

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

07/22/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 06/02/2005.

TITLE: Characterization of the US Atlantic Recreational Fishery for White Marlin

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITH CHANGE
OMB NO.: 0648-0528
EXPIRATION DATE: 09/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	266	44	0
Difference	266	44	0
Program Change		44	0
Adjustment		0	0

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION
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OMB NO.: 0648-0528

07/22/2005

TERMS OF CLEARANCE:

This survey is approved for two months to allow for its use at the requested tournament as a pilot for broader use. In conduct of this survey, the agency is instructed to track response rate, and item nonresponse, and evaluate potential sources of nonresponse bias. Results from this pilot should be used to develop a more robust survey plan and statistical methodology that will lead to results that are representative of the recreational White Marlin fishery and are appropriate for use in policy- and rule-making. Future submissions of this program must include a Part B support statement, including details on nonresponse bias and statistical techniques used to aggregate or compile results from individual responses.

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____ %</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
CHARACTERIZATION OF THE US ATLANTIC RECREATIONAL FISHERY
FOR WHITE MARLIN
OMB CONTROL NO.: 0648-xxxx**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

According to the International Commission for the Conservation of Atlantic Tunas (ICCAT), Atlantic white marlin has been severely overfished for several decades and the stock continues to decline. The pessimistic outlook resulting from ICCAT stock assessments has prompted several conservation groups to petition NOAA Fisheries to list white marlin under the Endangered Species Act (ESA). Given these circumstances, there is an urgent need to develop information to reduce mortality of this species from all components of the US fishery. Reduction of mortality resulting from US fisheries for this species is also reflected in the main objectives of the Atlantic Billfish Research Plan (http://www.sefsc.noaa.gov/PDFdocs/ABRP_01_30_04.pdf), which are to reduce the uncertainties of stock assessment and improve the biological basis for management and facilitate rebuilding of the stocks.

The purpose of this information collection request is to characterize the fishing techniques of the US Atlantic recreational fishery for white marlin. This characterization includes identification of specific fishing techniques and potential variables that might be included in post-release survival experiments or that might be important to the development of effective management regulations aimed at minimizing mortality. For example, in-depth data on terminal gear, bait type/size, deployment strategy, hook setting times, and a variety of fishing gear classes and associated equipment will be essential for: 1) evaluation of recreational fishing impacts, 2) development of meaningful regulations to minimize the mortality from this component of the fishery and 3) the facilitation of rebuilding of white marlin stocks

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Information will be obtained through a survey and complemented and verified by onboard observers in the Ocean City, Maryland area, which is known as the “White Marlin Capital of the World”. The project will gain general acceptance for the survey by fishery constituents through meetings, face-to-face dialogue and word of mouth. This survey will be applied opportunistically, depending on tournament schedules or at times corresponding to fishing club meetings and results will not be extrapolated to a larger universe of anglers.

NOAA Fisheries has contracted scientists from the Maryland Coastal Bays Program, as well as staff from Salisbury State University, to develop and implement the survey. The survey will be conducted primarily during the US Atlantic white marlin fishing season, June through August, and will target expert white marlin recreational anglers. Responses to the questionnaire will be used to determine how the fishing techniques used by recreational anglers affect fishing

mortality of white marlins. In addition, this information will be used in the development and implementation of management options.

NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measure and a pre-dissemination review pursuant to Section 515 of the Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

No methods have been developed that will allow the respondents to report electronically. It is anticipated that a higher response rate and better quality data will be forthcoming with personal, face to face interviews with respondents rather than with a online or electronic survey instrument.

4. Describe efforts to identify duplication.

No duplication of this information was evident in the scientific literature, during consultations with recreational constituents that will respond to this survey, or with consultations with other conservation agencies.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The survey will be conducted with individual recreational anglers and not with businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The severely overfished status of Atlantic white marlin stocks and the petition to NOAA Fisheries for listing this species under the ESA has resulted in an urgency to assemble the necessary information promptly in order to promote and develop relevant management measures, or initiate relevant research for reducing the mortality from the recreational component of the fishery. Given that NOAA Fisheries are congressionally mandated to be stewards of the resource and have international responsibilities through the International Commission for the Conservation of Atlantic Tunas (ICCAT) to respond to ICCAT management measures, not acquiring this information in a timely manner would have severe consequences and hinder US domestic, as well as international management efforts to rebuild white marlin stocks.

There is a special time constraint because the largest white marlin fishing tournament (with over 400 participants) starts August 8-13, 2005. Therefore, OMB authorization by August 1st is requested in order to collect a significant amount of information during FY 2005. Not obtaining OMB authorization would eliminate most of the survey for this year and could cause negative

consequences for the US delegation to ICCAT in FY 2006, when the next white marlin stock assessment is planned.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The survey is inconsistent with the OMB guidelines because it is conducted opportunistically when fishing trips/tournaments are available or when fishing clubs have meetings. Therefore, there is no regular scheduled response rate (daily, monthly, etc).

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A FRN was published to solicit public comment and no relevant public comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments, gifts, or incentive rewards have been proposed to facilitate completion of the survey by respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The contractors choose to not identify individual respondents by name in order to assure anonymity of individual respondents. . In addition, individual vessel names will not be required for the same reason. All data collected will be treated in accordance with and consistent with NOAA administrative order 216-100.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of as sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

We anticipate that 133 hours of burden will be necessary to collect sufficient information. This estimate is based on obtaining a total of 800 responses to the survey (average of 266 responses annually), which takes ≤ 10 minutes to fill out during the projected 3-year period of the project (800 responses X 10 min = 8000 min/60min = 133 hours of burden/3 years = average of 44 hours annually).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

No costs to public are required other than the time required to complete the survey form.

14. Provide estimates of annualized cost to the Federal government.

The contract for this activity issued by NOAA Fisheries was \$25K for FY 2005.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This data collection activity is a new request and thus, there are no program changes or adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from this collection are not planned for statistical publication but will be used as empirical input to stock assessments, economic analyses, and other analyses of proposed or existing fishery management regulations prepared by the NMFS/SEFSC.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The number is displayed and no justification is needed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The survey will not employ statistical methods.

Recreational White Marlin Angling Survey: Rationale

According to the International Commission for the Conservation of Atlantic Tunas (ICCAT), Atlantic white marlin has been severely overfished for several decades. In addition, the stocks continue to decline. This pessimistic outlook has prompted several conservation groups to petition the NOAA Fisheries to list white marlin under the Endangered Species Act (ESA). The white marlin petition status review team (Sept 2002) concluded that although white marlin populations are very low, that there was not currently sufficient justification to list this species on ESA. However, it was felt that unless fishing mortality is reduced quickly, the population could drop to levels that would warrant ESA protection in the near future. Given these circumstances, it is reasonable to expect that NOAA Fisheries will invoke conservation measures on recreational anglers to lower mortality of white marlin. However, there is a conspicuous lack of detailed information on exactly how the recreational sector fishes for this species. Therefore, to avoid inappropriate measures from being implemented to conserve the white marlin resource, the Maryland Coastal Bays Program is asking you to respond to this survey to provide an accurate picture of the sport fishery that targets white marlin, particularly in the Mid-Atlantic Bight.

This information will be compiled and analyzed to provide a better basis for formulating management alternatives, conducting possible future mortality studies, and assessing the scope and breadth of the sport fishery. Sound management starts with sound data, so we ask your cooperation in filling out the survey form, which should take you less than ten minutes of your time.

Mid-Atlantic Recreational White Marlin Angling Survey (WM = White Marlin)

Please circle the answer that fits best, or fill in the blanks where indicated.

1. How many days did you fish offshore last year (January – December 2004)?

- a. 10 or less, b. 10 – 50, c. 51 – 100, d. more than 100

2. In 2004, what percentage of your offshore fishing days did you target *primarily* billfish?

- a. 25% or less, b. 25 – 50%, c. 50 – 75%, d. 75 - 99% e. 100%

3. In 2004, what percentage of your billfish fishing days do you target *primarily* WM ?

- a. 25% or less, b. 25 – 50%, c. 50 – 75%, d. 75 - 99% e. 100%

4. What percentage of your 2004 WM fishing trips were you participating in a tournament?

- a. 25% or less, b. 25 – 50%, c. 50 – 75%, d. 75 - 99% e. 100%

5. In 2004, what percentage of your WHITE MARLIN trips took place in each of the following localities? (your PERCENTAGES should add up to 100%)

- a. The Middle Atlantic Bight (Massachusetts to North Carolina)..... _____%
- b. Western Caribbean (Cancun, Isla Mujeres, Cozumel & Puerto Aventuras, Mexico; Belize)... _____%
- c. The Bahamas _____%
- d. Punta Cana, Dominican Republic _____%
- e. Venezuela (La Guaira Bank) _____%
- f. Gulf of Mexico _____%

6. Your current status: a. Owner, b. Captain, c. Mate, d. Angler

7. Describe the he boat you usually use for use for fishing:

Length (ft) _____ Builder/Year built _____

Boat # for this tournament _____

8. Number of years experience as: (fill in blanks for all that apply):

- a. Charter boat captain _____ b. Private boat captain _____ c. Mate _____ d. Angler _____

Preferred WM tackle:

9. Rod & reel class you prefer (lbs.): a. less than 20, b. 20, c. 30, d. 50+

10. Pound test you prefer for the main line: a. less than 20, b. 20, c. 30, d. 50+

11. Pound test you prefer for the leader: a. 60, b. 80, c. 100, d. 120+

12. What proportion of your WM trips in 2004 did you use live bait?

- a. 0 b. 1 - 10% c. 10-30% d. 30-50% e. > 50%

Species used for live bait? _____

13. What natural dead bait do you prefer for WM?

- a. ballyhoo, b. squid, c. mullet, d. belly strip bait, e. other (specify) _____

14. What size natural dead bait do you prefer for WM?

- a. small (4-6 inches), b. medium (7-9 inches), c. large (> 9 inches)

15. What % of the time do you add an "attractant" (e.g., a sea witch or colored skirt) to a natural dead bait?

- a. 0 b. 1 - 10% c. 10-30% d. 30-50% e. > 50%

16. What % of the time do you pull ONLY artificial lures when WM fishing? a. 0% b. 1 - 10% c. 10-30% d. 30-50% e. > 50%		
17. What % of the time do you pull a combination of natural dead baits & artificial lures? a. 0% b. 1 - 10% c. 10-30% d. 30-50% e. > 50%		
18. How many baits (rigged baits, lures or a combination) do you usually troll when fishing for WM? a. 4 b. 5 c. 6 d. > 6 e. 0 rods (I use the "bait and switch" method (the use of teasers and a pitch bait)		
19. Do you usually use (surface) teasers? a. Yes, b. No		
20. Do you usually use a dredge (subsurface teaser)? a. Yes, b. No		
21. When using natural dead bait, do you usually drop back (free spool) prior to hooking a WM? a. Yes, b. No		
22. If yes, estimate the time (seconds) that you typically drop back prior to hook up for WM for: Non-tournament fishing: a. 0-5, b. 6-10, c. 11-15, d. 16-20, e. 21-25, f. 25+ Tournament fishing: a. 0-5, b. 6-10, c. 11-15, d. 16-20, e. 21-25, f. 25+		
23. In the boxes to the right, please check the hook type you usually use for WM bait. a. Short Shank J hook (e.g., Mustad 9175 7/0) b. Long shank J hook c. No offset circle hook (e.g., Eagle Claw 2004 7/0) d. Offset circle hook	Non-Tournament	Tournament
24. If you chose J hook, check the hook size you prefer for WM in tournament and non-tournament fishing. a. 6/0 b. 7/0 c. 8/0 d. Other (please specify):	Non-Tournament	Tournament
25. If you chose circle hook, please indicate the size and type (brand & model no) that you prefer for WM in tournament and non-tournament fishing. a. 5/0 b. 6/0 c. 7/0 d. 8/0 e. Other (please specify)	Non-Tournament	Tournament
26. In 2004, what proportion (%) of your WM fishing trips did you use each hook type in non-tournament and tournament fishing? a. J hooks? b. Circle hooks?	Non-Tournament	Tournament

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to (name), NOAA Fisheries, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

Confidential name and address information will not be required for this survey. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB Control No.: 0648-
Expiration date: mm/dd/yyyy

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 1. Section 73.202(b), the Table of FM Allotments under Colorado is amended by adding Crested Butte, Channel 246C3.

■ 2. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding Adams, Channel 224A.

■ 3. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Channel 241A at Ashtabula.

■ 4. Section 73.202(b), the Table of FM allotments under Pennsylvania, is amended by adding Lawrence Park, Channel 224A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-4345 Filed 3-4-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-414; MB Docket No. 02-72, RM-10399; RM-10639; and RM-10640]

Radio Broadcasting Services; East Harwich, Nantucket, and South Chatham, MA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Brewster Broadcasting Co. in its counterproposal to a petition for rulemaking by John Garabedian, allots Channel 254A at East Harwich, Massachusetts, as the community's first local FM service. Channel 254A can be allotted to East Harwich, Massachusetts, in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.7 km (3.5 miles) southeast of East Harwich. The coordinates for Channel 254A at East Harwich, Massachusetts, are 41-40-33 North Latitude and 69-58-03 West Longitude.

DATES: Effective April 4, 2005.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report*

and Order, MB Docket No. 02-72, adopted February 16, 2005, and released February 18, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding East Harwich, Channel 254A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-4346 Filed 3-4-05; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 041203341-5047-02; I.D. 072304B]

RIN 0648-AR86

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications, General Category Effort Controls, and Catch-and-Release Provision

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS announces the final initial 2004 fishing year specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas for each of the established domestic fishing categories, to set General category effort controls, and to establish a catch-and-release provision for recreational and commercial BFT handgear vessels during a respective quota category closure. This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: The final rule is effective from April 4, 2005.

ADDRESSES: Copies of the supporting documents including the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) and the 1999 Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan (1999 FMP) may be obtained from Brad McHale, Highly Migratory Species Management Division, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. These documents are also available from the Highly Migratory Species Division website at www.nmfs.noaa.gov/sfa/hmspg.html or at the Federal e-Rulemaking Portal: www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Brad McHale at (978) 281-9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Act and ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate, to implement ICCAT recommendations. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background

Background information about the need for the final initial BFT quota specifications, General category effort controls, and establishment of a catch-and-release provision was provided in the preamble to the proposed rule (69 FR 71771, December 10, 2004), and is not repeated here. Therefore, by this final rule, NMFS announces the final

initial BFT quota specifications, announces the applicable General category effort controls, and implements a catch-and-release provision for recreational and commercial BFT handgear vessels during a respective quota category closure.

Changes From Proposed Rule

Angling Category Landings

Two corrections to BFT recreational landing estimates contained in the proposed rule have been incorporated in this final rule. The first correction adjusts the 2002 BFT recreational landings estimate from 651.1 mt, to 641.6 mt; a difference of minus 9.5 mt. Also, the 2003 BFT recreational landings estimate of 411.7 mt has been corrected to 410.7 mt, a difference of minus 1.0 mt. NMFS made these corrections per a review of landings estimates made in the 2002–2003 U.S. Recreational Fishery Landings Estimates for White Marlin, Blue Marlin, and Bluefin Tuna Report, available at www.nmfs.noaa.gov/sfa/hms/.

Restricted Fishing Days

For the 2004 fishing year, NMFS proposed a series of blocks of restricted fishing days (RFDs) to extend the General category for as long as possible through the October through January time-period. The coastwide General category closed on January 4, 2005 (70 FR 302, January 4, 2005) and therefore the proposed RFDs were not needed.

2004 Final Initial Quota Specifications

In accordance with the 2002 ICCAT Recommendation, the ICCAT Recommendation regarding the dead discard allowance, the 1999 FMP percentage shares for each of the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(9)(ii), NMFS establishes final initial quota specifications for the 2004 fishing year as follows: General category — 659.0 mt; Harpoon category — 81.4 mt; Purse Seine category — 389.4 mt; Angling category — 76.5 mt; Longline category — 171.2 mt; and Trap category — 2.3 mt. Additionally, 36.6 mt will be allocated to the Reserve category for inseason allocations, including providing for a late season General category fishery, or to cover scientific research collection and potential overharvest in any category except the Purse Seine category. The overall final initial BFT quota for the 2004 fishing year equals 1416.4 mt.

Based on the above final initial specifications, the Angling category quota of 76.5 mt will be further subdivided as follows: School BFT —

24.6 mt, with 9.5 mt to the northern area (north of 39° 18' N. latitude), 10.7 mt to the southern area (south of 39° 18' N. latitude), plus 4.4 mt held in reserve; large school/small medium BFT — 49.7 mt, with 23.5 mt to the northern area and 26.2 mt to the southern area; and large medium/giant BFT — 2.2 mt, with 0.7 mt to the northern area and 1.5 mt to the southern area.

The 2002 ICCAT Recommendation included an annual 25 mt set-aside quota to account for bycatch of BFT related to directed longline fisheries in the vicinity of the management area boundary, defined as the Northeast Distant statistical area (NED) (68 FR 56783, October 2, 2003). 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. Thus, the Longline category quota of 171.2 mt will be subdivided as follows: 58.2 mt to longline vessels landing BFT north of 31° N. latitude; 49.2 mt to longline vessels land BFT harvested from the NED; and 63.8 mt to longline vessels landing BFT south of 31° N. latitude.

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 1999 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 1999 FMP divides the annual General category quota into three time-period subquotas. Each time-period and percentage of General category quota allocated to that time-period are as follows: June-August, 60 percent; September, 30 percent; and for October-January, 10 percent. These percentages are applied to the final initial 2004 coastwide General category quota of 659.0 mt, minus 10.0 mt reserved for the New York Bight fishery. Therefore, of the available 649.0 mt coastwide quota, 389.4 mt are available in the period beginning June 1 and ending August 31; 194.7 mt are available in the period beginning September 1 and ending September 30; and 64.9 mt are available in the period beginning October 1 and ending January 31, 2005.

2004 Fishing Year Inseason Adjustment Summary

During the 2004 fishing year, NMFS conducted two inseason quota transfers using the authority under the implementing regulations at 50 CFR § 635.28(a)(8). For each inseason transfer, NMFS determined it was warranted based on the consideration of the criteria governing quota transfers between categories, the 2004 proposed BFT specifications including carryover adjustments from prior years and an assessment of the commercial and recreational landings data to date. The first inseason adjustment transferred 223.1 mt of General category quota to the Angling category and transferred a combined quota of 161.9 mt from the General, Harpoon, and Incidental Longline categories to the Reserve category (69 FR 71732, December 10, 2004). The second inseason adjustment transferred 100 mt from the Purse seine category to the Reserve category (70 FR 302, January 4, 2005). The result of these inseason transfers is an adjustment of any remaining available quota from these final initial specifications.

Catch and Release Provision

NMFS implements a rule change to allow vessels participating in the BFT recreational and commercial handgear fisheries to catch and release BFT after their respective quota categories have closed. This provision addresses concerns that requiring BFT to be tagged, once a closure has taken place, may lead to unnecessary post-release mortality associated with anglers who are inexperienced with proper tagging techniques and may improperly place the tag on the BFT, unintentionally killing or injuring the fish. This provision allows vessels owners/operators to tag-and-release BFT after a respective quota category closure has taken place, but would not require them to do so as part of a catch-and-release program.

Comments and Responses

Comment 1: One commentor did not specifically address the substantive aspects of the proposed rule, but rather indicated general support for establishing marine sanctuaries, adopting the Pew Foundation reports' findings on overfishing, and concern over the fact that NMFS may be relying on biased information for conducting stock assessments.

Response: This final rule is designed to provide for the fair and efficient harvest of the BFT quota that is allocated to the United States by the

International Commission for the Conservation of Atlantic Tunas (ICCAT) and is consistent with the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and management Act. The final quota specifications divide the proportion of the overall western Atlantic bluefin tuna quota allotted to the United States among domestic categories. Time-period subquotas are a means of controlling fishing effort and are also included in this action. These measures are consistent with the BFT rebuilding program established in the 1999 FMP and implemented to achieve domestic management objectives. NMFS does use commercial logbook data to conduct stock assessments, however, fishery-independent data, intercept surveys, and results from scientific surveys are also employed to provide a more accurate representation of a stocks' population dynamics.

Comment 2: NMFS received a comment related to both this action and an ongoing amendment to the 1999 FMP that is currently in the pre-draft stage. The commentor believes that the Agency should allocate 150 metric tons to the December-January General category time-period subquota. This allocation would ensure extended fishing opportunities for General category fishermen in the south Atlantic.

Response: NMFS is considering several alternatives as part of the amendment to the 1999 FMP to address BFT management in general and specifically sub-quota allocation for BFT in the General category. It is a goal for NMFS and the 1999 FMP to ensure that fishing and economic opportunities are sustained for participants. The process for amending the 1999 FMP includes public comment, analyses of a full range of alternatives, and draft and final Environmental Impact Statements.

Comment 3: A commentor supported the elimination of the tag-and-release requirement for recreational fishermen after a season has closed.

Response: This action replaces the tag-and-release provision with a catch-and-release provision in order to reduce post-release mortality due to tagging by inexperienced anglers and increase fishing opportunities for recreational fishermen after a season has closed.

Comment 4: A commentor indicated support for the RFDs as proposed.

Response: NMFS implements RFDs as an effective means of slowing the pace of the winter fishery and extending available quota over a longer period of time. The coastwide General category BFT fishery closed on January 4, 2005 (70 FR 302, January 4, 2005) and

therefore the proposed RFDs were not needed.

Comment 5: A commentor expressed concern at the Agency's inability to capture and assess previous years' landings data for BFT in an accurate and efficient manner, compromising timely season openings and allocations. Specifically, the commentor stated that there are discrepancies in the methods used by NMFS' contracted field agents under the Large Pelagics Survey (LPS) when converting fish lengths to estimated fish weights. The commentor stated that these discrepancies resulted in the pre-mature closure of the November 2003 Angling category fishery which had significant economic consequences on state participants. The commentor suggested initiating a coast-wide tail tag monitoring program to address this issue.

Response: This past year, NMFS reviewed the 2002 estimates of U.S. recreational fishery landing of BFT, white marlin, and blue marlin reported to ICCAT. NMFS reviewed the data collection and estimation methods that were used to verify that the reported estimates were the most accurate that could be made with available 2002 data. NMFS also considered methods to be used for estimation of 2003 recreational fishery landings, as well as using those methods to produce landings estimates from the available 2003 recreational fishery data. A report summarizing findings of this review was made available on December 9, 2004. This report can be obtained at the HMS Management Division website located at www.nmfs.noaa.gov/sfa/hms. Based on the findings of this report, and consultations with the LPS contractor, methods of fish measurement and length/weight conversion will be further scrutinized. Proposals to implement an Atlantic-wide tail-tag monitoring program remain under discussion among coastal states and within NMFS and focus on issues regarding specifics of logistics and implementation as well as funding sources.

Classification

These final initial specifications, general category effort controls, and the catch-and-release provision are published under the authority of the Magnuson-Stevens Act and ATCA. The Assistant Administrator for Fisheries (AA) has determined that the regulations contained in this final rule are necessary to implement the recommendations of ICCAT and to manage the domestic Atlantic HMS fisheries.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) for the

proposed rule and submitted it to the Chief Counsel for Advocacy of the Small Business Administration. No comments were received on the IRFA concerning the economic impact of this final rule. A summary of the Final Regulatory Flexibility Analysis (FRFA) is provided below.

The analysis for the FRFA assesses the impacts of the various alternatives on the vessels that participate in the BFT fisheries, all of which are considered small entities. For the quota allocation alternatives, NMFS has estimated the average impact of the alternatives on individual categories and the vessels within those categories. As mentioned above, the 2002 ICCAT recommendation increased the BFT quota allocation to 1,489.6 mt. This increase, in comparison to pre-2002 levels, includes 77.6 mt to be redistributed to the domestic fishing categories based on the allocation percentages established in the 1999 FMP, as well as a set-aside quota of 25 mt to account for incidental catch of BFT related to directed pelagic longline fisheries in the NED. In 2003, preliminary annual gross revenues from the commercial BFT fishery were approximately \$11.5 million. There are approximately 10,914 vessels that are permitted to land and sell BFT under four BFT quota categories. The four quota categories and their preliminary 2003 gross revenues are General (\$7,476,461), Harpoon (\$772,810), Purse seine (\$2,546,236), and Incidental Longline (\$635,498). Note that all dollars have been converted to 1996 dollars using the Consumer Price Index Conversion Factors for comparison purposes. The analysis for the FRFA assumes that all category vessels have similar catch and gross revenues. While this assumption may not be entirely valid, the analyses are sufficient to show the relative impact of the various preferred alternatives on vessels.

For the allocation of BFT quota among domestic fishing categories, three alternatives were considered: the No Action alternative, the final action that will allocate the ICCAT-recommended quota to domestic categories in accordance with the 2002 ICCAT recommendation and the 1999 FMP, and a slight variation of the final action, that also included a 25 mt limit on the amount of quota that can accumulate from year-to-year within the pelagic longline quota set-aside in the NED.

The no action alternative was rejected because it was not consistent with the purpose and need for this action, ATCA, and the 1999 FMP. It would maintain U.S. BFT quota levels at a scale and distribution similar to the 2002 fishing

year and would deny fishermen additional fishing opportunities as recommended by the ICCAT, an estimated \$1,000,000 in potential, additional gross revenues. The 2002 ICCAT quota recommendation specified a 1,489.6 mt total quota for the United States, a 102.6 mt increase from pre-2002 quota levels. Under ATCA, the United States is obligated to implement ICCAT-approved recommendations. The final action will increase the overall quota by 77.6 mt resulting in an approximate increase in gross revenues of \$750,000, and will also create a set-aside quota of 25 mt to account for incidental harvest of BFT in the NED by pelagic longline vessels, resulting in a potential increase in gross revenues of \$250,000. Unharvested quota from this set aside will be allowed to roll from one fishing year to the next. The final action is expected to have positive economic impacts for fishermen, because of the modest increase in quota. Under the slight variation of the final action, the annual specification process would limit the NED set-aside to 25 mt and would not take into account any unharvested set-aside quota from the prior fishing year. Unharvested quota would not be rolled over from the previous fishing year, nor would it be transferred or allocated to other domestic fishing categories. This alternative was rejected because it is not expected to have the same positive economic impacts as the final action, however it would allow for overall positive economic impacts for fishermen due to the increase in gross revenues associate with the 77.6 mt quota increase.

For the General category effort controls, two alternatives were considered: the alternative to designate RFDs according to a schedule published in the initial BFT specifications; and the selected no action alternative, which does not publish RFDs with the initial specifications, but would implement them during the season as needed. No other alternatives were considered as they would not have met the purpose and need for this issue. The no action alternative was selected due to the coastwide General category BFT fishery closing for the season on January 4, 2005 (70 FR 302). The economic impacts associated with this selected alternative would be considered neutral as the General category BFT fishery harvested, almost in entirety, the available quota for the 2004 fishing year. The economic impacts associated with the rejected alternative would also be considered neutral, as the final initial

specifications would have published after this fishery had closed.

For the catch-and-release provision, NMFS considered three alternatives: no action alternative (maintain the tag-and-release requirement once a handgear quota category has been closed), an alternative to disallow all fishing for BFT once a handgear quota category has been closed, and the final action which will allow vessels to catch-and-release BFT once a handgear quota category has been closed.

Although NMFS understands that recreational HMS fisheries have a large influence on the economies of coastal communities, even when vessels are engaged in tag-and-release or catch-and-release fishing, NMFS has little current information on the costs and expenditures of anglers or the businesses that rely on them. Based on conversations with representatives of the handgear sectors of the BFT fishery, NMFS has rejected the no action alternative because it would have slightly negative economic impacts. This assessment is attributed to vessel owner/operators, who are not comfortable tagging BFT, or those owner/operators who are unable to obtain a tagging kit in a timely fashion, not taking trips to pursue BFT. The second alternative was rejected because it would have even greater negative economic impacts by prohibiting vessels from taking trips targeting BFT after a quota is attained. The final action will have positive economic impacts on those associated with the BFT handgear fishery. This final action, will positively impact numerous economic aspects of the BFT handgear fishery due to the willingness of more vessel owner/operators to actively take trips targeting BFT after a closure has taken place. This final action will also allow for the tagging of BFT, but would not require owner/operators to do so.

None of the final actions in this document would result in additional reporting, recordkeeping, compliance, or monitoring requirements for the public. This final rule has also been determined not to duplicate, overlap, or conflict with any other Federal rules.

NMFS prepared an Environmental Assessment (EA) for this final rule, and the AA has concluded that there would be no significant impact on the human environment. The EA presents analyses of the anticipated impacts of these final actions and the alternatives considered. A copy of the EA and other analytical documents prepared for this final rule, are available from NMFS via the Federal e-Rulemaking Portal (see ADDRESSES).

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

This final rule contains no new collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number

On September 7, 2000, NMFS reinitiated formal consultation for all HMS commercial fisheries under Section 7 of the ESA. A BiOp, issued June 14, 2001, concluded that continued operation of the Atlantic pelagic longline fishery is likely to jeopardize the continued existence of endangered and threatened sea turtle species under NMFS jurisdiction. NMFS has implemented the reasonable and prudent alternatives required by this BiOp. This BiOp also concluded that the continued operation of the purse seine and handgear fisheries may adversely affect, but is not likely to jeopardize, the continued existence of any endangered or threatened species under NMFS jurisdiction. NMFS has implemented the reasonable and prudent alternative (RPA) required by this BiOp.

Subsequently, based on the management measures in several proposed rules, a new BiOp on the Atlantic pelagic longline fishery was issued on June 1, 2004. The 2004 BiOp found that the continued operation of the fishery was not likely to jeopardize the continued existence of loggerhead, green, hawksbill, Kemp's ridley, or olive ridley sea turtles, but was likely to jeopardize the continued existence of leatherback sea turtles. The 2004 BiOp identified RPAs necessary to avoid jeopardizing leatherbacks, and listed the Reasonable and Prudent Measures (RPMs) and terms and conditions necessary to authorize continued take as part of the revised incidental take statement. On July 6, 2004, NMFS published a final rule (69 FR 40734) implementing additional sea turtle bycatch and bycatch mortality mitigation measures for all Atlantic vessels with pelagic longline gear onboard. NMFS is working on implementing the other RPMs and other measures in the 2004 BiOp. On August 12, 2004, NMFS published an Advance Notice of Proposed Rulemaking (69 FR 49858) to request comments on potential regulatory changes to further

reduce bycatch and bycatch mortality of sea turtles, as well as comments on the feasibility of framework mechanisms to address unanticipated increases in sea turtle interactions and mortalities, should they occur. NMFS will undertake additional rulemaking and non-regulatory actions, as necessary, to implement any management measures that are required under the 2004 BiOp. The majority of the measures that will be implemented by this current rule are not expected to have adverse impacts. However, the 2002 ICCAT recommendation increased the BFT quota which may result in a slight increase in effort which could potentially increase the number of protected species interactions. Due to current restrictions on the BFT fishery and more specifically the pelagic longline fishery, NMFS does not expect this slight increase in effort to alter current fishing patterns.

The area in which this final action is planned has been identified as Essential Fish Habitat (EFH) for species managed by the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, the Caribbean Fishery Management Council, and the HMS Management Division of the Office of Sustainable Fisheries at NMFS. It is not anticipated that this final action will have any adverse impacts to EFH and, therefore, no consultation is required.

NMFS has determined that the list of actions in this final rule are consistent to the maximum extent practicable with the enforceable policies of the coastal states in the Atlantic, Gulf of Mexico, and Caribbean that have Federally approved coastal zone management programs under the Coastal Zone Management Act (CZMA). On December 10, 2004, the proposed regulations were submitted to the responsible state agencies for their review under Section 307 of the Coastal Zone Management

Act. As of February 11, 2005, NMFS has received six responses, all concurring with NMFS' consistency determination. Because no responses were received from other states, their concurrence is presumed.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: March 1, 2005.

Rebecca J. Lent,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

**PART 635—ATLANTIC HIGHLY
MIGRATORY SPECIES**

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.23, paragraphs (a)(2) and (a)(4) are revised to read as follows:

§ 635.23 Retention limits for BFT.

* * * * *

(a) * * *

(2) On an RFD, no person aboard a vessel that has been issued a General category Atlantic Tunas permit may fish for, possess, retain, land, or sell a BFT of any size class, and catch-and-release or tag-and-release fishing for BFT under § 635.26 is not authorized from such vessel. On days other than RFDs, and when the General category is open, one large medium or giant BFT may be caught and landed from such vessel per day. NMFS will annually publish a schedule of RFDs in the **Federal Register**.

* * * * *

(4) To provide for maximum utilization of the quota for BFT, NMFS may increase or decrease the daily

retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel. Such increase or decrease will be based on a review of dealer reports, daily landing trends, availability of the species on the fishing grounds, and any other relevant factors. NMFS will adjust the daily retention limit specified in paragraph (a)(2) of this section by filing with the Office of the Federal Register for publication notification of the adjustment. Such adjustment will not be effective until at least 3 calendar days after notification is filed with the Office of the Federal Register for publication, except that previously designated RFDs may be waived effective upon closure of the General category fishery so that persons aboard vessels permitted in the General category may conduct catch-and-release or tag-and-release fishing for BFT under § 635.26.

* * * * *

■ 3. In § 635.26, paragraph (a)(1) is revised to read as follows:

§ 635.26 Catch and release.

(a) * * *

(1) Notwithstanding the other provisions of this part, a person aboard a vessel issued a permit under this part, other than a person aboard a vessel permitted in the General category on a designated RFD, may fish with rod and reel or handline gear for BFT under a catch-and-release or tag-and-release program. When fishing under a tag-and-release program, vessel owner/operators should use tags issued or approved by NMFS. If a BFT is tagged, the tag information, including information on any previously applied tag remaining on the fish, must be reported to NMFS. All BFT caught under the catch-and-release or tag-and-release programs must be returned to the sea immediately with a minimum of injury.

* * * * *

[FR Doc. 05-4378 Filed 3-4-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 000629197-2192-03; I.D. 032900A]

RIN 0648-AN06

Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend regulations governing Atlantic billfish and North Atlantic swordfish recreational fisheries to implement recommendations adopted at the 2000 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and enhance management programs for these species. This rule implements a mandatory recreational landings self-reporting system for Atlantic blue marlin, Atlantic white marlin, west Atlantic sailfish, and North Atlantic swordfish; establishes a recreational retention limit for North Atlantic swordfish; adds handlines as an authorized gear for North Atlantic swordfish; clarifies language concerning applicability of recreational retention limits for sharks, yellowfin tuna, and North Atlantic swordfish; clarifies language regarding the Billfish Certificate of Eligibility (COE); and makes the criterion for determining the size and/or size class the same for both vessels commercially permitted for swordfish and recreational vessels. In addition, NMFS will promote voluntary use of circle hooks within the recreational swordfish fishery via an outreach program. The intent of these actions is to improve monitoring and conservation of overfished Atlantic billfish and North Atlantic swordfish stocks.

DATES: Effective March 2, 2003.

ADDRESSES: Copies of the supporting documents including the Environmental Assessment/Regulatory Impact Review (EA/RIR) may be obtained from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910. The EA/RIR may also be viewed on the Highly Migratory Species (HMS) Management Division website at www.nmfs.noaa.gov/sfa/hmspg.html. Send comments on any

ambiguity or unnecessary complexity arising from the language in this final rule to the same address. Comments regarding the collection of information requirements contained in the final rule should be sent to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer.)

FOR FURTHER INFORMATION CONTACT: Russell Dunn or Rick Pearson, 727-570-5447.

SUPPLEMENTARY INFORMATION: The background and rationale for this final rule were contained in the preamble to the proposed rule published in the **Federal Register** on December 26, 2001 (66 FR 66386), and are not repeated here. Additional background is contained in the EA/RIR for this action (see **ADDRESSES**).

This final rule revises 50 CFR 635.5 to establish an enhanced monitoring program for non-tournament recreational landings of Atlantic sailfish, blue and white marlin, and swordfish through a self-reporting method based on a toll-free telephone call-in system. North Carolina and Maryland are exempted from reporting non-tournament billfish/swordfish landings since these states have modified their large pelagic/bluefin tuna catch card reporting programs to include these species. To avoid duplication, landings reported through a registered HMS tournament are exempt from the telephone call-in requirement.

This final rule also revises regulations at 50 CFR 635.22 to implement a recreational retention limit for swordfish of one swordfish per person, up to three swordfish per vessel, per trip; revises 50 CFR 635.21(d)(4) to include handlines as authorized gear in the recreational swordfish fishery to clarify the consolidated regulatory text; revises 50 CFR 635.22 to apply the daily recreational retention limits for all HMS species to vessels that are HMS Charter/Headboat (CHB) permit holders; revises 50 CFR 635.31 to clarify the consolidated regulatory text in the Billfish COE regulations; and revises 50 CFR 635.20(a) to apply the same standard of measurement to both recreational vessels and commercial vessels that have been issued a limited access swordfish permit.

Comments and Responses

NMFS held three public hearings and received written comments during the comment period on the proposed rule. Public hearings were held in Mobile, AL, on January 14, 2002; in Manteo, NC, on January 22, 2002; and in Ft.

Lauderdale, FL, on January 23, 2002. Comments were submitted by recreational and commercial organizations, state agencies, conservation groups, and the general public. All comments were considered and responded to as follows:

Mandatory Self-reporting Call-in system

Comment 1: Several commenters supported the call-in system, but some raised concerns about verifying the validity of reports and enforcement of reporting.

Response: NMFS is implementing the call-in system because it provides a system to collect non-tournament billfish/swordfish landings reports (patterned after the bluefin tuna call-in reporting system) and it closes a gap in data collection when applied in concert with other programs. Also see response to comment 3.

Comment 2: One fishing group representative supported use of a call-in system for private recreational fishermen only, and using logbooks for CHB vessels.

Response: Owners of HMS Angling permitted vessels and CHB operators are responsible for reporting all non-tournament billfish/swordfish landings because not all CHB are selected to submit logbooks as specified under 50 CFR 635.5(a). Those CHB operators that are selected to submit logbooks will also have to report non-tournament billfish/swordfish landings through the call-in system. NMFS will examine response rates and work with vessel operators to reduce the reporting burden and avoid duplication.

Comment 3: Several commenters did not support the call-in system and expressed concern that there was no way to verify false reports or ensure that all non-tournament catches were reported.

Response: In the initial call-in, the caller will be asked by the automated system for the caller's phone number. NMFS personnel will then call back every angler as part of the overall system to identify the catch by boat or documentation number and avoid duplicate reporting. During the call back, the angler will be given a confirmation number. To ensure that catches are reported, NMFS will inform the public of the reporting requirement. For example, NMFS will advertise the call-in number in angler publications and distribute fliers to ports where billfish and swordfish have historically been landed, and will publicize that failure to report is unlawful.

Comment 4: Several comments, including one from a representative from a fishing club and another from a

representative of a conservation group, expressed concern that the call-in system would adversely affect goodwill existing between fishermen and scientists by imposing additional governmental paperwork. The conservation group representative suggested that NMFS duplicate the Gulf of Mexico RBS system throughout the Atlantic and implement a landing tag system to better meet international requirements.

Response: The RBS collects tournament data in the Gulf of Mexico, Atlantic, and Caribbean. The RBS at one time (before 1994) systematically sampled non-tournament sites; however, currently RBS only collects tournament data. Non-tournament data is voluntarily phoned into the RBS and these callers will be referred to the non-tournament call-in system. With this action, NMFS is attempting to get a census of non-tournament billfish/swordfish landings.

Comment 5: Several commenters stated that the call-in system was too expensive to operate, too time consuming for NMFS to manage, has no practical utility, and is not enforceable.

Response: NMFS considers this the least expensive of all the measures considered. The toll-free line already exists and the estimated number of calls are expected to be within the capacity of the system. The program is patterned after the bluefin tuna call-in reporting system. The call-in will be enforced as all fisheries management rules are enforced. In lieu of the call-in system, anglers landing billfish or swordfish in states that have elected and been approved by NMFS to conduct their own alternative recreational catch reporting program, which is allowed under 50 CFR 635.5(c)(3), will follow their states procedures for reporting. North Carolina and Maryland have chosen, with NMFS approval, to modify their large pelagic/bluefin tuna catch card reporting programs to include billfish and swordfish for reporting purposes.

Recreational Retention Measures of North Atlantic Swordfish

Comment 1: Several commenters, which included a representative from a fishing club and two national conservation groups, supported the swordfish retention limit but expressed concern about lack of law enforcement for the sale of recreationally caught swordfish.

Response: NMFS implements this provision because it is easier to enforce a retention limit than a sale restriction. In addition, NMFS believes a retention limit will reduce the number of

recreationally landed swordfish that are available for sale. Through the outreach program, NMFS will remind the public that sale of recreationally landed swordfish is prohibited.

Comment 2: Several commenters, which included a representative for a sport fishermen association, noted that one swordfish per vessel per trip would have negative impacts on the CHB industry and suggested that the vessel limit be increased to accommodate more than one angler on a single vessel.

Response: NMFS has modified the final action to minimize the potential impacts on CHB operations which deal with multiple clients. The final action of one swordfish per person, up to three swordfish per vessel, per trip will accommodate multiple persons aboard a single vessel and should more closely reflect current catch patterns in this re-emerging fishery. Anecdotal information indicates that recreational catches of swordfish tend to be clustered in that several trips may not catch any swordfish while a few trips may catch several swordfish. Since not all trips are likely to be successful, NMFS expects that, on average, the three fish per vessel maximum limit will not be reached. The most recent stock assessment of North Atlantic swordfish indicates that the stock is rebuilding quickly and that current catch rates are not impeding stock recovery. As the final action should more closely reflect current catch patterns, increasing the swordfish retention limit should not impact the swordfish stock recovery. Additionally, the incidental swordfish catch quota has not been filled to date so the United States has quota available to accommodate increased landings in the recreational fishery. Therefore, NMFS has modified this portion of the rule to allow the landing of one swordfish per person, up to three swordfish per vessel, per trip.

Comment 3: Several commenters stated that this was an allocation matter, not a conservation measure.

Response: The retention limit is intended to prevent uncontrolled expansion of a re-emerging fishery and discourage the illegal sales of recreationally landed swordfish. Uncontrolled expansion of the swordfish recreational fishery could result in excess mortality, particularly on juvenile fish, that could impede stock recovery. NMFS remains concerned that the continued recovery of swordfish is sensitive to overharvests and excessive mortality of juvenile fish and the re-emerging recreational swordfish fishery off Florida occurs in a swordfish nursery area. Also see

response to comment 1 above under this section.

Comment 4: A mass mailing from an organized recreational anglers group objected to the retention limit, stating that the fishery was wrongly characterized as a recent fishery but indeed that it is an historic (not a recent) incidental fishery and there was no scientific basis for the one swordfish limit.

Response: NMFS did not intend to imply in the Environmental Assessment (EA) that the fishery was new but that catching juvenile swordfish by recreational fishermen is likely increasing. In the Purpose for Action, the EA states: "With the implementation of the ICCAT North Atlantic swordfish rebuilding program and the recent closure of nursery waters off the east coast of Florida to pelagic longline fishing activities (August 1, 2000, 65 FR 47214; February 5, 2001, 66 FR 8903), further increases in recreational landings of North Atlantic swordfish, particularly juveniles, is likely to occur along the U.S. Atlantic coast." Based on the large size of recreationally landed swordfish (50–200+ pounds), which cannot be sold commercially, NMFS considered a one fish per vessel limit to be reasonable for swordfish for personal consumption. However, based on comments that the proposed retention limit may impact CHB operations and to better reflect current catch patterns in this fishery, NMFS has modified the swordfish retention limit in the final action.

Comment 5: Several commenters wanted recreational vessels to have the same option as the commercial vessels to dress the swordfish at sea.

Response: NMFS has made the requested change to afford recreational fishermen the same latitude for at-sea processing as commercially permitted vessels. NMFS proposed to make the lower jaw fork length (LJFL) measurement the sole criterion for recreationally landed swordfish because recreational fishermen typically do not process fish at sea as well as the ability to measure the LJFL on a fish while it's still alive to determine if it meets the minimum size. However, due to public comment that recreational fishermen would like the latitude to process swordfish at sea in order to ice the carcass more thoroughly, NMFS modified the final action so that the LJFL measurement will apply when the lower jaw and tail are intact. If either the tail or lower jaw is missing, the cleithrum to keel (CK) measurement or weight standard will apply in all cases.

Changes from the Proposed Rule

In response to comments received during the comment period and to clarify regulatory language, the following changes were made to the proposed rule (December 26, 2001, 66 FR 66386):

In § 635.5 (c), a lead-in paragraph was added to explain angler reporting responsibility and the wording was changed in 635.5 (c)(3) to make the intent of alternative reporting more easily understood.

In § 635.20(a), the proposed regulatory text has been amended to apply the same standard of measurement and/or size class to both recreational and commercial North Atlantic swordfish landings.

In § 635.22 (f), one North Atlantic swordfish per vessel per trip was changed to one North Atlantic swordfish per person, up to three North Atlantic swordfish per vessel, per trip.

In § 635.30(d), the proposed regulatory text has been withdrawn so that recreational vessels are not required to maintain North Atlantic swordfish with its head, fins, and bill intact through offloading.

In § 635.71, paragraph (b)(6) was revised to show that BFT reporting is now under § 635.5(c)(1) or (3) instead of § 635.5(c), paragraph (c)(6) was added to reflect changes in § 635.5 that mandated recreational self-reporting, paragraph (e)(14) was added to reflect changes in § 635.22(f) implementing a retention limit for recreationally landed North Atlantic swordfish, and paragraph (e)(15) was added to reflect changes in § 635.5(c)(2) and (3) on North Atlantic swordfish reporting. Some of these changes were necessary because the prohibitions section was omitted in the proposed rule. These changes do not alter the intent of the proposed rule.

Finally, several changes were made to conform with regulatory changes made in another final rule that published on December 18, 2002 (67 FR 77434).

Classification

This rule is published under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act. The Assistant Administrator for Fisheries, NOAA (AA), has determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and to manage the domestic Atlantic highly migratory species fisheries, and are consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel of Advocacy of the Small Business Administration that the proposed rule for this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule. NMFS received no comments during the comment period on the proposed rule that would change that conclusion. However, some CHB operators raised a concern during the public comment period with regard to the one swordfish per vessel retention limit. To respond to this concern and better reflect current catch patterns, NMFS modified the final rule to provide a one swordfish per person, up to three swordfish per vessel, per trip limit. This modification does not alter the agency's prior conclusion of no significant economic impact on a substantial number of small entities.

This final rule will apply to all participants in the recreational Atlantic marlin and North Atlantic swordfish fisheries, all of which are considered small entities. The Billfish Fishery Management Plan estimated that there were 7,915 U.S. tournament billfish anglers in the western Atlantic in 1989. A 1992 inventory of 359 billfish tournaments indicated an average expenditure of \$2,147 per angler per trip (including tournament fees), or \$4,242 for each fish caught, corresponding to \$32,382 for each billfish landed. Swordfish are not generally included in billfish tournament prize categories and non-tournament recreational catch data are not currently systematically collected but may be frequent.

Because of the large size of most recreationally landed swordfish, the retention limit in this final action should be sufficient for swordfish intended for personal consumption, even on vessels carrying multiple anglers. Recreationally landed swordfish cannot be sold commercially, therefore no significant economic impacts are anticipated for individual anglers. The modified retention limit should also minimize any potential impacts on CHB operators. An increase in the vessel trip limit will more accurately reflect recent catch patterns in the fishery and, since many trips are unsuccessful, on average, the three swordfish per vessel limit is not expected to be reached. The swordfish fishery is a rare event fishery characterized by clustered catch rates in which several trips may result in no swordfish catches and a few trips may

catch several swordfish. The call-in system takes less than 3 to 5 minutes for each no-cost report and an additional 3 to 5 minutes for a confirmation call-back, thus no significant economic impacts are anticipated.

NMFS prepared an Environmental Assessment for this rule that describes impacts on the human environment and determined that no significant impacts would result.

This final rule is consistent with the Endangered Species Act. On September 7, 2000, NMFS reinitiated formal consultation for all HMS commercial fisheries under section 7 of the ESA. A Biological Opinion (BiOp) issued June 14, 2001, concluded that continued operation of the Atlantic pelagic longline fishery is likely to jeopardize the continued existence of endangered and threatened sea turtle species under NMFS jurisdiction. NMFS issued a final rule on July 9, 2002 (67 FR 45393), to implement the reasonable and prudent alternative required by the BiOp. The fishing activities conducted pursuant to this rule will not affect listed species in any manner not already considered in the BiOp because these actions primarily address reporting requirements and are not expected to alter fishing practices or fishing effort in any way not previously considered.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget, OMB Control Number 0648-0446. Public reporting burden for this collection of information is estimated to average 5 minutes per initial reporting call and 5 minutes per confirmation callback, and 5 minutes to fill out a catch reporting card (for those pilot programs conducted under state reporting systems). This action also repeats collection-of-information requirements that have been approved by OMB under control number 0648-0216. Public reporting burden for this collection of information is 20 minutes to prepare a billfish COE and 20 minutes for recordkeeping by subsequent purchasers of the billfish. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for the reducing the burden, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be

subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: December 23, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 et seq.; 16 U.S.C. 1801 et seq.

2. In § 635.5, paragraph (c) is revised to read as follows:

§ 635.5 Recordkeeping and reporting.

* * * * *

(c) Anglers. All bluefin tuna, billfish, and North Atlantic swordfish non-tournament landings must be reported as specified under paragraphs (c)(1) or (c)(2) of this section, unless an alternative recreational catch reporting system has been established as specified under paragraph (c)(3) of this section. Tournament landings must be reported as specified under paragraph 635.5(c) of this section.

(1) Bluefin tuna. The owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all BFT landings under the Angling category quota designated at § 635.27(a) through the NMFS automated catch reporting system within 24 hours of the landing. Such reports may be made by calling 1-888-872-8862 or by submitting the required information over the Internet at: www.nmfspermits.com.

(2) Billfish and North Atlantic Swordfish. Anglers must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, Atlantic sailfish and North Atlantic swordfish, including those landed on a charter/headboat, to NMFS by calling 1-800-894-5528 within 24 hours of the landing. For telephone reports, a contact phone number must be provided so that NMFS can call the angler back for

follow up questions and to provide a confirmation of the reported landing. The landing telephone report has not been completed unless the angler has received a confirmation number from a NMFS' designee.

(3) Alternative recreational catch reporting. Alternative recreational catch reporting procedures may be established by NMFS with cooperation from states which may include such methodologies as telephone, dockside or mail surveys, mail in or phone-in reports, tagging programs, catch cards, or mandatory check-in stations. A census or a statistical sample of persons fishing under the recreational fishing regulations of this part may be used for these alternative reporting programs (after the programs have received Paperwork Reduction Act approval from OMB). Persons or vessel owners selected for reporting will be notified by NMFS or by the cooperating state agency of the requirements and procedures for reporting recreational catch. Each person so notified must comply with those requirements and procedures. Additionally, NMFS may determine that recreational landing reporting systems implemented by the states, if mandatory, at least as restrictive, and effectively enforced, are sufficient for recreational landing monitoring as required under this part. In such case, NMFS will file with the Office of the Federal Register for publication notification indicating that compliance with the state system satisfies the reporting requirements of paragraph (c) of this section.

* * * * *

3. In § 635.20, paragraph (a) is revised to read as follows:

§ 635.20 Size limits.

(a) General. The CFL will be the sole criterion for determining the size and/or size class of whole (head on) Atlantic tunas for a vessel that has been issued a limited access North Atlantic swordfish permit under § 635.4. The LJFL will be the sole criterion for determining the size of whole (head on) North Atlantic swordfish for a vessel that has not been issued a limited access North Atlantic swordfish permit under § 635.4. If the head or tail of a North Atlantic swordfish has been removed prior to or at the time of landing, the CK or minimum weight standard shall be applied in all cases.

* * * * *

4. In § 635.21, paragraph (d)(4)(iv) is added to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(d) * * *

(4) * * *

(iv) Except for persons aboard a vessel that has been issued a limited access North Atlantic swordfish permit under § 635.4, no person may fish for North Atlantic swordfish with, or possess a North Atlantic swordfish taken by, any gear other than handline or rod and reel.

5. In § 635.22, paragraphs (a), (c), and (d) are revised, and paragraphs (e) and (f) are added to read as follows:

§ 635.22 Recreational retention limits.

(a) General. Atlantic HMS caught, possessed, retained, or landed under these recreational limits may not be sold or transferred to any person for a commercial purpose. Recreational retention limits apply to a longbill spearfish taken or possessed shoreward of the outer boundary of the Atlantic EEZ, to a shark taken from or possessed in the Atlantic EEZ, to a North Atlantic swordfish taken from or possessed in the Atlantic Ocean, and to bluefin and yellowfin tuna taken from or possessed in the Atlantic Ocean. The operator of a vessel for which a retention limit applies is responsible for the vessel retention limit and for the cumulative retention limit based on the number of persons aboard. Federal recreational retention limits may not be combined with any recreational retention limit applicable in state waters.

* * * * *

(c) Sharks. One shark from either the large coastal, small coastal, or pelagic group may be retained per vessel per trip, subject to the size limits described in § 635.20(e), and, in addition, one Atlantic sharpnose shark may be retained per person per trip. Regardless of the length of a trip, no more than one Atlantic sharpnose shark per person may be possessed on board a vessel. No prohibited sharks listed in table 1(d) of appendix A to this part may be retained. The recreational retention limit for sharks applies to a person who fishes in any manner, except to a person aboard a vessel who has been issued a limited access vessel permit under § 635.4 for Atlantic sharks. If an Atlantic shark quota is closed under § 635.28, the recreational retention limit for sharks may be applied to persons aboard a vessel issued an Atlantic shark LAP under § 635.4, only if that vessel has also been issued an HMS Charter/Headboat permit issued under § 635.4 and is engaged in a for-hire trip.

(d) Yellowfin tuna. Three yellowfin tunas per person per day may be

retained. Regardless of the length of a trip, no more than three yellowfin tuna per person may be possessed on board a vessel. The recreational retention limit for yellowfin tuna applies to a person who fishes in any manner, except to a person aboard a vessel issued an Atlantic Tunas vessel permit under § 635.4. The recreational retention limit for yellowfin tuna applies to persons, including captain and crew, aboard a vessel that has been issued an Atlantic HMS Charter/Headboat permit only when the vessel is engaged in a for-hire trip.

(e) *Bluefin tuna*. Refer to § 635.23 for Atlantic bluefin tuna recreational retention limits.

(f) *North Atlantic swordfish*. One North Atlantic swordfish per person up to three per vessel per day may be retained. Regardless of the length of a trip, no more than the daily limit of North Atlantic swordfish may be possessed on board a vessel. The recreational retention limit for North Atlantic swordfish applies to a person who fishes in any manner, except to a person aboard a vessel that has been issued a limited access North Atlantic swordfish permit under § 635.4.

6. In § 635.31, paragraph (b)(2)(ii) is revised and paragraph (b)(3) is added to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(b) * * *

(2) * * *

(ii) It is accompanied by a Billfish Certificate of Eligibility (COE) form, obtained from NMFS, or its equivalent that documents that the fish was harvested from other than the Atlantic Ocean management unit.

(A) The Billfish COE required under this section must indicate, in English, the name and homeport of the harvesting vessel, and the date and port of offloading. Only the purchaser of the billfish from the harvesting vessel must complete this information.

(B) The Billfish COE must be signed and dated by each dealer in possession of the product throughout the chain of custody up to but not including the consumer. This signature indicates a declaration that the billfish were not harvested from the management unit.

(C) A Billfish COE may refer to billfish taken from only one harvesting vessel. If a shipment contains billfish taken from more than one vessel, a separate billfish COE must accompany the shipment for each harvesting vessel.

(D) A model Billfish COE can be obtained by contacting the Division Chief. An equivalent form may be used

provided it contains all of the information required under this section.

(3) For the purposes of this paragraph, a dealer or seafood processor means any individual, other than a consumer, who engages in any activity, other than fishing, of industry, trade, or commerce, including but not limited to the buying or selling of a regulated species or parts thereof and activities conducted for the purpose of facilitating such buying and selling.

* * * * *

7. In § 635.71, paragraph (b)(6) is revised and paragraphs (c)(6), (e)(14), and (e)(15) are added to read as follows:

§ 635.71 Prohibitions.

* * * * *

(b) * * *

(6) As an angler, fail to report a BFT, as specified in

§ 635.5(c)(1) or (3).

* * * * *

(c) * * *

(6) As an angler, fail to report a billfish, as specified in § 635.5(c)(2) or (3).

* * * * *

(e) * * *

(14) Exceed the recreational catch limit for North Atlantic swordfish, as specified in § 635.22(f).

(15) As an angler, fail to report a North Atlantic swordfish, as specified in § 635.5(c)(2) or (3).

[FR Doc. 03-275 Filed 1-6-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011219306-2283-02; I.D. 110501A]

RIN 0648-AM44

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend regulations governing the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to refine observer coverage requirements and improve support for

observers. This action is intended to ensure continued collection of high quality observer data to support the management objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs) and to promote the goals and objectives contained in those FMPs.

DATES: Effective on February 5, 2003.

ADDRESSES: Copies of the Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA) prepared for this regulatory action and the 1996 Environmental Assessment (EA) RIR/FRFA prepared for the Interim North Pacific Groundfish Observer Program and the RIR/FRFAs for the subsequent extensions of the Interim North Pacific Groundfish Observer Program may also be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Durall.

FOR FURTHER INFORMATION CONTACT: Sue Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands Management Area (BSAI) in the Exclusive Economic Zone under the FMPs. The North Pacific Fishery Management Council (Council) prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations implementing the FMPs appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council adopted and NMFS implemented the Interim Groundfish Observer Program (Interim Program) in 1996, which superseded the North Pacific Fisheries Research Plan (Research Plan). The requirements of the 1996 Interim Program were extended through 1997 (61 FR 56425, November 1, 1996), again through 1998 (62 FR 67755, December 30, 1997), again through 2000 (63 FR 69024, December 15, 1998), and extended through 2002 under a final rule published December 21, 2000 (65 FR 80381). The program was extended again through 2007 by way of a final rule published on December 6, 2002 (67 FR 72595). The Interim Program provides the framework for the collection of data by observers to obtain information necessary for the conservation and management of the groundfish fisheries managed under the FMPs. Further, it authorizes mandatory observer coverage requirements for vessels and shoreside processors and establishes vessel,

Atlantic Billfish Research Plan

Southeast Fisheries Science Center

National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce

Version 1.4
January 30, 2004



FY 2004- FY 2006

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Cover: Photo courtesy of Dr. Guy Harvey

EXECUTIVE SUMMARY

This Draft Billfish Research Plan for the Southeast Fisheries Science Center captures the research needs, research capabilities and additional resources necessary (\$6.4M), for the period FY 2004 – FY 2006. Implementation of this plan is essential for the U.S. to be successful in its efforts to protect and rebuild Atlantic blue marlin, white marlin and sailfish stocks – an effort that will require the participation of foreign and international billfish resource managers.

Declining populations of Atlantic billfishes: blue marlin, white marlin and sailfish (the broadbill swordfish is not considered billfish here), continues to be a main concern of the Southeast Fisheries Science Center (SEFSC), National Marine Fisheries (NMFS). Apart from being ecologically important top predators that roam the Atlantic Ocean, they are of great economic value to the U.S. recreational fishing sector (e.g. the International Game Fish Association estimated that expenditures by U.S. recreational billfish anglers exceeds \$2.13 billion annually). Billfish populations are negatively impacted by their unintended capture (*i.e.* “bycatch”) by U.S. and foreign commercial longline fishing fleets that target tuna and swordfish. Fishery scientists have estimated that more than 70% of Atlantic-wide billfish landings are the result of bycatch. In an effort to reduce the capture of billfishes, in 1988 the U.S. imposed a ban on the commercial sale of billfish and prohibited the retention of billfishes either by U.S.-registered commercial vessels or any commercial vessel in the U.S. Exclusive Economic Zone (EEZ). Even with this ban in place, a wide range of fishery constituents are becoming increasingly concerned over billfish stocks – for example, in 2001, an environmental group filed a petition with NMFS to list white marlin as an endangered species.

Most U.S. fish stocks fall entirely under the authority of NMFS and domestic regulations. Billfishes, however, swim beyond the limits of national jurisdiction, and as such, the task of collecting scientific information for assessing and managing these and other highly migratory species is the responsibility of the International Commission for the Conservation of Atlantic Tunas (ICCAT, headquartered in Madrid, Spain). The U.S. has been a member of ICCAT since 1967, and SEFSC conducts most of the scientific work on behalf of the U.S. Billfishes have been subject to bycatch for many decades, however, relative to swordfish and tunas, they have not been a high priority for ICCAT members and have been neglected by many nations fishing the Atlantic. Moreover, billfishes are now extremely valuable to the U.S. recreational sector and affiliated industries (*e.g.*, manufacturers of offshore recreational fishing vessels, sophisticated marine electronics and specialized marine fishing equipment), as well as local economies.

Fishery scientists, under the auspices of ICCAT, assessed billfish stocks between 2000 and 2001, and concluded that Atlantic blue marlin are over-fished, white marlin are severely overfished (overfishing having taken place for more than three decades), and that sailfish stocks are at least fully-exploited and may also be overfished. Despite considerable U.S. concern about the condition of billfish populations, it has been difficult to garner the level of support from nations fishing the Atlantic that is required for implementing fishery management measures needed to protect billfishes. The main obstacle continues to be a paucity of scientific information, specifically, information required for improving stock assessments and the biological management of billfish resources.

Atlantic billfish stocks continue to be among the most challenging for stock assessment scientists for a number of reasons including: (1) Billfishes roam large expanses of the Atlantic ocean, are comparatively rare, making them difficult to study in sufficient quantities to draw inferences about their populations; (2) Researchers have been unable to rear billfish in captivity, therefore a large gap exists in our knowledge of their life history and growth characteristics; (3) Many of the countries that catch billfishes in the Atlantic do not routinely collect and report billfish landings to appropriate resource management authorities; (4) Stock assessment models, it has been argued, do not adequately capture fishing gear characteristics and methods and the impact on bycatch. These unique challenges and limitations of the science underpinning billfish stock assessments have hampered the development of an Atlantic-wide consensus and delayed decisive action for rebuilding the stocks by international and foreign fishery management entities.

Some have argued that management actions taken by the U.S. will have little impact on Atlantic billfish stocks: (1) Because only a small percentage of the stock occurs at any point in time within the U.S. EEZ; and (2) The entire US Atlantic fishing fleet (commercial and recreational) accounts for less than 5% of total Atlantic billfish mortality. However, relying largely on scientific information, in 1996, the U.S. successfully negotiated through ICCAT, significant reductions in international allowable catch levels for billfishes. The U.S. therefore, in ensuring that billfish resources are protected and restored, needs to expand SEFSC's billfish research program to generate scientific information and develop analytical tools that can be accepted and used effectively by national, international and foreign resource managers to protect and rebuild billfish stocks.

In conducting the needed research, SEFSC subscribes to the three following principles: first, ensuring research of the highest caliber through peer and program reviews, including international bench-marking where the quality of SEFSC's research activities is compared on a global scale with other research institutions engaged in similar research; second, continue

building on SEFSC's long history of Cooperative Research (*i.e.* working closely with recreational and commercial fishers who impact billfish resources); and third, expanding and strengthening research relations with national, foreign and international research entities and using scientific results to gain international consensus and the implementation of effective measures for billfish management.

For the period FY 2004- FY 2006, SEFSC's comprehensive research program will focus on: **(1)** Ecological and biological research – with an emphasis on age and growth studies; species identification; gender and maturity determination; and habitat utilization/spawning behavior; **(2)** Fishery and socio-economic research with an emphasis on addressing gear configuration and fishing strategy impacts on levels of billfish bycatch; post-release survival in both the commercial longline and recreational fisheries; and researching the efficacy of incentive programs to reduce by-catch; and **(3)** The development of innovative analytical methods and research tools (satellite-based tagging and monitoring methods that cover the Atlantic-wide range of billfishes) to improve stock assessments and the biological basis for management. There is a great need for SEFSC to gain substantial increases in funding and full-time permanent staff to fully utilize its historically strong research capabilities to conduct critical research for protecting and rebuilding billfish stocks and for ensuring the survival to the U.S. recreational billfish sector. For the period FY 2004 – FY 2006, SEFSC requests \$6.4M that will be allocated as follows: Biological and Ecological Research -- \$2,080K; Fishery and Socio-economic Research -- \$2,900K, and the Development of Analytical Methods and Research Tools -- \$1,420K.

INTRODUCTION

The Southeast Fisheries Science Center's (SEFSC's) Draft Billfish Research Plan will be used to guide the efforts and activities of SEFSC's Billfish Research Program for the next three years (FY 2004-FY 2006). This Research Plan is currently a draft document, however, once finalized, it will remain flexible, thereby allowing SEFSC management to effectively address new and emerging ecological, biological, fishery and socio-economic issues impacting billfish resources. This flexibility will be accomplished through the use of Annual Implementation Plans that: 1) will reflect annual priorities and issues; 2) will be closely tied to annual budgets; 3) will provide details on specific research projects; and 4) will identify project and program performance criteria. An Annual Billfish Report will also be prepared that outlines accomplishments of the research program, and identifies areas that should be the focus of future research efforts.

ATLANTIC BILLFISHES OF CONCERN

Three Atlantic billfish species are currently the main concern of SEFSC: blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*) and sailfish (*Istiophorus platypterus*) – all of which are members of the family Istiophoridae (the broadbill swordfish, *Xiphias gladius*, although frequently grouped with the istiophorids, belongs to a separate family, Xiphidae.) The SEFSC continues to focus on these billfish species because of: (1) Their great economic value to the U.S. recreational fishery -- for example, the International Game Fish Association (IGFA) estimated that expenditures by U.S. recreational billfish anglers exceeds \$2.13 billion annually; (2) Their declining populations, due primarily to their unintended capture (*i.e.* "bycatch") by U.S. and international commercial longline fishing fleets that target tuna and swordfish – the overwhelming majority of billfishes are caught as a bycatch of these fleets; and (3) Ecologically, billfishes are apex predators that play a critical role in the ocean's complex and far-reaching food webs.

Concerns over billfish populations are not new. There are as many as 48 nations engaged in fishing activities in the Atlantic Ocean that land billfish. In 1988, the U.S. imposed a ban on the commercial sale of billfish in the U.S. and prohibited the retention of billfish either by U.S.-registered commercial vessels or any commercial vessel in the U.S. Exclusive Economic Zone. Gross billfish revenues (*based on the price paid for fish when offloaded*) forgone as a result of the commercial ban for the period 1989 to 1996 was estimated at \$2.5 million for Atlantic blue marlin, \$1.6 million for white marlin and \$1.1 million for sailfish (Ito and Machado, 1997). The commercial ban had the effect of reserving these valuable resources for the U.S. recreational fishing community¹. Ditton and Stoll (1998) reported that annually, 230,000 anglers spent 2,136,899 days fishing for billfishes, and the IGFA (1996) reported that the average amount spent by billfish anglers in 2000 was \$3,446 per trip. Recreational billfish fishing activities provide economic support for a wide range of affiliated industries including manufacturers, wholesalers and retailers who produce and market luxury offshore vessels, sophisticated marine electronics and specialized marine fishing equipment. In addition, recreational billfishing activity in the U.S. has evolved into one in which 90% of all billfish caught are released. It is also important to note that there are no alternative fisheries that can play the same role as billfish in the recreational fishing community (Wilson *et al*, 1998).

The results of scientific work conducted by SEFSC on the status and health of billfish populations and the impact of fishing activities on these populations, continues to be of great interest to national and international resource managers and a number of stakeholders, primarily: (1) Commercial fishers concerned that their target species (tuna or swordfish) and main source of income may be threatened as a result of regulations directed at reducing billfish bycatch; (2) Recreational fishers interested in maintaining or increasing their billfish encounters; (3) Artisanal fishers (non-US only) that rely heavily on earnings obtained from the sale of billfish; and (4) Fishery conservation and environmental organizations primarily concerned with the health and the status of billfish populations (for example, in 2001, an environmental group filed a petition with the

¹ The U.S. recreational fishery for billfish is concentrated along the Atlantic coast, from Massachusetts to southeast Florida, the Gulf of Mexico and U.S. territories in the Caribbean.

National Marine Fisheries Service (NMFS) to list white marlin as an endangered species.).

An overview of the key features of these remarkable Atlantic billfishes is provided below.

Blue Marlin



Photo courtesy of Dr. Guy Harvey

Distribution: Blue marlins occur throughout tropical, subtropical, and temperate waters of the world's oceans including the Atlantic and adjacent seas. In the western Atlantic, they range from Canada to Argentina and in the eastern Atlantic, from the Azores to South Africa. They have migratory patterns that include trans-Atlantic, trans-Equatorial, and less frequent inter-ocean movements. Blue marlin are circum-tropical and are found predominantly in the open ocean.

Size: Blue marlin are a large top level predator that can attain a weight of over 910 kg (2000 lbs) and 4.3 m (14 ft) in length (Robins and Ray 1986). Its average weight is 100-175 kg (230-400 lbs). Females reach a much greater size than males.

Diet: Blue marlins consume a wide variety of fish and squid but show preference for mackerels and tunas.

Behavior: Blue marlin are a rare and solitary species that are among the fastest growing of all bony fishes.

White Marlin



Photo courtesy of Dr. Guy Harvey

Distribution: White marlins occur only in the tropical, subtropical, and temperate waters of the Atlantic Ocean and adjacent seas. They range from Canada to Argentina in the western Atlantic and from the Azores to South Africa in the eastern Atlantic. White marlin distribution in the Atlantic is almost identical to blue marlin, with migratory patterns including numerous trans-Atlantic movements, however, trans-Equatorial movements of white marlins have not been verified. White marlin are not circum-tropical (as with blue marlin) and are found predominantly in the open ocean.

Size: White marlin can attain a weight of 85 kg (182 lbs) and 2.7 m (9 ft) in length (Robins and Ray 1986). Females reach a greater size than males.

Diet: White marlins consume a variety of fish and occasionally squid.

Behavior: White marlin are generally considered a rare and solitary species, however, they are also known to occur in small groups.

Sailfish



Photo courtesy of Dr. Guy Harvey

Distribution: Sailfish are found throughout the Atlantic; however, no trans-Atlantic or trans-equatorial movements have been documented. The greatest densities of sailfish occur in coastal waters and when found in the open ocean, usually in the upper reaches of the water column.

Size: Sailfish can attain a weight of up to 58 kg (128 lbs) and 2.4 m (8 feet in length (Robins and Ray 1986). Females reach a greater size than males.

Diet: Sailfish consume mostly small fishes.

Behavior: Sailfish are known to occur in small groups of a dozen or more.

THE STATUS OF ATLANTIC BILLFISH STOCKS

In the Atlantic Ocean, the International Commission for the Conservation of Atlantic Tunas (ICCAT, headquartered in Madrid, Spain), is the international entity responsible for collecting scientific information for assessing and managing highly migratory species (including billfish). The ICCAT stock assessments are used to develop, guide, and evaluate the effectiveness of management measures aimed at protecting and restoring specific stocks. A *stock* is a group of animals that is considered

as a distinct *resource management unit* based upon factors such as their genetic relationship, geographic distribution, movement patterns, and the fisheries that exploit them. In assessing a *stock*, fishery scientists evaluate and describe its condition and make recommendations on how the *biomass* of a stock (a measure of abundance in weight) can be maintained at levels that sustain fishing on a continuous basis. All species under the jurisdiction of ICCAT are managed to achieve the management benchmark of *Maximum Sustainable Yield (MSY)*. Maximum sustainable yield is achieved when fish populations are maintained at levels that permit the highest amount of fish catch that can be taken continuously (sustained) from a stock for food and other purposes. When stocks fall below the level of MSY, scientists recommend various types of tools to restore or rebuild the stocks to more desirable levels (e.g. size limits, seasonal closures). Stock assessments require: (1) Information on the biological and ecological aspects of the species comprising the stock; and (2) Information on the fishing activities that impact the stock, including socio-economic information. Most stock assessments integrate this information (which can be real, surrogate, or derived) in mathematical *models* or *computer simulations* that characterize the most important features and trends of the stock. Prior to discussing stock assessments for Atlantic billfishes, it is important to review stock assessment challenges for Atlantic billfishes.

Stock Assessment Challenges for Atlantic Billfishes

Atlantic billfish stocks continue to be among the most challenging for stock assessment scientists because of the nature of billfishes themselves, the fishing fleets that impact them and limitations/uncertainties of stock assessment models. Challenges pertinent to current stock assessments for blue and white marlin and sailfish are discussed below.

Biological and Ecological Information Limitations

- As apex predators, billfishes are less abundant than other species, and this makes them difficult to study in sufficient quantities to draw inferences about their populations.

- Researchers have been unable to rear billfish in captivity; therefore a large gap exists in our knowledge of their early life history. Information to support species identification, gender determination and age and growth characteristics is also sparse.
- Billfishes are long-lived species and it is difficult to estimate age from samples caught in the wild. Additionally, the exceptionally fast growth of juveniles and young adults further impedes age and growth studies because these size-classes are rarely available for study. Traditional growth curves, in which length or weight is predicted from age, or vice versa, have proven to be very imprecise for billfish (Prince *et al.* 1991).
- Information on essential fish habitat (EFH) of billfish is also lacking and no knowledge of EFH limits the use of management options, such as time-area closures.

Fishery Information Limitations

- Many of the countries that catch billfishes in the Atlantic do not routinely collect and report their billfish landings to appropriate resource management authorities.
- Estimating the number of dead discards and incidental mortality is another difficulty for both commercial and recreational fisheries. In the U.S. recreational fishery, the majority of billfish catch is released. However, the proportion of released fish that die from the stress of capture and subsequent release is unknown, making estimation of total recreational mortality extremely difficult and imprecise. There is also a lack of post release survival information for commercial fisheries.
- Typically, landing statistics for non-target species from commercial fleets are not accounted for in as much detail as the target species (e.g. tuna and swordfish) because of their lower economic value as food. This leads to uncertainties in the landing statistics used in stock assessments.
- Billfish caught incidentally by foreign fleets are normally dressed at sea, with heads, spines, fins, tails and viscera removed and the carcasses frozen for long periods before they are off-loaded at transshipment ports. This process often leads to misidentification and non-reporting of landings, and results in a lack of size frequency data, sex ratios and other statistics critical for rigorous stock assessments. Molecular (genetic) tools for species and stock identification are not readily available

Limitations of Stock Assessment Models

- In recent years, there has been increased targeting of the deep swimming swordfish (*Xiphias gladius*) and bigeye tuna (*Thunnus obesus*) by the offshore longline fleet. This change in target species has resulted in modifications to conventional longline gear configurations to achieve deeper vertical coverage of the water column. The suggestion has been made that the deeper gear deployment only covers the lower limits of the marlins' depth distribution and this fact is not adequately captured in the mathematical models currently used to assess billfish stocks. (Venizelos *et al.* 2000, Goodyear 2001). Uncertainty associated with the depths that the longline gear actually fish (fluctuations due to hydrographic features), as well as the scarcity of data on the depth and temperature range and preferences of marlins, has resulted in significant differences in the interpretations of stock assessment results.

Billfish Stock Assessments

The most recent ICCAT stock assessment for blue marlin was held at the SEFSC, in July 2000; its results were accepted by the ICCAT Commission four months later. An assessment of sailfish stocks was conducted and accepted by ICCAT in October 2001. The most recent white marlin stock assessment was held at the ICCAT Secretariat in Madrid in May 2002 and its results were accepted in November 2002. A synopsis of assessment results for all three species follows below.

Blue marlin

Based on blue marlin's geographic distribution, physical characteristics, and the results of genetics and tagging studies, stock assessment scientists concluded that a single Atlantic stock exists. Fishery scientists estimated that the current biomass for the blue marlin stock was only about 40% of the level required to achieve MSY (estimated to be 2,000 mt). Furthermore, the current stock of blue marlin is incurring fishing mortality that is about 4 times higher than the population can sustain in order to produce MSY. On the basis of this information, scientists concluded that Atlantic blue marlin are overfished and that the reductions in landings previously recommended by the ICCAT Commission (25% from 1996 levels) will not eliminate overfishing of the blue marlin

stock. One significant source of uncertainty in the assessment was the use of historical data that was not well quantified.

White marlin

Based on white marlin's geographic distribution, physical characteristics, genetics and tagging studies, scientists concluded that the existence of a single Atlantic stock was most consistent with the biology of this species. Scientists estimated that the current biomass for the white marlin stock was only about 12% of the level required to achieve MSY (estimated to be 964 mt). In addition, the current white marlin stock is incurring fishing mortality that is about 8 times higher than the population can sustain to produce MSY. On the basis of this information, scientists concluded that white marlin are severely overfished and that overfishing has taken place for more than three decades. Reductions in landings 25% (from the 1996 levels) previously recommended by the ICCAT Commission will not eliminate overfishing of the white marlin stock. As with blue marlin, one source of uncertainty noted in the assessment was the use of historical data that was not well quantified.

Sailfish²

Based on sailfish's geographic distribution, and the results of genetics and tagging studies, scientists concluded that separate eastern and western Atlantic stocks existed. ICCAT stock assessment results for West Atlantic sailfish (conducted in 1993) and for east Atlantic sailfish (conducted in 1997) indicated that these stocks are at least fully exploited, or possibly overfished. More current stock assessments were conducted in October, 2001, however, factors such as incomplete landings reports necessitated the use of trends in catch-per-unit effort (CPUE, an index of sailfish abundance) to provide insight into stock status instead of the models used previously. These analyses suggested that western Atlantic sailfish stocks are at least fully-exploited, while eastern Atlantic sailfish stocks are at least fully-exploited and possibly overfished (ICCAT 2001).

²Historically, ICCAT has not been able to separate sailfish from spearfish landings from the offshore longline fleets and assessments prior to 2001 were made on the sailfish/spearfish complex.

Using the best available data and current assessment methodologies, the status of blue and white marlin and sailfish stocks continue to show cause for great concern. The U.S. has been successful in negotiating through ICCAT, significant reductions in international allowable catch levels in its initial effort to reduce billfish mortality. However, the initial steps in promoting the recovery of these billfish species may not be sufficient and ICCAT is reluctant to take additional steps unless assessment uncertainties can be addressed. Therefore, SEFSC, guided by this Billfish Research Plan, will address biological, ecological, and fishery related information deficits, as well as stock assessment modeling issues, to reduce the uncertainties of stock assessments and improve the biological basis for management and rebuilding of these stocks.

THREATS TO ATLANTIC BILLFISH STOCKS

Billfishes are subject to both recreational and commercial fishing pressures throughout the Atlantic. However, as previously mentioned, the most significant threat to billfish stocks comes from the offshore longline fishery – 70% to 90% of the Atlantic-wide billfish landings reported to ICCAT are the result of bycatch from longline fisheries targeting tunas and swordfish. Billfish are subject to bycatch by these longline fleets for a number of reasons: for example, billfishes share habitat and feeding grounds of target species (billfish often consume the same food as target species) and fishing methods and gears used do not discriminate between target and bycatch species.

The commercial tuna fishery in the Atlantic Ocean began in the 1950s, when longline vessels began to fish in the tropical waters of the western Atlantic for yellowfin tuna (*Thunnus albacares*). This fishery expanded rapidly and by the mid-1960s, operated throughout the Atlantic Ocean with nearly 100 million hooks being set annually (Beardsley and Conser 1981). Over the next three decades, the target species of the offshore longline fleet eventually shifted to albacore (*T. alalunga*) and then to bigeye tuna and swordfish. As a result of this longline exploitation, total landings of blue marlin and white marlin reported to ICCAT fell dramatically from a peak of nearly 12,000 metric tons (combined landings) in 1964, to a little over 3,000 mt by 1984. During the mid-1980s, the U.S. longline fisheries for swordfish in the Caribbean and tropical

Atlantic, as well as the tropical purse seine fisheries, were also contributing to billfish mortality.

Historically, U.S. landings constituted only a small fraction of the total Atlantic landings of billfish. For example, during the 1990's, Atlantic billfish mortality from commercial (including dead discards) and recreational fisheries in the U.S. averaged 5.2 percent for blue marlin, 5.8 percent for white marlin and 6.6 percent for west Atlantic sailfish relative to the total billfish mortality reported to ICCAT. In the U.S. there is intense competition for billfish resources between the recreational angling community and fisheries that have billfish as a bycatch. This competition arises from the need to share limited resources that are highly migratory and range well beyond the jurisdiction of any one nation. Commercial fishers argue that recreational landings are under-reported, and that Atlantic billfish mortality associated with recreational catch-and-release fishing is significant and needs to be better accounted for in estimating the impact of recreational fishing. Conversely, recreational fishers claim that commercial longline fishing is depleting the stocks.

The SEFSC recognizes that any research effort to seriously address billfish mortality and declining stocks must yield results that: (1) Can guide management decisions for reducing billfish bycatch; and (2) Guide the development of fishing technologies, practices and gears that will minimize bycatch and mitigate post-release mortality in both the recreational and commercial fisheries.

CORE PRINCIPLES GUIDING SEFSC's BILLFISH RESEARCH EFFORTS

The SEFSC will continue to conduct research under pertinent federal and international regulations to improve management decisions aimed at conserving and promoting the effective use of billfish resources. In addition to meeting its national and international regulatory obligations, SEFSC is committed to: (1) Conducting research of the highest caliber; (2) Conducting cooperative research with members of the recreational and longline fishery as they are the main sectors that impact billfish resources; and (3) Developing strong research partnerships with academic and other government scientific

institutions to generate results that can be used to gain international consensus on management measures for billfish resources.

Meeting Regulatory Requirements

While most U.S. fish stocks fall entirely under the authority of NMFS and domestic regulations, highly migratory species, such as billfish, frequently move outside the limits of national jurisdiction, where foreign fishing fleets exploit them. Therefore, the management of Atlantic billfish populations comes under the jurisdiction of ICCAT. The U.S. has been a member of ICCAT since 1967 and the U.S. Secretary of Commerce is required under the Atlantic Tuna Conventions Act (ACTA) to implement all recommendations approved by the Commission. The SEFSC has acquired most of the responsibilities associated with Atlantic billfish research and assessment activities on behalf of the U.S. government. NMFS therefore is subject to domestic and international requirements to avoid and reduce bycatch and bycatch mortality – specifically, the Magnuson-Stevens Act, the Marine Mammal Protection Act, the Endangered Species Act, the Atlantic Tunas Convention Act, and ICCAT. SEFSC is responsible for most of the Atlantic billfish research and assessment for the U.S.

Ensuring Research of the Highest Caliber

The SEFSC will continue to rely on three main processes for ensuring high scientific standards: (1) The utilization of the scientific peer review processes to provide independent, technical and expert assessments of research products; (2) Routine program review of billfish research efforts to ensure that work conducted supports and is relevant to NMFS' mission and the requirements of ICCAT; and (3) The use of “international bench-marking” where the quality of SEFSC's research activities is compared on a global scale with other research institutions engaged in similar research – this is particularly important given the need to secure the participation of foreign and international resource management entities in the effective management of billfish resources.

Cooperative Research

The SEFSC has a long history of cooperative research. Long-term databases

generated as part of the Cooperative Tagging Center (CTC) program span some 49 years (from 1954 to the present) and contain conventional (non-electric) tag release and recapture locations for blue marlin, white marlin and sailfish (Ortiz *et al.* 2003). The CTC began at Woods Hole Oceanographic Institute and was later transferred to the SEFSC in 1978. This tagging program is the largest (over 100,000 participants to date) and the oldest constituent-based billfish-tagging program in the world (Ortiz *et al.* 2003). Its success has led to development of additional programs, including those administered by NMFS Southwest Fisheries Science Center in La Jolla, CA, The Billfish Foundation in Fort Lauderdale, FL, the New South Wales Division of Fisheries, in Australia, and the Ministry of Agriculture and Fisheries in New Zealand. Recreational Billfish Surveys (RBS) were initiated in the Gulf of Mexico in 1971 and also involve strong participation by constituents. The RBS involves monitoring, collection, and reporting (ICCAT, national report, etc) of catch and effort statistics and size of landed fish at billfish tournaments and at selected docks.

Scientific Results to Gain International Consensus on Billfish Management

Some have argued that the impact of management actions taken by the U.S. will have little impact on Atlantic billfish stocks because: (1) Only a small percentage of the stock occurs at any point in time within the U.S. EEZ; and (2) The entire U.S. Atlantic fishing fleet (commercial and recreational) accounts for less than 5% of total Atlantic billfish mortality. However, the U.S., through the SEFSC, continues to be a leader in the conservation of Atlantic billfish, and was the first ICCAT member nation to take steps domestically to protect these stocks (*i.e.*, the 1988 Atlantic Billfish Federal Management Plan). At the strong urging of the U.S. delegation in 1986, the ICCAT Commission

approved and initiated the ICCAT Enhanced Research Program for Billfish (IERPBF³) – an enhanced program was seen as mandatory for improved stock assessments. Furthermore, relying largely on scientific information, the U.S. successfully negotiated through ICCAT, significant reductions in international allowable catch levels for billfishes. SEFSC therefore, in ensuring that economically and ecologically important billfish resources are protected and restored, will continue to conduct research and managers responsible for billfish management.

SEFSC's BILLFISH RESEARCH PROGRAM

SEFSC's comprehensive research program encompasses biological and ecological research to improve the biological basis for billfish management and to reduce uncertainties in stock assessments. Specific activities include the development and application of stock assessment methodologies and analytical research tools, electronic monitoring of billfish behavior (e.g. pop-up satellite tags/GIS), fisheries and socio-economics research, and research into the interaction of longline fishing gear configuration and billfish behavior and subsequent effects on the extent of billfish bycatch and/or mortality. Resources needed to support SEFSC's expanded billfish program for FY 2004 – FY2006 is \$6.4M and includes four additional full time permanent SEFSC staff for FY 2004. Further additions to SEFSC staff will be made in future years as funds become available.

³ICCAT has had jurisdiction over billfish since the Commission Convention was signed in 1956; however, collecting fisheries statistics on billfish was of low priority due to their relatively low economic value as food. The U.S. delegation pointed out that billfish are "rare event" species with an extensive geographical range, which makes it difficult and expensive to collect in sufficient numbers in order to address pertinent research questions. Collectively, these problems prevented more rigorous stock assessments and the U.S. delegation maintained that these data would not be obtained unless direct emphasis was placed on this species group. The ICCAT Commission approved the enhanced program in 1986, provided that this program (\$25,000.00/year) was funded by entities outside the Commission, primarily U.S. recreational constituents. Over the next 12 years (through 1997), the IERPBF was coordinated by SEFSC staff and funded primarily by The Billfish Foundation and other U.S. conservation groups. Through this program, the SEFSC has established ongoing data collection programs with several Atlantic nations. These data are used to provide better size, area, and gear specific components of billfish catch to ICCAT and the program has become a model for other areas where under-reporting is a problem. At the 2000 ICCAT stock assessment meeting in Miami, Florida, it was recognized that the IERPBF was responsible for much of the improvement for the ICCAT billfish databases.

Resource Needs for FY 2004-2006

There is a great need for SEFSC to gain substantial increases in funding and full time permanent staff to conduct critical research and for expanding working relationships with domestic and foreign research entities – a pre-requisite for ensuring the future of Atlantic billfish resources and the continued viability of the U.S.’s recreational billfish sector. The opportunity now exists to address the ever increasing threat to billfish stocks by making the best use of SEFSC’s well-established, comprehensive and underutilized research capabilities (*e.g. See Appendix- SEFSC’s Recent Publications, and discussions in the following section of this document that summarize the important work that can be accomplished, should adequate funding become available*). Given that billfish are “rare event” species with an extensive geographical range, and the largest landings are a result of a bycatch from longline fisheries targeting other species, they are difficult and expensive to: (1) Collect in sufficient numbers in order to address pertinent biological research questions; and (2) Monitor and assess their stocks. Table 1 outlines the main components of SEFSC’s billfish research program and resource needs for FY2004-FY2006.

Table 1. Resource Needs for SEFSC Expanded Billfish Research Program, FY 2004 – FY 2006.

Research Category	Research Area	FY 04	FY 05	FY 06	Total
<i>Biological and Ecological Research</i>	Age and Growth	\$130K	\$150K	\$130K	\$410K
	Species identification	\$100K	\$100K	\$80K	\$280K
	Gender and Maturity Determination	\$150K	\$150K	\$140K	\$440K
	Essential Fish Habitat/Spawning Behavior	\$250K	\$350K	\$350K	\$950K
Sub-Total		\$630K	\$750K	\$700K	\$2,080K
<i>Analytical Methodology & Research Tool Development</i>	Stock assessments and modeling	\$100K	\$250K	\$270K	\$620K
	Pop-up satellite tag technology - Spatial Analysis - Geographic Information Systems (GIS)	\$200K	\$300K	\$300K	\$800K
Sub-Total		\$300K	\$550K	\$570K	\$1,420K
<i>Fishery Research</i>	Recreational billfish tournament survey/Conventional tagging program	\$100K	\$100K	\$100K	\$300K
	Fishing Strategy & Gear modification to reduce bycatch/post release mortality	\$400K	\$500K	\$530K	\$1,430K
	Improvement in Monitoring Billfish Landings and Catch Statistics	\$120K	\$150K	\$150K	\$420K
	Socio-economics	\$250K	\$250K	\$250K	\$750K
Sub-Total		\$870K	\$1,000K	\$1,030K	\$2,900K
GRAND TOTAL		\$1.8M	\$2.3M	\$2.3M	\$6.4 M

BIOLOGICAL AND ECOLOGICAL RESEARCH

For the next three years, SEFSC's biological and ecological research efforts will place special emphasis on: (1) Age and growth studies; (2) Species identification; (3) Gender and maturity determination; and (4) Habitat utilization/reproductive biology.

Age and Growth Studies

Accurate estimates of population age-structure and fish growth rate are prerequisites for the application of advanced stock assessment methods. There is a paucity of validated, sex-specific and species-specific information on billfish age and growth. Fish growth rates can be inferred from tag and recapture studies, length-frequency distributions or by counting increments deposited on fish "hard parts" such as the scales, fin rays or otoliths (ear bones). Of these methods, age determination based on growth bands on skeletal hard parts is the most reliable. However, published ageing studies on billfish are few, in part, due to the difficulty of validating ageing methods. In addition, the extremely small size of billfish otoliths makes them difficult to locate, manipulate, expensive to collect, and, analyze. Males and females billfish species are likely to have different growth trajectories, therefore, investment in research focusing on determining age-size relationships is required. Without these relationships, scientists and resource managers are prevented from using more sophisticated analytical techniques for stock assessment and predictive purposes. SEFSC has a twenty-year history of conducting billfish age and growth studies. However, to date, sample sizes have been small, especially for the earliest life stages (i.e., larvae and juveniles) and new methods and technologies for age validation have only just become available. To resolve these problems, SEFSC scientists are currently collaborating with researchers at the University of Miami to develop sex-specific age-size curves for blue marlin, white marlin, and sailfish. This involves the collection and measurement of larvae, juveniles and adults of each species, the extraction and preparation of their saggital otoliths or other hard part for video-microscopy, and the counting and measuring of deposited increments. Collaborators at the University of Miami's Rosenstiel School of Marine and Atmospheric Science (Center for Sustainable Fisheries) are also attempting to maintain billfish in captivity for the express purpose of validating increment deposition rates for young-of-the-year. The capture of live animals and subsequent labeling of their hard parts with chemical markers (e.g., by immersion in oxytetracycline) and then maintenance of these actively "labeled" individuals for known time periods is one of the most reliable ways to validate ageing methods (Geffin 1987). It should be noted, as shown in Table 2, that much of SEFSC's biological and ecological research activities and the analytical research tools used, can be organized by life history stages (i.e. larvae, juveniles, and adults).

Species Identification

Traditional visual means of identifying billfish at the species level are adequate for distinguishing intact, adult specimens. However, when specimens are young (and small), or when fish are dressed at sea, identification to species can be extremely difficult. Because knowledge of species identity is necessary before conducting any species-specific analysis, the need for new methods to tackle this fundamental problem is pressing. Conclusive identification of billfish larvae, and to lesser extent juveniles, continues to be a serious challenge. Species-specific knowledge of distribution and abundance of the larvae of a given billfish population is important because: (1) The presence of very young larvae is the only conclusive evidence that successful adult spawning activity has occurred at, or near, the waters of their collection; and (2) Larval abundance may hold promise as an indicator of the quantity of spawning adults that produced them. In larger larval specimens, differences in vertebral counts and head shape are useful for separating larval blue marlin from the other istiophorids, but progress in distinguishing sailfish and white marlin larvae has been exceedingly slow. Species identification problems are not restricted to larvae. Distinguishing adult billfish is especially problematic when only a dressed carcass is available or when biologists are presented with only a small piece of tissue.

The SEFSC is part of a collaborative effort to employ molecular techniques to resolve the longstanding problems of billfish species identification. This is being achieved by teaming with scientists at the University of Miami's Center for Sustainable Fisheries who have been leaders in the application of state-of-the-art techniques to determine species identity from very small quantities of tissue. The approach involves the analysis patterns produced via restriction fragment length polymorphism of nuclear DNA whereby unknown larval/tissue samples are compared with the DNA of positively-identified adults. Also, through the IERPBF, Florida Atlantic University has developed a method for species identification of sailfish using a small sample muscle tissue (Hartman *et al.* 1994).

Table 2. Research topics, tools and techniques, for billfish life stages currently being examined by the SEFSC.

RESEARCH TOPIC	TOOLS & TECHNIQUES									
	Genetics	Immunology	Hardpart Analyses	Histology	Blood Chemistry	Satellite Tags	Conventional Tags	Gear Experiments	Gut Analyses	Plankton Surveys
Species Identification	L,J,A									
Gender & Reproductive State		J,A		J,A						
Age & Growth			L,J,A				A			
Stress Physiology					A			A		
Post-release Mortality						A		A		
Horizontal & Vertical Movement						A	A	A		
Feeding			L,J,A						L,J,A	
Gear Behavior & Modification					A	A		A		
Spawning & Nursery Habitat	L,J,A	A	L,J,A	A		A				J,L

L = larval

J = juvenile

A = adult

Gender and Maturity Determination

Identification of fish gender and reproductive status is a highly desirable capability for fishery biologists and stock assessment scientists. Minimum size limits, for example, are usually set after consideration of the size at which most individuals become sexually mature. In billfishes, males reach maturity at smaller sizes than females and the maximum size attained by the males of each of the Atlantic billfishes is appreciably less than that of the females. This suggests that the respective growth trajectory of each sex also differs and needs to be accounted for in stock assessments. Estimates of the proportion of mature females in a population (as well as their fecundities) are also needed in order to evaluate exploitation rates and set new harvest goals. In the case of the Atlantic billfishes, there is great uncertainty regarding the sex-structure (male/female ratios) throughout their range. Furthermore, interpretation of the movement of electronically- and conventionally-tagged billfish is compromised because, as yet, non-lethal techniques for determining gender and maturation status are unavailable.

The SEFSC is taking an immunologic approach towards tackling the problem of determining billfish gender and state of maturity. The SEFSC is collaborating with scientists at the University of Miami School of Medicine who are developing immuno-assays capable of measuring hormone levels (testosterone and estradiol) and concentrations of a protein associated with egg production (vitellogenin) from small samples of muscle tissue. These assays are precursors to developing “field kits” that rapidly reveal sex and reproductive status of fish (or parts thereof) at tournaments, at docks and on commercial and recreational fishing vessels. Because only a few grams of tissue are needed, such kits represent a non-lethal means of obtaining information that, to date, has required a dead animal. In this regard, the testing of small tissue samples obtained just prior to release of all electronically and/or conventionally tagged billfish could reveal important sex-specific movements never before recognized.

Habitat Utilization

Better management through habitat protection is the intent behind the recent federal mandate to describe and identify "essential fish habitat" (EFH) in all US fishery management plans (NOAA 1996). The mandate is significant because it recognizes that a species' entire life cycle, not just the exploited phase, needs protection together with its nursery, feeding and spawning areas. Identifying EFH for pelagic fishes is a serious challenge. For example, billfish do not associate with easily identifiable, relatively stable features such as a particular vegetation type or underwater structure. Rather, they show affinities for dynamic physiographic “structures” in the water column that are defined by interactions among several factors such as oceanic fronts, river plumes, current boundaries, shelf edges, temperature discontinuities and sea mounts. Because such water column features are so dynamic, detailed delineation of billfish spawning, nursery and feeding habitats are, for the most part, lacking. Part of

the problem is that most of the literature on billfish larvae and juveniles mention them as incidental catches in studies that were directed at other species or that were concerned with characterizing ichthyofaunal or plankton communities as a whole.

The SEFSC is currently placing major emphasis on defining billfish EFH, particularly spawning and nursery habitat of the Atlantic species. Working closely with biologists and oceanographers at the University of Miami's Rosenstiel School of Marine and Atmospheric Science (Center of Sustainable Fisheries), our approach is to identify billfish spawning and nursery grounds by conducting larval surveys and then analyzing the resulting density-distribution, age-structure and condition of collected larvae in relation to prevailing currents and other oceanic features (Serafy *et al.* 2003). Recent work on blue marlin in Bahamian waters indicates that larval surveys are an efficient way to simultaneously obtain information on billfish spawning and nursery habitat, but this approach relies heavily on the resolution of problems that are the focus of our other research elements. Knowledge of species identity, age and growth and, ideally, swimming behavior is needed for the most accurate estimates of spawning and nursery habitat and to evaluate habitat quality. In addition, the SEFSC is working closely with the University of Miami to assess the reproductive behavior of adult billfish associated with spawning and nursery habitat (identified above) using popup satellite tag technology, thus providing a comprehensive approach to evaluating EFH by examining all life stages.

ANALYTICAL METHODOLOGY AND RESEARCH TOOL DEVELOPMENT

Modeling of Billfish Populations for Stock Assessments

The fact that the majority of landings for Atlantic billfish are a bycatch from the longline fleet, combined with the "rare event" nature of these resources and other unique aspects of their biology, has hindered the monitoring, analysis and modeling of billfish populations for stock assessments (ICCAT, 2000). For example, there has always been difficulty in interpreting production model results for marlin when the majority of landings and catch rates for these species come from fisheries that do not target billfish directly. Also, fishery independent indices of abundance (for example, a times series of larval abundance) have never been developed for any billfish species due, in part, to problems with larval identification and lack of knowledge on where and when billfish spawn (discussed earlier). This research area can be placed into two categories: (1) Development of alternative innovative stock assessment models to better reflect the bycatch status of billfish; and (2) Development of fishery independent indices of abundance for billfish.

Development of Alternative Stock Assessment Models. The SEFSC has historically taken the lead in ICCAT stock assessments involving billfish. In the early 1980's, SEFSC staff developed a non-equilibrium production model (ASPIC, Prager 1985)

which allowed data input from several different fisheries and gears, thus eliminating the exclusive use of Japanese longline data as a proxy for Atlantic-wide abundance indices (i.e. CPUEs). While this model subsequently did reduce some stock assessment uncertainties, uncertainties still exist and further model improvements are necessary. Use of more sophisticated assessment models, such as yield per recruit or virtual population analysis models, require catch to be sexed and partitioned into length/age tables. As discussed earlier in the section on biology, validation of ageing techniques for adult billfish has not been adequately developed for most species, and these data, as well as more information on the sex and size of current and historic billfish landings, are required for use of the more sophisticated models. Also, there is a need to develop procedures for investigating the standardization of CPUE indices, particularly for data bases with a high proportion of zero catches (as is the case for longline fisheries). Closely related to developing standardization procedures is the need for information to define the habitat of billfish (such as depth, temperature preferences) so quantitative relationships can be constructed between billfish distribution and environmental variables. Data on habitat preferences of billfish need to be acquired, as discussed previously, using popup satellite tags and other appropriate technologies.

Development of Fishery Independent Indices of Abundance. Some of the uncertainties associated with stock assessments can be addressed if there is an opportunity to compare fishery dependent indices of abundance with indices of abundance derived for the same species from fishery independent sources. Developing indices of abundance from larval surveys is one example of the latter approach and this has been used in ICCAT's assessment of western Atlantic bluefin tuna (*Thunnus thynnus*, ICCAT 2001). One of the problems of developing fishery independent indices of abundance for billfish is that, as discussed earlier, there is a species identification problem that still exists for some larval billfish species.

Development of Popup Satellite Tags and the Application of GIS Technology

Advances in billfish biology and management require that appropriate data on both fish movement and the dynamics of the fisheries that exploit them are obtained and analyzed. An understanding of the long-term (weeks to years), large-scale movements/migrations of billfish populations is critical for defining, assessing, and ultimately managing their stocks. For example, prior to 1995, Atlantic blue marlin was managed as two (i.e., western and eastern) stocks. However, largely because of recent conventional and electronic tagging efforts it has been demonstrated that trans-Atlantic and trans-Equatorial movements occurred. This was corroborated by genetic studies of stock structure. Today, blue and white marlin are managed as single Atlantic stocks. Similarly, studies on short-term (days to weeks) post-release movement provide critical information on mortality rates associated with: (1) Catch-and-release angling; and (2) The practice of discarding live, non-target fish that have been captured by commercial longline gear. Short-term archival and pop-up satellite tagging investigations, therefore, represent a direct and novel approach toward assessing specific fishery impacts. The latest generation of these tag types can

monitor horizontal and vertical position, which, when superimposed on physical oceanographic features, can provide valuable insight into billfish habitat utilization as well as post-release survival. Figure 1 illustrates how pop-up satellite tags are used. A marlin is equipped with a popup satellite archival tag to monitor its movements and assess post-release survival. The tag releases from the fish at a pre-determined time and transmits data to the Argos system of satellites, which in turn are provided to scientists via the internet.

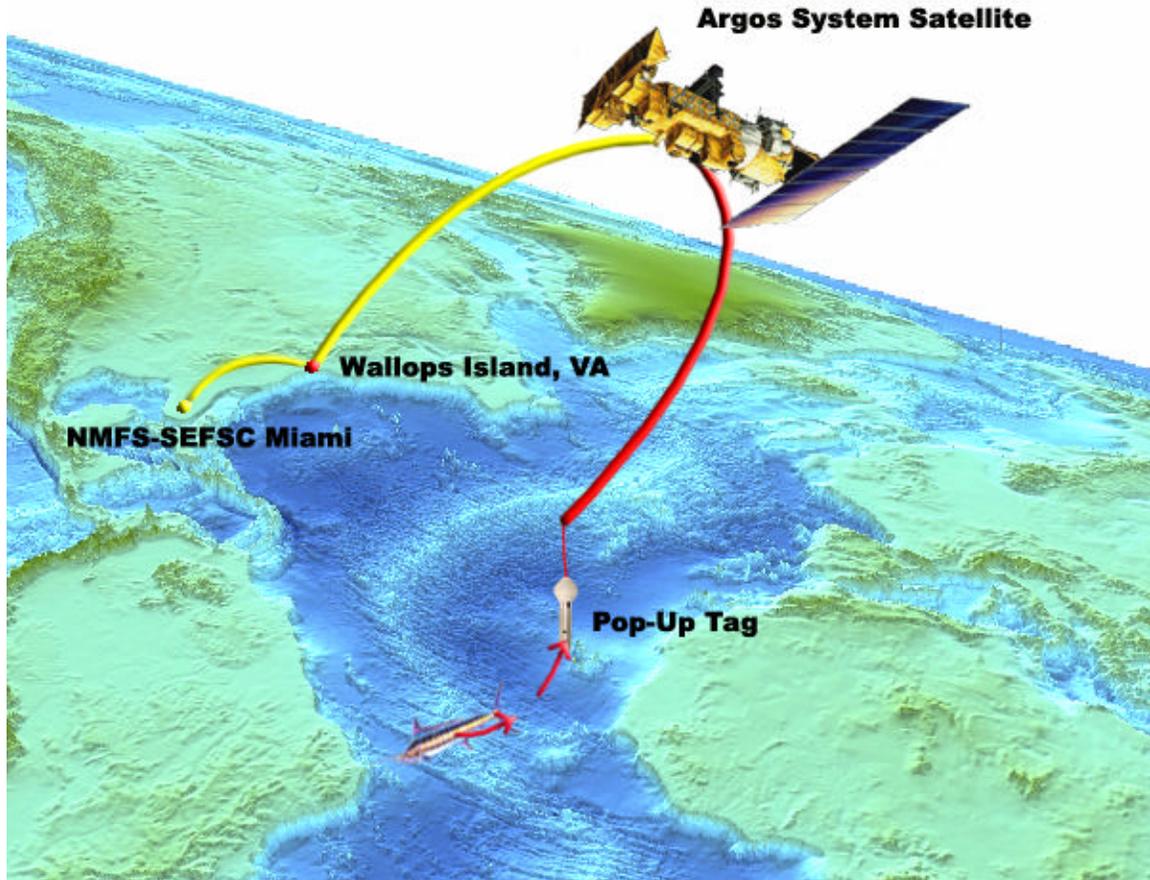


Figure 1. Popup satellite tags collect horizontal and vertical movement and environmental data on billfish, pop off the fish at a pre-determined time, and transmit the data to the Argos system of satellites. These data are then provided to scientists via the internet.

SEFSC initially developed expertise in using some of the most advanced “state-of-the-art” tagging technology in the mid-1990’s, while monitoring the ocean-wide movements of giant bluefin tuna using implantable archival tags and popup satellite tags (Block *et al.* 1998; and Block *et al.* 2001). More recently, SEFSC has been working closely with the University of Miami, Virginia Institute of Marine Science and the Bermuda Department of Fisheries in developing unique popup satellite tag applications specifically to address post-release survival, habitat use, and reproductive behavior of marlin and sailfish (Graves *et al.* 2002; Kerstetter *et al.*

2003). In addition, popup satellite technology is currently being adopted by SEFSC staff for examining post-release survival of sea turtles released from the U.S. distant water longline fleet. As a result, the SEFSC is planning to devote considerable resources towards electronic tags that will be deployed on mature billfish in areas suspected to be spawning grounds in order to evaluate essential fish habitat, reproductive behavior, and post-release survival. The resulting data are voluminous and complex, and visualization and analysis require sophisticated geographic information system (GIS) computer software, state-of-the-art hardware and experienced staff to run them. The SEFSC has also recently established the GIS infrastructure necessary to process large amounts of data from satellite tags but this overall effort is severely under-funded.

FISHERY RESEARCH

The effective management of billfish resources will ultimately involve changes in the behavior, attitudes and economic activities of those who impact these resources. The SEFSC will be expanding its fishery research activities with a focus on both the commercial (*i.e.*, pelagic longline fleet) and recreational communities, especially as they are key constituents who may face the prospect of severe conservation and management measures aimed at protecting the viability of the billfish resource. The main components of SEFSC's fishery research efforts are: (1) Fishing strategy and gear modification to reduce bycatch; (2) Improvement in monitoring billfish landings and catch statistics; and (3) Socio-economics.

Fishing Strategy and Gear Modification to Reduce Bycatch

The greatest source of mortality for Atlantic billfishes reported to ICCAT is the result of a bycatch from the pelagic longline fisheries that target commercially valuable tunas and swordfish. As indicated by the most recent ICCAT stock assessments on Atlantic marlin, these resources are overfished and ICCAT has recognized that fishing mortality for these species must be reduced. Research on fishing strategy and gear modification is one area of research that contributes directly to a body of knowledge used to manage the stocks, develop rebuilding plans, and reduce overall mortality for the species of interest. However, little is known about the behavior of longline fishing gear and how it interacts with billfish and other bycatch species. There are several types of research topics that could address fishing strategy and gear modifications, including: (1) Use of different materials and lengths of mainline and branch lines to reduce the encounter rate, entanglement, and associated mortality of billfishes; (2) Modifications of terminal gear for reducing physical hook damage and trauma associated with the catching event or avoidance of certain species with modifications of bait; (3) Investigating various forms of time/areas closures to reduce the encounter rate and mortality of billfish; and (4) Documentation of horizontal and vertical distribution of longline gear and billfish

Varying Different Materials and Lengths of Mainline and Branch Lines. Very little work has been done in the area of modifying deployment gear in terms of using different materials and lengths of mainline and branch lines (Berkeley and Edwards, 1999). Some preliminary studies indicate that mortality of billfish caught on longline gear often results from entanglement with branch lines or ganglions. Modifications of gear configuration need to be investigated more fully to evaluate their utility for reducing billfish encounter rates and mortality.

Modifying Terminal Gear. The SEFSC has engaged in experiments in recent years comparing the hook performance between “J” hooks and circle hooks deployed off recreational vessels catching school size bluefin tuna and billfish (Prince et al. 2002; Skomal *et al.* 2002). These studies established that the use of circle hooks provides a terminal gear with catch rates comparable to or greater than “J” hooks but greatly reduces deep hooking and bleeding associated with physical hook damage and trauma. Thus, circle hooks promote live release of these species. However, this work is only in the initial stages and virtually no work has been done on longline gear (Faltermann and Graves 2002). This research area is of great importance because it supports efforts to enhance live release of billfish and encourages non-consumptive use of billfish resources.

Time-Area Closures: The U.S. submitted a number of reports to ICCAT involving analyses of time/area closures to reduce the encounter rate and mortality of billfish (Goodyear, 2000). Based on some of these results, NMFS has adopted time/area closures in its management of U.S. Atlantic billfish resources. However, more work in this area could provide additional means to manage billfish in the U.S. EEZ and elsewhere.

Vertical and Horizontal Distribution of Longline Gear and Billfish. Understanding the vertical and horizontal distribution of both longline gear and billfish is the first step in defining the interaction between this gear type and species group. Little work has been done in this area, yet a clear understanding of the dynamics between fish and gear is a prerequisite for efforts to minimize encounters and reduce mortality of billfish caught on longline gear. Also, these data are badly needed for standardizing catch rates of billfish caught on longline gear that are used in stock assessment models.

Improvement in Monitoring Billfish Landings and Catch Statistics.

The IERPBF has made major improvements in monitoring of Atlantic-wide billfish landings and catch statistics over the last dozen years (ICCAT 2000). However, this activity has been severely limited by budget constraints, which in the past have relied primarily on U.S. recreational interests contributing \$25K annually. Therefore, there is still much room for improvement, especially regarding known areas that

consistently support high concentrations of billfish in the Caribbean Sea and off the west coast of Africa. Locating sufficient funding will be required to complete the ICCAT/SCRS approved research and monitoring tasks. In addition, there is a need to develop a procedure for checking and validating historical landings and catch statistics since ICCAT has made this recommendation at the most recent SCRS meeting.

Socio-Economic Research

Central to improving the fisheries management process is the recognition of the importance of billfish resources to the various stakeholders. The U.S. Congress has long recognized the importance of understanding the linkages between resource health and user groups and the need for participatory management processes. This has required that management and conservation measures in fishery management plans (and subsequent amendments) “take into account the importance of fishery resources to fishing communities in order to: a) provide for the sustained participation of such communities, and b) to the extent practicable, minimize adverse impacts on fishing communities.”

To better fulfill Congress’ mandates, SEFSC plans to conduct and support studies that identify and characterize the principal billfish stakeholders, specifically taking into account their cultural, economic and social dependence on these fisheries. The results of these studies are essential to developing effective billfish management measures. Discussed below are critical socio-economic efforts and research areas being pursued or being contemplated by SEFSC.

Development of Socio-economic Indicators for assessing the Effectiveness of Management Measures The goal of this project is to describe and survey the main stakeholder groups interested in billfish management in the North Atlantic. The project was developed by SEFSC with researchers from ICCAT and several universities in the U.S. and abroad. The project will collect socio-economic data, seek opinions from constituents on management objectives, and develop a set of socio-economic indicators for monitoring the effectiveness of management measures. Additionally, the current “simulation framework” used for evaluating the effectiveness of management measures for tuna stocks will be modified to accommodate relevant aspects of billfish and their fisheries resulting from this research project.

Development of Bio-economic Models for Assessing the Potential Benefits and Costs of Management Alternatives. There is a strong need to build bio-economic models to investigate the impact of time-area closures, and gear restrictions, as well as, vessel buy-back programs in fisheries with high billfish by-catch rates. The use of bio-economic models will allow the identification of superior management options by explicitly considering the benefits and costs (i.e., tradeoffs) of various management alternatives.

Valuing Billfish Fisheries. Assessing the economic value recreational fisheries has always been challenging because of the absence of markets. Atlantic recreational fisheries for billfish are particularly challenging because of the highly migratory nature of these stocks. There is large number of participants dispersed over an extended geographic area -- the area of recreational fishing activity involves almost the entire US eastern Atlantic seaboard, Gulf of Mexico, as well as US territorial waters in the Caribbean Sea. SEFSC plans to work with several universities and fisheries organization in the US and abroad to quantify the value of these fisheries.

Development of Innovative Management Strategies. Building on our stakeholder assessments studies and socio-economic indicator work, the SEFSC plans to develop superior management strategies to conserve billfish resources. Key to building new effective management strategies is to anticipate how stakeholders will respond to proposed regulatory changes. Drawing on our proposed bio-economic work, SEFSC plans to investigate the socio-economic consequences of adopting innovative management approaches such as the use of economic incentives to reduce by-catch and the development of rights-based management systems.

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or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 10, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-5241 Filed 3-16-05; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Proposed Information Collection; Comment Request; Northeast Region Sea Scallop Framework 16 Adjustment**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), DOC.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 16, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Don Frei, 978-281-9221 or [don.Frei@noaa.gov](mailto:don.Frei@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

Recent Atlantic sea scallop fishery management actions included a controlled Area Access Program as a key part of scallop management. To ensure compliance with the Area Access Program, participating vessels are required to use a Vessel Monitoring System (VMS) to enroll in the program and to report catch. On November 2, 2004, Framework 16 to the Atlantic Sea Scallop Fishery Management Plan

(FMP) and Framework 39 to the Northeast Multispecies FMP (Joint Frameworks) were implemented and included these same provisions for a new Area Access Program. In addition, the Joint Frameworks extended the Area Access Program, and VMS reporting requirements to include the general category scallop vessels, which were not previously eligible to fish in the Area Access Program. The reporting requirements for the general category scallop vessels are currently approved through June 30, 2005, and would be extended for 3 years through this action.

**II. Method of Collection**

General category scallop vessels fishing in the Area Access Program are required to install and operate VMS units, and report catch and related information through the VMS e-mail messaging system. The vessels must send notification of intent to fish in the Area Access Program through the VMS e-mail system at least 72 hours prior to the opening of an access area. All Area Access Program vessels must also notify the National Marine Fisheries Service (NMFS), via VMS message, of their intent to fish in the Area Access Program for any given month (5 days prior to the beginning of the month). These notifications to NMFS are necessary in order to allow for the assignment of at-sea observers on some trips. The VMS is polled every 30 minutes consistent with the requirement for other vessels participating in the Area Access Program.

**III. Data**

*OMB Number:* 0648-0509.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 274.

*Estimated Time Per Response:*

Installation of VMS, 1 hour; verification requirement of VMS unit, 5 minutes (0.083 hour); daily reporting requirements with observer on board, 10 minutes (0.17 hour); daily reporting requirements without observer on board, 10 minutes (0.17 hour); VMS/5-day notification before month of fishing, 2 minutes (0.033 hour); VMS/72-hour departure notification to a controlled access area, 2 minutes (0.033 hour); notification for the day vessel leaves on the area access trip, 2 minutes (0.033 hour); VMS polling-daily, twice per hour, 6 seconds (0.0014 hour).

*Estimated Total Annual Burden Hours:* 13,152.

*Estimated Total Annual Cost to Public:* \$491,000.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 10, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-5242 Filed 3-16-05; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Proposed Information Collection; Comment Request; Characterization of the U.S. Recreational Fishery for Atlantic White Marlin**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), DOC.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 16, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection

instrument and instructions should be directed to: Eric D. Prince, (305) 361-4248, [eric.prince@noaa.gov](mailto:eric.prince@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

According to the International Commission for the Conservation of Atlantic Tunas (ICCAT), Atlantic white marlin has been severely overfished for several decades and the stock continues to decline. These unfortunate circumstances have prompted several conservation groups to petition NOAA Fisheries to list white marlin under the Endangered Species Act (ESA). One of the main objectives of the Atlantic Billfish Research Plan ([http://www.sefsc.noaa.gov/PDFdocs/ABRP\\_01\\_30\\_04.pdf](http://www.sefsc.noaa.gov/PDFdocs/ABRP_01_30_04.pdf)) is to develop better information for management and rebuilding of the stocks. This project is designed to investigate characteristics of the offshore recreational white marlin fishery, including identification of specific fishing techniques and potential variables that might be included in post-release survival experiments. Specific in-depth knowledge of fishing techniques is essential to evaluate recreational fishing impacts and to develop relevant research and management approaches to reduce mortality for this sector of the fishery.

Information will be obtained through a survey and complemented and confirmed by on-board observers in the Ocean City, Maryland area, which is known as the "White Marlin Capital of the World." The project will serve as a pilot program to develop and hone survey techniques and gain general acceptance for the survey through meetings, face-to-face dialogue and word of mouth. It is important to develop rapport with the boat captains and mates to obtain information on the methods and specific techniques used to catch white marlin, which might be closely guarded information. This work attempts to form a current and knowledgeable information source on which to base appropriate research and conservation measures relative to the U.S. recreational fishery for Atlantic white marlin.

**II. Method of Collection**

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include Internet and facsimile transmission of paper forms.

**III. Data**

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions and business or other for-profit organizations.

*Estimated Number of Respondents:* 500.

*Estimated Time Per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 85.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 10, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05-5243 Filed 3-16-05; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), DOC.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 16, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection instrument and instructions should be directed to Patricia Lawson, (301) 713-2322 or [Patricia.Lawson@noaa.gov](mailto:Patricia.Lawson@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Marine Mammal Protection Act (MMPA) requires any commercial fisher operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisher to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals.

Some States have integrated the NMFS registration process into the existing State fishery registration process and fishers in those fisheries do not need to file a separate Federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their State or Federal permit or license.

**II. Method of Collection**

Most fishers have their information imported directly into the MMAP from their State. Otherwise they can fill out the forms on NMFS' Web page or mail in application for exemption made available to them in the NMFS regions.

**III. Data**

*OMB Number:* 0648-0293.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, and individuals or households.

*Estimated Number of Respondents:* 12,000.

*Estimated Time Per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 3,000 hours.

*Estimated Total Annual Cost to Public:* \$304,550.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have