

regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

### Background

Background information about the need for the final initial BFT quota specifications, General category effort controls, and revisions to the HMS permit regulations was provided in the preamble to the proposed rule (68 FR 41103, July 10, 2003), and is not repeated here. By this final rule, NMFS announces the final initial BFT quota specifications, announces the General category effort controls, including time-period subquotas and restricted fishing days (RFDs), allocates 25 mt of BFT to account for incidental catch of BFT by pelagic longline vessels in the vicinity of the management boundary area, defines the management boundary area and applicable restrictions, revises permit requirements to allow General category vessels to participate in registered recreational HMS fishing tournaments, and revises permit requirements to allow permit applicants a 10-calendar day period to make permit category changes to correct potential errors.

### Changes From the Proposed Rule

#### *2002 Underharvest / Overharvest*

The current ICCAT BFT quota recommendation allows, and U.S. regulations require, the addition or subtraction, as appropriate, of any underharvest or overharvest in a fishing year to the following fishing year, provided that such carryover does not result in overharvest of the total annual BFT quota and is consistent with all applicable ICCAT Recommendations, including restrictions on landings of school BFT. At the time of publication of the proposed initial specifications, 2002 fishing year landings had not yet been fully accounted. Therefore, NMFS adjusts these final initial 2003 fishing year quota specifications for the BFT fishery to account for underharvest and/or overharvest in the 2002 fishing year and recently available data on dead discards.

For the 2002 fishing year, NMFS has determined that General category landings were higher than the adjusted General category quota by 15.7 mt. The Reserve category contains 10.3 mt of BFT quota, and will be used to address partially the General category overharvest. Purse Seine category landings were less than the adjusted Purse Seine category quota by 110.0 mt. Regulations at 50 CFR 635.27(a)(9)(i)

require that Purse Seine category underharvests or overharvests be subtracted from or added to each individual vessel's quota allocation, as appropriate. Harpoon category landings are less than the adjusted Harpoon category quota by approximately 20.4 mt. Angling category under/over harvests vary by size class for the 2002 fishing year: School BFT — 133.8 mt underharvest, large school/small medium BFT — 76.1 mt underharvest, large medium/giant BFT — 1.5 mt overharvest, and school reserve — 20.5 mt underharvest. Overharvest in the large medium/giant size class is addressed by a transfer from the large school/small medium size category underharvest. Longline category landings are less than the adjusted quota by 5.2 mt. In 2002, no landings were recorded in the Trap category, leaving 2.3 mt.

For all categories with underharvests from the 2002 fishing year, these final initial specifications include provisions to carry forward remaining quota to the same category for the 2003 fishing year. However, the unused school reserve (approximately 20.5 mt) is allocated to the Reserve category.

#### *Dead Discards*

As part of the BFT rebuilding program, ICCAT recommends an allowance for dead discards. The U.S. dead discard allowance is 68 mt. The 2002 calendar year preliminary estimate of U.S. dead discards, as reported in pelagic longline vessel logbooks, totaled 38.0 mt (U.S. TASK I data submitted to ICCAT in 2003). As estimates of BFT dead discards for the 2002 fishing year are not yet available, the estimate for the 2002 calendar year was used to calculate the amount to be added to, or subtracted from, the U.S. BFT landings quota for 2003 as a result of dead discards. Estimates of dead discards from other gear types and fishing sectors that do not use the pelagic longline vessel logbook are unavailable at this time and thus are not included in this calculation. As U.S. fishing activity is estimated to have resulted in less dead discards than its allowance, the ICCAT Recommendation and U.S. regulations state that the United States may add one half of the difference between the amount of dead discards and the allowance (i.e.,  $68.0 \text{ mt} - 38.0 \text{ mt} = 30.0 \text{ mt}$ ,  $30.0 \text{ mt} / 2 = 15.0 \text{ mt}$ ) to its total allowed landings for the following fishing year, or to individual fishing categories, or to the Reserve. NMFS allocates the 15.0 mt to the Reserve category quota.

### BFT to Atlantic Tunas in General Category Tournament Exception

When General category vessels fish in tournaments, it is NMFS' intent that HMS Angling category regulations for sharks, swordfish, and/or billfish, as well as any specific tournament rules, would apply to the General category vessels. However, when fishing for, or landing Atlantic tunas in a tournament, the General category regulations would apply, including RFDs and General category retention limits. Thus, this would not allow General category vessels to fish for or retain BFT less than 73 inches (1.85 m). This is intended to provide some relief from the current restrictions and allow General category vessels the same access to tournaments where they may have participated in the past. It is incumbent upon the General category fishermen to verify that a tournament is registered.

### 2003 Final Initial Quota Specifications

In accordance with the 2002 ICCAT Recommendation, the ICCAT Recommendation regarding the dead discard allowance, the HMS FMP percentage shares for each of the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(9)(ii), NMFS announces final initial quota specifications for the 2003 fishing year as follows: General category — 684.4 mt; Harpoon category — 77.5 mt; Purse Seine category — 382.4 mt; Angling category — 497.0 mt; Longline category — 148.8 mt; and Trap category — 3.8 mt. Additionally, 72.1 mt will be allocated to the Reserve category for inseason allocations, including providing for a late season General category fishery, or to cover scientific research collection and potential overharvest in any category except the Purse Seine category. The overall final initial BFT quota for the 2003 fishing year equals 1,866.0 mt.

Based on the above final initial specifications, the Angling category quota of 497.0 mt will be further subdivided as follows: School BFT — 230.9 mt, with 130 mt to the northern area (north of 39° 18' N. latitude), 100.9 mt to the southern area (south of 39° 18' N. latitude), plus 22.1 mt held in reserve; large school/small medium BFT — 237.4 mt, with 127.6 mt to the northern area and 109.8 mt to the southern area; and large medium/giant BFT — 6.6 mt, with 2.2 mt to the northern area and 4.4 mt to the southern area.

The 2002 ICCAT Recommendation includes a 25 mt set-aside quota to account for bycatch of BFT related to directed longline fisheries in the