

vicinity of the management area boundary. This set-aside quota is in addition to the overall incidental longline quota to be subdivided in accordance to the North/South allocation percentages mentioned below. NMFS recently adjusted the boundary line between the northern and southern areas to 31°00' N. latitude, near Jekyll Island, Georgia (an area with little longline fishing activity nearby), and adjusted the Longline quota distribution to allocate 40 percent to the northern area and 60 percent to the southern area (68 FR 32414, May 30, 2003). Thus, the Longline category quota of 148.8 mt will be subdivided as follows: 49.8 mt to longline vessels landing BFT north of 31° N. latitude and 74.0 mt to longline vessels landing BFT south of 31° N. latitude. The 25 mt allocated by ICCAT for longline vessels in the vicinity of the management boundary area will be allocated to the Longline north subcategory for a total of 74.8 mt. Accounting for landings under this additional quota will be maintained separately from other landings under the Longline north subcategory.

General Category Effort Controls

For the last several years, NMFS has implemented General category time-period subquotas to increase the likelihood that fishing would continue throughout the entire General category season. The subquotas are consistent with the objectives of the HMS FMP and are designed to address concerns regarding allocation of fishing opportunities, to assist with distribution and achievement of optimum yield, to allow for a late season fishery, and to improve market conditions and scientific monitoring.

The HMS FMP divides the annual General category quota into three time-period subquotas as follows: 60 percent for June-August, 30 percent for September, and 10 percent for October-December. These percentages will be applied to the adjusted 2003 coastwide quota for the General category of 684.4 mt, minus 10.0 mt reserved for the New York Bight fishery. Therefore, of the available 674.4 mt coastwide quota, 404.6 mt will be available in the period beginning June 1 and ending August 31; 202.4 mt will be available in the period beginning September 1 and ending September 30; and 67.4 mt will be available in the period beginning October 1 and ending December 31, 2003.

In addition to time-period subquotas, NMFS also implements General category RFDs to extend the General category fishing season. The RFDs are designed to address the same issues

addressed by time-period subquotas and provide additional fine-scale inseason flexibility. For the 2003 fishing year, NMFS implements a schedule of RFDs that would assist in extending the General category BFT fishery into the late season to provide southern Atlantic General category participants commercial fishing opportunities on large medium and giant BFT. Therefore, NMFS announces that persons aboard vessels permitted in the General category are prohibited from fishing for BFT of all sizes on the following days: November 15 through November 30 inclusive. These RFDs will improve distribution of fishing opportunities without increasing BFT mortality.

Comments and Response

Comment 1: Comments expressed support for the new RFDs of November 15–30 to assist in extending the General category fishery into the late winter season. Comments also stated that implementing this block of RFDs should also provide NMFS with adequate time to account for all BFT harvests made prior to any winter fishery.

Response: NMFS' final action maintains the proposed block of RFDs in the final initial specifications for the Fall, from November 15 through November 31, inclusive, where no General category BFT fishing would take place. This is due primarily to the experience of the past several years when low catch rates have resulted in NMFS having to waive all previously announced RFDs mid-season, which can cause confusion and disrupt fishermen's activities. This action will allow for BFT to migrate off southern Atlantic States, assist the availability of quota late in the season, and partially address economic and social concerns from south Atlantic area fishermen.

Comment 2: Comments regarding the General category permit revision to allow General category vessels to participate in registered HMS recreational fishing tournaments were generally supportive. One commentor stated that General category vessels should also be allowed to land BFT in the recreational size classes while participating in a tournament. One comment received stated that the catching of shark, swordfish, and/or billfish recreationally or retaining any bycatch for personal consumption, has been a traditional component of the General category. The same comment stated that this action sets a precedent which could mean that a commercial permit holder for one species may not fish recreationally for another species.

Response: The final action maintains the preferred alternative that will allow

General category vessels to participate in recreational HMS fisheries provided they are participating in a registered recreational HMS fishing tournament (according to HMS tournament registration and participation regulations), as well as abiding by the regulations of the tournament. NMFS' intent is to allow General category vessels to land sharks, swordfish, and/or billfish recreationally while actively participating in a tournament. However, when fishing for, or landing, Atlantic tunas in a tournament the General category regulations would apply, including RFDs and General category retention/size limits. This action is intended to provide some relief from the current restriction and allow General category vessels the same access to tournaments where they may have participated in the past. As the tournament must be registered, NMFS will also be able to collect data on catch, effort, and participants.

Recent rulemaking established a new recreational permit category for all HMS which, among other matters, means General category permit holders must choose whether to retain their commercial General category permit and forgo recreational HMS fishing opportunities or, switch permit categories to the new Atlantic HMS Angling permit and forgo their ability to sell tunas. The HMS Angling category permit completes a process that NMFS initiated several years ago to separate commercial and recreational HMS fishing activities to enhance both monitoring and management of all domestic HMS fishing categories.

Comment 3: Comments regarding the 10-calendar day window of opportunity to correct any errors in permit categories were generally positive. Some comments stated that the 10 calendar days should be business days to provide a more adequate time frame for permit applicants to receive and check their permit. One commentor stated that permit category changes should be allowed up until NMFS finalizes the BFT Quota Specifications for each fishing year.

Response: The final action establishes a 10-calendar day window of opportunity to correct any errors in permit categories (e.g., if a permit is issued on July 1, then corrections to the permit category must be made by July 10). This action is intended to address the situation where permit applicants received a permit in the wrong category, due to applicant or administrative error, and are unable to change to the intended permit category. Ten calendar days provide enough time for permit applicants to obtain their permit, check