

access program, and no new vessels can enter the fisheries, except via transfer and purchase of existing permits.

There are 387–1,998 entities with logbook or trip-ticket reported commercial landings of dolphin and wahoo on the U.S. Atlantic coast during at least one year of the 1996–2002 period that are not expected to qualify for a commercial vessel dolphin and wahoo permit as a result of their inability to meet either the harvest or income requirements.

In addition to the commercial entities discussed above, approximately 6,800 for-hire vessels on the U.S. Atlantic coast could obtain a for-hire vessel permit to harvest and possess, but not sell, dolphin and wahoo caught in the U.S. Atlantic EEZ. Average revenues for charter vessels are estimated at \$26,000–\$69,000, while average revenues for headboats are estimated at \$123,000–\$300,000.

To obtain a commercial vessel permit, information must be provided to establish qualification, such as information on total earned income and fishing income in 1996, 1997, or 1998, and landings of dolphin and wahoo during the period January 1, 1996, through May 21, 1999. All of the required information is common in the successful operation of a fishing business and should, therefore, already be collected and maintained as standard operating practice by the business. A dealer permit requires possession of a state dealer's license and proof that the applicant has a physical facility at a fixed location in the state where the state license is issued. The dealer, if selected by the Science and Research Director, must additionally report data needed to monitor the dolphin and wahoo fisheries. Qualification for a for-hire permit simply requires an application. The requirements for the various permits and reporting do not require professional skills, and, therefore, may be deemed not to be onerous on the affected participants.

There are two general classes of small business entities that would be directly affected by the proposed rule: commercial fishing vessels and for-hire (charter vessel or headboat) fishing vessels. The Small Business Administration defines a small business that engages in the charter fishing as a firm that is independently owned and operated, is not dominant in its field of operation, and has annual receipts up to \$6.0 million per year. The revenue benchmark for a small business that engages in commercial fishing is a firm with receipts up to \$3.5 million. Based on the revenue profiles provided above, all commercial and for-hire entities

operating in the dolphin and wahoo fisheries are considered small entities. Although the proposed rule will apply to all entities that operate in the dolphin and wahoo fisheries, the proposed rule is expected to adversely impact from 23–60 percent of entities currently operating in the fisheries (the 387–1,998 entities that are not expected to qualify for a permit).

On average, the losses for the 387–1,998 entities that are not expected to qualify for the commercial vessel permit are estimated at 4–32 percent of annual gross revenue. The dollar loss in gross revenue translates into loss in vessel profit, assuming no change in prices, trip costs, and fishing effort. Individually, these non-qualifying entities had annual gross revenues from fishing that ranged from less than \$10 to \$70,000 or more, and annual landings of dolphin and wahoo that ranged from less than 10 lb (4.5 kg) to 4,000 lb (1814 kg) or more. It is estimated that 58–476 out of the 387–1,998 entities that are not expected to qualify for a permit could be driven out of business, following a 50 percent-loss-in-gross criterion.

The requirements for the dealer, for-hire vessel, and operator permits are not expected to restrict qualification for these permits. Costs of this proposed alternative will be limited to the permit fee, which is not onerous and is not expected to substantially affect business profits.

Thirty-three of 201 vessels in the HMS longline fishery recorded trips in the area where the proposed 3,000–lb (1361–kg) dolphin trip limit would apply with landings in excess of the proposed limit, while 53 of 1,076 vessels in the Southeast coastal fishery recorded trips in the area where the proposed 1,000–lb (454–kg) trip limit would apply with landings in excess of the proposed limit. Among Florida SPLs, 54 of 2,697 SPLs recorded trips exceeding the 1,000–lb (454–kg) trip limit. As a result of the proposed limits, the HMS longline vessels could experience losses in annual gross revenue of approximately \$2,100–\$3,100, while the vessels in the Southeast coastal fishery and Florida SPLs could experience losses in annual gross revenue of approximately \$800–\$6,100. The dollar loss in gross revenue translates into a dollar loss in annual profit, assuming no change in prices, costs and fishing effort. The annual gross revenue for the impacted vessels averaged \$185,000 per vessel for the HMS longline fishery, and \$14,000–\$33,000 for the Southeast coastal fishery vessels and Florida SPLs. The projected losses, therefore, equate to 1–2 percent for impacted vessels in the HMS

longline fishery and 8–18 percent for impacted Southeast coastal vessels and impacted Florida SPLs.

The proposed alternative for wahoo commercial trip limits is expected to reduce gross revenues by 6–8 percent for 10 vessels. This dollar loss in annual gross revenues, \$500–\$1,400 per vessel, translates directly into a loss in profits assuming no change in prices, trip costs and fishing effort.

The proposed alternative for allowable gear is expected to reduce fishery profits for an unknown number of vessels by \$11,000 a year (total reduction for all such vessels combined). Since available data do not allow the identification of the number of vessels this would impact, it is not possible to determine the average annual revenues of these vessels and, thus, it is not possible to determine the significance of this action with certainty. However, since the total impact is so small, the impact of this measure is not expected to be significant.

The proposed alternative to prohibit the sale of recreationally caught dolphin and wahoo, except for for-hire vessels that possess the necessary state and Federal commercial permits, is not expected to adversely impact gross revenues or profits of small entities. Available data suggest that sales by for-hire vessels are from legally permitted commercial vessels. Further, there is no evidence to indicate that angler demand for for-hire services will decline as a result of recreational sales restrictions.

The proposed alternative to establish a framework procedure is not expected to have any direct impacts on participants or profits since it merely establishes a structure for future action. Additionally, the proposed alternative to establish the fishing year will have no impact on fishing behavior and, therefore, have no impact on business profits.

The impact of the proposed alternatives to establish recreational dolphin and wahoo bag limits, and recreational dolphin minimum size limits on for-hire profits cannot be determined. Although the proposed bag and size limits are expected to restrict the harvest behavior of some recreational anglers, there are insufficient data to establish the impact of these measures on angler demand for for-hire services and, hence, revenues or profits.

The proposed dolphin minimum size limit is expected to reduce ex-vessel revenues of commercial fishing operations that operate off Georgia and Florida by approximately 3 percent. In itself, this is not expected to be