

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 030908222-3222-01; I.D. 051603C]

RIN 0648-AQ65

Atlantic Highly Migratory Species (HMS); Recreational Atlantic Blue and White Marlin Landings Limit; Clarification of Recreational HMS Reporting Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments; public hearings.

SUMMARY: NMFS proposes this rule to amend the regulations governing Atlantic HMS recreational fisheries in order to implement recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), and to achieve consistent recreational reporting requirements for Atlantic highly migratory species. This rule proposes to: establish an annual domestic landing limit of 250 Atlantic blue and white marlin, combined; establish procedures to carry forward overages and underages of the marlin landings limit to subsequent years; implement management measures to ensure that the annual domestic Atlantic marlin landing limit is not exceeded; and, clarify regulations by specifying that the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category is required to report recreational landings of Atlantic bluefin tuna, billfish, and swordfish. The purpose of these proposed actions is to comply with ICCAT recommendations, improve upon the management and conservation of Atlantic HMS, and establish consistent HMS recreational reporting requirements to facilitate enforcement.

DATES: Written comments on the proposed rule must be received by 5 p.m. E.S.T. on October 24, 2003. NMFS will hold public hearings from October 1, 2003, through October 15, 2003.

ADDRESSES: Comments on the proposed rule may be submitted by mail to the HMS Management Division, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via facsimile (fax) to 301-713-1917. Please mark the outside of the envelope

“Comments on Proposed Recreational Billfish Rule.” Comments will not be accepted via e-mail or via the internet.

Copies of the Draft Environmental Assessment/Regulatory Impact Review (EA/RIR) for this proposed rule may be obtained from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910. The EA/RIR is also available on the HMS Management Division website at www.nmfs.noaa.gov/sfa/hmspg.html.

FOR FURTHER INFORMATION CONTACT:

Russell Dunn or Richard A. Pearson at 727-570-5447.

SUPPLEMENTARY INFORMATION: Atlantic billfish (including blue marlin, white marlin, sailfish, and spearfish) are managed under Amendment One to the Atlantic Billfish Fishery Management Plan (Atlantic Billfish FMP). North Atlantic tunas, swordfish and sharks are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP). The FMPs are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) at 50 CFR part 635. In addition, billfish, swordfish, and tunas are managed internationally by the International Commission for the Conservation of Atlantic Tunas (ICCAT), to which the United States is a contracting party. The Secretary of Commerce has the responsibility, under the Atlantic Tunas Convention Act (ATCA), to promulgate regulations as necessary and appropriate to implement ICCAT recommendations.

Atlantic Blue and White Marlin Stock Status and Management History

The most recent stock assessment for Atlantic blue marlin, conducted in 2000 by ICCAT's Standing Committee for Research and Statistics (SCRS), indicated that total Atlantic blue marlin stock abundance is at approximately 40 percent of the biomass needed to support maximum sustainable yield (B_{msy}), and that the current fishing mortality rate is approximately four times higher than that which would allow achievement of the maximum sustainable yield (F_{msy}). The SCRS recommended that ICCAT take additional steps to reduce the catch of blue marlin as much as possible.

The SCRS conducted a stock assessment for white marlin in 2002. The 2002 assessment concluded that white marlin are overfished and that overfishing continues to occur. Relative white marlin biomass (B_{2001}/B_{msy}) is approximately 0.12 and relative fishing mortality (F_{2000}/F_{msy}) is approximately 8.28.

At its November, 2000 meeting, ICCAT developed a two-phased rebuilding plan for Atlantic blue and white marlin (ICCAT Recommendation 00-13). Phase One of the Atlantic marlin rebuilding plan required that countries capturing marlin in commercial fisheries reduce Atlantic blue marlin landings by 50 percent and white marlin landings by 67 percent from 1999 levels. As part of the rebuilding program, the United States agreed to limit annual landings by U.S. recreational fishermen to 250 Atlantic blue and white marlin, combined, for 2001 and 2002, and to maintain regulations that have prohibited the retention of marlins by U.S. pelagic longline fishermen since implementation of the 1988 Atlantic Billfish FMP.

In 2002, ICCAT amended Phase One of the Atlantic marlin plan by extending the rebuilding plan through 2005 (ICCAT Recommendation 02-13). ICCAT also specified that, through 2005 (Phase One), the annual amount of blue marlin that can be harvested and retained by foreign pelagic longline and purse seine vessels must be no more than 50 percent of the 1996 or 1999 landing levels, whichever is greater. For white marlin, the annual amount that can be harvested and retained by foreign pelagic longline and purse seine vessels must be no more than 33 percent of the 1996 or 1999 landing levels, whichever is greater. ICCAT recommended that all blue and white marlin brought to pelagic longline and purse seine vessels alive be released in a manner that maximizes their survival. These provisions do not apply to marlin that are dead when brought alongside the vessel and that are not sold or entered into commerce.

The SCRS intends to conduct new stock assessments for Atlantic blue and white marlin in 2005 and to evaluate stock recovery options, taking into account the new stock assessments, any new information, and any reevaluation of historical catch and effort data. Based upon the SCRS assessment and evaluation, ICCAT will develop and adopt additional programs in 2005 to rebuild Atlantic marlin stocks to B_{msy} , if necessary.

Recent U.S. Recreational Atlantic Marlin Fishery Management Actions

To facilitate compliance with Phase I of the ICCAT billfish rebuilding plan, NMFS implemented regulations, which became effective in March 2003, requiring: (1) an Atlantic HMS recreational Angling category permit (December 18, 2002; 67 FR 77434); and, (2) mandatory self-reporting of all non-