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FISHERIES

Proposed Rule to Implement General Category Restricted- Fishing Days (RFDs) for the 2022 Fishing Year

Highly Migratory Species Management Division

March 24, 2022



Outline

- Background
- Purpose and Need
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- Request for Public Comments



Background



What is a Restricted-Fishing Day (RFD)?

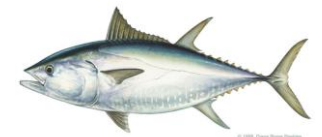
- A day on which NOAA Fisheries sets the bluefin tuna (BFT) retention limit at zero for certain permit categories
- Schedule of days established ahead of time -- published in the Federal Register

On an RFD:

- Atlantic Tunas General category permitted vessels are prohibited from fishing for (including catch-and-release and tag-and-release), possessing, retaining, landing, or selling BFT
- Highly Migratory Species (HMS) Charter/Headboat permitted vessels *with a commercial sale endorsement* are prohibited from fishing *commercially* for BFT
- HMS Charter/Headboat permitted vessels can fish *recreationally* under Angling category restrictions and retention limits

History of RFDs

- NOAA Fisheries set RFDs annually for 1995 through 2007
- In 2019 and 2020, NOAA Fisheries received numerous requests from Atlantic tuna dealers, General category participants, and members of the Atlantic HMS Advisory Panel to resume the use of RFDs due to increased General category BFT catch rates
- In 2021, NOAA Fisheries proposed a schedule of all Tuesdays, Fridays, and Saturdays from July 20 through November 30 (86 FR 25992, May 12, 2021)
- On August 9, 2021, NOAA Fisheries finalized a schedule of all Tuesdays, Fridays, and Saturdays from September 3 through November 30, 2021 (86 FR 43421)



After publication of the 2021 RFD schedule

NOAA Fisheries received additional requests to:

- Establish a weekly RFD schedule consisting of *3 days in a row*
 - Specifically all Thursdays, Fridays, and Saturdays
- Extend RFDs through the *December* subquota period
 - Specifically all Wednesdays and Saturdays
- Establish RFDs for the *January through March* subquota period

Purpose and Need of RFDs



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Purpose of and Need for RFDs

RFDs are designed to:

- Lengthen the amount of time it takes to fill subquotas (i.e., provide more fishing opportunities)
- Decrease the number of BFT that are landed but cannot be sold
- Stabilize or increase BFT prices throughout the fishing year



Proposed RFD Schedule



Proposed 2022 RFD Schedule

- General category permitted vessels would be prohibited from fishing for (including catch-and-release and tag-and-release fishing), possessing, retaining, landing, or selling BFT on all Tuesdays, Fridays, and Saturdays July 1 - November 30, 2022
- HMS Charter/Headboat permitted vessels with a commercial sale endorsement also would be prohibited from fishing commercially for BFT
- HMS Charter/Headboat permitted vessels could fish recreationally for BFT under the applicable Angling category restrictions and retention limits



Proposed 2022 RFD Schedule (cont.)

- Proposed schedule based on:
 - Review of average daily catch rate data for recent years
 - Review of past years' RFD schedules (including the most recent 2021 RFD schedule)
 - Review of past closure dates prior to RFDs being set in 2021
 - Input from tuna dealers, General category participants, and HMS Advisory Panel
- Tuesday, Friday, and Saturday RFDs should increase the likelihood of pacing General category landings to extend fishing opportunities through a greater portion of the subquota periods

Proposed 2022 RFD Schedule (cont.)

July						
S	M	T	W	T	F	S
					X	X
3	4	X	6	7	X	X
10	11	X	13	14	X	X
17	18	X	20	21	X	X
24	25	X	27	28	X	X
31						

August						
S	M	T	W	T	F	S
	1	X	3	4	X	X
7	8	X	10	11	X	X
14	15	X	17	18	X	X
21	22	X	24	25	X	X
28	29	X				

September						
S	M	T	W	T	F	S
			1	2	X	X
5	6	X	8	9	X	X
12	13	X	15	16	X	X
19	20	X	22	23	X	X
26	27	X	29	30	X	

October						
S	M	T	W	T	F	S
						X
2	3	X	5	6	X	X
9	10	X	12	13	X	X
16	17	X	19	20	X	X
23	24	X	26	27	X	X
30						

November						
S	M	T	W	T	F	S
	1	X	3	4	X	X
7	8	X	10	11	X	X
14	15	X	17	18	X	X
21	22	X	24	25	X	X
28	29	X	31			

Note: All of the red “X” days are proposed RFDs. Under the proposed rule, landing and selling BFT *commercially* could only happen on the days that do not have a red “X”.

Waiving RFDs

- NOAA Fisheries may waive an RFD under certain circumstances including:
 - Review of dealer reports
 - Daily landing trends
 - Availability of BFT on fishing grounds
- NOAA Fisheries would announce any waiver via a retention limit adjustment in the Federal Register.
- NOAA Fisheries would not modify previously scheduled RFDs during the fishing year in other ways, including:
 - Changing an RFD from one date to another
 - Adding RFDs.

Request for Comments



Request for Public Comments

- NOAA Fisheries is proposing a schedule of RFDs for every Tuesday, Friday, and Saturday from July 1, 2022, through November 30, 2022.
- NOAA Fisheries is specifically requesting comments on:
 - Whether the RFD schedule should instead be *3 days in a row per week*
 - Whether RFDs should be considered for the General category *December* subquota period
 - Whether RFDs should be considered for the *January through March* subquota period



Request for Public Comments

- Proposed rule published March 7, 2022 (87 FR 12643)
- Comment period closes on April 6, 2022
- Please submit comments at <https://www.regulations.gov> (Search “NOAA-NMFS-2022-0025”)
- Action webpage: <https://www.fisheries.noaa.gov/action/proposed-2022-restricted-fishing-days-atlantic-bluefin-tuna-fishery>
- Target effective date July 1, 2022
- For more information contact:
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