

information, that aggregate landings of Atlantic blue and white marlin are above the annual Atlantic marlin landings limit, as established in paragraph (d) of this section, the AA shall subtract the overharvest from the following fishing year's Atlantic marlin landings limit, beginning with any overharvest from the 2003 fishing year, consistent with ICCAT

recommendations. If the AA determines, based on landings statistics and other available information, that aggregate landings of Atlantic blue and white marlin are below the annual Atlantic marlin landings limit, the AA may add the underharvest to the following fishing year's annual Atlantic marlin landings limit, as established in paragraph (d) of this section, beginning with any underharvest from the 2003 fishing year, consistent with ICCAT recommendations. The AA will publish any adjustment to the Atlantic marlin landing limit made pursuant to this paragraph in the **Federal Register**.

(2) [Reserved]

5. In § 635.28, paragraph (d) is added to read as follows:

§ 635.28 Closures.

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(d) *Atlantic Blue and White Marlin*. If the annual Atlantic marlin landings

limit specified in § 635.27 (d) is exceeded, or is projected to be exceeded, the AA will establish a closure date based upon the date the landings limit is exceeded, or is projected to be exceeded, and publish an action in the **Federal Register** prohibiting the landings of any Atlantic blue and white marlins from the closure date through the remainder of the fishing year (through May 31). In no case shall such closure be effective less than 14 calendar days after the action is filed with the Office of the **Federal Register**.

6. In § 635.34, paragraph (a) is revised to read as follows:

§ 635.34 Adjustment of Management Measures.

(a) NMFS may adjust the catch limits for BFT, as specified in § 635.23; the quotas for BFT, shark, and swordfish, as specified in § 635.27; the combined annual landing limit for Atlantic blue and white marlin, as specified in § 635.27(d); and the minimum sizes for Atlantic blue and white marlin, as specified in § 635.20(d).

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8. In § 635.71, paragraphs (b)(6), (c)(6), and (e)(15) are revised, and paragraph (c)(7) is added to read as follows:

§ 635.71 Prohibitions.

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(b) * * *

(6) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a BFT, as specified in § 635.5(c)(1) or (3).

* * * * *

(c) * * *

(6) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a billfish, as specified in § 635.5(c)(2) or (3).

(7) Retain on board a vessel or land an Atlantic blue or white marlin when the fishery for these species is closed, as specified in § 635.28(d).

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(e) * * *

(15) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a North Atlantic swordfish, as specified in § 635.5(c)(2) or (3).

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