hearings are planned to collect comments on the emergency rule (68 FR 1024, January 8, 2003).

Additionally, in 2002, NOAA Fisheries finalized regulations based on the Shark Finning Prohibition Act (67 FR 6194, February 11, 2002). Also, several applications for Exempted

Fishing Permits for capturing sharks for public display were received during the year (see Section 9 of this document for further information) and NOAA Fisheries published a proposed rule that would improve monitoring of exempted fishing activities, including those relating to the collection of sharks for display purposes (67 FR72629, December 6, 2002). In January 2002, NOAA Fisheries converted the voluntary shark bottom longline observer program to a mandatory program to ensure adequate observer coverage.

Outside of NOAA Fisheries, there were two stock assessment related documents that were partially funded by NOAA Fisheries; a small coastal shark stock assessment conducted by Mote Marine Laboratories and the University of Florida and a status review of the dusky shark by the Virginia Institute of Marine Science. There were also some international meetings related to shark management. At the 2002 meeting of parties to the Convention on International Trade in Endangers Species (CITES), whale and basking sharks were listed under Appendix II. There was also an Asia-Pacific Economic Cooperation (APEC) forum shark workshop in Mexico in December 2002.

In 2002, there were eight active lawsuits related to the Atlantic HMS fisheries. NOAA Fisheries received favorable rulings in six of the cases, which related to spotter aircraft in the bluefin tuna fishery, closure of the northeast distant statistical area to protect sea turtles, vessel monitoring systems for Atlantic pelagic longline vessels, the swordfish drift gillnet ban, limited access, and bycatch regulations under the 1999 HMS FMP. Plaintiffs filed an appeal in the spotter aircraft case. Pending cases involve challenges related to Atlantic shark management measures and western bluefin tuna rebuilding.

## **1.2 2002 Accomplishments of the International Commission for the Conservation of Atlantic Tunas (ICCAT)**

*Information in this section was summarized from the ICCAT Committee Chairman's Memo: Summary of the 2002 ICCAT Meeting.*

The following summarizes the major actions taken at the 2002 ICCAT meetings held October 28 - November 04, 2002, in Bilbao, Spain.

### *Atlantic Tunas*

ICCAT chose to increase the total allowable catch (TAC) of western Atlantic bluefin tuna by 200 mt to 2700 mt and provided the nation of Mexico, a new ICCAT contacting party, with 25 mt for bycatch in its yellowfin tuna fishery. The prior U.S. quota share of 1,387 mt was increased by 102.6 mt for 2003 and 2004. Despite U.S. concerns regarding eastern Atlantic/Mediterranean catches, ICCAT chose to establish a TAC of 32,000 for the period 2003-2006. This is significantly above SCRS advice that catches of 26,000 mt or more were not sustainable in the long-term. ICCAT adopted regulations to better protect juvenile bluefin tuna including increasing

the minimum size limit in the Mediterranean and decreasing the tolerance for undersized fish from 15 percent to 10 percent. ICCAT also adopted a recommendation that requires improved reporting of bluefin tuna farming activities. Bigeye tuna and northern albacore tuna catch limits were little changed, as was the catch limit for southern albacore.

### *Atlantic Swordfish*

The United States sought to maintain the integrity of the international rebuilding program for North Atlantic swordfish, while allowing for a slight increase in the total allowable catch (above the 2002 level of 10,400 mt) to accommodate new ICCAT members. Despite U.S. concerns, ICCAT chose to establish a higher TAC of 14,000 mt, which lies at the outer bounds of scientific advice. The U.S. portion of the quota increased approximately 1.5 percent to 30.49 percent, raising the 2003 U.S. quota to 3877 mt and providing an additional 80 mt discard allowance. For 2004 and 2005, the U.S. quota is 3807 with no dead discard allowance. To assist Japan in repaying its North Atlantic swordfish quota overage, the recommendation also allows Japan to count up to 400 mt of swordfish taken from a specific area of the North Atlantic against its uncaught South Atlantic quota, and established another five year (2002-2005) quota block. TACs above SCRS recommendations were established for South Atlantic swordfish for the period 2003-2006. The U.S. catch limit for South Atlantic swordfish was reduced from 384 mt to 100 mt for 2003-2005, and 120 mt for 2006. Importantly, only the United States and Japan are permitted to carry forward quota underages of South Atlantic swordfish. The United States is also allowed to count up to 200 mt of swordfish caught south of the north-south management boundary (between five degrees North latitude and five degrees South latitude) against its North Atlantic swordfish quota (ICCAT Recommendation 02/02).

### *Atlantic Marlins*

Phase one of the Atlantic marlin mortality reduction plan was extended through 2005. The critical elements of phase one include: 1) reducing commercial landings of white marlin and blue marlin by 67 percent and 50 percent, respectively, from 1999 or 1996 landings levels, whichever was higher; 2) release of all live marlin taken as bycatch in commercial fisheries, but allowing landing of marlin killed if they are not entered into commerce; 3) capping U.S. recreational marlin landings at 250 fish in aggregate and establishing observer coverage of U.S. billfish tournaments. The 2002 recommendation also provided for consideration by ICCAT of a program to improve marlin catch data in 2003 and an assessment in 2005.

## **1.3 Summary of HMS Actions Published in the Federal Register During 2002**

During calendar year 2002, NOAA Fisheries' HMS Division completed a total of seven final rules, five proposed rules, eight in-season actions, three emergency rules, 16 notices of meetings, notices of document availability, and/or requests for comments, one notice of petition for rule making, and three corrections (two from the Office of the Federal Register and one from HMS Division) that

were published in the Federal Register. Table 1.1 provides a list of all Federal Register notices filed during 2002 relating to specific actions taken by the HMS Division. All required analytical documents (*e.g.* environmental assessments, environmental impact statements, regulatory impact reviews, etc.) accompanied these actions and are available upon request.

**Table 1.1. Summary of NOAA Fisheries' HMS Division Actions**

<b>Action Type NOAA Fisheries ID#</b>	<b>CFR Part*</b>	<b>Action Description</b>	<b>Action Pub Info</b>
Correction by OFR to ID 032900A; RIN 0648-AN06 (see 2001 table)	635	Atlantic HMS; ICCAT Monitoring of Rec. Landings (Billfish and Swordfish) Change of CPE date from 2/25 to 2/19	67 FR 629, 01/04/2002
Notice ID 121901A	635*	M-S Act Provisions; Atl. HMS. Issuance of 2002 EFPs and SRPs. Request Comments	67 FR 1442, 01/11/2002
Emergency (Final) Rule ID 060401B; RIN 0648-AP31	635	Atlantic HMS; Pelagic Longline Fishery; Sea Turtle Protection Measures. Extension Expiration Date and Tech Amendments	67 FR 1668, 01/14/2002
Final Rule ID 041901A; RIN 0648-AP21	600 635 648	Atlantic HMS; Fisheries of the Northeastern United States; Shark Finning Prohibition	67 FR 6194, 02/11/2002
Notice (Not initiated by HMS) ID 021202B	635*	ICCAT Spring Species Working Group; Notice of Public Meeting	67 FR 7358, 02/19/2002
Correction by HMS to ID 110501B; RIN 0648-AP70 (see 2001 table)	635	Atlantic HMS; Commercial Shark Management Measures. Fishing Season Notification. Correction to DATES section	67 FR 8211, 02/22/2002
Notice ID 030602F	635*	Notification of Advisory Panel meetings	67 FR 1297, 03/20/2002
Notice of Availability (NOA) (Not initiated by HMS) EPA Publication		NOA of Environmental Impact Statement Reg. Adjustment 2 to HMS FMP	67 FR 16375, 04/05/2002
Proposed Rule ID 080901B; RIN 0648-AP49	635	Atlantic HMS; Pelagic Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection - Implement BO Measures	67 FR 17349, 04/10/2002
Proposed Rule ID 071299C; RIN 0648-AM91	635	Atlantic HMS; Fishing Vessel Permits; Charter Boat Operations	67 FR 20716, 04/26/2002
Proposed Rule Section ID 042202D	635	Notification of combined hearings on preceding two rules: 080901B and 071299C; Extension comment period on 080901B	67 FR 20944, 04/29/2002

Correction by OFR to ID 071299C; RIN 0648-AM91	635	Atlantic HMS; Fishing Vessel Permits; Charter Boat Operations Change of CPE date from 5/28 to 5/23	67 FR 22165, 05/02/2002
Notice ID 050102F	635*	M-S Act Provisions; Atlantic HMS; Exempted Fishing Permits; Request for Comments	67 FR 34675, 05/15/2002
Notice ID 051002B	635	Notice of availability large coastal shark assessment modeling paper; request for comments; announcement of large coastal shark assessment workshop.	67 FR 36858, 05/28/2002
Emergency (Final) Rule ID 110501B; RIN0648-AP70	635	Atlantic HMS; Commercial Shark Mgmt. Extension of expiration date; request for comments; fishing season notification	67 FR 37354, 05/29/2002
Notice of Availability (NOA) (Not initiated by HMS) EPA Publication		NOA of Final Supplemental Environmental Impact Statement Reg. Adjustment 2 to HMS FMP. EPA Granted 7-day waiver.	67 FR 39383, 06/07/2002
Final rule in-season action ID 053102B	635	Atl. HMS; Atl. Bluefin Tuna Rec. Fishery. Retention limit adjustments	67 FR 39869, 06/11/2002
Proposed rule ID 042602F; RIN0648-AP90	635	Atl. HMS; Atl. BFT. Initial 2002 quota specs and General category effort controls; public hearings; request for comments	67 FR 43266, 06/27/2002
Notice of Availability (NOA) (Not initiated by HMS) EPA Publication		NOA of EPA Comments on Final Environmental Impact Statement Reg. Adjustment 2 to HMS FMP	67 FR 43595, 06/28/2002
Final Rule ID 080901B; RIN0648-AP49	635	Atlantic HMS; Pelagic Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures	67 FR 45393, 07/09/2001
Final Rule In-season Action ID 071202D	635	Atl. HMS; Atl. BFT. Adjustment of General category daily retention limit	67 FR 47470, 07/19/2002
Notice ID 081202D	635*	Atl. HMS; Advisory Panels Request for Nominations	67 FR 54169, 08/21/2002
Final Rule In-season Action ID 083002D	635	Atl. HMS; Atl. BFT. Adjustment of General category daily retention limit	67 FR 56934, 09/06/2002
Final Rule In-season Action ID 091302A	635	Atl. HMS; Atl. BFT. Adjustment of General category daily retention limit	67 FR 59477, 09/23/2002
Final Rule ID 042602F; RIN0648-AP90	635	Atl. HMS; Atl. BFT. Initial 2002 quota specs and General category effort controls	67 FR 61437, 10/01/2002
Final Rule In-season Action ID100702A	635	Atl. HMS; Atl. BFT; Quota transfers; General category daily retention limit adjustment.	67 FR 63854, 10/16/02

Notice of Availability ID 100102B	635*	Stock Assessment of Large Coastal Sharks in the US Atlantic and Gulf	67 FR 64098, 10/17/02
Final Rule Technical Amendment ID 091002I; RIN0648-AP89	635	Atl. HMS; NOAA Information Collection Requirements; Technical Amendment	67 FR 64311, 10/18/02
Notice ID 101702A	635*	Large Pelagics Survey; Proposed Information Collection; Req. Comments	67 FR 64873, 10/22/02
Final Rule; In-season Action ID 102202A	635	Atl. HMS; Atl. BFT General category closure	67 FR 66072, 10/30/02
Final Rule; In-season Action ID 110102E	635	Atl. HMS; Atl. BFT Opening of General Category New York Bight Set-aside Fishery	67 FR 68045, 11/08/02
Notice of Intent (NOI) ID 103102B	635	Atl. HMS; Environmental Impact Statement (EIS) for Amendment 1 to the FMP for Atl. Tunas, Swordfish and Sharks	67 FR 69180, 11/15/02
Notice ID 110102J	635	Atl. HMS; BFT Petition for Rulemaking	67 FR 69502, 11/18/02
Notice ID 102902A	635*	Atl. HMS; Notification of Advisory Panel Meetings	67 FR 69507, 11/18/02
Notice ID 111302B	635*	Vessel Monitoring System; Proposed Information Collection; Req. Comments	67 FR 69506, 11/18/02
Final Rule ID 010201A; RIN 0648-A093	635	Atl. HMS; Quotas and Fishing Areas; Trade Monitoring	67 FR 70023, 11/20/02
Final Rule; In-season Action ID 112202D	635	Atl. HMS; Atl. BFT; Quota Transfers; Fishery Reopening	67 FR 71487, 12/02/02
Proposed Rule ID031501A; RIN 0648-A079	635	Atl. HMS; Atl. BFT; Exempted Fishing Activities	67 FR 72629, 12/06/02
Final Rule; In-season Action ID 121202A	635	Atl. HMS; Atl. BFT; General Category Closure	67 FR 77433, 12/18/02
Final Rule ID 071299C; RIN0648-AM91	635	Atl. HMS; Fishing Vessel Permits; Charter Boat Operations	67 FR 77434, 12/18/02
Notice ID 120302A	635*	Magnuson-Stevens Act Provisions; Atl. HMS; Exempted Fishing and Scientific Research Permits	67 FR 77752, 12/19/02
Proposed Rule ID 110200D; RIN 0648-0A75	635	Atl. HMS; Incidental Catch Requirements of BFT	67 FR 78404, 12/24/02

Emergency Rule ID 120902A; RIN 0648-AQ39	635	Atl. HMS; Commercial Shark Management Measures	67 FR 78999, 12/27/02
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\* No CFR text but related to those regulations

## **Section One References**

ICCAT 02/02. 2002, *Recommendation by ICCAT Relating to the Rebuilding Program for North Atlantic Swordfish*, ICCAT 2002.

Graves, John., Chairman, 2002. U.S. ICCAT Advisory Committee, *Memorandum: Summary of the 2002 ICCAT Meeting*, November 22, 2002.

SCRS. 2002. Report of the Standing Committee on Research and Statistics, ICCAT SCRS, September 30 - October 4, 2002.