

Alternative 1c (catch and release when 250 marlin landed) could potentially result in a reduction of between 2 to 47 charter trips, in aggregate, for a total annual lost revenue of between \$1,350 and \$31,750. This assumes that the 250 marlin limit is met roughly estimated around May 15 and that charterboats would cease fishing of the fishery became all catch and release. NMFS does not expect that any tournaments would be cancelled, because no marlin-only tournaments are known to occur during the projected time period for any closure (May 15–May 31). However, if landings patterns change from current patterns and result in achievement of the 250 fish limit earlier in the fishing year, then this alternative could create sizeable negative economic impacts on charter vessels and billfish tournaments, particularly in areas where fishing activity occurs later in the fishing year.

Alternative 1e (landings tag program) would be expected to result in a reduction of between 103 and 2,671 charter trips annually with a potential decrease in total gross revenues of between \$69,525 to \$1,802,925. For tournaments, this alternative could be expected to result in the cancellation of up to 10 tournaments with an economic impact of \$6.0 million dollars.

With regards to the proposed recreational reporting requirements, only two alternatives were considered because no other alternatives would meet the stated purpose of clarifying the regulations for enforcement purposes, and making the regulations consistent with other HMS regulations. The no-action alternative would not produce any negative economic impacts. However, the current regulations have created some confusion in the regulated community due to inconsistencies with other HMS recreational reporting requirements which require the vessel owner to report (*i.e.* bluefin tuna landings in the Angling category). Furthermore, because vessel permits are issued to vessel owners, enforcement is compromised under this alternative because permit sanctions cannot be used as a potential compliance mechanism. Alternative 2b (in which vessel owners report) would not produce any negative short-term economic impacts. The toll-free reporting system takes less than 3 to 5 minutes for each no-cost report and an additional 3 to 5 minutes for a confirmation call-back. In addition, this alternative would achieve consistency in recreational HMS reporting requirements and facilitate enforcement. It is possible, under Alternative 2b, that the required number of reports would be

reduced, because only one report from a vessel owner would be required for trips that land more than one fish by several different anglers.

This rule does not duplicate, overlap, or conflict with any relevant Federal rules. None of the alternatives considered in this document would result in additional reporting, record keeping, compliance, or monitoring requirements for the public.

The call-in reporting requirement for recreational non-tournament landings was previously approved under OMB 0648–0446.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648–0446. Public reporting burden for each landing report or confirmation call is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to NMFS (see **ADDRESSES**) and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395–7285.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: September 11, 2003.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. In § 635.5, paragraph (c)(2) is revised to read as follows:

§ 635.5 Recordkeeping and reporting.

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(c) * * *
(2) *Billfish and North Atlantic Swordfish.* The owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, sailfish, and North Atlantic swordfish, including those landed on a charter/headboat, to NMFS by calling 1–800–894–5528 within 24 hours of the landing. For telephone reports, a contact phone number must be provided so that NMFS can call the vessel owner back for follow up questions and to provide a confirmation of the reported landings. The telephone landing report has not been completed unless the vessel owner has received a confirmation number from a NMFS' designee.

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3. In § 635.20, paragraph (d)(4) is added to read as follows:

§ 635.20 Size limits.

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(d) * * *
(4) The Atlantic blue and white marlin minimum size limits, specified in paragraphs (d)(1) and (d)(2) of this section, may be adjusted, if necessary, to sizes determined to be appropriate to achieve, but not exceed, the annual Atlantic marlin landing limit, specified in § 635.27(d), when 80 percent of the annual Atlantic marlin landing limit is projected to be harvested, through publication in the **Federal Register**. In no case shall such adjustment be effective less than 14 days after the date of filing with the Office of the **Federal Register** for publication. The adjustment will be in effect through the end of the fishing year (May 31).

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4. In § 635.27, paragraph (d) is added to read as follows:

§ 635.27 Quotas.

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(d) *Atlantic Blue and White Marlin.* The total annual recreational landings limit for Atlantic blue and white marlin, harvested from the management unit, is 250 fish, combined, during a given fishing year (June 1 to May 31), except as provided in paragraph (d)(1) of this section. It is a rebuttable presumption that any landed Atlantic marlin was taken seaward of the inner boundary or the U.S. Atlantic EEZ. After the landings limit is attained, no landings of Atlantic blue and white marlin are allowed.

(1) If the Assistant Administrator (AA) determines, based upon landings statistics and other available