

would maintain an open Harpoon category season year round, provided there is Harpoon category quota available. Alternative two would close the Harpoon category season on November 15, and alternative three would establish a flexible season end date based on the actual dates of the BFT Fall migration. Alternatives two and three were designed to maintain the Harpoon category quota for the traditional New England fishery and impact only the Harpoon category vessels. The status quo alternative is expected to result in negative impacts for the traditional northern Harpoon category fishery since BFT could be harvested under the Harpoon category quota in areas outside the New England area. In addition, the status quo may encourage the development of, and investment in, a southern area Harpoon category fishery, which has not yet occurred. The second, and preferred alternative, is expected to provide positive impacts for the traditional New England Harpoon category fishery since it would close the fishery near the time period when BFT would migrate out of the New England area. Negative impacts to southern area fishermen interested in participating in the Harpoon category fishery under alternatives two and three are expected to be negligible since there had been no BFT landings against the Harpoon category quota prior to 2002, few vessels have participated in the Harpoon category fishery in the south Atlantic since that time, and there has been little investment in gear and equipment in a Harpoon category fishery outside of the New England area. Finally, vessel owners/operators that fish outside the traditional New England area that wish to use a harpoon as a primary gear type would still be allowed to do so under the General category permit, albeit under General category retention limits and restrictions. The third alternative could also provide positive impacts to the traditional New England Harpoon category fishery since it would more closely track the BFT fall migration, and could eliminate the landing of any BFT under the Harpoon category quota outside of the area of the traditional fishery, but could be difficult to administer due to the difficulty in tracking the BFT migration.

The General category season is scheduled to end on December 31 of each fishing year or when the General category quota is harvested, whichever comes first. A winter fishery for large medium and giant BFT has existed in the south Atlantic since the early 1990s, and when quota is available, fish have been harvested under the General

category. Two alternatives were considered that both extended the General category season to provide southern Atlantic fishermen with more access to the General category BFT quota in the late fall and winter. Alternative two would move the General category end date to January 31 of each fishing year. Overall economic impacts of this alternative to the General category BFT fishery as a whole would be neutral since the same overall amount of the General category quota would be landed and the value of the General category quota would not be changed. However, General category fishermen in the northern region may experience negative economic and social impacts since any unharvested quota as of December 31 would have been rolled over to the following year under the status quo alternative. General category fishermen in the southern region would be positively affected by this alternative as it would allow utilization of existing investment in gear and equipment especially if quota was still available for harvest after December 31. Under Alternative three, extending the General category end date to May 31, overall impacts would again be neutral, but northern General category fishermen could be more negatively affected and southern region fishermen could be more positively affected, depending on the amount of quota that remains after the season would have usually been closed. Alternative two was chosen as the preferred alternative since it minimizes negative impacts to northern area fishermen by providing a more limited southern fishery extension and provides positive impacts for southern area fishermen by allowing further utilization of gear and equipment previously invested in a southern area large medium and giant BFT fishery. Negative impacts on northern area fishermen could be slightly mitigated if they are willing to travel south late in the season, provided there is reciprocity among different states' permitting costs, and out-of-state fishermen are allowed under a coastal state's regulations to participate in a BFT commercial fishery, regardless of whether it occurs in federal or state waters.

As discussed above, the Purse seine and Harpoon categories have recently experienced difficulties in landing the full annual quota provided for each of these categories with the result of decreased annual gross revenues. Each of the alternatives associated with this issue modify the tolerance limits for large medium BFT and are analyzed to determine the change in opportunities

to harvest the respective quotas in the designated time frames while balancing any ecological impacts of changed fishing mortality and potential dead discards. As NMFS currently has little information on discards for these categories, each preferred alternative for the Harpoon and Purse seine categories respectively includes implementation of a previously approved logbook program and the potential for an observer program.

The status quo alternative has had negative economic impacts with a resulting decrease in optimum yield on both the Purse seine and Harpoon categories since they have not been able to land and sell the full allotted quota. Alternatives two, three, and four, all related solely to the Purse seine category, were all designed to increase access to large medium BFT for the Purse Seine category and to increase the possibility of full quota attainment while balancing the need to control overall mortality and increased pressure on the large medium size class of BFT. Alternative two removes the 10% annual tolerance limit and maintains the 15 percent trip limit which could increase landings and gross revenue for the Purse seine category. Alternative three (preferred), which eliminates the trip limit and establishes the annual limit at 15 percent, would provide access to the same total amount of landings as Alternative two, but may also increase net revenues by increasing flexibility in meeting the annual tolerance limit. Alternative four could provide the greatest increase in access by decreasing the minimum size to 73 inches (185 cm) for the Purse Seine category; however, it was not chosen as the preferred alternative because of the associated potential negative ecological impact of a relatively large increase in overall BFT mortality with the large medium size class of BFT.

Alternatives five and six, related solely to the Harpoon category, were designed to increase access to large medium BFT for the Harpoon category and, similar to considerations with the Purse seine category, balance concerns regarding attainment of the quota allocation with an increase in mortality and negative ecological impacts. Alternative five would allow an increase in the daily retention limit for the Harpoon category from the status quo of one large medium BFT per day to two large medium BFT per day, and is preferred as it is expected to provide an acceptable balance between positive economic effects and a modest increase in mortality of large medium BFT due to a harpooner's ability to determine visually the size class of BFT prior to