

which is comprised of a commercial quota and recreational harvest limit. Proposed 2003 initial bluefish specifications were published on January 6, 2003 (68 FR 533), with a comment period ending January 21, 2003. The final specifications are unchanged from those that were proposed.

Final Specifications

2003 TAL

For the 2003 fishery, the stock rebuilding program in the FMP would restrict the fishing mortality rate (F) to 0.41. However, the 2001 fishery (the most recent fishing year for which F can be calculated) produced an F of only 0.246. In accordance with the FMP, the TAL proposed for 2003 is set to achieve $F=0.246$. The resulting TAC is 39.5 million lb (17.9 million kg). The TAL is calculated by deducting discards, estimated at 2.2 million lb (0.99 million

kg) for 2003, from the TAC. Therefore, the TAL for 2003 is 37.293 million lb (16.916 million kg).

2003 Commercial Quotas and Recreational Harvest Limits

If the TAL for the 2003 fishery were allocated based on the percentages specified in the FMP, the commercial quota would be 6.339 million lb (2.875 million kg), with a recreational harvest limit of 30.953 million lb (10.500 million kg). However, recreational landings from the last several years were much lower than the recreational allocation for 2003, ranging between 8.30 and 15.5 million lb (3.74 and 7.05 million kg). Based upon the last several years of landings, it is estimated that the recreational fishery will not land its 30.953 million-lb (12.153 million-kg) harvest limit in 2003 and, therefore, this allows a commercial quota of up to 10.5 million lb (4.76 million kg) to be

specified. This action transfers 4.161 million lb (1.887 million kg) from the 2003 recreational allocation of 30.953 million lb (12.153 million kg), resulting in 26.793 million lb (12.153 million kg) for the 2003 recommended recreational harvest limit, and a proposed commercial quota of 10.5 million lb (4.744 million kg). The 2003 commercial quota would be the same amount as was allocated in 2002 and implemented by NMFS and the states under the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Bluefish. Also implemented is a recreational possession limit of 15 fish per person (same as in 2002) and a 141,900-lb (64,365-kg) research set-aside (RSA).

The 2003 state commercial quotas are listed in the table below, based on the percentages specified in the FMP less the RSA allocation.

State	Percent of Quota	2003 Commercial Quota (lb)	2003 Commercial Quota(kg)
ME	0.6685	69,925	31,718
NH	0.4145	43,357	19,667
MA	6.7167	702,570	318,684
RI	6.8081	712,131	323,021
CT	1.2663	132,456	60,082
NY	10.3851	1,086,286	492,736
NJ	14.8162	1,549,782	702,977
DE	1.8782	196,461	89,114
MD	3.0018	313,990	142,425
VA	11.8795	1,242,601	563,640
NC	32.0608	3,353,575	1,521,172
SC	0.0352	3,682	1,670
GA	0.0095	994	451
FL	10.0597	1,052,249	477,297
Total	100.0000	10,460,058	4,744,652

Comments and Responses

One comment was received from a U.S. Congressman from New Jersey on the proposed specifications.

Comment: The commenter opposes the transfer of allocation from the recreational sector to the commercial sector because he believes it is unfair to anglers who endure strict regulations. He believes it fails to reward recreational fishers who do not fully attain their allocation and negates the conservation benefits created by their underharvest of bluefish.

Response: The poundage transfer provision was included in Amendment 1 to the FMP (Amendment 1) to ensure that commercial landings would not be reduced unnecessarily if the recreational fishery is not expected to attain its harvest limit. The FMP stipulates that such a transfer may be made if the recreational fishery is not projected to land its harvest limit for the upcoming year. Recreational landings

from the last several years were much lower than the recreational allocation for 2003, ranging between 8.30 and 15.5 million lb (3.74 and 7.05 million kg). Since the recreational fishery is not projected to land its harvest limit in 2003, this allows the specification of a commercial quota of up to 10.5 million lb (4.76 million kg). The TAL for 2003 is 37.293 million lb (16.916 million kg). This is consistent with an F of 0.246 which is actually less than the maximum level of F of 0.410, specified in the FMP as the rebuilding target for 2003. A commercial harvest of 10.5 million lb (4.76 million kg) does not result in overfishing based on the overfishing definition in the FMP. Overfishing occurs when F is greater than $F_{msy} = 0.4$ (the F that produces maximum sustainable yield). Since the stock condition is improving, and the overall TAL maintains a very low F, there is no reason to reduce allowed landings by the commercial sector. The

transfer is not constraining to recreational fishermen, since the remaining recreational harvest limit is more than double the average recreational landings over the last several years.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a FRFA for this action. The FRFA includes a summary of the analyses in support of these specifications. A copy of the FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA, which includes the initial regulatory flexibility analysis (IRFA) and applicable sections of the 2003 specifications package, follows:

The reasons why this action is being taken by the agency, and the objectives of this final rule are explained in the preamble to the proposed rule and are not repeated here. This action does not