

vessels permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category.

#### Meeting Locations, Dates, and Times

1. Wednesday, October 1, 2003—Destin, FL, 7–9 p.m.  
Destin Community Center  
101 Stahlman Avenue  
Destin, FL 32541
2. Tuesday, October 7, 2003—Kill Devil Hills, NC, 7–9 p.m.  
Ramada Inn/Outer Banks Resort and Conference Center  
1701 Virginia Dare Trail  
Kill Devil Hills, NC 27948
3. Wednesday, October 8, 2003—Ocean City, MD, 7–9 p.m.  
Ocean City Council Chambers  
301 Baltimore Avenue  
Ocean City, MD 21842
4. Tuesday, October 14, 2003—Miami, FL, 7–9 p.m.  
University of Miami  
Rosenstiel School of Marine and Atmospheric Sciences  
4600 Rickenbacker Causeway  
Science and Administrative Building, Room 103  
Miami, FL 33149
5. Thursday, October 16, 2003—Ponce, Puerto Rico 7–9 p.m.  
Ponce Holiday Inn  
3315 Ponce By Pass,  
Ponce, PR 00728

#### Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act, 16 U.S.C. 971 *et seq.* The Assistant Administrator (AA) for Fisheries, NOAA, has preliminarily determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and are necessary for the management of Atlantic HMS fisheries.

NMFS prepared a draft Environmental Assessment (EA) for this proposed rule that discusses the impact on the environment of this rule. The AA has preliminarily concluded that there would be no significant impact on the human environment if this proposed rule was implemented. The EA presents analyses of the anticipated impacts of these proposed regulations and the other alternatives considered. A copy of the draft EA is available from NMFS (see **ADDRESSES**).

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

NMFS prepared an initial regulatory flexibility analysis (IRFA) that describes the economic impact this proposed rule,

if adopted, would have on small entities. A description of the action, the purpose and need for the action, and the legal basis for the action are contained in the preamble to this proposed rule and in the **SUMMARY** section. A summary of the analysis follows:

Codification of a 250–fish annual Atlantic marlin landing limit and implementation of compliance measures are precautionary steps that are being proposed to comply with ICCAT Recommendations and to enhance conservation. At present, NMFS believes that the proposed 250–fish landing limit is not likely to be exceeded. This is based upon RBS data (primarily tournament landings) indicating that 191, 127, 97, and 129 Atlantic marlin were landed during the 1999, 2000, 2001, and 2002 (2002 preliminary data) fishing years, respectively. Therefore, adverse economic impacts are not expected under any of the alternatives, except for the year-round catch and release alternative. Although the landing limit is not presently expected to be exceeded, it is possible for documented landings to increase in the future because the recreational marlin fishery is an open access fishery (*i.e.*, no limits on entry) and because new recreational HMS reporting requirements have recently been implemented.

There are several unknowns that make an assessment of economic impacts difficult to quantify. These include the absence of a reliable estimate of total tournament and non-tournament marlin landings, uncertainty regarding the number of marlin fishermen, and uncertainty regarding angler behavior in a catch and release only Atlantic marlin fishery. Nevertheless, as described below, the preferred alternative that is being proposed is expected to have the least adverse economic impact on small entities, while simultaneously achieving the objectives of the Magnuson-Stevens Act, ATCA, and relevant ICCAT recommendations.

The total population of recreational billfish anglers has not been quantified. This is because not all vessels possessing HMS Angling category and HMS Charter/headboat permits participate in the recreational billfish fishery. Many fish primarily for tuna. For purposes of analysis, this document assumed that approximately 10,000 vessels, all of which are considered small entities, could be affected by the proposed Atlantic marlin actions.

In order to compare the relative economic impact of the proposed alternatives, several assumptions were necessary. These assumptions are

described in detail in the EA/RIR prepared pursuant to this proposed rule (see **ADDRESSES**) and not repeated here. Also, because NMFS has no data predicting angler behavior under a catch and release scenario, the assumptions were inferred using data on current and past behavior and, in general, present worst case scenarios.

As described earlier, for the 250–fish landing limit NMFS analyzed five alternatives, including the no-action alternative.

The preferred alternative (Alternative 1d) would increase marlin minimum fish sizes when 80 percent of the landing limit is projected to be achieved, if deemed necessary. Under a worst case scenario that the 80 percent trigger would be met roughly estimated around October 15, this alternative could potentially result in a reduction of between 6 and 145 charter trips, in aggregate, assuming that charterboats would cease fishing for marlin when the minimum size increased. This would equate to an annual industry wide gross revenue loss of between \$4,050 to \$97,875. NMFS does not anticipate that any tournaments would cease operations, because no marlin-only tournaments are known to occur during the projected time period for any size increase (October 15 to May 31). Furthermore, many tournaments that include marlin as an award species already specify a tournament minimum size that is greater than the current legal minimum size of 99 inches (251.5 cm). If 250 marlin are landed, even with the increased size limit, then any negative economic impacts would be greater because landings would then have to be prohibited. This alternative is intended to allow some level of landings for the entire duration of the fishing season, without having to resort to a prohibition on landings (*i.e.*, catch and release). Thus, it is expected to minimize adverse economic impacts, yet be consistent with ICCAT recommendations.

The no-action alternative (1a) would not produce any negative short-term economic impacts, however it is not consistent with the goals and objectives of the FMP and fails to ensure compliance with ICCAT recommendations.

Alternative 1b (year-round catch and release fishery) could potentially result in a reduction of between 104 to 2,696 charter trips, in aggregate, for a total annual lost revenue of between \$70,200 and \$1.82 million. Potentially, 10 tournaments could cease operations under this alternative, with a resulting total annual gross revenue loss as high as \$6 million.