

DRAFT ENVIRONMENTAL ASSESSMENT,
REGULATORY IMPACT REVIEW,
AND
INITIAL REGULATORY FLEXIBILITY ANALYSIS
FOR A PROPOSED RULE ON
THE 2004 PROPOSED INITIAL ATLANTIC BLUEFIN TUNA
QUOTA SPECIFICATIONS
AND
GENERAL CATEGORY EFFORT CONTROLS

United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Sustainable Fisheries
Highly Migratory Species Management Division

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FINDING OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

The Highly Migratory Species (HMS) Management Division of the Office of Sustainable Fisheries submits the attached Environmental Assessment (EA) for proposed initial 2004 Atlantic bluefin tuna (BFT) quota specifications and General category effort controls, per a 2002 International Commission for Atlantic Tunas (ICCAT) recommendation, for Secretarial review under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act. This EA was developed as an integrated document that includes a Regulatory Impact Review (RIR) and an Initial Regulatory (IRFA). Copies of the EA, RIR, and IRFA are available at the following address:

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The proposed action would implement the following measures:

- 2004 fishing year BFT quotas for all domestic fishing categories,
- General category effort controls, including time-period subquotas and restricted fishing days,
- Catch-and-release provision during a fishery closure.

Having reviewed the EA, I have determined that this action would not have a significant impact on the quality of the human environment, thus preparation of an Environmental Impact Statement (EIS) on the action is not required by Section 102(2)(c) of the National Environmental Policy Act or its implementing regulations.

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries, NOAA

Date

ABSTRACT

- Proposed Action:** Set 2004 fishing year BFT quotas for all domestic fishing categories, set General category effort controls and implement catch-and-release provisions during a fishery closure.
- Type of statement:** Draft Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis
- Lead Agency:** National Marine Fisheries Service (NOAA Fisheries): Office of Sustainable Fisheries
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- Abstract:** In April 1999, NOAA Fisheries adopted the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), that was developed to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These proposed initial specifications are necessary to implement the 2002 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) pursuant to the Atlantic Tunas Convention Act (ATCA) and to achieve domestic management objectives under the Magnuson-Stevens Act for the 2004 fishing year for Atlantic tunas (i.e., June 1, 2004 to May 31, 2005). The proposed initial quota specifications would allocate the total ICCAT-recommended quota among the several established fishing categories, adjust the 2004 quotas based on landing under- and overharvests from 2003, propose General category effort controls, including time-period subquotas and restricted fishing days, and propose to implement a catch-and-release provision during fishery closures. These measures would be consistent with the BFT rebuilding program as set forth in the HMS FMP and implemented under the framework provisions of the HMS FMP to achieve domestic management objectives for HMS.

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1.0 PURPOSE AND NEED FOR ACTION

1.1 Management History

Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Act and the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations as may be necessary and appropriate to implement recommendations of ICCAT. 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). On May 28, 1999, NOAA Fisheries published in the Federal Register (64 FR 29090) final regulations, effective July 1, 1999, implementing the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) that was adopted and made available to the public in April 1999. The HMS FMP includes framework provisions for the promulgation of annual specifications for the Atlantic bluefin tuna (BFT) fishery, in accordance with ATCA and the Magnuson-Stevens Act, and to implement the annual recommendations of ICCAT.

In November 2002, ICCAT recommended a Total Allowable Catch (TAC) of BFT for the United States in the western Atlantic management area of 1,489.6 mt, beginning in 2003. The recommendation of a base allocation of 1,489.6 mt for the United States continues for subsequent fishing years until revised by ICCAT. Also in the 2002 recommendation, ICCAT allocated 25 mt to account for incidental catch of BFT by longline fisheries directed on other species "in the vicinity of the management boundary area" for the eastern and western BFT stocks. This area was defined as the NOAA Fisheries Northeast Distant statistical reporting area (NED), approximately the Grand Banks fishing grounds, in the 2003 BFT annual specifications (68 FR 56783, October 2, 2003). The TAC of 1,489.6 is inclusive of the 25 mt pelagic longline allocation. In addition to the 2002 ICCAT quota recommendation, annual quota allocations are adjusted based on over- or underharvest from the prior fishing year's activity (-90.2 mt) and applications of dead discards of BFT against the dead discard allowance (7.8 mt). Thus, the BFT landings quota for the 2004 fishing year is 1405.4 mt ($1,489.6 - 92 + 7.8 = 1405.4$ mt).

In setting the 2003 BFT annual specifications, NOAA Fisheries relied on preliminary 2002 Angling category landings estimates, to establish Angling category BFT quotas for the 2003 fishing year. These initial 2002 estimates indicated an underharvest and the 2003 Angling category quotas and catch limits were established in light of this estimated carryover amount from 2002. Since the publication of the final initial 2003 BFT quota specifications, revised preliminary estimates of 2002 fishing year Angling category landings have been made available based on data collected through the Large Pelagics Survey (LPS). These preliminary LPS estimates indicated that the Angling category fishery actually overharvested its allocated quota in the 2002 fishing year. Consequently, NOAA Fisheries has engaged in a process of continuing review of the LPS methodologies. In order to improve the survey, NOAA Fisheries has implemented changes in the way dockside interviews are obtained and in the methods of applying telephone interview data to make estimates of participation and effort. These procedural changes and changes in the geographic and temporal distribution of sampling effort,

which are intended to increase sampling size and efficiency within the traditional survey design, are currently under review by a committee of NOAA Fisheries scientists. A report evaluating these changes, and announcing final 2002 and 2003 fishing year Angling category landings is being prepared. As soon as the review committee report is completed, final numbers contained in the report will be utilized instead of the preliminary estimates contained in this EA/RIR/IRFA.

At the end of 2003 a final rule was implemented that extended the General category season from December 31 to January 31, established a Harpoon category end date of November 15 (or when the quota is reached, whichever comes first), adjusted the Harpoon category tolerance limits for large medium BFT, and adjusted the Purse seine opening date and large medium BFT tolerance limits (68 FR 74504, December 24, 2003).

1.2 Need for Action and Objectives

The purpose of this proposed action is to implement the 2002 ICCAT recommendation regarding the BFT TAC, propose 2004 specifications for the BFT fishery that allocates the TAC among domestic fishing categories, implement General category effort controls, and establish a catch-and-release provision during fishery closures. Alternatives regarding allocation of this BFT quota among domestic fishing categories, General category effort controls, as well as the catch-and-release provisions, need to be analyzed in order to ensure consistency with the objectives of the HMS FMP and its implementing regulations, applicable law, and the 1998 ICCAT Rebuilding Plan.

2.0 SUMMARY OF THE ALTERNATIVES

This section describes the alternatives considered in this EA/RIR/IRFA. Section 2.1 describes the alternatives considered regarding allocation of BFT quota among domestic fishing categories. Section 2.2 presents alternatives regarding General category effort controls, particularly with regard to providing a late season fishery off the south Atlantic coast. Section 2.3 presents alternatives regarding establishing a catch-and-release provision for handgear vessels once a fishery has been closed.

2.1 Issue One: Allocation of BFT quota among domestic fishing categories

The following alternatives represent the range of options considered by NOAA Fisheries regarding allocation of BFT quota among the six commercial and one recreational domestic fishing categories. The 2002 ICCAT recommendation concerning conservation of western Atlantic BFT set the TAC, inclusive of dead discards, for the western Atlantic management area to 2,700 mt. In accordance with the same recommendation, several deductions (mainly for other nations) reduced the TAC by 152 mt to 2,458 mt. The United States share of this revised TAC is 57.48% or 1,464.6 mt. In addition to this available quota, the United States is also allocated 68 mt to account for dead discards of BFT and 25 mt to account for retained bycatch of BFT by U.S. pelagic longline fisheries in the vicinity of the management boundary area. The alternatives range from no action to application of the TAC according to the HMS FMP and ICCAT

recommendation to application of the TAC according to some other means. Finally, NOAA Fisheries needs to account for over/underharvest of BFT from prior the year's fishing activity, and calculate any over- or underharvest from the allocated ICCAT dead discard allowance.

Alternative A1: No Action

Under this alternative, NOAA Fisheries would take no action and not allocate the 2002 ICCAT quota recommendation among domestic fishing categories. This alternative would be inconsistent with ATCA and the HMS FMP and implementing regulations. However, quota and fishing levels prior to the 2002 ICCAT recommendation serve as baseline conditions for comparison and analytical purposes with the remaining alternatives and other issues.

Alternative A2: Allocation of ICCAT quota to domestic categories in accordance with 2002 ICCAT Recommendation and HMS FMP (Preferred Alternative)

Under this alternative, the percentage allocations determined in the HMS FMP would be applied to the 2002 ICCAT Recommended BFT TAC. All domestic fishing categories would receive a share of the increase in quota from the 2002 levels (i.e. $1,464.6 - 1,387 = 77.6$ mt, not including the 25 mt set aside for the pelagic longline fishery) as stipulated in the percentage allocations determined in the HMS FMP. Dead discards would be deducted from the ICCAT dead discard allowance. Under/overharvests in each particular quota category from the 2003 fishing year would be accounted for and applied to those categories in the 2004 fishing year. Under this alternative incidentally caught BFT by pelagic longliners landed against the 25 mt set aside in the NED would be deducted from the set aside quota established in 2003 and any under/overharvests would be "rolled-over" and added or subtracted, as appropriate, to an additional 25 mt allocation for fishing year 2004. A summary of the calculations resulting in the proposed initial 2004 quota specifications is provided in Tables 1 through 3. The intent of this option is to allocate the quota provided by ICCAT as specifically as possible to the category and area intended in the 2002 recommendation and in accordance with the HMS FMP.

Alternative A3: Allocation of ICCAT quota to domestic categories via some other means than what is stipulated in HMS FMP

Under this alternative, the percentage allocations determined in the HMS FMP would not be applied to the TAC for all domestic fishing categories, but some other allocation scheme would be implemented. This alternative would implement the 2002 ICCAT recommendation and allocate a 2004 BFT quota to the United States (1,464.6 mt), in a manner other than what is stated in the HMS FMP and implementing regulations. This alternative is meant to address issues regarding specific set-asides and allocations for fishing groups not currently considered in the HMS FMP. Since this alternative could result in a defacto sub-period quota reallocation, an FMP amendment is necessary for its implementation. Currently NOAA Fisheries is investigating alternative BFT quota allocation programs, particularly in the General category, during the development of Amendment 2 (69 FR 23730, April 30, 2004). Therefore, this alternative is not analyzed further in this document but may be considered during the

development of Amendment 2 to the HMS FMP or other future rulemaking.

Alternative A4: No “rollover” of unharvested quota from NED 25 mt set-aside subquota between fishing years

This alternative is similar to the quota allocation calculations and distribution proposed for the preferred alternative, Alternative A3 above, except for the 25 mt set-aside subquota associated with pelagic longline vessels landing incidentally caught BFT in the NED. Under this alternative 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. If incidental landings of BFT by pelagic longline vessels operating in the NED exceed the 25 mt annual set-aside the necessary quota adjustments would be accounted for in the subsequent fishing year, either from the Longline or Reserve quota categories.

2.2 Issue Two: General category effort controls

The following two alternatives represent the options considered by NOAA Fisheries regarding the use of General category restricted fishing days (RFDs). RFDs and time-period subquotas have been used to slow down the rate of fishing in the General category for a variety of purposes including reduction of market gluts, greater temporal and spatial sampling for data collection purposes, and expansion of fishing opportunities to a broad range of participants. Subdivision of the General category into three time-period subquotas, sixty percent for June – August, thirty percent for September, and ten percent for October – January, was established in the HMS FMP and codified in the implementing regulations and is therefore not addressed in the following alternatives.

Alternative B1: Designate RFDs according to published schedule (Preferred Alternative)

Under this alternative, the proposed initial specifications would announce a schedule of proposed RFDs for the 2004 season. NOAA Fisheries proposes that persons aboard vessels permitted in the General category would be prohibited from fishing, including catch-and-release and tag-and-release, for BFT of all sizes on the following days: all Fridays, Saturdays, and Sundays through January 31, 2005, inclusive, while the fishery is open. This alternative is intended to provide participants prior notice of RFDs for planning purposes and address the need to slow the pace of the winter fishery, in anticipation of high catch rates and limited available quota.

Alternative B2: No Action: No Designated RFDs and publish schedule during season

Under this alternative, there would be no RFDs published with the proposed or final initial specifications. Instead, NOAA Fisheries would use its inseason authority to implement

RFDs should the need arise. This alternative anticipates a slow season throughout the entire fishing year, where low catch rates and a slow fishery do not warrant RFDs.

2.3 Issue Three: Establish a catch-and-release provision during Atlantic tunas fisheries closures

The following alternatives represent the range of options considered by NOAA Fisheries regarding the establishment of a catch-and-release provision for handgear vessels during a closure of Atlantic tunas fisheries. Prior to 1998 ICCAT designated quotas for BFT harvested in the western Atlantic management area as “scientific monitoring quotas.” Under this designation, after a quota category had closed, NOAA Fisheries required vessels fishing for BFT to tag-and-release all BFT as a means to collect further scientific monitoring data. In 1998, ICCAT established a rebuilding plan for western Atlantic BFT and no longer referred to BFT quotas as “scientific monitoring quotas.” Thus, this proposed rule would change the tag-and-release provision and allow permitted recreational and commercial handgear vessels to practice catch-and-release for BFT after a quota category closure has taken place. This alternative would minimize any BFT mortality associated with anglers who are inexperienced with proper tagging techniques and minimize any social or economic impacts on those vessels that wish to pursue BFT, but cannot obtain a NOAA Fisheries approved tagging kit in a timely fashion. Vessel owner/operators would still have the option to tag-and-release BFT, but they would not be required to do so. Thus, this catch-and-release provision still allows for scientific monitoring data to be collected.

Alternative C1: No Action (Tag-and-release only)

Under this alternative, no changes would be made to the regulations and General, Angling and Charter/headboat category vessels would remain excluded from practicing catch-and-release for BFT once a closure has taken place in any relevant quota categories. This alternative represents the no action alternative since it would not alter any previous final rules published on this subject. Handgear vessel owner/operators would remain bound by current regulations that require vessels to tag-and-release all BFT caught after a closure has taken place.

Alternative C2: Disallow any fishing for BFT during a closure

Under this alternative, NOAA Fisheries would prohibit any directed fishing for BFT, inclusive of tag-and-release, once a fishery has been closed. This alternative may reduce interactions and potential discards of BFT, but would also negatively impact the social and economic fishing opportunities.

Alternative C3: Establish a catch-and-release provision for handgear vessels during a BFT closure (Preferred Alternative)

Under this alternative, NOAA Fisheries proposes to implement a catch-and-release provision for Atlantic Tunas General and Atlantic HMS Angling and Charter/Headboat category

vessels once their respective BFT fisheries have closed. This alternative would allow for the catch-and-release of BFT, by the vessel categories mentioned above, without a requirement to tag each BFT, after the landings quota has been met. The intent of this alternative is to minimize any BFT mortality associated with inexperienced anglers attempting to tag-and-release BFT during a closure. Vessel owner/operators would still have the option to tag-and-release BFT, but they would not be required to do so.

3.0 DESCRIPTION OF AFFECTED ENVIRONMENT

This section includes a brief summary of the status of the stocks, fishery participants and gear types, and affected area including habitat and protected species. For a complete description of the biology and status of Atlantic tunas and their habitat, and BFT in particular, and the U.S. tuna fishery, including operations, catches, and discards, please see the HMS FMP and the 2003 and 2004 HMS Stock Assessment and Fishery Evaluation Reports (SAFE Report). Also, for information on interactions and concerns with protected species and the Atlantic tuna fishery, please see the 2004 Final Supplemental Environmental Impact Statement (FSEIS) for a Final Rule to Implement Management Measures to Reduce Bycatch and Bycatch Mortality of Atlantic Sea Turtles in the Atlantic pelagic longline fishery.

3.1 Status of the Stocks

Western Atlantic BFT are considered overfished and overfishing is occurring. At the 2002 meeting of the Standing Committee on Research and Statistics (SCRS) of ICCAT, stock assessment analyses were prepared for the western and eastern Atlantic stocks of BFT. For western Atlantic BFT, two stock assessment scenarios were prepared based on assumptions regarding recruitment. The results of projections based on the low recruitment scenario for the western Atlantic stock indicated that a constant catch of 2,500 mt per year has a 97 percent probability of allowing rebuilding to the associated B_{MSY} level by 2018. A constant catch of 2,500 mt per year has about a 35 percent probability of allowing rebuilding to the 1975 stock size by 2018. The SCRS notes that, arguably SSB_{75} is appropriate as a target level for interpreting the implications of projections based on the high recruitment scenario. Under the high recruitment scenario, a constant catch of about 2,500 mt has about a 60 percent probability of allowing rebuilding to the 1975 stock size; a catch of 2,700 has about a 52 percent chance of reaching this stock size. The SCRS cautioned that these conclusions do not capture the full degree of uncertainty in the assessments and projections, in part, but not exclusively due to, assumptions regarding recruitment.

At the 2002 meeting, ICCAT adopted a recommendation to increase the annual quota of BFT in the western Atlantic Ocean from 2,500 mt to 2,700 mt, consistent with the rebuilding program for western Atlantic BFT established in 1998. The share allocated to the United States was set at 1,464.59 mt. In addition, ICCAT recommended this TAC remain in place for the duration of the rebuilding plan, unless amended in a future recommendation. At the 2003 ICCAT meeting it was determined that a new stock assessment will be conducted for both eastern and western stocks of BFT in 2005 and every two years thereafter. After the 2005

assessment ICCAT may have new information on which to base a change, if any, to the western BFT quota and the U.S. quota share.

3.2 Fishery Participants, Gear Types, and Affected Area

Fishery participation in the Atlantic tuna fishery includes just over 33,000 vessels in five permitted directed fishing categories and two permitted incidental fishing categories (Table 4). Generally, separate permits are issued for a distinct fishery category by specific gear types, and participants are restricted to the use of only those allowed gears. For directed fisheries on BFT, these gears consist of purse seine, rod and reel, harpoon, handline, and bandit gear. Pelagic longline gear is used to target other HMS species, primarily swordfish, bigeye, and yellowfin tuna. It is not an allowed gear type for directed fishing on BFT although this gear type is allocated a quota for incidentally-caught BFT. Finally, a small incidental quota (less than 2 mt) is provided for trap gear. Atlantic Tunas, HMS Charter/Headboat, and HMS Angling category permits are issued over the internet, telephone or mail. Only one permit category change is allowed per year and not after a permit has already been renewed for a season. Permit category holders who accidentally obtain an incorrect permit have 10 calendar days from issuance of the permit to correct the error or wait until the next season to change to the desired permit category.

U.S. landings of BFT for the 1996-2003 period are provided in Table 5. The historical level of landings has generally been determined by quotas since 1982. Commercial categories are monitored by a census of landing cards, whereas the recreational catch is monitored primarily by survey, although a few states have implemented recreational census BFT tagging programs as well. Quotas have been established for the Angling category, although time lags in receipt and analyses of survey data, and uncertainty inherent in estimation procedures, mean delayed calculation of final landings estimates. BFT movements throughout the Atlantic are the subject of much research and it is generally thought that the Gulf of Mexico and Mediterranean are used as spawning areas. Since the implementation of the HMS FMP, the BFT fishery has been managed on a fishing year basis versus a calendar year basis. Table 6 shows the affected areas off the coast of the United States and the approximate seasonal pattern of the fishery as the BFT migrate along the Atlantic and Gulf of Mexico coasts.

3.3 Habitat

The area in which this 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 NOAA Fisheries. Generally, the target species of the HMS fishery management units are associated with hydrographic structures of the water column, e.g., convergence zones or boundary areas between different currents. Because of the magnitude of water column structures and the processes that create them, there is little effect on habitat that can be detected from the HMS fishing activities.

3.4 Protected Species under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA)

The ESA is the primary federal legislation governing interactions between fisheries and species whose continued existence is threatened or endangered. Through a consultative process, the ESA allows federal agencies to evaluate proposed actions in light of the impacts they could have on these ESA-listed species. In the case of marine fisheries, NOAA Fisheries Office of Sustainable Fisheries consults with the Office of Protected Resources to determine what impacts major fishery management actions will have on endangered populations of marine species and what actions can be taken to reduce or eliminate negative impacts. Under the consultative process, NOAA Fisheries issues a Biological Opinion (BiOp) which outlines expected impacts of the proposed action and specifies terms and conditions which must be met to mitigate impacts on ESA-listed species. See Section 4.5 for further discussion of consultations and BiOps issued for HMS Fisheries.

The MMPA of 1972 is the principal Federal legislation that guides marine mammal species protection and conservation policy. Under requirements of the MMPA, NOAA Fisheries produces an annual List of Fisheries that classifies domestic commercial fisheries, by gear type, relative to their rates of incidental mortality or serious injury of marine mammals. The List of Fisheries includes three classifications:

- Category I fisheries are those with frequent serious injury or mortality to marine mammals (pelagic longline);
- Category II fisheries are those with occasional serious injury or mortality (shark gillnet); and
- Category III fisheries are those with remote likelihood of serious injury or mortality to marine mammals (rod and reel, purse seine, harpoon).

Fishermen participating in Category I or II fisheries are required to be registered under the MMPA and, if selected, to accommodate an observer aboard their vessels. Vessel owners or operators, or fishermen, in Category I, II, or III fisheries must report all incidental mortalities and injuries of marine mammals during the course of commercial fishing operations to NOAA Fisheries Headquarters. There are currently no regulations requiring recreational fishermen to report takes, nor are they authorized to have incidental takes (i.e., they are illegal). NOAA Fisheries does require reporting and authorizes takes by charter/headboat fishermen (considered “commercial” by the MMPA), however, no reports have been submitted to NOAA Fisheries to date.

The purse seine fishery and handgear fisheries are currently listed as a Category III fisheries under the MMPA. Strict control and operations of these fishing gears means these gear types are not likely to result in mortality or serious injury of marine mammals or sea turtles.

The pelagic longline fishery is listed as a Category I fishery. As mentioned above, Longlines are known to present potential dangers to listed sea turtles and marine mammals, and the activity of the fishery is regulated by the terms of the BiOp dated June 1, 2004.

4.0 ENVIRONMENTAL CONSEQUENCES OF ALTERNATIVES CONSIDERED

The impacts of each alternative identified in Section 2 are discussed separately in the following subsections by issue and in the context of the relevant Magnuson-Stevens Act National Standards and the objectives of the HMS FMP. For alternatives that were considered but not further analyzed in this document, analyses of those alternatives' impacts will be done in future rulemaking. The economic impacts of each alternative are briefly summarized in the following sections, and are described more fully in Sections 6, 7 (RIR), and 8 (IRFA).

4.1 Issue One: Allocation of BFT quota among domestic fishing categories

Ecological Impacts

Under Alternative A1, the No Action alternative, NOAA Fisheries would not implement the 2002 ICCAT BFT quota recommendation. Although this no action alternative would be inconsistent with the HMS FMP, ATCA, and the 2002 ICCAT recommendation, its implementation would not have negative ecological effects and could assist in rebuilding the western Atlantic BFT stock at an accelerated rate by maintaining the U.S. quota at the lower levels, previously recommended by ICCAT in 1998 (i.e., 1,387.0 mt).

Alternative A2, the preferred alternative, would have similar ecological impacts as in previous fishing years as well as be consistent with the 2002 ICCAT recommendation, HMS FMP and ATCA. However, under Alternative A2, fishing pressure may increase slightly in the short term (compared to Alternative A1), due to the slight increase in quota (i.e., 77.6 mt) provided by the 2002 recommendation, but is not expected to result in long term negative impacts because it is consistent with the BFT rebuilding plan. No additional impacts to other species are expected as this alternative would not alter existing fishing patterns and would only increase effort slightly, thus potentially allowing vessels to fish a couple of days further into the season (versus Alternative A1). The 2002 ICCAT recommendation and these proposed quota specifications comprise a step in a longer-term stock rebuilding program designed to stabilize fishing pressure and allow the stock to rebuild to higher levels. However, application of the net overharvest from the 2003 fishing year (92.0 mt) to the 2004 fishing year would allow for a slight decrease in BFT harvest for the 2004 fishing year. This net overharvest from the previous fishing year combined with the annual baseline BFT quota allocation for the United States should not negatively effect the stock because the ICCAT recommended rebuilding plan for BFT assumes that the entire annual quota allocation is harvested regardless of when that harvest occurs.

Consistent with the 2002 ICCAT recommendation, this alternative would also allocate a 25 mt set-aside of BFT to the Longline North subcategory "in the vicinity of the management

area boundary” (i.e., the NED). As BFT caught and landed under this quota would be caught incidentally to directed pelagic longline fisheries on other species, and otherwise likely discarded dead due to regulatory target catch requirements, there would not be any additional mortality or ecological impacts to the BFT stock from this alternative. There would be no additional impacts to other species as this alternative would not alter existing fishing patterns or effort of pelagic longline vessels. Monitoring and management of the pelagic longline fishery in this area, and the accounting of the 25 mt, would be done in concert with the ongoing Atlantic Tuna Dealer reporting mechanisms that are already in place. This alternative would also deduct prior years landings against the set-aside quota and apply any under- or overharvests to the following year’s quota calculation. If excessive rollovers of unharvested quota continue over an extended period of time there is a potential that this sub-quota category could increase to a level that provides an incentive for pelagic longline vessels to target BFT. This could result in some possible negative ecological impacts; however it is unlikely that this will happen because regulations governing the pelagic longline sector of the fishery have been developed to avoid such an incentive.

Alternative A4 could potentially have less negative biological impacts than the preferred alternative by capping the NED set-aside quota at 25 mt and reducing incentives to target BFT. In addition, any unharvested quota would not be applied to the subsequent fishing year quota and would be conserved. However, under this alternative discards could potentially increase if incidentally caught BFT in the NED exceeded 25 mt.

Economic and Social Impacts

Alternative A1 would not alter current economic impacts to the United States and to local economies relative to the distribution and scale of those prior to the 2002 ICCAT recommendation, but would deny fishermen additional fishing opportunities per an ICCAT recommendation.

Alternative A2 would maintain economic impacts to the United States and to local economies at a distribution and scale similar to 2003, which provided slightly greater positive economic impacts, over previous years, due to the slight increase in quota (77.6 mt). These additional positive economic impacts would be distributed among the recreational and commercial sectors and are expected to mirror the distribution of the quota allocation in percentages set forth in the HMS FMP. In 2003, the benefits of this slight quota increase were particularly evident in the North Carolina area during the late fall/early winter commercial handgear fishery.

Alternative A2 would also provide slight additional positive economic impacts to the pelagic longline sector of the fleet, due to the 25 mt set-aside for BFT incidentally caught pursuant to longline fishing operations in the NED. Under the preferred alternative, unharvested quota from the NED set-aside would be rolled-over to subsequent fishing years, and may provide positive economic impacts. Excessive rollovers may induce an incentive for pelagic longline vessel operators to target BFT in the NED, although regulations regarding longline vessel operations have been developed with the intent of avoiding such an incentive. Slight positive

social impacts could accrue to those vessels and their home ports, or offloading ports, as a result of this rollover as well. Finally, under the preferred alternative, the set-aside and any rollover from that set-aside cannot be transferred to other quota categories. There may be negative social and economic impacts among other fishery sectors if they are closed once achieving their quota and are unable to access available quota, via inseason transfers, from the NED set-aside.

Alternative A4 may partly address some of the above incentive and equity concerns regarding quota transferability within the 25 mt NED pelagic longline set-aside as it would not provide a rollover provision for unharvested quota between fishing years and would essentially cap the available NED set-aside quota at a maximum of 25 mt each fishing year. However, under Alternative A4, pelagic longline vessels may experience negative economic impacts due to this cap if incidentally caught BFT in the NED exceeded 25 mt, as they would not be allowed to retain and sell BFT once the quota was exceeded.

NOAA Fisheries has determined that the annual BFT dead discard allowance (68 mt) has not been reached, therefore NOAA Fisheries may add one-half of the remainder to the amount of BFT that can be landed in the subsequent fishing year. The 2003 calendar year preliminary estimate of U.S. dead discards, as reported per the longline discards calculated from logbook tallies, adjusted as warranted when observer counts in quarterly/geographic stratum exceeded logbook reports, totaled 52.4 mt. Estimates of dead discards from other gear types and fishing sectors that do not use the pelagic longline vessel logbook are unavailable at this time, and thus, are not included in this calculation. As U.S. fishing activity is estimated to have resulted in fewer dead discards than its allowance, the ICCAT recommendation and U.S. regulations state that the United States may add one half of the difference between the amount of dead discards and the allowance (i.e., $68.0 \text{ mt} - 52.4 \text{ mt} = 15.6 \text{ mt}$, $15.6 \text{ mt}/2 = 7.8 \text{ mt}$) to its total allowed landings for the following fishing year, to individual fishing categories, or to the Reserve category. NOAA Fisheries proposes to allocate the 7.8 mt to the Reserve category quota to assist in covering estimated overharvests from the previous fishing years.

The 2002 calendar year preliminary dead discard estimate, as reported in pelagic longline vessel logbooks and published in 2003 Final Initial Quota Specifications (68 FR 56783, October 2, 2003), totaled 38.0 mt. This preliminary estimate has been revised using the longline discards calculated from logbook tallies, adjusted as warranted when observer counts in quarterly/geographic stratum exceeded logbook reports. The revised 2002 calendar year dead discard estimate is 41.6 mt.

Conclusion

Alternative A2 is the preferred alternative as it is most consistent with the HMS FMP, ATCA, and the 2002 ICCAT recommendation. Ecological impacts between the three analyzed alternatives are similar except that there may be a slight increase in BFT fishing effort associated with the minor increase of BFT quota in Alternatives A2 and A4. Overall, economic and social impacts are positive and are similar among the alternatives, with the exception of some adverse economic and social impacts associated with a cap of the NED set-aside under A4. Also, until ICCAT clarifies the authority and intent of the 2002 recommendation regarding the application

of the 25 mt set-aside, the status quo regime of applying rollovers of unharvested quota between fishing years within this subquota category is proposed (i.e. Alternative A2). Under all of the alternatives considered, there may be slight differences in the level of economic and social impacts experienced by the specific individuals of the BFT fishery, as well as by participants within a particular fishery sector. For example, social and economic impacts regarding a formalized winter General category BFT fishery off the south Atlantic coast may affect General category participants differently depending on their geographical location. These impacts will be further analyzed in Amendment 2 to the HMS FMP.

4.2 Issue Two: General category effort controls

Ecological Impacts

Effort controls, in general, are designed to have positive economic and social impacts and have neither positive nor negative ecological impacts, as they only impact when and where BFT mortality occurs and not the magnitude. The magnitude of mortality is dictated by finite quotas established under a 20 year rebuilding plan for BFT, as recommended by ICCAT. The regulation of effort assists achievement of optimum yield by considering the social and economic interests of the participants. The limited nature of the efforts controls is unlikely to have any differential impacts on the life history or overall biological distribution of the western Atlantic BFT stock. However, it is possible that if too many effort controls are implemented, effort may shift to other species or the pace of the fishery could be slowed to such an extent that the full quota is not attained. This would be contrary to the HMS FMP and ATCA and any quota underage would be applied to the following year so mortality would only be deferred. Alternatively, if not enough effort controls are implemented, it is possible the BFT fisheries would attain their quota rapidly and close prematurely. Fishermen may then turn to other stocks to target, particularly other HMS species, with corresponding impacts to other elements of the ecosystem.

Economic and Social Impacts

Under Alternative B1, the preferred alternative, NOAA Fisheries would publish a schedule of RFDs for the General category in the initial BFT specifications. This alternative would implement a series of solid blocks of dates during the October through January time-period, to ensure the availability of BFT quota for a south Atlantic fishery late in the season. In the past, when catch rates have been high, this type of schedule has had positive economic consequences by avoiding market gluts and extending the season as late as possible. From 1997 through 1999, all General category quota had been used by November 15 (Table 8). Since 1999, however, active inseason management has made between 4 and 18 percent of the total General category quota available for a late season south Atlantic commercial handgear BFT fishery. Implementing RFDs to assist a late season fishery would have positive social and economic impacts to those south Atlantic fishermen, but could have potentially negative social and economic impacts to those northern area fishermen who would have otherwise caught and sold

fish earlier in the season. However, these adverse impacts would be slightly mitigated if northern area fishermen are willing to travel south late in the season. Overall, extending the season as late as possible would enhance the likelihood of increasing participation by southern area fishermen and access to the fishery over a greater range of the fish migration.

Alternative B2, the no action alternative, would not implement any RFDs with publication of the initial specifications, but would use inseason management authority established in the HMS FMP to implement RFDs during the season should catch rates warrant them. This alternative is based on the assumption of a season with low catch rates and would have positive economic and social consequences if slow catch rates were to persist. Overall, the season would “regulate itself” and fishermen could choose when to fish or not based on their own preferences. However, even with low catch rates and no RFDs, it is unlikely that there will be enough quota in the General category to sustain a late season commercial handgear fishery off south Atlantic states especially now that the General category is extended through January. Thus, if the 2004 season should be similar to the 2003 fishery, there may be negative social and economic impacts to fishermen in southern states unless inseason management actions (similar to those in 2003, i.e., inseason transfers) are taken to directly address these concerns and potential impacts.

Conclusion

The preferred alternative is Alternative B1. This is due primarily to the experience of high catch rates during the October through January time-period in the previous fishing years. To partially address economic and social concerns of southern Atlantic states, a series of blocks of RFDs including all Friday, Saturday and Sundays through January 31, 2005, inclusive, is proposed to assist availability of quota late in the season.

4.3 Issue Three: Establishing a Catch-and-Release provision during Atlantic tunas fisheries closures

Ecological Impacts

Under Alternative C1, vessel owner/operators would be required to tag-and-release all BFT that are caught after a quota category has been closed. This alternative may have slight adverse ecological impacts due to post release mortality associated with anglers, who are inexperienced with tagging and may improperly place the tag on the BFT unintentionally killing or injuring the fish.

There may be slight positive ecological impacts for BFT under Alternative C2, due to the inability of vessel owner/operators to direct their fishing efforts on BFT after a quota category has been closed, but effort may be redirected to other species lieu of BFT. This alternative would minimize interactions between vessels and BFT during a closure and therefore minimize any mortality that would be associated with those interactions. Under Alternative C3, the preferred alternative, there would be slightly more positive ecological impacts than Alternative

C1, but slightly less than Alternative C2. Alternative C3 would allow for vessel owner/operators to practice catch-and-release of BFT once a quota category has been closed. This alternative would allow anglers inexperienced in the tagging process to practice catch-and-release, thus minimizing the handling time of the BFT and any associated post-release mortality that may occur. This alternative would also maintain the tag-and-release provision for those skilled with the process. This alternative may also have slightly positive ecological impacts on other species, due to the ability of vessel owner/operators to target BFT, and thus not shift effort to other species.

Economic and Social Impacts

Under Alternative C1, the economic and social impacts would be slightly negative. Vessel owner/operators would be required to obtain, possess, and utilize an approved tagging kit onboard their vessel while engaged in directed BFT fishing after a recreational angling or commercial handgear quota category has been closed. Over the last couple of years, NOAA Fisheries has received comments from the public that on occasion, substantial time delays can be experienced in obtaining an approved tagging kit. This delay has limited their ability to go fishing for BFT. Other comments have stated that vessel owner/operators are not comfortable in tagging and releasing BFT due to a combination of their inexperience, and concerns regarding unintentional injury and mortality of a BFT. Therefore, these anglers do not participate in directed BFT trips after a closure has taken place. This has resulted in adverse social and economic impacts on support industries such as fuel docks, tackle suppliers and hospitality services as well as the anglers themselves.

Under Alternative C2, the negative economic and social impacts would be greater than Alternative C1. There is a strong, and growing, catch-and-release ethic in numerous U.S. fisheries, including the BFT fisheries. This alternative would not acknowledge those anglers who actively pursue BFT for sport, but have no intentions of retaining their catch. It would also eliminate any scientific benefits from tag-and-release fishing. This alternative would adversely impact numerous economic and social aspects of the BFT fishery inclusive of charter operations, fuel docks, marinas, hospitality services, and tackle suppliers.

Alternative C3 would have positive social and economic impacts on those associated with the BFT handgear fishery. This alternative would allow vessels to target BFT for catch-and-release after a quota category has been closed. This alternative would acknowledge those vessel owner/operators who wish to pursue BFT after a closure has taken place, but are inexperienced or not comfortable with tagging and releasing BFT. This alternative, unlike Alternative C2, would positively impact numerous economic and social 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.

Conclusion

The preferred alternative C3 would allow vessels participating in the BFT recreational and commercial handgear fisheries to practice catch-and-release after a quota category has been closed. This alternative would also allow vessel owner/operators to tag-and-release BFT, but would not require them to do so. This alternative would have minimal negative ecological impacts on BFT due to the minimization of post release mortalities associated with improper tagging techniques. This alternative would also have positive ecological impacts on other species, do to no shift in effort from BFT. This alternative would also have positive social and economic impacts across a broad array of industries associated with the BFT fishery.

4.4 Impacts on Essential Fish Habitat

The Magnuson-Stevens Act established a program to promote the protection of EFH in the review of projects conducted by Federal agencies, or under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat. After the Secretary has identified EFH, Federal agencies are obligated to consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any EFH. In the HMS FMP, NOAA Fisheries concluded that there is no evidence that physical effects caused by fishing for HMS are adversely affecting EFH to the extent that detrimental effects can be identified on the habitat of fisheries. As this action would not alter fishing gears or practices, it is anticipated that this action would not have any adverse impacts to EFH.

4.5 Impacts on Protected Species

On September 7, 2000, NOAA Fisheries 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 NOAA Fisheries jurisdiction. 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 NOAA Fisheries jurisdiction. NOAA Fisheries has implemented the 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 RPMs and terms and conditions necessary to authorize continued take as part of the revised incidental take statement. On July 6, 2004, NOAA Fisheries 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. NOAA Fisheries is implementing the other RPMs in compliance with the 2004 BiOp. On August 12, 2004, NOAA Fisheries 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. NOAA Fisheries will undertake additional rulemaking and non-regulatory actions, as required, to implement any management measures that are required under the 2004 BiOp.

The measures proposed in this action are not expected to have adverse impacts. Although, the 2002 ICCAT recommendation increased the BFT quota, which may result in a slight increase in effort, NOAA Fisheries does not expect this slight increase to alter current fishing patterns. Thus, the preferred alternatives in this Draft EA/RIR/IRFA would not be expected to change previously analyzed endangered species or marine mammal interaction rates or magnitudes, substantially alter current fishing practices, or bycatch mortality rates.

4.6 Environmental Justice Concerns

Executive Order (E.O.) 12898 requires that federal actions address environmental justice in the decision-making process. In particular, the environmental effects of the actions should not have a disproportionate effect on minority and low-income communities. The proposed actions in this document would not have any effects on human health nor are they expected to have any disproportionate social or economic effects on minority and low-income communities. Any social or economic impacts are expected to be slightly positive because the proposed actions relieve restrictions and provide economic opportunities.

4.7 Coastal Zone Management Act (CZMA) Concerns

NOAA Fisheries has determined that these proposed regulations are consistent to the maximum extent practicable with the enforceable policies of those coastal states in the Atlantic, Gulf of Mexico, and Caribbean that have approved coastal zone management programs. Letters will be sent to those states for their concurrence.

4.8 Comparison of Alternatives

Table 7 summarizes the determinations made above regarding ecological, social and economic impacts of all the various alternatives, organized and subdivided by issue. A brief summary of the legal and administrative issues is also provided. As set forth above, no Environmental Justice (EJ) or CZMA issues were identified.

4.9 Cumulative Impacts

The 1999 HMS FMP adopted ICCAT's 20-year stock rebuilding program for western Atlantic BFT, which included, among other things, authority to implement ICCAT's BFT quota

allocation on a yearly basis through a framework procedure. The FEIS for the HMS FMP concluded that the cumulative long-term impact of the final actions, which included the BFT rebuilding program and annual quota allocation process, would be to establish sustainable fisheries for Atlantic HMS. This action would be consistent with the HMS FMP and with rulemaking completed in 2003 that modified the target catch requirements for pelagic longline vessels to retain incidentally caught BFT (68 FR 32414, May 30, 2003), and a regulatory amendment to address aspects of the commercial BFT fishery, including start and opening dates of various fishing categories, in particular extending the General category through January (68 FR 74504, December 24, 2003). This action would also be consistent with the recent publication, on July 6, 2004 (69 FR 40733), of a FSEIS for a final rule to implement management measures to reduce bycatch and bycatch mortality of Atlantic sea turtles in the Atlantic pelagic longline fishery.

Currently, NOAA Fisheries is in the planning stages for HMS FMP Amendment 2 regarding the HMS fisheries. In the foreseeable future, the amendment process and development are expected to include regulatory changes to the HMS FMP implementing regulations. Any future actions taken in regard to the BFT fishery would remain within the scope of ICCAT recommendations as well as established BFT TACs.

Overall, the preferred alternatives considered in this EA/RIR/IRFA, which include implementation of the 2002 ICCAT recommendation regarding quota allocations, designation of General category effort controls, and implementation of a catch and release provision are, are expected to have overall modest positive social and economic impacts. The proposed measures are not expected to change current fishing practices, and thus cause biological impacts not previously addressed in the HMS FMP's EIS and the July 2004 FSEIS for sea turtle bycatch.

Cumulatively, the goal of HMS management has been to provide sustainable harvests that will provide the greatest economic benefits to the largest number of individuals. While certain actions have resulted in negative socio-economic impacts, all of the past, present, and reasonably foreseeable future actions are expected to ensure the long-term sustainability and continued economic viability of the Atlantic HMS fisheries consistent with applicable law. Thus, NOAA Fisheries considers that this action is consistent with past and current actions, and anticipates that it also will be consistent with future actions with no substantial adverse, cumulative impacts on the environment from the preferred alternatives.

5.0 MITIGATION AND UNAVOIDABLE ADVERSE IMPACTS

5.1 Mitigating Measures

The preferred alternatives would assist NOAA Fisheries implement the 2002 ICCAT recommendation in accordance with domestic legislation and the HMS FMP and implementing regulations. Using its inseason management authority, NOAA Fisheries will be able to monitor and make adjustments to the fishery close to "real time." Since NOAA Fisheries will continue to

monitor the fishery, any unpredicted increase in effort and landings of BFT, should they occur, could be addressed within a fishing season.

Certain measures in this action, such as not explicitly addressing the request for a subquota for a winter commercial handgear fishery (as requested by a Petition for Rulemaking from the State of North Carolina) are expected to have short term negative direct, indirect, and cumulative economic and social impacts to fishermen in south Atlantic states. Any such impacts would be mitigated by implementing the preferred option for an RFD schedule designed to ensure General category quota is available late in the season. In addition, the HMS FMP Amendment 2 process will consider additional changes to the HMS and Billfish FMPs that would further enhance rebuilding, prevent overfishing, improve data collection methodology, enhance enforcement of regulations, update essential fish habitat identifications, and maintain the United States' compliance with multilateral treaties relating to HMS.

5.2 Unavoidable Adverse Impacts

There are no unavoidable adverse impacts from these initial specifications/proposed rule. Any slight adverse impacts to the stock due to the increase in quota are still in accordance with the ICCAT established rebuilding plan and are unavoidable to remain consistent with ATCA and the HMS FMP.

5.3 Irreversible and Irretrievable Commitment of Resources

No irreversible or irretrievable commitments of resources are expected from these initial specifications/proposed rule.

6.0 ECONOMIC EVALUATION

Note that all dollars have been converted to 1996 dollars using the Consumer Price Index (CPI) Conversion Factors for comparison purposes.

6.1 Prices and Markets

The ex-vessel price of BFT in the United States has increased substantially over the past two and a half decades, from roughly \$0.20 per pound to up to over \$9.00 per pound round weight in the late 1990's. The ex-vessels price of BFT for the 2003 fishing year averaged \$5.63 per pound. This increase over time is largely attributed to increased demand for fresh BFT in Japan, the principal consumer of U.S. BFT. The role of the Japanese market, and of quality and market structure considerations in the determination of BFT prices, is discussed in great detail in the HMS FMP and is not repeated here. Many factors, including the yen/dollar exchange rate, market supply and demand, fish quality, and possibly Japanese buyers knowing when large quantities of BFT would arrive for auction (because of the published effort control schedule for U.S. fishermen) may affect ex-vessel prices.

Ex-vessel prices in 2003 were lower than those for 2002 for both the Purse seine and General categories, which overall were low compared to 2001 (Table 9). This drop in prices may be due to the appreciation of the dollar relative to the yen over the last several years, lingering problems with the Asian economic crisis, as well as market supply conditions in Japan. Also in 2003, both the General and Purse seine categories experienced long periods of low catch rates early in their respective seasons. When landings did start to increase (during October for the General category) they did so dramatically later in the season than usual which may have caused oversupply on the market and a dip in prices (Table 10). Harpoon category prices were greater in 2003 than 2002 and for the first time since 1999 exceeded the average ex-vessel price of General category landed fish. The Harpoon category also did not land its full quota and also experienced slow landing rates. Tables 9 and 10 show average ex-vessel price (in 1996 dollars) by commercial quota category and General category average ex-vessel prices by month for 1996-2003, respectively.

6.2 Ex-vessel Gross Revenues

Ex-vessel gross revenues from recorded sales of BFT in all commercial categories for 1996-2003 are presented in Table 11. The General category ex-vessel gross revenues have grown fairly steadily since 1998, peaking in 2001 at almost \$16 million, and then dropping fairly dramatically last year to almost \$7.5 million. The early trend of rising revenues can be explained by steadily increasing landings from 1996 in the General category that also reached a high in 2001 of 933 mt (Table 5) despite fluctuating prices in the General category over the same time-period (Table 9). The decline in 2003 General category revenues can be attributed to a number of different factors. For instance the amount of available General category quota, and therefore landings, for the 2003 fishing year was quite shy of the previous few years (Table 5). The lower gross revenues may also be explained largely by the sudden increase in landing rates in October resulting in a brief high volume of landings and corresponding drop in prices due to oversupply.

Annual gross revenues for the Harpoon and Purse seine categories have fluctuated over the last five years (Table 11) with some correspondence to annual landings for these categories (Table 5). Landings and gross revenues for the Harpoon category were slightly higher in 2003 in comparison to 2002. Landings in the Purse seine category were higher in 2003 than in 2002, but the gross revenues were lower in 2003 than the previous fishing year. The annual gross revenues for the Atlantic pelagic longline fleet contained in this document are derived from the sale of incidentally caught BFT. The gross revenues for 2003 fishing year were \$635,498, which is slightly higher than those for the 2002 fishing year (Table 11).

Before drawing conclusions on trends in gross revenues, it should be emphasized that this discussion focuses on gross revenues only, and not net revenues. Given the lack of data, particularly regarding cost information, for the past three seasons, it is difficult to draw conclusions concerning net revenues (or profits) to fishermen. Individual vessels may have experienced an increase in net revenue even with lower gross revenues reported for their fishing category. For example, an owner may have been forced to perform major repairs on a vessel in

2003, or could have been landing fish in a month when market conditions were relatively poor. Thus, trends in gross revenues can only indicate the average trends in gross income and the effect on fishermen's net revenues if their costs remained relatively steady over the period examined. The section of the HMS FMP pertaining to HMS science and research specifically highlights the need to conduct social and economic studies of HMS industries and fishing communities, such as via a logbook or survey research project, which would help calculate adequate cost information. The more frequently and thoroughly this can be conducted the better the estimates of the current net revenues.

During the development of the HMS FMP, different cost estimates were derived for each of the permitted categories. In the HMS FMP, average variable cost estimates for the directed commercial categories are: General category at \$516/trip, Harpoon category at \$488/trip, and Purse Seine \$1,750 per day or \$10,580 per metric ton. The Longline category tuna permit only allows retention and landing of incidentally caught BFT, thus costs are essentially zero.

In a common property fishery, commercial fishermen individually act to maximize profits. Without clearly defined and enforceable property rights for fish in the sea, fishing effort levels expand until the rents (net revenue in excess of a normal return) generated by the fishery are dissipated. That is, fishermen enter the fishery until the last fisherman is just earning a normal return. This open-access equilibrium results in excess fishing effort directed at the fish stock. Stock sizes may well decline below the optimal level, and biological as well as economic overfishing may occur.

The imposition of a TAC may maintain harvest at levels below that which is sustainable by the BFT stock. If the TAC is designed to rebuild the stock and is not exceeded, the stock size increases. This increase in stock size causes catch per unit effort to increase. Total net revenues in the fishery increase and positive economic rents are generated. Without limited access, these rents will attract new entrants and the length of the fishing season will decline. In short, a race for fish or "derby" is continued. In the derby fishery, the most productive gear types will harvest the greater percentage of the TAC. For BFT, setting quotas by gear type eliminates the cross-gear race for the fish, although derby fishing conditions continue within the gear category.

Even if stocks improve as a result of restrictive quotas and rebuilding plans, derby fishery conditions continue. Society bears the costs of increased capital investment in the BFT fishery, increased idle capacity, and possibly a poorer quality product. In addition, short run supply gluts in local markets can result in declines in ex-vessel price as dealers reach the limits of their storage capacity. Also, in the case of BFT which receives higher prices when marketed fresh on the Japanese market, further declines in ex-vessel prices may result because fresh inventory cannot be diverted to a frozen market without decreases in quality and price. To the extent that dealers might have to handle sudden increases in supply due to seasonal availability of BFT, processors may have to invest in refrigeration equipment to store supplies until markets can absorb the excess. After the season ends, this excess storage capacity should remain unused. Processors may also have to hire additional labor during the season which are laid off after the landings season ends. This seasonal employment may have to be augmented by unemployment

compensation and social welfare programs. However, insufficient information exists with which to estimate the magnitude of this problem.

Alternative management measures could improve net benefits in the BFT fishery. A control date was implemented on September 1, 1994, and limited access workshops were commenced to consider management regulations that create quasi-property rights in the fishery. The 1996 final rule established freely transferable purse seine quota, in whole or in part, among the seiners. Restrictive quotas set internationally by ICCAT, as part of the ICCAT Rebuilding Plan recommended in 1998, should conserve the BFT stock and allow for its recovery.

6.3 Angling and Charter Boat Revenues

NOAA Fisheries has taken several steps to define and distinguish commercial, recreational, and Charter/Headboat fishermen. In 1992, a final rule went into effect banning the sale of BFT under 73 inches (57 FR 32905, July 24, 1992). A separate rulemaking (62 FR 30741, June 5, 1997) prohibited persons aboard vessels permitted in the General category from retaining BFT less than the large medium size class. Until relatively recent, anglers in the General category were allowed to land and sell a BFT 73 inches or above and recreationally fish on other HMS species. In fact, the large number of permit holders in the General category used to be explained by the purchase of permits by recreational anglers "in case" they land a commercial size BFT. However, in December 2002, a final rule requires recreational vessels that do not sell their catch to obtain an HMS Angling category permit (67 FR 77434, December 18, 2002). A minor exemption was made in a final rule published on December 24, 2003 (68 FR 74504), which allows vessels that are permitted in the General category to participate in recreational HMS fisheries, so long as, they are a participant in a registered HMS tournament, thus acknowledging their historical participation in HMS tournaments. These actions effectively separated the commercial and recreational fisheries and left the HMS Charter/Headboat category as the one permit where both recreational and commercial HMS activities could take place, at any time, given the inherent dual nature of the vessel's operation. The same final rule that separated the commercial and recreational handgear operations in the tuna fishery also clarified and defined when HMS Charter/Headboat operations would be considered commercial and/or recreational.

Given the ban on the sale of BFT under 73 inches in length, the direct income associated with the Angling category is limited to charter/headboat vessel operations. As with the commercial fishing categories, the ideal analysis would include calculation of costs and revenues to charter vessels such that producer surplus could be estimated. The economic importance of the recreational fisheries for Atlantic tunas is not limited to charter vessel producer surplus, however, nor does it necessarily depend upon the value of the landings which are sold, but rather the participants' willingness to pay for recreational fishing. These non-market values are difficult to estimate, and involve either direct questioning (contingent valuation) or indirect survey techniques such as the travel cost method, as a basis for estimating demand (and thus consumer surplus) for recreational fishing. The economic importance of the recreational Atlantic tuna fisheries, including non-market benefits, should thus be kept in mind when

examining the gross revenue figures from other categories, despite the difficulty in attaching a dollar value to recreational fisheries.

The HMS FMP estimated that in 1997 there were approximately 6,612 charter boat trips targeting BFT from Maine to North Carolina. Of these trips, 2,527 targeted commercial-sized BFT. Assuming that charter boats charge about \$800 per day, as stated in the HMS FMP, the gross revenues from BFT fishing would be about \$5.3 million. These direct revenues represent nearly 25 percent of the total gross revenues to the other BFT categories, and is an underestimate of revenues accruing to charter boats because some of the BFT landed are probably sold (only large mediums and giants after the 1992 rule). Additionally, tips which are typically given to the mate (about \$100 per trip) are not included. The producer surplus component of the value of the recreational fishery would thus be these gross revenues minus costs incurred in providing the charter boat services. Variable costs were estimated at \$392 per trip resulting in a producer surplus for operations targeting BFT of \$408 / trip (800 - 392).

According to the HMS FMP, preliminary estimates of angler consumer surplus (ACS) in the private BFT fishery are \$1,132 per fishing trip. It should be emphasized that these net revenues would be only a part of the value of the recreational fishery, since ACS is another important component as well. ACS is generated from charter/headboat vessel services as well as from private vessel participation in the recreational fisheries.

6.4 Bluefin Tuna Fishery Participation

A complete description of participation rates in the BFT fishery is provided in the HMS FMP and is not repeated here. However, Table 6 provides a summary of patterns of fishing activities and Table 4 indicates the current number of permits by category in the BFT fishery.

6.5 Bluefin Tuna Processing and Export

The HMS FMP includes a detailed discussion regarding the export, import, and re-export trade program and market for BFT. As noted above, total landings and the U.S. ex-vessel prices for BFT were lower in 2003 than in 2002, with a resulting decline in gross revenues. As the majority of the domestic BFT are exported there would have been a corresponding decrease in the value of exports of BFT from 2003 to 2002. Tables 9 and 10 shows average ex-vessel price by commercial quota category and General category average ex-vessel prices by month for 1996-2003, respectively.

6.6 Expected Economic Impacts of the Alternatives

Below is a brief summary of the expected economic impact of each alternative grouped by issue as set forth in Sections 2 and 4 above.

6.6.1 Allocation of BFT Among Domestic Fishing Categories

Under the No Action alternative, fishery participants would experience positive economic impacts on a scale similar to 2002 if all other factors remain constant (e.g., number of participants, ex-vessel values, etc.). Potentially, overall gross revenues to the fishery could be approximately \$18,000,000 (Table 11). However, there is variability in quota each fishing year due to the rollover provisions from the previous fishing year, therefore the amount of available quota would likely not remain consistent with the levels of the 2002 fishing year. The alternative would not significantly alter ex-vessel prices or costs or change economic benefits accrued at a level from previous years. The preferred alternative, in accordance with the HMS FMP, would distribute an additional tonnage of 77.6 mt throughout the fishery and an additional 25 mt to the Longline north subcategory as per the 2002 ICCAT recommendation. Depending on the average ex-vessel value and average size of the fish caught per category, additional economic benefits would accrue to each category as a result of this slight quota increase.

The General category is allocated 47.1 percent of the annual BFT TAC. Based on the 2002 ICCAT recommendation, the General category would receive a quota increase, over pre-2002 ICCAT recommendation levels, of 36.5 mt for the 2004 fishing year. Using the average ex-vessel price per pound in round weight for the 2003 fishing year, \$6.06, this would provide an increase of \$487,635 to the ex-vessel gross revenues for the category as a whole. The Harpoon category is allocated 3.9 percent of the annual BFT TAC. Based on the 2002 ICCAT recommendation, the Harpoon category would receive a quota increase, over pre-2002 ICCAT recommendation levels, of 3 mt for the 2004 fishing year. Using the average ex-vessel price per pound in round weight for the 2003 fishing year, \$6.89, this would provide an increase of \$45,569 to the ex-vessel gross revenues for the category as a whole. The Incidental Longline category is allocated 8.1 percent of the annual BFT TAC. Based on the 2002 ICCAT recommendation, the Incidental Longline category would receive a quota increase, over pre-2002 ICCAT recommendation levels, of 6.3 mt for the 2003 fishing year. In addition to the 6.3 mt, ICCAT recommended an additional set aside quota of 25 mt to account for incidental BFT catch in the vicinity of the management area boundary, thus making the total increase 31.3 mt. Using the average ex-vessel price per pound in round weight for the 2003 fishing year, \$5.29, this would provide a potential increase of \$365.031 to the ex-vessel gross revenues for the category as a whole. The Purse Seine category is allocated 18.6 percent of the annual BFT TAC. Based on the 2002 ICCAT recommendation, the Purse Seine category would receive a quota increase, over pre-2002 ICCAT recommendation levels, of 14.4 mt for the 2004 fishing year. Using the average ex-vessel price per pound in round weight for the 2003 fishing year, \$4.68, this would provide an increase of \$148,572 to the ex-vessel gross revenues for the category as a whole.

The recreational Angling category would also receive an increase in BFT quota as a result of the 2002 ICCAT recommendation. The Angling category is allocated 19.7 percent of the annual BFT TAC. Based on the 2002 ICCAT recommendation, the Angling category would receive an increase of 15.4 mt for the 2004 fishing year. Although NOAA Fisheries believes that recreational fisheries have a large influence on the economies of coastal communities, NOAA Fisheries has little current information on the costs and expenditures of anglers or the businesses that rely on them.

6.6.2 General Category Effort Controls

The economic value of General category effort controls are difficult to quantify. By regulating the pace of fishing activity, one expected outcome is more of an even supply of fish on the market with the result of an increase in the average price per fish. However, the last several years have shown the addition of RFDs to be unnecessary, except for the latter part the season, as those implemented earlier in the season have all been waived due to the slow pace of fishing activity. In fact, adding RFDs to a slow fishery could potentially deny fishermen fishing opportunities to catch the available quota with a corresponding negative impact to overall gross revenues.

The preferred alternative, to add a series of blocks of RFDs through January, is intended to have positive economic impacts to fishermen in southern Atlantic states. Late season BFT fisheries often earn higher average monthly prices due to the higher average quality of the fish and the low supply of BFT on the market (Table 10). However, since 2000, late season average monthly prices (October, November, and December) do not appear dramatically different from prior months (Table 10). Preliminary results from extending the General category into January 2004 show that prices remained consistent with the October through December time frame. This late season fishery has also seen a fairly significant rise in available quota after November 15 (Table 8). Potentially, although still a relatively small supply of tonnage, this increased availability and supply of fish late in the season is enough to glut the market.

The preferred alternative would implement a series of RFDs, consisting of all Friday, Saturday and Sundays through January 31, 2005, to pace the fishery and ensure the availability of BFT quota for a south Atlantic fishery late in the season. Prior to 2000, almost all General category quota had been harvested by November 15 (Table 8). From 2000 through 2002, however, active inseason management has made between 4 and 18 percent of the total General category quota available for a late season south Atlantic General category BFT fishery. Using the average price per pound for November and December 2003 (\$7.81) and the landings after November 15, 2003 (108.1 mt), the estimated ex-vessel gross revenue for this late season fishery is \$1,861,257.

The preferred alternative may have negative economic impacts to those northern area fishermen who would have otherwise caught and sold fish earlier in the season, but would have positive economic impacts to those south Atlantic fishermen. Economic impacts on northern fishermen could be slightly mitigated if northern area fishermen are willing to travel south late in the season. Overall, however, extending the season as late as possible would enhance the likelihood of increasing participation by southern area fishermen and access to the fishery over a greater range of the fish migration.

Options to revise the General category time-periods and subquotas under Alternative A3 are deferred for future rulemaking. Analyses conducted for such options could directly examine

appropriate time-period subdivisions and quota allocations to address northern and southern area fishermen's concerns and interests.

6.6.3 Catch-and-Release Provision

Although NOAA Fisheries believes that recreational fisheries have a large influence on the economies of coastal communities, even when vessels are engaged in catch-and-release fishing, NOAA Fisheries has little current information on the costs and expenditures of anglers or the businesses that rely on them. According to the HMS FMP, preliminary estimates of ACS in the private BFT fishery are \$1,132 per fishing trip. It should be emphasized that these ACS values for private vessels would be only a part of the value of the recreational fishery, since ACS for the charter/headboat sector is another important component as well. ACS is generated from charter/headboat vessel services as well as from private vessel participation in the recreational fisheries.

Under Alternative C1, the economic impacts would be slightly negative. Vessel owner/operators would be required to obtain, possess, and utilize an approved tagging kit onboard their vessel while engaged in directed BFT fishing after a recreational angling or commercial handgear quota category has been closed. Over the last couple of years, NOAA Fisheries has received comments from the public that on occasion, substantial time delays can be experienced in obtaining an approved tagging kit. This delay has limited their ability to go fishing for BFT. Other comments have stated that vessel owner/operators are not comfortable in tagging and releasing BFT due to a combination of their inexperience, and concerns regarding unintentional injury and mortality of a BFT. Therefore, these anglers do not participate in directed BFT trips after a closure has taken place. This has resulted in adverse economic impacts on support industries such as fuel docks, tackle suppliers and hospitality services as well as the anglers themselves.

Under Alternative C2, the negative economic impacts would be greater than Alternative C1. There is a strong, and growing, catch-and-release ethic in numerous U.S. fisheries, including the BFT fisheries and this alternative would not acknowledge those anglers who actively pursue BFT for sport, but have no intentions of retaining their catch. This alternative could adversely impact numerous economic aspects of the BFT fishery inclusive of charter operations, fuel docks, marinas, hospitality services, and tackle suppliers.

Alternative C3, the preferred alternative, would have positive economic impacts on those associated with the BFT handgear fishery. This alternative would allow vessels to target BFT for catch-and-release after a quota category has been closed. This alternative would acknowledge those vessel owner/operators who wish to pursue BFT after a closure has taken place, but are inexperienced or not comfortable with tagging and releasing BFT. This alternative, unlike Alternative C2, would 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.

7.0 REGULATORY IMPACT REVIEW

This section assesses the economic impacts of the alternatives presented in this document. The RIR is conducted to comply with E.O. 12866 and provides analyses of the economic benefits and costs of each alternative to the nation and the fishery as a whole. Certain elements required in an RIR are also required as part of an EA. Thus, this section should be considered only part of the RIR, the rest of the RIR can be found throughout this document.

7.1 Description of the Management Objectives

Please see Section 1 for a description of the objectives of this rulemaking.

7.2 Description of the Fishery

Please see Section 3 for a description of fishery and environment that could be affected by this rulemaking.

7.3 Statement of the Problem

Please see Section 1 for a description of the problem and need for this rulemaking.

7.4 Description of Each Alternative

Please see section 2 for a summary of each alternative and section 4 for a complete description of each alternative and its expected ecological, social, and economic impacts.

7.5 Economic Analysis of Expected Effects of Each Alternative Relative to the Baseline

NOAA Fisheries does not foresee that the national net benefits and costs would change significantly in the long term as a result of implementation of the proposed actions. The total amount of BFT landed and available for sale under the preferred alternatives is expected to provide modest net positive economic impacts. Table 12 indicates the possible net economic benefits and costs of each alternative.

7.6 Conclusion

Under E.O. 12866, a regulation is a "significant regulatory action" if it is likely to: 1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; 2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; 3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights, and obligation of recipients thereof; or 4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. The

proposed actions described in this EA/RIR/IRFA and proposed rulemaking do not meet the above criteria, for example, the economic impacts as reflected in this proposed rule are under the \$100 million threshold. This action raises no novel or legal policy issues as it sets fishing year BFT quotas for all domestic fishing categories consistent with international and domestic law and policy, establishes General category effort controls, implements catch-and-release provisions in accordance with the processes established in the HMS FMP, and is not expected to result in any inconsistency with other agency actions. Therefore, under E.O. 12866, the proposed actions described in this document have been determined to be not significant for the purposes of E.O. 12866. A summary of the expected net economic benefits and costs of each alternative can be found in Table 12.

8.0 INITIAL REGULATORY FLEXIBILITY ANALYSIS

8.1 Description of the Reasons Why Action is Being Considered

See Section 1 for a description of the reasons why this action is being considered.

8.2 Statement of the Objectives of, and Legal Basis for, the Proposed Rule

See Section 1 for a statement of the objectives and legal basis for the proposed rule.

8.3 Description and Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

This proposed action would apply to all participants in the Atlantic BFT fishery, all of which are considered small entities. As shown in Table 4, there are approximately 33,000 vessels that obtained an Atlantic HMS Charter/Headboat, Atlantic HMS Angling, or an Atlantic tunas permit as of January 2004. These permitted vessels consist of commercial, recreational, and charter vessels as well as headboats.

8.4 Description of the Projected Reporting, Record-Keeping, and other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities which will be Subject to the Requirements of the Report or Record

The preferred alternatives do not contain any new collection of information, reporting, record keeping, or other compliance requirements.

8.5 Identification of all Relevant Federal Rules which may Duplicate, Overlap, or Conflict with the Proposed Rule

This proposed rule must be consistent with a number of international agreements, domestic laws, and other FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the

Coastal Zone Management Act. NOAA Fisheries strives to ensure consistency among the regulations with Fishery Management Councils and other relevant agencies. NOAA Fisheries does not believe that the proposed alternatives would conflict with any relevant regulations, federal or otherwise. Once the proposed rule is finalized and made effective, fishermen participating in the affected fisheries must comply with the final rule.

8.6 Description of any Significant Alternatives to the Proposed Rule that Accomplish the Stated Objectives of Applicable Statutes and that Minimize any Significant Economic Impact of the Proposed Rule on Small Entities

NOAA Fisheries has prepared this IRFA to analyze the impacts on small entities of the alternatives for establishing 2004 fishing year BFT quotas for all domestic fishing categories and General category effort controls, as described under each Alternative in Chapter 2.

The analysis for the IRFA assesses the impacts of the various alternatives on the vessels that participate in the BFT fisheries, all of which are considered small entities. In order to do this NOAA Fisheries has estimated the average impact that the alternative to establish the 2003 BFT quota for all domestic fishing categories would have 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 to be redistributed to the domestic fishing categories based on the allocation percentages established in the HMS FMP as well as a set-aside quota of 25 mt to account for incidental catch of BFT related to directed longline swordfish and BAYS fisheries in the vicinity of the management area boundary. Both these quota modifications were established in the 2003 specifications. In 2003, the annual gross revenues from the commercial BFT fishery were approximately \$11 million (Table 11). 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 2003 gross revenues are General (\$7,476,461), Harpoon (\$772,810), Purse Seine (\$2,546,236), and Incidental Longline (\$635,498). The analysis for the IRFA assumes that all category vessels have similar catch and gross revenues. While this may not be true, 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, two alternatives were considered: no action and a preferred alternative that would allocate the ICCAT-recommended quota to domestic categories in accordance with the 2002 ICCAT recommendation and HMS FMP. The 2002 ICCAT recommendation specified a 1489.6 mt total quota for the United States. Under ATCA, the United States is obligated to implement ICCAT-approved quota recommendations. The preferred alternative would apply this quota and have positive impacts for fishermen. The no action alternative would keep the quota to pre-2002 ICCAT (77.6 mt less) and would not be consistent with the purpose and need for this action and the HMS FMP. It would maintain economic impacts to the United States and to local economies at a distribution and scale similar to 2002 but would deny fishermen additional fishing opportunities as recommended by the 2002 ICCAT recommendation and as mandated by ATCA.

For the General category effort controls, two alternatives were considered: the preferred alternative to designate RFDs according to a schedule published in the initial BFT specifications and the no action alternative (no RFDs published with the initial specifications, but implemented during the season as needed). In the past, when catch rates have been high, series of solid blocks of RFDs, the preferred alternative, has had positive economic consequences by avoiding market gluts and extending the season as late as possible. Implementing RFDs to assist a late season fishery would have positive economic impacts to those south Atlantic fishermen, but could have potentially negative economic impacts to those northern area fishermen who would have otherwise caught and sold fish earlier in the season. However, these adverse impacts would be slightly mitigated if northern area fishermen are willing to travel south late in the season. Overall, extending the season as late as possible would enhance the likelihood of increasing participation by southern area fishermen and access to the fishery over a greater range of the fish migration.

The no action alternative, would not implement any RFDs with publication of the initial specifications but rather would use inseason management authority established in the HMS FMP to implement RFDs during the season should catch rates increase. This alternative is based on a season of low catch rates and would have positive economic consequences if slow catch rates were to persist. Overall, the season would regulate itself and fishermen could choose when to fish or not based on their own preferences. However, even with low catch rates and no RFDs, it is unlikely that there will be enough quota in the General category to sustain a late season commercial handgear fishery off south Atlantic states especially now that the General category is extended through January. Thus, if the 2004 season should be similar to the 2003 fishery, there may be negative economic impacts to fishermen in southern states unless inseason management actions (similar to those in 2003, i.e., inseason transfers) are taken to directly address these concerns and potential impacts.

For the catch-and-release provision, three alternatives were considered: no action, which would maintain the status quo, thus requiring the tag-and-release of all BFT by handgear vessels once a quota category has been closed; prohibiting the targeting of BFT once a quota category has been closed; and a preferred alternative to establish a catch-and-release provision for handgear vessels once a quota category has been closed. The no action alternative may have negative ecological impacts due to potential post-release BFT mortality associated with inexperienced anglers attempting to tag-and-release BFT. This alternative may also have negative social and economic impacts due to the limited availability of approved tagging kits. The no targeting alternative may have positive ecological impacts due to limited interactions with BFT once a quota category has been closed, but would have negative economic and social impacts to the BFT fishery inclusive of charter operations, fuel docks, marinas, hospitality services, and tackle suppliers. The preferred alternative would have slightly positive ecological impacts by allowing anglers inexperienced in the tagging process to practice catch-and-release, while maintaining a tag-and-release provision for those more comfortable with the practice. The preferred alternative would have positive social and economic impacts by allowing vessels to target BFT for catch-and-release after a quota category has been closed. This alternative would acknowledge those vessel owner/operators who wish to pursue BFT after a closure has taken

place, but are inexperienced or not comfortable with tagging and releasing BFT. This alternative, would positively impact numerous economic and social 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.

9.0 COMMUNITY PROFILES

Section 102(2)(a) of the National Environmental Policy Act (NEPA) requires Federal agencies to consider the interactions of natural and human environments by using “a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences . . . in planning and decision-making.” Federal agencies should address the aesthetic, historic, cultural, economic, social, or health effects which may be direct, indirect, or cumulative. The Magnuson-Stevens Act also requires, among other matters, consideration of social impacts. Consideration of the social impacts associated with fishery management measures is a growing concern as fisheries experience variable participation and/or declines in stocks.

The following towns were identified during the HMS FMP development and are analyzed for social impacts in this action due to the importance of BFT fishing to the community: Gloucester, MA; New Bedford, MA; Barnegat Light, NJ; Brielle/Point Pleasant, NJ; Hatteras, NC; Wanchese, NC; Dulac, LA; and Venice, LA. These communities are discussed in detail in chapter 9 of the HMS FMP.

The impacts of the proposed actions will be minor in all of these communities. The action to provide the 2002 ICCAT recommended quota levels would provide for positive social impacts by providing some increased fishing opportunities compared to quota levels prior to the 2002 ICCAT recommendation. The proposed pattern of RFDs would allow fishermen to plan for fishing activities throughout the late season fishery and distribute those opportunities throughout the coastal communities of northern and southern Atlantic states.

10.0 OTHER CONSIDERATIONS

10.1 Magnuson-Stevens Act

The analyses in this document are consistent with the National Standards (NS) set forth in the 50 C.F.R. part 600 regulations.

This rule is consistent with NS 1 in that it would prevent the overfishing of BFT and maintain the western Atlantic BFT rebuilding schedule recommended by ICCAT. Because the alternatives are based on the results of the 2002 ICCAT recommendation, the alternatives considered are based on the best scientific information available (NS 2), including stock assessment data which provide for the management of these species throughout their ranges (NS 3).

The proposed actions do not discriminate against fishermen in any state (NS 4) nor do they alter the efficiency in utilizing the resource (NS 5). With regard to NS 6, the proposed actions take into account any variations that may occur in the fishery and the fishery resources. Additionally, NOAA Fisheries considered the costs and benefits of these management measures economically and socially under NSs 7 and 8 in Sections 4, 5, and 6 of this document. The proposed actions would minimize BFT bycatch to the extent practicable by reducing dead discards and accounting for incidentally caught BFT in the NED against an ICCAT allowance quota (NS 9). Finally, the proposed actions would not require fishermen to fish in an unsafe manner (NS 10).

10.2 Paperwork Reduction Act

The proposed quota specifications, effort controls, and catch-and-release provision contain no new collection-of-information requirements subject to the Paperwork Reduction Act.

10.3 E. O. 13132

This action does not contain regulatory provisions with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 13132.

11.0 CONSIDERATION OF NOAA AND CEQ SIGNIFICANT IMPACT CRITERIA

NOAA Administrative Order 216-6 identifies nine criteria, in addition to the Council on Environmental Quality's (CEQ) regulations at 40 C.F.R. § 1508.27, for determining the significance of the impacts of an action:

(1) *Can the action be reasonably expected to jeopardize the sustainability of any target species that may be affected by the action?*

The action is not expected to jeopardize the sustainability of BFT, which are the primary target species of operations affected by this action, except for pelagic longline operations where BFT is an incidental catch. Fishing patterns and behavior are not expected to change as a result of this action, except for a minor increase in effort due to a slight increase in U.S. BFT quota. The action would implement the 2002 ICCAT recommendation for BFT. For example, as stated in Chapter 2, NOAA Fisheries would implement the BFT TAC for the United States in the western Atlantic management area of 1,489.6 mt consistent with ICCAT's 2002 recommendation. Because the Recommended TAC is consistent with the western BFT rebuilding plan, the action is not expected to jeopardize the sustainability of BFT.

(2) *Can the action be reasonably expected to jeopardize the sustainability of any non-target species?*

The action is not expected to jeopardize the sustainability of any non-target finfish species. This action would not alter fishing patterns and/or behavior, although there may be a

slight increase in effort but this should not substantially alter non-target catches, bycatch, or bycatch mortality. Rebuilding plans, as appropriate, and fishing controls are already in place for non-target species. The goals of the HMS FMP are to implement rebuilding plans, to reduce directed or bycatch mortality rates for overfished stocks, and to manage healthy stocks for the optimum yield. Measures established to reduce bycatch and bycatch mortality are discussed in Section 3.5 of the HMS FMP.

- (3) *Can the action be reasonably expected to allow substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

Because this action is not expected to change BFT fishing patterns, although fishing effort may increase slightly, this action is not expected to change the impact on EFH or to allow substantial damage to ocean and coastal habitats and/or EFH. Further, the effects of this action would not apply to any sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources. Should such structures or resources be located in the Exclusive Economic Zone (EEZ), vessels would already avoid those areas to avoid potential gear loss.

- (4) *Can the action be reasonably expected to have a substantial adverse impact on public health and safety?*

The action is not expected to have substantial adverse impacts on public health and safety. Fishing activity or behavior would not change, although fishing effort may increase slightly as a result of this action.

- (5) *Can the action be reasonably expected to have an adverse impact on endangered or threatened species, marine mammals, or critical habitat of these species?*

This action is not expected to have adverse impacts on endangered or threatened species. The 2002 ICCAT recommendation increased the BFT quota by 77.6 mt, which may result in a slight increase in effort which could potentially slightly increase the number of protected species interactions. Due to current restrictions on the BFT fishery, and more specifically the pelagic longline fishery, NOAA Fisheries does not expect this slight increase in effort to alter current fishing patterns or change previously analyzed endangered or threatened species, marine mammals, or critical habitat interaction rates or magnitudes, substantially alter current fishing practices, or bycatch mortality rates.

- (6) *Can the action be reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?*

The action is not expected to result in cumulative adverse effects that could have a substantial effect on target species or non-target species. The action implements the 2002 ICCAT recommendation for the BFT fishery, which should have positive cumulative social and economic impacts. This action would be consistent with ongoing implementation of a rebuilding plan for western Atlantic BFT plus the objectives of the HMS FMP. The action is not expected to change current fishing practices, although fishing effort may increase slightly, or cause impacts not previously addressed in the above rebuilding plans and rulemakings.

- (7) *Can the action be reasonably expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

The action is not expected to have a substantial impact on biodiversity and ecosystem function within the affected area, because the action is not expected to change fishing practices, and/or interactions with non-target and endangered or threatened species. The action would not affect unique geographic areas. In addition, this action is not expected to introduce or spread non-indigenous species.

- (8) *Are significant social or economic impacts interrelated with significant natural or physical environmental effects?*

The action is not expected to have any significant, positive or negative, social or economic impacts. The preferred action is expected to have modest positive social and economic impacts, by implementing the ICCAT-recommended adjusted BFT TAC for the United States in the western Atlantic management area of 1,489.6 mt. See Sections 6 for an analysis of the predicted economic impacts to the BFT fishery and small business entities.

(9) *To what degree are the effects on the quality of the human environment expected to be highly controversial?*

The action is not expected to be highly controversial on the human environment. There are no highly uncertain effects associated with this action due to the fact that the BFT fishery has been in operation for years. This action would not implement any new impacts on State regulations, regulations outside the Exclusive Economic Zone (EEZ), or laws applicable to the EEZ. Thus, implementing the 2002 ICCAT BFT quota recommendation is consistent with the past, would not set a new precedence, and would provide positive economic impacts due to the application of the additional BFT quota. Although controversial issues associated with the BFT fishery remain, they are beyond the scope of this particular rulemaking and will be addressed in future regulatory and FMP amendments.

12.0 LIST OF PREPARERS

This EA/RIR/IRFA was prepared by Brad McHale, Mark Murray-Brown, and Christopher Rogers from the HMS Management Division, Office of Sustainable Fisheries. Please contact the HMS Management Division, Northeast Regional Office, for a complete copy of current regulations for the Atlantic tunas fisheries.

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13.0 LIST OF AGENCIES AND PERSONS CONSULTED

Discussions relevant to the formulation of the preferred alternatives and the analyses for this EA/RIR/IRFA involved input from several NOAA Fisheries components and constituent groups, including: NOAA Fisheries Southeast Fisheries Science Center, NOAA Fisheries Northeast Regional Office, NOAA Fisheries Enforcement, and the members of the HMS and Billfish APs (includes representatives from the commercial and recreational fishing industries, environmental and academic organizations, state representatives, and fishery management councils). NOAA Fisheries has also received numerous comments from individual fishermen and interested parties.

14.0 REFERENCES

NMFS. 1999. Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

NMFS. 2000. Final Supplemental Environmental Impact Statement for the Regulatory Amendment to the Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan: Reduction of Bycatch and Incidental Catch in the Atlantic Pelagic Longline Fishery. June 14, 2000.

- NMFS. 2002a. Final Supplemental Environmental Impact Statement for Regulatory Amendment 2 to the Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan: Final Rule to Reduce Sea Turtle Bycatch and Bycatch Mortality in Highly Migratory Species Fisheries. U.S. Department of Commerce, National Marine Fisheries Service, Silver Spring, MD.
- NMFS. 2003. Stock Assessment and Fishery Evaluation for Atlantic Highly Migratory Species. U.S. Department of Commerce, National Marine Fisheries Service, Silver Spring, MD.
- NMFS. 2004. Stock Assessment and Fishery Evaluation for Atlantic Highly Migratory Species. U.S. Department of Commerce, National Marine Fisheries Service, Silver Spring, MD.
- NMFS. 2004. Final Supplemental Environmental Impact Statement for a Final Rule to Implement Management Measures to Reduce Bycatch and Bycatch Mortality of Atlantic Sea Turtles in the Atlantic Pelagic Longline Fishery. June 1, 2004.

15.0 TABLES

Table 1: Revised 2002 BFT Quotas and Landings, (all figures in metric tons)

	A	B	C	D	E
Quota Categories	Adjusted FY '02 Quota (67 FR 63854, 10/16/02; 67 FR 71487, 12/02/02)	Published FY '02 Landings Estimates (68 FR 56783, 10/02/03)	Revised FY '02 Landings Estimates	Net Adjustments to/from Adjusted FY '02 Quota	Revised Quota Results of FY '02
Angling	354.0	125.1	651.1 ¹	-20.5	-317.6
General	882.0	897.7	897.8	10.3	-5.5
Harpoon	60.9	40.5	40.5	0.0	20.4
Purse seine	317.7	207.7	207.7	0.0	110.0
Longline	60.7	55.5	55.4	0.0	5.3
Trap	2.3	0.0	0.0	0.0	2.3
Reserve	10.3	0.0	0.0	23.4	23.4 ²
Total	1687.9	1326.5	1852.5	13.2*	-161.7

¹Per NMFS Report, 2004.

²10.3 mt not included as it was transferred to the General category as per the 2003 Final Specs (see D(2)).

Column D: Detailed Breakout of Actions Contributing to the Net Adjustments to/from Adjusted FY '02 Quota

	D(1)	D(2)	D(3)	D(4)
Quota Categories	Adjustments to/from FY '02 Quota (DDA) (68 FR 56783, 10/02/03)	Adjustments to/from FY '02 Quota (Reserve) (68 FR 56783, 10/02/03)	Adjustments to/from FY '02 Quota (Annual Adjustment) (68 FR 56783, 10/02/03)	Net Adjustments to/from Adjusted FY '02 Quota
Angling	0.0	0.0	-20.5	-20.5
General	0.0	10.3	0.0	10.3
Harpoon	0.0	0.0	0.0	0.0
Purse seine	0.0	0.0	0.0	0.0
Longline	0.0	0.0	0.0	0.0
Trap	0.0	0.0	0.0	0.0
Reserve	13.2*	-10.3	20.5	23.4
Total	13.2*	0.0	0.0	13.2*

*2002 Calendar year Dead Discard Allowance (DDA): Initial 2002 calendar year estimate, as reported in pelagic longline vessel logbooks and published in the 2003 Final Initial Quota Specifications (68 FR 56783, 10/02/03), equaled 38 mt (68 -38 = 30, 30/2 = 15). A revised 2002 calendar year estimate, as per the longline discards calculated from logbook tallies (adjusted as warranted when observer counts in stratum exceed logbook report) has become available. The revised estimate equals 41.6 mt (68 - 41.6 = 26.4, 26.4/2 =13.2).

Table 2: Revised 2003 BFT Quotas and Landings, (all figures in metric tons)

	A	B	C	D
Quota Categories	Published FY '03 Quotas (68 FR 56783, 10/02/03)	Revised FY '03 Quotas Based on Revised FY '02 Results Plus '03 Inseason Adjustments (68 FR 64990, 11/18/03; 68 FR 75466, 12/31/03)	Estimated FY '03 Landings	Quota Results of FY '03
Angling	497.0	-29.0	411.7 ¹	-440.7
General	684.4	564.3	595.1	-30.8
Harpoon	77.5	77.5	53.2	24.3
Purse seine	382.4	382.4	265.4	117.0
Longline	148.8	121.9	94.3	27.6
Trap	3.8	0.8	0.0	0.8
Reserve	72.1	210.0	0.2	209.8
Total	1866.0	1327.9	1419.9	-92.0

¹Per NMFS Report, 2004.

Column B. Detailed Breakout of Actions Contributing to the Revised FY '03 Quotas Based on Revised FY '02 Results Plus '03 Inseason Adjustments

	B(1)	B(2)	B(3)	B(4)	B(5)
Quota Categories	Revised Quota Results of FY '02	FY '03 Baseline Allocation	'03 Inseason Adjustments (68 FR 64990, 11/18/03)	'03 Inseason Adjustments (68 FR 75466, 12/31/03)	Revised FY '03 Quotas Based on Revised FY '02 Results Plus '03 Inseason Adjustments (68 FR 64990, 11/18/03; 68 FR 75466, 12/31/03)
Angling	-317.6	288.6	0.0	0.0	-29.0
General	-5.5	689.8	-150.0	30	564.3
Harpoon	20.4	57.1	0.0	0.0	77.5
Purse seine	110.0	272.4	0.0	0.0	382.4
Longline	5.3	143.6	0.0	-27.0	121.9
Trap	2.3	1.5	0.0	-3.0	0.8
Reserve	23.4	36.6	150.0	0.0	210.0
Total	-161.7	1489.6	0.0	0.0	1327.9

Table 3: Proposed 2004 Fishing Year BFT Quotas, (all figures in metric tons)

Category	Quota Results of FY 03 (inclusive of Revised Quota Results of FY '02)	Annual Adjustments to the Quota Results of FY 03 (DDA (7.8*) and Transfers to/from Reserve (209.8))	Baseline Allocation for FY 04	Subperiod or Subcategory	Proposed Initial 2004 FY BFT Quotas
General	-30.8	0.0	689.8	June - August September Oct - Jan New York Bight	659.0 389.4 194.7 64.9 10.0
Harpoon	24.3	0.0	57.1		81.4
Longline	27.6	0.0	143.6	North NED South	171.2 58.2 49.2 63.8
Trap	0.8	0.0	1.5		2.3
Purse Seine	117.0	0.0	272.4		389.4
Angling	-440.7	217.6	288.6	<u>School</u> North South <u>School Reserve</u> <u>Lg Sch/Sm Med</u> North South <u>Trophy</u> North South	65.5 <u>21.0</u> 8.1 9.1 <u>3.8</u> <u>42.7</u> 20.2 22.5 <u>1.8</u> 0.6 1.2
Reserve	209.8	-209.8	36.6		36.6
Total	-92.0	7.8*	1489.6		1405.4

*2003 Calendar year Dead Discard Allowance (DDA): The initial 2003 calendar year dead discard estimate, as per the Longline discards calculated from logbook tallies, adjusted as warranted when observer counts is stratum exceed logbook reports, equals 52.4 (68 - 52.4 = 15.6. 15.6/2 = 7.8).

Table 4: 2003 Fishing Year (June 1, 2003 - May 31, 2004) Atlantic HMS and Atlantic tunas permits

Category	Number of Permits
General	6,014
Harpoon	53
Purse Seine	5
Incidental Longline/Trap	245
HMS Angling (Recreational)	22,335
HMS Charter/Headboat	4,597
Total	33,249

*Source: Atlantic HMS/Tunas Permit Database

Table 5: BFT landings by year and category (metric tons), 1996 to 2003

Category	1996	1997	1998	1999	2000	2001	2002*	2003*
General	575	679	706	714	725	933	898	595
Harpoon	58	53	60	59	53	68	41	53
Purse Seine	245	250	248	247	275	196	208	265
No. Longline	21	20	23	17	12	8	8	25
So. Longline	43	27	24	51	51	28	48	69
Trap	1	2	1	0	0	0	0	0
Angling	362	299	184	100	50	241	651	410
Total	1305	1330	1246	1188	1166	1484	1834	1417

*2002 and 2003 Fishing year landings figures are preliminary and subject to change; For the Angling category, landings were estimated using revised preliminary LPS numbers, Maryland tagging figures, and North Carolina tagging figures; For commercial landings, figures are derived from NERO dealer report database. Note: Starting with the implementation of the HMS FMP in 1999, BFT are managed on a fishing year basis versus a calendar year basis.

Table 6: Summary of patterns of fishing activities directed at BFT in the United States

Gear	Area	Size of fish	Season
Handline, Harpoon, and Rod and Reel	Cape Cod Bay and Gulf of Maine	Giant	<i>June-November</i>
		Medium	<i>August-October</i>
		School	<i>Summer (unpredictable)</i>
	Cape Lookout to Cape Cod	School	<i>June-October</i>
		Medium	<i>June-October</i>
		Large Medium and Giant	<i>December-March</i>
	Gulf of Mexico	Giant	<i>January-June</i>
Purse Seine	Cape Hatteras to Cape Cod	Large Medium and Giant	<i>July-October</i>
	Cape Cod Bay	Large Medium and Giant	<i>July-October</i>

Table 7: Comparison of Impacts of Alternatives

Alternative	Ecological Impacts BFT	Ecological Impacts other fish species	Protected Species	Economic Impacts	Social Impacts	Administrative/Legal/EJ/CZMA Considerations
Issue 1: BFT QUOTA ALLOCATION						
A1. No Action	Distributes quota according to 1998 ICCAT Rebuilding plan	No change in fishing patterns and no increase in effort	No change in fishing patterns and no increase in effort	Positive	Overall negative. Denial of additional fishing opportunities per ICCAT 2002 Rec.	Inconsistent with ATCA. (i.e., additional quota not allocated)
A2. Implement ICCAT recommendation, including 25 mt for longline: PREFERRED	Consistent with BFT rebuilding plan; slightly less than A1 as allocates 77.6 mt more quota towards fishing mortality of BFT.	Fishing patterns remain consistent, minor increase in effort	Fishing patterns remain consistent, minor increase in effort	Slightly more positive than A1, i.e. additional fishing opportunities	Overall positive. Provide additional fishing opportunities	Consistent with ATCA, ICCAT 2002 Rec. and HMS FMP
A4. No “rollover” of unharvested quota from NED 25 mt set-aside subquota between fishing years	Similar to A2. Slightly more positive as 25 mt cap on incidental mortality	Fishing patterns remain consistent, minor increase in effort	Minor increase in effort	Overall positive compared to A1. However, potential negative impacts, compared to A2, to longline sector due to lack of rollover provision	Overall positive. However potential negative impacts, compared to A2, to longline sector due to lack of rollover provision	Consistent with ATCA, ICCAT 2002 Rec. and HMS FMP
Issue 2: GENERAL CATEGORY EFFORT CONTROLS						
B1. RFD schedule published in initial BFT specifications PREFERRED	Neutral	Neutral	Neutral	Overall positive. Facilitates planning, minimizes market gluts and extends season as long as possible.	Overall positive. Facilitates planning, minimizes market gluts and extends season as long as possible.	Can use inseason authority to waive and cancel if necessary
B2. No Action: No RFDs, publish in initial BFT specifications	Neutral	Neutral	Neutral	Mixed. Can be positive or negative depending on catch rates.	Marginal positive. Depends on outreach and avoiding confusion.	Requires at least 3 day notice to implement.
Issue 3: CATCH-AND-RELEASE PROVISION						
C1. No Action; Tag-and-release only	Slightly Negative	Neutral	Neutral	Negative	Negative	N/A
C2. No Targeting of BFT during a closure	Slightly Positive	Slightly Negative	Neutral	Negative	Negative	N/A
C3. Catch-and-release Provision PREFERRED	Positive	Slightly Positive	Neutral	Positive	Positive	N/A

Table 8: General category landings of BFT before and after November 15, 1996-2003

	Before November 15		November 15 and After	
Year	Metric Tons	Percentage of Total	Metric Tons	Percentage of Total
2003	486.9	82	108.1	18
2002	825.2	92	73.1	8
2001	894.8	96	38	4
2000	677.5	93	47.3	7
1999	714.4	100	0	0
1998	706.2	100	0	0
1997	679.9	100	0	0
1996	574.7	99	4.7	1
Total Average	695.0	95.3	33.9	4.8

* Note: Starting with the implementation of the HMS FMP, BFT are managed on a fishing year basis versus a calendar year basis.
 Source: 1996-2003 Dealer Report Database

Table 9: Ex-vessel average prices* (per pound, round weight) for BFT by commercial fishing category, 1996-2003

Category	1996	1997	1998	1999	2000	2001	2002	2003
General	\$8.71	\$7.23	\$5.20	\$6.93	\$9.46	\$7.65	\$7.02	\$6.06
Harpoon	\$7.69	\$8.09	\$5.92	\$9.10	\$7.05	\$7.42	\$6.82	\$6.89
Incidental	\$4.79	\$4.94	\$5.06	\$5.47	\$5.89	\$5.74	\$5.05	\$5.29
Purse Seine	\$8.61	\$8.32	\$6.01	\$6.75	\$7.22	\$6.97	\$6.64	\$4.68

Note: Starting with the implementation of the HMS FMP, BFT are managed on a fishing year basis versus a calendar year basis.

* All dollars have been converted to 1996 dollars using the Consumer Price Index (CPI) Conversion Factors

Source: 1996-2003 Dealer Report Database

Table 10: Average monthly prices (per pound, round weight) for Atlantic bluefin tuna in the General Category, 1996-2003

	June	July	August	September	October	November	December	January
2003	\$5.11	\$7.77	\$7.82	\$7.19	\$4.65	\$8.40	\$7.22	\$8.08
2002	\$6.70	\$7.50	\$7.78	\$5.55	\$7.86	\$5.35	\$7.48	--
2001	\$5.49	\$8.13	\$7.53	\$8.12	\$7.71	\$6.22	--	--
2000	\$9.27	\$13.36	\$9.22	\$9.14	\$8.74	\$8.82	\$11.69	--
1999	\$5.84	\$8.55	\$6.66	\$6.79	\$6.50	--	--	--
1998	\$7.31	\$4.99	\$4.80	\$4.94	\$6.09	\$10.38	--	--
1997	\$7.16	\$6.83	\$7.79	\$7.04	\$8.09	--	--	--
1996	\$7.81	\$7.86	\$8.55	\$8.33	\$9.97	\$15.26	--	--

* Note: Starting with the implementation of the HMS FMP, BFT are managed on a fishing year basis versus a calendar year basis.

* : All dollars have been converted to 1996 dollars using the Consumer Price Index (CPI) Conversion Factors

Source: 1996-2003 Dealer Report Database

Table 11: Ex-vessel gross revenues in the U.S. Atlantic bluefin tuna fishery by commercial fishing category, 1996-2003

Year/Cat.	General	Harpoon	Inc./LL	P.S.	Total
2003	\$7,476,461	\$772,810	\$635,498	\$2,546,236	\$11,431,005
2002	\$13,948,190	\$588,884	\$558,352	\$3,066,034	\$18,161,460
2001	\$15,883,631	\$1,089,423	\$449,794	\$3,011,046	\$20,433,894
2000	\$15,027,728	\$824,636	\$803,012	\$4,383,679	\$21,039,055
1999	\$10,470,014	\$1,185,947	\$805,687	\$3,671,460	\$16,133,108
1998	\$7,763,996	\$743,666	\$482,858	\$3,285,014	\$12,275,534
1997	\$10,808,589	\$939,322	\$531,208	\$4,579,361	\$16,858,480
1996	\$10,781,387	\$919,717	\$671,528	\$4,445,852	\$16,818,484

Note: Starting with the implementation of the HMS FMP, BFT are managed on a fishing year basis versus a calendar year basis.

* : All dollars have been converted to 1996 dollars using the Consumer Price Index (CPI) Conversion Factors

Source: 1996-2003 Dealer Report Database

Table 12: Summary of expected net economic benefits and costs of alternatives.

Alternative	Net Economic Benefits	Net Economic Costs
Issue 1: BFT QUOTA ALLOCATION		
A1. No Action	positive economic impacts on a scale similar to 2002	Opportunity cost of revenue foregone from not implementing 2002 ICCAT recommendation
A2. Implement ICCAT recommendation, including 25 mt for longline: PREFERRED	Slightly greater positive economic benefit than No Action as allocates additional quota and greater fishing opportunities.	N/A
A4. No “rollover” of unharvested quota from NED 25 mt set-aside subquota between fishing years	Similar to the preferred alternative, slightly less positive economic benefit to the longline sector due to no rollover provision	Potential for revenue foregone after 25 mt is exceeded.
Issue 2: GENERAL CATEGORY EFFORT CONTROLS		
B1. RFD schedule published in initial BFT specifications PREFERRED	Minimal IF catch rates high as will space product on market, plus additional positive economic impacts for southern Atlantic states although maybe no NET benefit if at detriment to northern states	IF catch rates are high, allows for more predictability in the planning of trips
B2. No Action: No RFDs, publish in season	Minimal IF catch rates low as unnecessary to regulate delivery of product on market.	IF catch rates are high, may need to add RFDs inseason which could have negative impacts due to time required to implement and on planning schedules.
Issue 3: CATCH-AND-RELEASE PROVISION		
C1. No Action; Tag-and-release only	Slightly less positive economic impacts, than C3, due to vessel owner/operators ability to target BFT after a quota category is closed and perform tag-and-release. Requires anglers to tag-and-release.	May have negative economic impacts associated with vessel owner/operators ability to obtain an approved tagging kit or willingness to take trips if they are not comfortable with the tagging process, thus impacting support industries.
C2. No Targeting of BFT during a closure	None	Opportunity cost of revenue by support industries foregone from not allowing trips targeting BFT once a quota category has been closed.
C3. Catch-and-release Provision PREFERRED	Positive economic impacts due to vessel owner/operators ability to target BFT after a quota category is closed and perform catch-and-release. Also allow anglers the option to tag-and-release if they so choose.	May have slight negative economic impacts associated with vessel owner/operators ability to obtain an approved tagging kit.