

discard trigger is met, the requirement to notify NMFS of the intention to fish in the GRA the month before the month in which the anticipated trip(s) are to be taken, and the random selection of vessels to carry a NMFS-certified observer. NMFS maintains that the purpose of the GRA Access Program should be to record data regarding the use and effectiveness of gear modifications employed by the participating vessels in attempts to reduce scup bycatch, and also to monitor scup discards so that the GRA Access Program can be discontinued when the trigger is reached. Also, because the trigger amount involves only scup that are discarded, only limited information must be collected under the GRA Access Program. The Northeast Fisheries Science Center has recommended that NMFS utilize individuals to serve as "scup GRA monitors," rather than NMFS-certified observers as required under the current regulations, to collect data on scup discards. A similar system exists for monitoring in the Atlantic sea scallop fishery. NMFS proposes that approved scup GRA monitors be placed on 100 percent of the vessels that participate in the GRA Access program. NMFS is seeking comment on the implementation of the proposed GRA Access Program and the use of NMFS-approved scup GRA monitors.

#### Black Sea Bass

Black sea bass was last assessed in June 1998 at SARC 27, which indicated that the species was overexploited and at a low biomass level. However, the best available current information on stock status indicates that the stock has increased in recent years and is no longer overfished. The SSB estimate for 2003 (using a 3-year moving average of 2001–2003) is 0.509 kg/tow, about 30 percent higher than the 2000–2002 average of 0.391 kg/tow.

For 2004, the target exploitation rate for black sea bass is 25 percent. The Black Sea Bass Monitoring Committee reviewed the stock status and the projections based upon these data and recommended that the TAL for 2004 be set at 8 million lb (3,629 mt), an

increase of almost 18 percent relative to the 2003 TAL. The FMP specifies that the TAL associated with a given exploitation rate be allocated 49 percent to the commercial sector and 51 percent to the recreational sector; therefore, the initial TAL would be allocated 3.92 million lb (1,778 mt) to the commercial sector and 4.08 million lb (1,851 mt) to the recreational sector. The Council and Board adopted this TAL, indicating that it would achieve the 25-percent exploitation rate, and agreed to set aside 134,792 lb (61 mt) for research activities. After deducting the RSA, the TAL would be divided into a commercial quota of 3.86 million lb (1,751 mt) and a recreational harvest limit of 4.01 million lb (1,819 mt). The Council and Board recommended that all other measures remain unchanged. NMFS proposes to implement the 8.0-million lb (3,629-mt) TAL with a 134,792-lb (61-mt) RSA, as recommended by the Council and Board. The final rule to implement Amendment 13 to the FMP (68 FR 10181, March 4, 2003) established an annual (calendar year) coastwide quota for the commercial black sea bass fishery to replace the quarterly quota allocation system.

#### Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an Initial Regulatory Flexibility Analysis (IRFA) that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this rule. This proposed rule does not duplicate, overlap, or conflict with other Federal rules. A copy of the complete IRFA can be obtained from the Northeast Regional Office of NMFS (see ADDRESSES) or via the Internet at <http://www.nero.nmfs.gov>. A summary of the analysis follows.

The economic analysis assessed the impacts of the various management alternatives. In the EA, the no action alternative is defined as follows: (1) No proposed specifications for the 2004

summer flounder, scup, and black sea bass fisheries would be published; (2) the indefinite management measures (minimum sizes, bag limits, possession limits, permit and reporting requirements, etc.) would remain unchanged; (3) there would be no quota set-aside allocated to research in 2004; (4) the existing GRA regulations would remain in place for 2004; and (5) there would be no specific cap on the allowable annual landings in these fisheries (*i.e.*, there would be no quota). Implementation of the no action alternative would be inconsistent with the goals and objectives of the FMP, its implementing regulations, and the Magnuson-Stevens Act. In addition, the no action alternative would substantially complicate the approved management program for these fisheries, and would very likely result in overfishing of the resources. Therefore, the no action alternative is not considered to be a reasonable alternative to the preferred action.

Alternative 1 consists of the harvest limits proposed by the Council and Board for summer flounder, scup, and black sea bass. Alternative 2 consists of the most restrictive quotas (*i.e.*, lowest landings) considered by the Council and the Board for all of the species. Alternative 3 consists of the least restrictive quotas (*i.e.*, highest landings) considered by the Council and Board for all three species. Although Alternative 3 would result in higher landings for 2004, it would also likely exceed the biological targets specified in the FMP.

First, a preliminary adjusted quota was calculated by deducting the RSA from the TAL. Then, the preliminary commercial quota overages for the 2003 fishing year were deducted from the initial 2004 quota alternatives. The quota overages were calculated according to the procedures described earlier, using available data as of September 2003. The resulting preliminary adjusted commercial quotas alternatives presented in Table 4 are provisional and may be further adjusted in the final rule implementing the 2004 specifications.

TABLE 4.—COMPARISON OF THE ALTERNATIVES OF QUOTA COMBINATIONS REVIEWED  
[In million lb]

	2004 initial TAL	2004 RSA	2003 Commercial quota overage	2004 Preliminary adjusted com- mercial quota*	2004 Preliminary recreational harvest limit
<b>Quota Alternative 1 (Preferred)</b>					
Summer Flounder Preferred Alternative .....	*28.20	0.17	0.05	16.77	11.21
Scup Preferred Alternative (Status quo) .....	16.50	0.16	0.00	12.35	3.99