

significant. It cannot be determined, however, how this restriction will interact with the proposed trip limits.

The proposed prohibition of surface and pelagic longline gear for dolphin and wahoo during time and area closures in the South Atlantic is not expected to result in any reduction in profits for current participants. It is not expected that any vessels would attempt to operate in this manner since they would have to give up their more valuable Highly Migratory Species permit in order to do so. Available data indicate that vessels cannot profitably operate exclusively for dolphin and wahoo.

Among the 14 separate actions in the proposed rule, 11 are not expected to result in significant economic impacts. Seven of the 11 actions have only two alternatives, the proposed action and status quo, and they have previously been discussed. For the four alternatives with more than two alternatives, the alternatives are as follows:

The rejected alternatives respecting the sale of recreationally-caught fish include (1) unregulated sale (no-action alternative), (2) a 3–5 year phase out of sale by for-hire vessels with necessary commercial permits, and (3) no sale, whereas the preferred alternative would allow sale by for-hire vessels with the necessary commercial permits. The proposed alternative would have less economic impact on small entities than the 3–5 year phase out and no-sale alternatives. Compared with the no-action alternative, the proposed alternative is not expected to have a significant economic impact on for-hire vessels. Available data suggests 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 the sales restrictions. NMFS determined that the proposed alternatives would best meet FMP objectives.

To limit the possession and landing of dolphin and wahoo that are recreationally caught in the Atlantic EEZ, bag and/or boat limits are proposed. For dolphin, the rejected alternatives would provide (1) no bag or boat limit (no-action alternative), (2) a boat limit of 18–60 fish, (3) a daily bag limit of 5–10 fish per person, excluding captain and crew on for-hire vessels, or (4) a daily bag limit of 10 fish per person or 60 fish per boat, whichever is less (with the 60 fish boat limit not applying north of 39° North (Delaware Bay, Delaware). The proposed alternative would establish a bag limit of 10 fish per person per day, or 60 fish per vessel, whichever is less, with the vessel limit

not applying to headboats. For wahoo, the rejected alternatives would provide (1) no bag limit (no action alternative), or (2) a bag limit of 2 fish per person per day, excluding captain and crew, whereas the proposed alternative would establish a bag limit of 2 fish per person per day.

Respecting the minimum size (fork length) for possession and landing of dolphin that is caught in the Atlantic EEZ, the rejected alternatives would provide (1) no minimum size (no-action alternative), or (2) an 18–24 inch minimum size, whereas the preferred alternative would establish a 20 inch minimum size for Florida and Georgia, and no minimum size limit farther north.

Compared with the respective no-action alternatives, the impact of other alternatives to establish recreational dolphin and wahoo bag limits, and 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 is insufficient data to establish the impact of these measures on angler demand for for-hire services and, hence, revenues or profits. None of these actions is expected to have a significant economic impact on for-hire vessels. While the preferred alternative for minimum size limits for dolphin is expected to reduce ex-vessel revenue in Georgia and Florida for commercial vessels when compared with the no-action option, the economic impact on small entities is not expected to be significant. The proposed action covers just the EEZ off Georgia and Florida, whereas the rejected alternatives would apply to the entire Atlantic EEZ. The rejected alternative would cover a larger area than the proposed action and, therefore would be more restrictive. Further, although an 18- or 19-inch minimum size limit would be less restrictive than the proposed 20-inch minimum size, the rejected alternative would also allow for a minimum size limit that is more restrictive than the proposed action, i.e., limits greater than 20 inches. NMFS determined that the respective proposed alternatives for the bag and size limits would best meet FMP objectives.

The proposed alternatives that specify the requirement for and qualifications of the commercial permit and establish the commercial wahoo trip limit are expected to cause direct negative economic impacts, as described above, but have only status quo measures (no-action alternative) as considered alternatives. Since maintaining the status quo would impose no new restriction, the adverse impacts of the

proposed measures would be eliminated/avoided. However, the status quo alternatives would not meet the Council's objectives.

The proposed alternative that establishes the commercial dolphin trip limit is expected to cause direct negative economic impacts, as described above, and has, in addition to a no-action alternative, an alternative that would specify a trip limit of from 1,000 to 5,000 lb (454 to 2,268 kg). Depending upon the amount specified, the 1,000–5,000 lb (454–2,268 kg) trip limit may have more or less negative economic impact than the proposed 1,000/3,000–lb (454/1,361–kg) trip limit, which is expected to result in an annual loss of \$96,000. A 1,000–lb (454–kg) trip limit would result in an expected loss of \$157,000 per year, while 3,000–lb (1,361–kg) and 5,000–lb (2,268–kg) trip limits will result in losses of \$50,000 and \$22,000 per year, respectively. Thus, the proposed alternative will result in a lower loss than a 1,000–lb (454–kg) limit, while the 3,000–lb (1,361–kg) limit will reduce the annual loss by \$46,000 and the 5,000–lb (2,268–kg) limit will reduce the annual loss by \$74,000. NMFS concluded, however, that the more liberal limits would not best achieve the goals of the FMP.

In conclusion, the proposed rule would affect all entities that operate in the dolphin and wahoo fisheries and all such entities are small entities. Further, the proposed rule is expected to adversely impact from 23–60 percent of the small entities currently operating in the commercial dolphin and wahoo fishery. Those entities expected to be adversely impacted by the proposed rule are expected to experience, on average, an estimated 4–32 percent reduction in annual gross revenue. These losses are expected to result in 58–476 vessels potentially being driven out of business, following a 50 percent-loss-in-gross criterion. Additionally, the approximate 1,300 vessels/SPLs that are projected to qualify for the proposed permit are expected to experience losses in profits of 1–18 percent attributable to the proposed dolphin trip limits.

Copies of the IRFA and RIR are available upon request (see **ADDRESSES**).

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