

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. Table 1.1 provides a list of most of the abbreviations, acronyms, and initialisms that are used in this document or that are commonly used in fishery management.

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 and environmental impacts of recently implemented regulations. Cumulatively, this information establishes the effectiveness of Federal and state management programs of Atlantic HMS, and provides the basis for future management decisions.

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. Because the HMS Management Division will be revisiting many of these issues in the development of amendments currently underway, the 2004 SAFE Report serves as an addendum to the 2003 SAFE Report and focuses on those updates to the data during 2003 that would be used to determine appropriate annual harvest levels, document significant trends in the resource, marine ecosystems, and fisheries over time, assess the relative success of state and Federal management programs, and identify bycatch and safety issues. Through a comprehensive annual update of key biological, economic, and social indicators, the National Marine Fisheries Service (NOAA Fisheries) can ensure use of the best available scientific data in its decision making process.

This SAFE report is a vehicle to introduce new information, identify additional management issues that may need to be addressed, and begin preliminary assessment and evaluation of 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 its 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.

The structure of the 2004 SAFE report is designed to provide a cohesive view of new information in a format that is easily accessible to managers, HMS and Billfish Advisory Panel

members, and the public. This report is an addendum to the 2003 SAFE Report, containing only significant changes and updates, and should be considered in conjunction with the 2003 report.

1.1 Summary and update on HMS Management Division Activities During 2003

Several significant actions were completed during 2003. On February 10-12, 2003, a combined HMS and Billfish Advisory Panel meeting was held in Silver Spring, Maryland and on September 30, 2003, an HMS Advisory Panel meeting was held in Silver Spring, Maryland. These meetings provided valuable comments on a suite of management actions considered during calendar year 2003. A summary of the discussion can be found in on the HMS website at: www.nmfs.noaa.gov/sfa/hms, along with the meeting transcripts. These documents are also available by calling the HMS Management Division at 301-713-2347.

A major accomplishment during 2003 was the successful completion of Amendment 1 to the HMS FMP regarding shark management measures. In addition, a Notice of Intent was published mid-year announcing plans to undertake Amendment 2 to the HMS FMP and Atlantic Billfish FMP and soliciting public comment on issues to be considered for the amendment process. Throughout 2003 there were numerous Atlantic tuna actions, 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. Regulatory amendments were also completed regarding BFT management measures, specifically involving adjusting the incidental catch requirements of BFT in the longline fishery and adjusting various commercial seasons and size limits in the Purse seine, Harpoon and General categories. Rulemaking was also conducted instituting recreational fishing permits for all HMS, and addressing recreational limits and reporting for billfish, and several actions regarding inseason management of Atlantic sharks and swordfish. At the end of the year, efforts were initiated to mitigate sea turtle bycatch in the Atlantic pelagic longline fishery.

As of December 31, 2003, there were no active lawsuits regarding HMS. In 2003, there were four pending cases in litigation. NOAA Fisheries received favorable rulings in each of these cases, as indicated below:

National Audubon Society v. Evans, Civ. No. 99-1707 (D.D.C. July 3, 2003). Plaintiffs challenged western Atlantic bluefin tuna rebuilding plan. Court ruled in government's favor in July 2003, but ordered the government to provide further explanation of its decision making timeframe. The government submitted the requested information in September 2003.

The Ocean Conservancy v. Evans, 8:01-cv-1399-T-24EAJ and 8:02-cv-163-T-24EAJ (M.D. Fla. March 31, 2003). Plaintiffs filed two lawsuits, which were consolidated, that challenged two 2001 emergency rules implementing Atlantic shark management measures. Court ruled in the government's favor in March 2003.

The Ocean Conservancy v. Evans, 8:03-cv-124-T-24EAJ (M.D. Fla. December 17, 2003):

The same plaintiffs, as above, challenged a December 2002, emergency rule implementing Atlantic shark management measures. Court ruled in the government's favor in December 2003.

1.2 2003 Accomplishments of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

Information in this section was summarized from NOAA Public Affairs Press release (NOAA03-145, December 4, 2003) summarizing the results of the 2003 ICCAT Meeting held in Dublin, Ireland in November 2003.

The U.S. delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT) helped develop agreements aimed at promoting the conservation and rebuilding of transboundary fish stocks critical to U.S. fishermen. ICCAT is an international fishery management organization with 37 member nations, including the U.S.

Among the many proposals adopted in Ireland at the 18th annual ICCAT meeting were an agreement concerning the application of trade restrictive measures and a binding recommendation with additional measures to fight illegal, unregulated and unreported fishing. The trade resolution defines a comprehensive approach to the application of trade restrictive measures against countries that have not abided by ICCAT's conservation and management measures. Illegal and non-compliant fishermen make their profits at the expense of law-abiding fishermen and thwart ICCAT's efforts to rebuild internationally shared fish stocks. Fair and consistent application of trade sanctions to stop illegal and non-compliant fishing bolster management's ability to manage these fish stocks successfully.

The recommendation on illegal, unregulated and unreported fishing requires all parties to take measures, consistent with their rights and obligations under international law, to prohibit landings, transshipments or caging of ICCAT species from vessels that are engaging in illegal, unregulated and unreported fishing. Trade sanctions were ended against Belize and St. Vincent, which have made efforts to control their vessel registries and implement monitoring and control systems on their fishing activities. Sanctions for Bolivia, Cambodia and Sierra Leone will remain in effect, and Georgia will be added, due to evidence of continued non-compliance with ICCAT conservation measures. The Commission identified several countries that have recently become involved in Atlantic pelagic fisheries, including Costa Rica, Cuba and Togo. These countries face possible sanctions if they do not comply with the conservation measures. Building a framework for strict application of compliance rules has been a high priority for the U.S. Several parties recently not in compliance with conservation and management measures described regulations they have implemented to comply.

The Commission also took steps to improve data reporting and monitoring systems. New measures were adopted to control caging operations that are part of the rapid expansion of the bluefin tuna farming in the Mediterranean, and to improve the ICCAT statistical document program, which tracks the origin and trade of bluefin, swordfish and bigeye tuna. Parties agreed

to a proposal from the U.S. to establish a joint fund for developing countries to improve their data collection systems. International conservation measures rely on accurate fishery information from all nations participating in ICCAT fisheries.

ICCAT took action that encourages all parties to provide information on sea turtle interactions, including the bycatch of sea turtles. Parties agreed to share all available information on technical measures to reduce the incidental capture of sea turtles, and to ensure the safe handling of turtles that are released. ICCAT also resolved to have its scientific body develop standardized data collection and reporting methods to assess the problem of sea turtle bycatch. This action will help the U.S. determine the significance of fishery impacts on sea turtle populations around the world, while educating fishermen from every nation about the importance of safe handling and live release of turtles. The U.S. has been promoting the sea turtle resolution for over two years. Additionally, research and education about sea turtle conservation has been a longtime priority. NOAA Fisheries is conducting cooperative research with industry in the North Atlantic on methods to reduce bycatch of sea turtles in longline vessels and has been sharing this information with the international community.

ICCAT also took action to address the international bluefin tuna fishery, including a commitment to invest \$2 million over a three-year period to develop a comprehensive bluefin research program.

1.3 Summary of Regulatory Actions During 2003

During calendar year 2003, NOAA Fisheries' HMS Management Division completed numerous rulemakings and inseason actions, including Amendment 1 to the HMS FMP, which is expected to facilitate rebuilding of large coastal sharks (LCS) and to prevent overfishing of small coastal sharks (SCS). Each of these regulatory actions is consistent with existing HMS stock rebuilding plans, and is supported by a regulatory analysis, as required, of the action's socio-economic and/or ecological effects. These analyses are updates to previous environmental and regulatory impact analyses, and are found in supporting documents including but not limited to environmental assessments (EA), environmental impact statements (EIS), and/or regulatory impact reviews (RIR). As reflected in these supporting documents, which are available from NOAA Fisheries upon request, these actions are not expected to have adverse ecological impacts on target, non-target, or protected species, but are expected overall to have positive cumulative impacts. A summary of socioeconomic impacts for major rules is given in Section 6 of this report. Table 1.2 provides a list of all Federal Register notices filed during 2003 relating to specific actions taken by the HMS Management Division. Amendment 1 to the HMS FMP (Appendix 3) summarizes state rules and regulations pertaining to HMS.

Table 1.1 List of Commonly Used Fishery Management Abbreviations, Acronyms, and Initialisms.

AA	Assistant Administrator for Fisheries
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACS	Angler consumer surplus
ANPR	Advanced Notice of Proposed Rulemaking
AOCTRP	Atlantic Offshore Cetacean Take Reduction Plan
AOCTRT	Atlantic Offshore Cetacean Take Reduction Team
AP	Advisory Panel
APA	Administrators Procedure Act
ASMFC	Atlantic States Marine Fisheries Commission
ATCA	Atlantic Tunas Convention Act
B	Biomass
BAYS	Bigeye, albacore, yellowfin, skipjack tunas
BET	Bigeye tuna
BFT	Bluefin tuna
BiOp	Biological Opinion
B_{MSY}	Biomass expected to yield maximum sustainable yield
B_{OY}	Biomass expected to yield optimum yield
CFMC	Caribbean Fishery Management Council
CFL	Curved fork length
CFR	Code of Federal Regulations
CHB	Charter/Headboat
CIE	Center for Independent Experts
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPUE	Catch per unit effort
CSFOP	Commercial shark fishery observer program
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DPS	Distinct population segment
dw	Dressed weight
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EFP	Exempted fishing permit

EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Instantaneous fishing mortality
FAO	Food and Agriculture Organization
FEIS	Final Environmental Impact Statement
FL	Fork Length
FMP	Fishery Management Plan
F_{MSY}	Instantaneous fishing mortality rate expected to yield maximum sustainable yield
FMU	Fishery management unit
F_{OY}	Fishing mortality rate expected to yield optimum yield
FR	Federal Register
FRFA	Final regulatory flexibility analysis
GSAFDF	Gulf and South Atlantic Fishery Development Foundation
GMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
HAPC	Habitat area of particular concern
HMS	Highly migratory species: Atlantic sharks, tunas, swordfish, and billfish
HMS FMP	Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA	International Plan of Action
IRFA	Initial regulatory flexibility analysis
ITQ	Individual transferable quota
ITS	Incidental take statement
LAP	Limited access permit
LCS	Large coastal sharks
LOA	Letter of acknowledgment
LPS	Large Pelagic Survey
LWTRP	Large Whale Take Reduction Plan
LWTRT	Large Whale Take Reduction Team
MAFMC	Mid-Atlantic Fishery Management Council
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act

MPA	Marine protected area
MRFSS	Marine Recreational Fishing Statistics Survey
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
mt	Metric tons
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office
NGO	Non-governmental organization
nmi	Nautical mile
NOA	Notice of Availability
NOAA Fisheries	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent
NPOA	National Plan of Action
NRC	Natural Resources Consultants, Inc.
NS	National Standards
OSF	Office of Sustainable Fisheries
OY	Optimum yield
POP	Pelagic observer program
PR	Office of Protected Resources
PRA	Paperwork Reduction Act
Reg Flex Act	Regulatory Flexibility Act
RIR	Regulatory Impact Review
RPAs	Reasonable and Prudent Alternatives
RPMs	Reasonable and Prudent Measures
SAFE report	Stock Assessment and Fishery Evaluation report
SAFMC	South Atlantic Fishery Management Council
SCRS	Standing Committee for Research and Statistics
SCS	Small coastal sharks
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental environmental impact statement
SERO	Southeast Regional Office
SEW	Stock evaluation workshop

SFA	Sustainable Fisheries Act
SFL	Straight fork length
SK Program	Saltonstall-Kennedy Program
SRP	Scientific research permit
SSB	Spawning stock biomass
TAC	Total allowable catch
TAL	Total allowable landings
TCs	Terms and Conditions
TL	Total length
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
WTP	Willingness to pay
ww	Whole weight

Table 1.2 Summary of NOAA Fisheries' HMS Division Actions

Action Type NOAA Fisheries ID#	CFR Part	Action Description	Action Pub Info
Final Rule ID 032900A; RIN 0648-AN06	635	Atlantic HMS; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish	68 FR 711 01/07/03
Notice ID 010203A	635	Atlantic HMS Fisheries; Atlantic Bluefin Tuna; Commercial Shark Management Measures	68 FR 1024 01/08/03
Proposed Rule ID 031501A; RIN 0648-AO79	635	Atlantic HMS; Exempted Fishing Activities: Reopening of Comment Period	68 FR 1430 01/10/03
Notice of Availability (NOA) ID 010903D	635	Atlantic HMS; Issues and Options paper for Amendment 1 to the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (HMS FMP); Shark Management Measures	68 FR 3853 01/27/03
Notice ID 022103C	635	Vessel Monitoring Systems; List of Approved Mobile Transmitting Units and Communications Service Providers	68 FR 11534 03/11/03
Submission for OMB Review; Comment Request ID 031403B	635	Vessel Monitoring System for Atlantic HMS	68 FR 13280 03/19/03
Notice ID 082902A	635	Atlantic HMS; Swordfish Quota Adjustment	68 FR 14167 03/24/03

Action Type NOAA Fisheries ID#	CFR Part	Action Description	Action Pub Info
Notice ID 031903F	635	Vessel Monitoring Systems; List of Approved Mobile Transmitting Units and Communications Service Providers	68 FR 14949 03/27/03
Notice ID 082902A	635	Atlantic HMS; Swordfish Quota Adjustment	68 FR 16216 04/03/03
Notice ID 030703B	635	Submission of OMB Review; Comment Request	68 FR 17603 04/10/03
Notice ID 041603C	635	Vessel Monitoring Systems: Additional Approved Mobile Transmitting Unit	68 FR 23285 05/01/03
Notice ID 042503D	635	Submission of OMB Review; Comment Request	68 FR 23281 05/01/03
Emergency Rule ID 120901A RIN0648AQ39	635	Atlantic HMS Commercial Shark Management Measures; Extension of expiration date; request for comments; fishing season notification	68 FR 31983 05/29/03
Final Rule ID 110200D RIN 0648AO75	635	Atlantic HMS: Incidental Catch Requirements of Bluefin Tuna	68 FR 32414 05/30/03
Notice ID 052003C	635	Magnuson-Stevens Act Provisions; Atlantic HMS; Exempted Fishing Permits	68 FR 33680 06/05/03
Final Rule ID 071299C RIN 0648AM91	635	Atlantic HMS; Fishing Vessel Permits; Charter Boat Operations, Temporary Rule	68 FR 35185 06/12/03
Notice ID 061103B	635	Atlantic HMS: Bluefin Tuna Catch Limit Adjustments	68 FR 35822 06/17/03
Proposed Rule ID 030403C RIN 0648AQ90	635	Atlantic HMS; Atlantic Swordfish Quotas	68 FR 36967 06/20/03
Final Rule ID 061203E RIN 0648AR29	635	Atlantic HMS; Vessel Monitoring Systems (VMS); Amendment of Effective date	68 FR 37772 06/25/03
Final Rule ID 032900A RIN 0648AN06	635	Atlantic HMS; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish; Technical Amendment	68 FR 37773 06/25/03
Temporary Rule ID 071299C RIN 0648AM91	635	Atlantic HMS; Fishing Vessel Permits; Charter Boat Operations; Temporary Rule	68 FR 38233 06/27/03

Action Type NOAA Fisheries ID#	CFR Part	Action Description	Action Pub Info
Notice of Intent (NOI) ID 060303D	635	Atlantic HMS; Environmental Impact Statement (EIS) for Amendment 2 to the Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish and Sharks and Amendment 2 to the Atlantic Billfish FMP	68 FR 40907 07/09/03
Proposed Rule ID 051903B RIN 0648AQ38	635	Atlantic HMS; Atlantic Bluefin Tuna Quota Specification, General Category Effort Controls, and Permit Revisions	68 FR 41103 07/10/03
Notice ID 070703E	635	Submission for OMB Review: Comment Request	68 FR 41299 07/11/03
Notice ID 070803B	635	Atlantic HMS; Swordfish and Bluefin Tuna Quotas; Public Hearings	68 FR 41769 07/15/03
Final Rule ID 061203E RIN 0648AR29	635	Atlantic HMS Fisheries; Vessel Monitoring Systems (MVS)	68 FR 45169 08/01/03
Proposed Rule ID 010903D RIN 0648AQ95	600, 635	Atlantic HMS; Atlantic Shark Management Measures	68 FR 45196 08/01/03
Notice of Availability	635	Environmental Impact Statement; Amendment 1 to the HMS FMP	68 FR 45237 08/01/03
Notice ID 010903D	635	Atlantic HMS; Atlantic Shark Management Measures; Notice of Public Hearing	68 FR 47904 08/12/03
Notice ID 082003C		Atlantic HMS; Advisory Panels; HMS and Billfish Advisory Panel Meetings; Request for Nominations	68 FR 51560 08/27/03
Notice ID 082203D	635	Atlantic HMS Fisheries; Atlantic Bluefin Tuna Retention Limit Adjustment	68 FR 52140 09/02/03
Proposed Rule ID 051603C RIN 0648AQ65	635	Atlantic HMS; Recreational Atlantic Blue and White Marlin Landings Limit; Clarification of Recreational HMS Reporting Requirements	68 FR 54410 09/17/03
Notice ID 010903D	635	Atlantic HMS; Atlantic Shark Management Measures; Rescheduling of Public Hearings	68 FR 54885 09/19/03
Notice ID 092403C	635	Atlantic HMS Fisheries; Bluefin Tuna Retention Limit	68 FR 56212 09/30/03
Final Specification ID 051903B RIN 0648AQ38	635	Atlantic HMS; Atlantic Bluefin Tuna Quota Specification, General Category Effort Controls, and Permit Revisions	68 FR 56783 10/02/03

Action Type NOAA Fisheries ID#	CFR Part	Action Description	Action Pub Info
Final Rule ID 051903B RIN 0648AQ38	635	Atlantic HMS; Atlantic Bluefin Tuna Quota Specification, General Category Effort Controls, and Permit Revisions; Correction	68 FR 59546 10/16/03
Proposed Rule ID 091603F RIN 0648AR12	635	Atlantic HMS; Bluefin Tuna Season and Size Limit Adjustments	68 FR 63747 11/10/03
Final Rule ID 031501A RIN 0648AO79	635	Atlantic HMS; Exempted Fishing Activities	68 FR 63738 11/10/03
Notice of Availability	635	Environmental Impact Statement; Amendment One to HMS FMP	68 FR 64621 11/14/03
Notice ID 111303B	635	Atlantic HMS; Bluefin Tuna Fisheries; Quota Transfer; Fishery Closure	68 FR 65990 11/18/03
Notice of Intent (NOI) ID 112403A	635	Atlantic HMS; Supplemental Environmental Impact Statement (SEIS) for Sea Turtle Bycatch Mitigation in the Atlantic Pelagic Longline Fishery	68 FR 66783 11/28/03
Notice of Intent ID 120103D	635	Atlantic HMS, Exempted Fishing and Scientific Research Permits	68 FR 68595 12/16/03
Notice ID 120903A	635	Atlantic HMS, Bluefin Tuna Fisheries	68 FR 68595 12/09/03
Final Rule ID 010903D RIN 0648AQ95	600, 635	Atlantic HMS; Shark Management Measures	68 FR 74746 12/24/03
Final Rule ID 091603F RIN 0648AR12	635	Atlantic HMS; Bluefin Tuna Season and Size Limit Adjustments	68 FR 74504 12/24/03
Notice ID 120302A	635	Atlantic HMS, Exempted Fishing Permit; Re-opening of comment period	68 FR 75217 12/30/03
Notice ID 1223303H	635	Atlantic HMS; Bluefin Tuna Fisheries; Quota Transfers; Fishery Reopening	50 FR 75466 12/31/03

References for Section 1

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<http://www.publicaffairs.noaa.gov/releases2003/dec03/noaa03-145.html>

