



**RECORD OF DECISION**  
**for the**  
**FINAL ENVIRONMENTAL IMPACT STATEMENT**  
**on**

**Final Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan**

**Introduction**

This document comprises the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service's (NMFS or NOAA Fisheries) Record of Decision (ROD) for Final Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) (Amendment 13), as required by the National Environmental Policy Act (NEPA), 42 USC § 4321 *et seq.*, the Council on Environmental Quality NEPA regulations at 40 CFR Parts 1500-1508, and the National Oceanic and Atmospheric Administration's (NOAA) NEPA environmental review procedures, including NAO 216-6A and its companion manual.

Atlantic HMS are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 *et seq.*, and/or the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. §§ 971 *et seq.* Under the Magnuson-Stevens Act, NMFS must prevent overfishing while achieving, on a continuing basis, optimum yield, consistent with the Act's National Standards and other requirements. Under ATCA, NMFS is authorized to promulgate regulations as may be necessary and appropriate to carry out binding measures (referred to as "recommendations") adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), of which the United States is a member. The conservation and management measures finalized in this final rule, which address western Atlantic bluefin tuna, are taken under the authority of the Magnuson-Stevens Act and ATCA.

Since 2015, the pelagic longline fishery has undergone substantial changes, including successful implementation of individual quotas for bluefin (Amendment 7 to the 2006 Consolidated HMS FMP), declining effort, underharvest of swordfish, and substantial reductions in bluefin dead discards. In addition to the pelagic longline fishery that incidentally catches bluefin, the directed bluefin fisheries have evolved over time. The purse seine fishery has been largely inactive for approximately the past decade, with no bluefin landings since 2015. NOAA Fisheries has not issued a vessel permit to any of the five historical purse seine fishery participants since 2015. Handgear fisheries that target bluefin have consistently been very active, and the number of permit holders remains high. Increases in landings from the commercial and recreational handgear fisheries that began prior to 2015 have continued. With such increases in landings, there has been renewed public interest in the optimal and equitable allocation of bluefin quota among fisheries, seasons, and geographic areas. In conjunction with possible changes in allocations, it is important to consider changes that might best utilize U.S. Atlantic bluefin quota, consistent with management objectives. In 2019, a formal review of the Individual Bluefin Quota



(IBQ) Program was conducted through the Three-Year Review of the IBQ Program (Three-Year Review). The principal reasons for this amendment are the findings of the Three-Year Review, recent changes in the bluefin fisheries, and advice and input from the HMS Advisory Panel and the public. On May 21, 2019, NOAA Fisheries published a Notice of Intent (NOI) to prepare an environmental impact analysis and Notice of Availability (NOA) of an Issues and Options document (84 FR 23020). The NOI/NOA announced the start of a public scoping process for determining the significant issues related to the management of bluefin and addressing issues identified by considering modification of bluefin regulations. NOAA Fisheries requested comments on the NOI and the management options described in the Issues and Options document and other potential regulatory provisions regarding the bluefin directed fisheries and incidental catch in the pelagic longline fishery. During the scoping period, which ended on July 31, 2019, NOAA Fisheries held 11 public scoping meetings and received approximately 100 comments (written and verbal). Comments were mixed, both in support of and opposed to changes in the regulations.

On May 21, 2021, NOAA Fisheries released a Draft Environmental Impact Statement (DEIS) and the Environmental Protection Agency (EPA) published a Notice of Availability (86 FR 27593). Also on May 21, 2021, NOAA Fisheries published a proposed rule to implement the preferred alternatives (86 FR 27686). The proposed rule notified the public of the opportunity to comment on the DEIS and proposed rule through July 20, 2021. The public comment period for the proposed rule was extended until September 20, 2021, based upon public requests for an extension of the comment period in order to provide additional time for the public to understand the proposed measures and supporting analyses and provide comment (86 FR 38262, July 20, 2021).

During the public comment period NOAA Fisheries held three public hearings, briefed three regional fishery management councils and held two discussions on Amendment 13 with the HMS Advisory Panel. NOAA Fisheries received 47 written comments on the Amendment 13 proposed rule. Comments were received from various organizations including Blue Water Fishermen's Association, American Sword and Tuna Harvesters, American Bluefin Tuna Association, Cape Cod Commercial Fishermen's Alliance, Blue Harvest Fisheries, Environmental Defense Fund, The Ocean Foundation, Maryland Department of Natural Resources, and the Environmental Protection Agency. There was a wide range of public comments, both in support of and in opposition to the proposed measures, including suggestions for changes to measures. On May 6, 2022, NOAA Fisheries released a Final Environmental Impact Statement (FEIS) to the public, and on May 13, 2022, EPA published a Notice of Availability (87 FR 29310).

NMFS has determined that Amendment 13 and its final rule will not have new or different effects on Endangered Species Act (ESA)-listed endangered or threatened species or designated critical habitat beyond those analyzed in the May 2020 Biological Opinion on the Operation of the Atlantic Highly Migratory Species (HMS) Fisheries Excluding Pelagic Longline and the May 2020 Biological Opinion on the Atlantic HMS Pelagic Longline Fishery. However, in July 2022, NOAA Fisheries, requested reinitiation of consultation on the effects of the Atlantic HMS pelagic longline fishery due to new information on mortality of giant manta ray that exceeded the mortality anticipated in the 2020 Biological Opinion on that fishery. The anticipated consultation will consider the effects of the 2006 Consolidated HMS FMP and relevant amendments,

including Amendment 13, and relevant implementing regulations. Pending completion of consultation, the fishery continues to operate consistent with the Reasonable and Prudent Measures (RPMs) and Terms and Conditions specified in the May 2020 Biological Opinion, and NOAA Fisheries will continue to monitor any take of giant manta rays in the fishery. Actions within the scope of the May 2020 Biological Opinion and consistent with the RPMs and Terms and Conditions are not likely to jeopardize the species during consultation, consistent with section 7(a)(2) of the ESA. Giant manta ray interactions with the Atlantic HMS pelagic longline fishery are low, with total takes estimated to be well below the levels of takes authorized under the incidental take statement in the 2020 Biological Opinion. In addition, the species is not thought to be in peril in the Atlantic, the level of potential mortalities is considered to be low, and extrapolated mortalities may overstate the fishery's effects on the species. In accordance with section 7(d) of the ESA, NMFS has determined that, during consultation, pelagic longline fishery activity consistent with the existing May 2020 Biological Opinion will not result in an irretrievable or irreversible commitment of resources which would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures and that continued compliance with the RPMs and Terms and Conditions in that biological opinion will avoid jeopardy to ESA-listed species, consistent with section 7(a)(2) of the ESA.

### **Decision to Be Made**

This ROD documents the decision made by NOAA Fisheries to approve the measures within Amendment 13. This decision is based on the analyses included in the Amendment 13 FEIS. The FEIS analyzed impacts to the quality of the human environment, including social and economic impacts. After careful review of the proposed measures, the associated analyses, and the public comments that NOAA Fisheries received on Amendment 13, NOAA Fisheries is approving the management measures as described by the Preferred Alternatives in the FEIS. Specifically, the decision is to select the following alternatives as preferred, each of which is summarized in this section:

- Alternative A2b – Dynamic determination of Individual Bluefin Quota (IBQ) shares,
- Alternative B3 – Modify the regional designations of the IBQ shares,
- Alternative B4 – No action; No changes to the Northeast Distant Gear Restricted Area rules,
- Alternative C1 – No action; No changes to the prohibition on sales of IBQ shares,
- Alternative D1c – Cap amount of shares held by an entity at 25 percent,
- Alternative D2a – No action; No cap on the amount of IBQ allocation an entity may lease or use,
- Alternative E1b – Modify dealer reporting requirements for IBQ Program,
- Alternative E2b – Modify Requirement for Mailing Electronic Monitoring (EM) Hard Drives,
- Alternative E3b – Clarify and expand regulations for installation of cameras,
- Alternative E4b – Specify Additional Fish Handling Protocols for EM,
- Alternative E5b – Implement a Cost Recovery Program,
- Alternative F1b – Modify codified quota allocation percentage to reflect the annual 68-mt allocation to the Longline category,
- Alternative F2b – Discontinue Purse Seine category,

- Alternative F3a – Reallocate Purse Seine category quota proportionally to all bluefin categories, including Reserve, Longline, and Trap,
- Alternative G1 – No action; No Modifications to General category subquota periods and/or allocations,
- Alternative H2 – Modify Angling category trophy areas and allocations (percentages),
- Alternative I1a – No action; Maintain the current authorized gears,
- Alternative I2c – Set the Harpoon category default limit on the total number of bluefin at 10 fish (combined large medium (73 < 81”) and giant bluefin (81”)), and allow inseason adjustment of the combined retention limit to between 5 and 10 fish,
- Alternative I3a – No action; Maintain current start and closure dates for Harpoon category season,
- Alternative I4b – Allow vessels with open access Atlantic tunas or HMS permits to change permit categories within a fishing year
- Alternative I5c – Allow Longline category permitted vessels to retain bluefin caught on green-stick gear, regardless of whether pelagic longline gear is onboard.

**Alternatives Considered**

As summarized in Tables 1 through 8 below, the DEIS and FEIS analyzed a range of alternatives for a number of different types of management measures related to the management of bluefin. As required by NEPA, No Action Alternatives were identified and considered (40 CFR Part 1502.14). The alternatives in the tables below are organized by management measure with changes in the preferred alternatives from the DEIS to the FEIS noted in bold. Specific objectives noted below are within the context of the current 2006 Consolidated HMS FMP and its amendments and of meeting legal obligations and conservation and management goals and requirements. Additional information on the alternatives is in the FEIS.

The ‘A’ Alternatives in Table 1 address the Amendment 13 objective to “Modify the management of the pelagic longline fishery in response to the Three-Year Review of the IBQ Program, and in response to important relevant prevailing trends (e.g., declining fishing effort and revenue for target species).” The Preferred Alternative A2b would create a dynamic system to annually determine shares among active participants in the fishery and address one of the principal recommendations of the Three-Year Review of the IBQ Program (2019).

Table 1. ‘A’ Alternatives: Pelagic Longline Fishery: Modifications to IBQ Share Eligibility, Share Distribution and Allocation Methods

Alternative	Preferred in DEIS	Preferred in FEIS	Description
A1			No Action.
A2a			Dynamic determination of IBQ shares based upon pelagic longline hooks as the measure of fishing effort.
A2b		<b>X</b>	<b>Dynamic determination of IBQ shares based upon pelagic longline sets as the measure of fishing effort. Authorization for potential, future <i>de-minimis</i> bluefin quota set aside for new entrants.</b>
A2c	X		Dynamic determination of IBQ shares based upon designated species landings as the measure of fishing effort.

A2d			Dynamic determination of IBQ shares and distribution of IBQ allocation in equal amounts to active vessels.
A3			Amendment 7 Allocation formula, using 2016-2018 data.

The ‘B’ Alternatives in Table 2 address the Amendment 13 objectives to: “Maintain flexibility of the regulations to account for the highly variable nature of the bluefin fisheries, and maintain fairness among permit/quota categories”; and “Continue to manage the Atlantic pelagic longline fishery consistent with the IBQ Program objectives in Amendment 7, and consistent with the conservation and management objectives of the 2006 Consolidated HMS FMP and its amendments, and consistent with all applicable laws.” The preferred alternatives B3 and B4 would maintain flexibility in the fishery for participants to fish in various regions of the Atlantic and Gulf of Mexico, while strengthening measures that protect bluefin in the Gulf of Mexico. Further, Alternative B3 would provide flexibility for the IBQ Program to continue functioning successfully in the Gulf of Mexico under conditions of very low fishing effort there.

Table 2. ‘B’ Alternatives: Modification to Rules Closely Linked to IBQ Allocations

Alternative	Preferred in DEIS	Preferred in FEIS	Description
B1			Regional designations: No Action.
B2			Eliminate the regional IBQ designations and cap bluefin catch from the Gulf of Mexico.
B3	X	X	Modify regional Gulf of Mexico (GOM) and Atlantic (ATL) designations for a dynamic allocation system and cap bluefin catch from the Gulf of Mexico. <b>Add a measure under which a low threshold percent of GOM IBQ share (5%) triggers temporary suspension of certain GOM-specific accounting rules.</b>
B4	X	X	NED Rules: No Action.
B5			Do not include NED fishing activity under 25-mt set aside as part of the data used in calculating IBQ allocations.

The ‘C’ and ‘D’ Alternatives in Table 3 would address the Amendment 13 objective to: “Continue to manage the Atlantic pelagic longline fishery consistent with the IBQ Program objectives in Amendment 7, and consistent with the conservation and management objectives of the 2006 Consolidated HMS FMP and its amendments, and consistent with all applicable laws.” Specifically, the Preferred Alternatives would address the Magnuson-Stevens Act requirement regarding the accumulation of excessive shares in Limited Access Programs, while continuing current regulations designed to meet the unique needs of the IBQ Program.

Table 3. ‘C’ and ‘D’ Alternatives: Sale of IBQ Shares; and Cap on IBQ Shareholder Percentage or IBQ Allocation Use

Alternative	Preferred in DEIS	Preferred in FEIS	Description
C1	X	X	No sale of IBQ shares allowed: No Action.
C2			Allow sale of IBQ shares.

D1a			Cap accumulated sum of IBQ shares: No Action.
D1b			Cap amount of IBQ shares at seven percent.
D1c	X	X	Cap amount of IBQ shares at 25 percent.
D1d			Cap amount of IBQ shares at 50 percent.
D2a	X	X	No cap on the amount of IBQ allocation an entity may lease or use: No Action.
D2b			Establish a cap on the amount of IBQ allocation an entity may lease or use at 25 percent of the total annual allocation.

The ‘E’ Alternatives in Table 4 would address the Amendment 13 objective to: “Maintain flexibility of the regulations to account for the highly variable nature of the bluefin fisheries, and maintain fairness among permit/quota categories”; and “Continue to manage the Atlantic pelagic longline fishery consistent with the IBQ Program objectives in Amendment 7, and consistent with the conservation and management objectives of the 2006 Consolidated HMS FMP and its amendments, and consistent with all applicable laws.” Preferred Alternative E1b would streamline dealer reporting requirements, while the other preferred alternatives would improve data collection in the electronic monitoring program and address relevant costs. The cost associated with Alternative E3b would be paid by vessel owners. The DEIS stated that NOAA Fisheries would pay the costs of boom installation as funds are available; however, at this time, appropriated funds are not available. As a result, NOAA Fisheries determined the costs should be paid for by individual vessel owners. This approach to industry-funded implementation is consistent with NOAA Fisheries Procedure 04-115-02: Cost Allocation in Electronic Monitoring Programs for Federally Managed U.S. Fisheries, which generally specifies the transition of certain costs to the fishing industry. Alternative E5b would be responsive to the Magnuson-Stevens Act provisions regarding cost recovery (16 U.S.C. § 1853a(e)).

Table 4. ‘E’ Alternatives: Adjustments to Other Aspects of the IBQ Program

Alternative	Preferred in DEIS	Preferred in FEIS	Description
E1a			Maintain current dealer reporting requirement for IBQ Program: No Action.
E1b	X	X	Modify dealer reporting requirements for IBQ Program.
E2a			Maintain current requirement for mailing EM hard drives: No Action.
E2b	X	X	Modify requirement for mailing EM hard drives.
E3a			Maintain current regulations for camera installation: No Action.
E3b	X	X	Clarify regulations for installation of cameras to explicitly authorize NMFS to require installation of hardware such as a boom to obtain an optimal view of the rail area where fish are removed from the water. <b>FEIS: industry responsible for cost of such hardware to mount the rail camera.</b>
E4a			Maintain current fish handling protocols for EM: No Action.
E4b	X	X	Specify that vessel owners will be required to install a measuring grid on deck in view of one of the EM cameras to facilitate analysis of video data (i.e., fish size and

			identification). <b>Vessels owners will be responsible for the associated cost.</b>
E5a			Do not implement a cost recovery program. No Action.
E5b	X	X	Implement a cost recovery program.

The ‘F’ Alternatives in Table 5 would address the Amendment 13 objective to: “Evaluate and optimize the allocation of U.S. bluefin quota among bluefin quota categories, considering historical allocations and use, and recent fishery characteristics and trends, to provide U.S. fishing vessels with a reasonable opportunity to catch the U.S. quota established by ICCAT, facilitate the ability for active HMS directed permit categories to catch their full bluefin quota allocations, and facilitate directed fishing for species other than bluefin in the pelagic longline fishery while accounting for incidental bluefin catch.” Preferred Alternatives F2b and F3a would optimize the allocation and use of the bluefin quota by making quota from an inactive fishing category available to active bluefin fishing categories (directed and incidental) in a predictable and equitable manner.

Table 5. ‘F’ Alternatives: Purse Seine Category and Bluefin Quota Allocation Process

Alternative	Preferred in DEIS	Preferred in FEIS	Description
F1a			Current method of deriving 68 mt for allocation to Longline category: No Action.
F1b	X	X	Modify codified quota allocation percentages to reflect the annual 68-mt allocation to the Longline category
F2a			Continue Purse Seine category: No Action.
F2b	X	X	Discontinue Purse Seine category and reallocate quota upon implementation of Amendment 13.
F2c			Discontinue Purse Seine category and reallocate quota at a future date.
F2c1			Partially reallocate Purse Seine category quota and allow current Purse Seine category participants to lease quota and fish until sunset date (two years after implementation of Amendment 13).
F2c2			Partially reallocate Purse Seine category quota and allow current Purse Seine category participants to lease quota but not fish until sunset date (two years after implementation of Amendment 13).
F3a		X	<b>Reallocate Purse Seine category quota proportionally to all other quota categories, and apply Longline category increase to all areas.</b>
F3b			Reallocate Purse Seine category quota proportionally to all other quota categories, but do not allow an increase in Longline category quota that could be used in the Gulf of Mexico.
F4	X		Reallocate Purse Seine category quota proportionally to directed bluefin categories, including Reserve.

The ‘G’ Alternatives in Table 6 would address the Amendment 13 objective to: “Evaluate and optimize the allocation of U.S. bluefin quota among bluefin quota categories, considering

historical allocations and use, and recent fishery characteristics and trends, to provide U.S. fishing vessels with a reasonable opportunity to catch the U.S. quota established by ICCAT, facilitate the ability for active HMS directed permit categories to catch their full bluefin quota allocations, and facilitate directed fishing for species other than bluefin in the pelagic longline fishery while accounting for incidental bluefin catch.” Preferred Alternative G1 would continue the current General category regulations, based on analyses that supported the conclusion that no change to the subquota periods and/or allocations is warranted.

Table 6. ‘G’ Alternatives: Modifications to General Category Subquota Periods and/or Allocations.

Alternative	Preferred in DEIS	Preferred in FEIS	Description
G1	X	X	Modifications to General category subquota periods and/or allocations: No Action.
G2a			Modify General category subquota time periods: 12 equal months.
G2b			Modify General category subquota time periods: Extend the January through March subquota through April 30.
G3a			Modify General category subquota allocations percentages: Increase the January through March amount.
G3b			Modify General category subquota allocations percentages: Increase the September and the October through November amounts and decrease June through August amount.
G3c			Modify General category subquota allocations percentages: If reallocate Purse Seine quota proportionally to other quota categories, place all quota that is reallocated to the General category in the fall time periods.

The ‘H’ Alternatives in Table 7 would address the Amendment 13 objective to: “Evaluate and optimize the allocation of U.S. bluefin quota among bluefin quota categories, considering historical allocations and use, and recent fishery characteristics and trends, to provide U.S. fishing vessels with a reasonable opportunity to catch the U.S. quota established by ICCAT, facilitate the ability for active HMS directed permit categories to catch their full bluefin quota allocations, and facilitate directed fishing for species other than bluefin in the pelagic longline fishery while accounting for incidental bluefin catch.” Preferred Alternative H2 would provide additional fishing opportunity for recreational fishing vessels fishing in northern New England.

Table 7. ‘H’ Alternatives: Modifications to the Angling category Trophy Fishery.

Alternative	Preferred in DEIS	Preferred in FEIS	Description
H1			Maintain Angling category trophy areas and allocations (percentages): No Action.
H2	X	X	Modify Angling category trophy areas and allocations (percentages).



The ‘I’ Alternatives in Table 8 would address the Amendment 13 objective to: “Evaluate and optimize the allocation of U.S. bluefin quota among bluefin quota categories, considering historical allocations and use, and recent fishery characteristics and trends, to provide U.S. fishing vessels with a reasonable opportunity to catch the U.S. quota established by ICCAT, facilitate the ability for active HMS directed permit categories to catch their full bluefin quota allocations, and facilitate directed fishing for species other than bluefin in the pelagic longline fishery while accounting for incidental bluefin catch”. Preferred Alternatives I1a and I3a would continue the current regulations regarding the use of harpoon gear and the Harpoon category season, based on the analyses that support no change to the management measures. Preferred Alternative I2c may provide additional fishing opportunity by limiting Harpoon category catch per trip and facilitating a longer time period during which quota is available. Preferred Alternatives I4b and I5c would provide more flexibility for permit holders to correct mistakes on their permit applications; and clarify bluefin retention and reporting requirements for pelagic longline vessels fishing with green-stick gear, respectively.

Table 8. ‘I’ Alternatives: Modifications to Other Handgear Fishery Regulations.

Alternative	Preferred in DEIS	Preferred in FEIS	Description
I1a	X	X	Use of harpoon gear on vessels other than Harpoon category-permitted vessels. Maintain the current authorized gears: No Action.
I1b			Allow use of harpoon gear on charter/headboat-permitted vessels.
I1c			Remove harpoon gear as an authorized gear for General category permitted vessels.
I2a			Maintain current Harpoon category retention limits: No Action.
I2b	X		Set a Harpoon category limit on the total number of bluefin at 10 fish (combined large medium and giant bluefin) and maintain current retention limit (range) on large medium bluefin.
I2c		X	Set a Harpoon category default limit on the total number of bluefin at 10 fish (combined large medium and giant bluefin) <b>and adjust daily retention limit for large medium and giant bluefin to a range of 5 to 10 fish (combined large medium and giant; adjusted inseason).</b>
I3a	X	X	Harpoon category season: Maintain current start and closure dates: No Action.
I3b			Length Harpoon category season
I4a			Maintain current 45-day restriction on changing open access permit categories within a fishing year: No Action.
I4b	X	X	Allow vessels with an open access Atlantic tunas or HMS permit to change permit categories within a fishing year provided they have not landed a bluefin.
I5a			Maintain the current green-stick gear regulations regarding retention of bluefin for vessels authorized to fish with pelagic longline gear: No Action.

I5b			Allow Atlantic Tunas Longline category permitted vessels to retain bluefin caught on green-stick gear, provided that pelagic longline gear is not onboard.
I5c	X	X	Allow Atlantic Tunas Longline category permitted vessels to retain bluefin caught on green-stick gear, regardless if pelagic longline gear is onboard.

**Environmentally Preferred Alternatives**

NOAA Fisheries has determined that, overall, the preferred alternatives represent the environmentally preferable alternatives when considering the balance of environment impacts and benefits that might accrue from these measures within the context and requirements of the Magnuson-Stevens Act (Table 9). Two alternatives have minor positive impacts. While other preferred alternatives are expected to have neutral ecological impacts, they promote conservation by ensuring rational, effective and efficient management of bluefin resources, consistent with preventing overfishing and rebuilding and consistent with the Act’s National Standards and other requirements. *See* Final Amendment 13/FEIS at pp. 440-442 and 446-448 (discussing National Standards 1 and 4). The environmentally preferable alternatives are summarized below.

The preferred alternatives A2b, B3, B4, C1, D1c, and D2a would have neutral impacts on the biological and physical environments, because they would not affect the overall amount of bluefin quota that may be caught. These alternatives are the ecologically preferred because they would not affect the overall U.S. bluefin quota, which prevents overfishing; are based on the best scientific information available; and are consistent with the ICCAT-recommended total allowable catch (TAC). The preferred alternatives would not modify the annual ICCAT-recommended TAC, nor the U.S. portion of that TAC (i.e., the U.S. bluefin quota).

Specifically, Preferred Alternative A2b, which addresses IBQ share eligibility, distribution, and allocation methods, has neutral ecological impacts. The method of defining shareholders and the distribution of IBQ allocation do not affect the overall amount of Longline category bluefin quota that may be caught. The method of share determination would not affect the overall U.S. bluefin quota. Further, Preferred Alternative A2b would have an overall minor, beneficial socioeconomic impact.

Preferred Alternative B3, which modifies the approach to regional designation of IBQ shares (Atlantic (ATL) and Gulf of Mexico (GOM)), and Preferred Alternative B4, which retains current catch accounting in the Northeast Distant Area, are ecologically neutral. Neither preferred alternative would affect the overall amount of Longline category bluefin quota that may be caught, the annual ICCAT-recommended TAC, or the overall U.S. bluefin quota. In addition, Preferred Alternative B3 is the environmentally preferred alternative because it annually adjusts regional designations based on recent years’ fishing activity, retains a default 35-percent cap on bluefin catch in the GOM, and provides a mechanism for NOAA Fisheries to adjust downward the 35 percent cap in order to achieve conservation and management objectives. The overall concept is to ensure that the cap continues to afford protection to spawning bluefin in the Gulf of Mexico, while also providing a mechanism to appropriately respond to new conditions or information. Lastly, Alternative B3 is environmentally preferred because, while it would relax regional accounting rules in circumstances of very low fishing effort (i.e., GOM IBQ shares are five-percent of less of overall shares), it provides that the

maximum allowable bluefin catch from the Gulf of Mexico is the catch weight equivalent of the otherwise applicable 35 percent cap (or lower, if adjusted downward). Alternative B3 would have an overall minor, beneficial socioeconomic impact, and alternative B4 would have neutral socioeconomic impacts.

Preferred Alternative C1, which would continue the current regulation that prohibits sale of IBQ shares, has neutral ecological impacts. Alternative C1 would not affect the overall amount of Longline bluefin quota that may be caught or the overall U.S. bluefin quota. Further, C1 is the environmentally preferable alternative because it has neutral socioeconomic impacts and continuing the existing sale prohibition reduces uncertainty in the IBQ allocation leasing market.

Preferred Alternatives D1c and D2a, which address caps on IBQ shares or allocations, have neutral ecological impacts. These alternatives do not affect or modify the overall amount of longline quota, the annual ICCAT-recommended TAC, or the U.S. bluefin quota. Further, Alternative D1c is the environmentally preferred alternative because it would prevent a single entity from controlling an excessive portion of IBQ shares, which could be a long-term economic benefit to the longline fishery as a whole. Alternative D2a (no action), which continues not to have a cap on leasing of IBQ allocation, would provide flexibility for vessels to lease as much IBQ allocation as necessary to account for bluefin catch, meet the minimum IBQ allocation requirements, and provide ‘insurance’ against the risk of potential future catch of bluefin during the year. Excessive control of IBQ allocations is unlikely given that leasing of IBQ allocation occurs on an annual basis and expires at the end of each calendar year. Based on analyses in the DEIS and FEIS, Alternatives D1c and D2a are expected to have neutral socioeconomic impacts.

Preferred alternatives E3b and E4b would have indirect, minor beneficial ecological impacts. Alternative E3b would clarify NOAA Fisheries’ authority to require installation of permanent or semi-permanent hardware in order to mount and install the rail video camera at locations on vessels as necessary to obtain optimal views of fish being removed from the water. Improving the view of the location where fish are removed from the water would increase the probability that a discard event would be detected and recorded by the video camera. Better detection of discard events would improve validation of the bluefin set reports (submitted by the vessel operator) and incentivize accurate reporting. Reducing management uncertainty and providing robust data are likely to provide ecological benefits in the long term. The preferred alternative E4b would require installation of a measuring grid on deck in view of one of the cameras would provide more accurate fish size information and fish identification. This data would decrease reporting and monitoring uncertainty.

Preferred alternatives F2b and F3a would discontinue the Purse Seine category and reallocate the Purse Seine category quota proportionally to all other bluefin quota categories. Alternatives F2b and F3a are the environmentally preferred alternatives because their ecological impacts are neutral. With the reallocation of Purse Seine category quota, the amount of bluefin catch would continue to be at or below the U.S. portion of the ICCAT-recommended TAC. Over the past years, most Purse Seine category quota has been transferred annually through a regulatory mechanism to other categories and the U.S. has been underharvesting its overall quota, thus no increase in fishing effort is expected. Alternative F2b would have moderate adverse socioeconomic impacts on five historical Purse Seine category participants due to potential

revenue loss from not being able to lease IBQ allocation or to land bluefin. Since 1982, the Purse Seine category has been managed with non-transferrable limited entry permits, and limited to five participants who historically were financially dependent on the fishery and their five purse seine vessels. Although new entrants are prohibited, an owner of a vessel with an Atlantic Tunas permit in the Purse Seine category may transfer the permit to another purse seine vessel that he or she owns per 50 CFR 635.4(d)(5). However, none of the five historical participants uses purse seine gear any longer, nor have they recently. The category has not fished since 2015, and there are currently no vessels issued a Purse Seine category permit. Because the purse seine fishery is restricted to the historical participants, this alternative would have no impact on any other vessel owner that may desire to participate in the bluefin fishery using gear other than purse seine gear. Alternative F3a would have moderately beneficial impacts for categories that receive reallocated quota.

The preferred alternatives F1b, G1, H2, I1a, I2c, I3a, I4b, and I5c would have neutral impacts on the biological and physical environments because they would not affect the overall amount of bluefin quota that may be caught. These alternatives are the ecologically preferred alternatives because they would not affect the overall U.S. bluefin quota, which prevents overfishing; are based on the best scientific information available; and are consistent with the ICCAT recommended quota. The preferred alternatives would not modify the annual ICCAT recommended bluefin TAC, nor the U.S. bluefin quota.

Further, preferred alternatives F1b, G1, H2, I1a, I2c, I3a, I4b, and I5c would provide efficiencies, flexibility, equity, and administrative benefits to the bluefin fisheries. Specifically, preferred alternative F1b would simplify the administration of bluefin quotas by making a change to the mathematical method used in the annual quota allocation process to achieve a similar result through simpler means. Preferred alternative G1 would continue the current General category subquota periods and allocations. Preferred alternative H2 would modify the Angling category trophy allocations to provide additional opportunity. Preferred alternative I1a would continue the current harpoon gear restrictions. Preferred alternative I2c would set an overall retention limit for Harpoon category vessels. Preferred alternative I3a would maintain the current Harpoon category season. Preferred alternative I4b would allow permit holders with open access permits make time to change permit categories to correct mistakes. Preferred alternative I5c would clarify the regulations regarding the retention of bluefin caught by green-stick gear by Longline category permitted vessels.

### **Rationale for the Selection of Preferred Alternatives**

Through the FEIS, NOAA Fisheries analyzed alternatives, associated environmental impacts, and the extent to which the impacts could be mitigated, and considered the objectives of the proposed action (Table 9). NOAA Fisheries has also considered public comments received during the NEPA and Magnuson-Stevens Act review periods.

NOAA Fisheries concludes that all practical and legally justifiable means to avoid, minimize, or compensate for environmental harm from the proposed action have been adopted. NOAA Fisheries has considered responses to all applicable public comments received on Amendment 13 and its proposed implementing rule. These comments have been considered by NOAA Fisheries

during the development of the FEIS and final rule, as described in Appendix A of the FEIS and the summary of comments and responses in the final rule.

Table 9. Impacts of and Rationale for the Selection of the Preferred Alternatives

Alternative	Impacts and Rationale
<p><i>Sub-Alternative A2b: Dynamic Determination of IBQ Shares Based Upon Pelagic Longline Sets as the Measure of Fishing Effort.</i></p>	<p>Ecological: This alternative would have neutral impacts on bluefin. While the alternative would affect the distribution of IBQ shares among pelagic longline vessels, the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. The total amount of IBQ allocation resulting from the available IBQ shares would remain equal to the Longline category quota and, although additional quota could be distributed to the category through transfers from the Reserve category pursuant to existing regulations, bluefin catch overall would remain within already-established limits. By distributing IBQ shares only to active vessels, vessels may not have to lease as much IBQ allocation. This could have a minor effect on where, when and how much a vessel fishes, but is not anticipated to result in substantial changes in distribution of fishing effort or total fishing effort or to substantively impact HMS target species, non-bluefin incidental catch species, or bycatch species. Thus, impacts to bluefin and other species would be neutral.</p>
	<p>Socioeconomic: The socioeconomic impacts of this alternative would be minor and beneficial because more permit holders would benefit from this alternative than would be disadvantaged. Moreover, any adverse impacts for individual permit holders would be short-term as this alternative provides for annual determination of IBQ shareholders. Socioeconomic impacts of a potential <i>de-minimis</i> set-aside of bluefin quota for new entrants were not analyzed in the FEIS, but would be analyzed if a set-aside is considered through a future rulemaking.</p>
	<p>Rationale: The Preferred Alternative addresses the objective of providing IBQ shares to active vessels by determining only active vessels to be shareholders, and having the effect of distributing IBQ shares and resultant allocations to active vessels that would otherwise be distributed to inactive vessels (under the No Action Alternative). The alternative would have neutral ecological impacts and would not undermine the accountability inherent in the IBQ Program. This alternative is responsive to public comments, which stressed the need for IBQ shares to reflect individual vessel fishing effort as the primary consideration.</p>
<p><i>Alternative B3: Modify Regional GOM and ATL Designations for a Dynamic Allocation System and Cap Bluefin Catch from the Gulf of Mexico.</i></p>	<p>Ecological: This alternative would have neutral impacts on bluefin. While the alternative would affect the regional designations for IBQ shares and allocations among pelagic longline vessels, the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. This alternative also would continue limits on the portion of allowable bluefin catch from the Gulf of Mexico (default cap on GOM IBQ shares of 35 percent of Longline category quota); provide a regulatory mechanism to reduce the default cap, if necessary; and annually adjust the amount of regional IBQ shares and allocations based on vessels' fishing locations. If the five percent threshold triggers a suspension of certain GOM-specific accounting rules, there would still be a limit on bluefin catch</p>

	<p>in the Gulf of Mexico: catch weight equivalent to the 35 percent default cap (or lower, if cap is reduced). Other ecological impacts, including impacts on HMS target species and non-bluefin incidental catch, would also be neutral as fishing strategies for target species is likely to remain similar and no substantial changes in distribution of fishing effort or total fishing effort is anticipated.</p>
	<p>Socioeconomic: The socioeconomic impacts are expected to be short-term, minor and beneficial, as a result of the increased flexibility for vessels currently without GOM designated IBQ allocation, and temporary suspension of certain GOM-specific accounting rules if the five percent threshold is triggered in a given year.</p>
	<p>Rationale: This alternative would increase flexibility for vessels that currently have ATL designated IBQ shares because the dynamic annual definition of shares and regional designations would enable a vessel to receive annual shares with a GOM regional designation as a result of fishing with pelagic longline gear in the Gulf of Mexico during the previous year (instead of needing to lease GOM designated IBQ allocation annually). Both the ecological and socioeconomic impacts of this alternative are consistent with the objectives of this Amendment. This alternative would maintain a cap on the amount of bluefin caught from the Gulf of Mexico, and provide NOAA Fisheries the authority to reduce the maximum amount of IBQ allocation that could be caught from the Gulf of Mexico, which would enable NOAA Fisheries to respond to new scientific data, fishery or stock status information; or changes in the fishery, and maintain a maximum level of bluefin catch from the Gulf of Mexico that is consistent with the FMP objectives and ICCAT recommendations.</p>
<p><i>Alternative B4: NED Rules: No Action.</i></p>	<p>Ecological: This alternative would have neutral ecological impacts on bluefin because there would be no change from the current approach. The overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC.</p>
	<p>Socioeconomic: This alternative would have neutral socioeconomic impacts because it would not change fishing practices.</p>
	<p>Rationale: Using data on all fishing activity (including from the NED) when calculating IBQ allocations increases fishing opportunity and flexibility for vessels to fish in multiple areas, as conditions warrant. Vessels that fish in the Atlantic are highly mobile and fish in many areas. The NED fishery is an intermittent fishery with only a few participating vessels and does not warrant the development of different allocation rules. NED accounting rules take into account the fact that a binding ICCAT recommendation specifies a separate 25-mt bluefin quota to account for bycatch from the NED. Exclusion of NED fishing activity from data used to determine allocations may affect the profitability or incentives to fish in the NED, and long-term, result in underutilization of swordfish, which is a target species.</p>
<p><i>Alternative C1: No Permanent Sale of IBQ Shares - No Action.</i></p>	<p>Ecological: This alternative would have neutral ecological impacts on bluefin because there would be no change from the current approach. Allowing or not allowing sale of IBQ shares would not affect the amount of IBQ shares distributed, and the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. Other</p>

	<p>ecological impacts, including impacts on HMS target species and non-bluefin incidental catch, would be neutral.</p>
	<p>Socioeconomic: This alternative would have neutral socioeconomic impacts because there would be no change to the current regulations.</p>
	<p>Rationale: Continued prohibition on sale of IBQ shares would prevent uncertainty in the IBQ allocation leasing market in both the short term and long term, which would be beneficial to the IBQ Program overall. There is little need for Atlantic Tunas Longline category permit holders to accumulate additional IBQ shares, because annual allocations combined with a minimal amount of leasing is likely to be sufficient for most permit holders to account for incidental bluefin catch.</p>
<p><i>Sub-Alternative D1c: Cap Amount of IBQ Shares Held at 25 Percent of Total Shares</i></p>	<p>Ecological: This alternative would have neutral ecological impacts on bluefin because determining the level of a cap on the amount of IBQ shares held by a single entity, or not implementing a cap, does not affect the total amount of IBQ shares distributed, and the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. Other ecological impacts, including impacts on HMS target species and non-bluefin incidental catch, would be neutral.</p>
	<p>Socioeconomic: This alternative would have neutral socioeconomic impacts. A cap of 25 percent is a level well above the maximum amount of shares held by an entity in the fishery to date, thus it would provide flexibility for an entity to accumulate shares at a higher level. However, it is not likely that an entity would reach the cap through the annual IBQ shares and/or acquisition of additional permits.</p>
	<p>Rationale: The 25-percent cap would balance the need to address the Magnuson-Stevens Act requirement to cap shares and address concerns about consolidation, which may not be fully addressed with a higher cap, with the need to provide flexibility for the fishery participants to operate in a manner that allows bluefin bycatch to be accounted for, and allows for various business models, including cooperatives and limited consolidation that enables efficiencies to remain profitable and competitive in the international seafood market. Some accumulation of shares by a single entity may be sought in order to gain efficiencies, facilitate cooperative organizations, or as a source of revenue through leasing to others. Further, some accumulation of shares may enable management of IBQ allocations and business planning on a longer time scale than a single year. Incentives to accumulate shares are limited by the fact that bluefin may not be targeted, and contribute relatively little to total revenue in the fishery.</p>
<p><i>Sub-Alternative D2a: No Cap on Amount of IBQ Allocation Leased or Used - No Action.</i></p>	<p>Ecological: This alternative would have neutral ecological impacts on bluefin because determining the level of a cap, or not implementing a cap, on the amount of IBQ allocation a single entity could lease or use during a year does not affect the amount of IBQ allocation distributed, and the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. Other ecological impacts, including impacts on HMS target species and non-bluefin incidental catch, would be neutral.</p>
	<p>Socioeconomic: This alternative would have neutral socioeconomic impacts. The IBQ Program has been functioning under these regulations since 2015, and there have been no reported or observed issues relating to excessive</p>

	<p>accumulation of IBQ allocation which is utilized to facilitate directed fishing operations for other species.</p> <p>Rationale: This alternative would maximize flexibility in the IBQ Program for entities to lease IBQ allocation in amounts they need, while not resulting in any adverse ecological or socioeconomic impacts. Leasing of IBQ allocation from one entity to another requires both entities to agree upon the transaction. Therefore, short-term control of IBQ allocation by an entity through leasing that would result in negative impacts (i.e., excessive control of IBQ allocation) is unlikely. Furthermore, long-term control of IBQ allocation by an entity through leasing is not possible, because leasing of IBQ allocation occurs on an annual basis and expires at the end of each calendar year.</p>
<p><i>Sub-Alternative E1b: Modify Dealer Reporting Requirements for IBQ Program</i></p>	<p>Ecological: This alternative would have neutral ecological impacts because this alternative is administrative in nature.</p>
	<p>Socioeconomic: This alternative has minor beneficial impacts on dealers since they are relieved of a redundant reporting requirement.</p>
	<p>Rationale: This alternative would streamline the reporting process, while maintaining consistent data on bluefin landings and dead discards. Dead discard data will continue to be submitted by the vessel operators through VMS reports. This alternative is expected to have minor, beneficial impacts for dealers and fishery participants because they are relieved of reporting requirements and will reduce frustration for both fishermen and dealers.</p>
<p><i>Sub-Alternative E2b: Modify Requirement for Mailing Electronic Monitoring (EM) Hard Drives</i></p>	<p>Ecological: This alternative is administrative in nature.</p>
	<p>Socioeconomic: This alternative would have minor beneficial socioeconomic impact by reducing the costs and time associated with mailing EM hard drives.</p>
	<p>Rationale: This alternative would facilitate fishing operations by reducing the frequency of hard drive mailing, and therefore reduce the time associated with mailing EM hard drives, and save costs.</p>
<p><i>Sub-Alternative E3b: Clarify and Expand Regulations for Installation of Cameras.</i></p>	<p>Ecological: This alternative would have indirect, minor beneficial ecological impacts because it may improve accuracy of the discard data derived from the electronic monitoring (EM) program established under current regulations.</p>
	<p>Socioeconomic: This alternative would have minor adverse socioeconomic impacts as a result of costs to vessel owners for installation of a boom to support the rail camera and of additional logistics that may be required in the operation of EM systems.</p>
	<p>Rationale: This alternative would clarify current EM regulations and explicitly authorize NMFS to require installation of hardware to mount and install video cameras, where necessary, to obtain optimal views. This would increase the likelihood of detection of discard events, and therefore improve validation of the bluefin set reports, and incentivize accurate reporting. Relevant considerations in the determination that vessel owners must pay the associated costs are NOAA Fisheries' budget constraints and national policy regarding cost allocation in EM programs.</p>
<p><i>Sub-Alternative E4b: Specify Additional Fish Handling Protocols for EM.</i></p>	<p>Ecological: This alternative would have minor indirect, beneficial impacts as a result of potential improvements to bluefin data.</p>
	<p>Socioeconomic: This alternative would have minor adverse socioeconomic impacts because vessel owners would be required to pay for installation of a measuring grid. In addition, crews may need to modify their fish handling</p>



	<p>procedures to place all fish on the measuring grid. Such impacts would be short-term and likely decrease over time as crew practice the new procedures.</p> <p>Rationale: More accurate size and identification information would result from placement of the retained fish on a standardized reference grid and would decrease reporting and monitoring uncertainty.</p>
<i>Sub-Alternative E5b: Implement a Cost Recovery Program.</i>	<p>Ecological: The ecological impacts of this alternative are neutral because this alternative is administrative in nature.</p>
	<p>Socioeconomic: This alternative may have minor adverse impacts on pelagic longline vessel owners, as a result of the collection of cost recovery fees by NOAA Fisheries.</p>
	<p>Rationale: This alternative would comply with the Magnuson-Stevens Act cost recovery requirement, provide the flexibility to determine on an annual basis whether charging a cost recovery fee is warranted, and enable NOAA Fisheries to reasonably consider net costs and benefits. Given the fact that the IBQ Program manages an incidental catch species, with a relatively low ex-vessel value, such flexibility is important.</p>
<i>Sub-Alternative F1b: Modify Codified Quota Category Allocation Percentages to Reflect the Annual 68-mt Allocation to the Longline Category.</i>	<p>Ecological: This alternative would have neutral ecological impacts because the overall U.S. quota and amount of quota in metric tons (mt) currently distributed to each quota category would not change from the status quo.</p>
	<p>Socioeconomic: This alternative would have neutral economic impacts because the overall U.S. quota and amount of quota (in mt) distributed to each quota category would not change from the status quo.</p>
	<p>Rationale: This alternative would simplify the quota regulations by making a slight change to the mathematical method used in the annual quota allocation process and have neutral impacts.</p>
<i>Sub-Alternative F2b: Discontinue Purse Seine category and reallocate quota upon implementation of Amendment 13.</i>	<p>Ecological: This alternative would have neutral economic impacts because the amount of bluefin catch would continue to be at or below the U.S. portion of the ICCAT recommended TAC. No increase in fishing effort is expected.</p>
	<p>Socioeconomic: This alternative would have moderate adverse socioeconomic impacts on five historical Purse Seine category participants due to potential revenue loss from not being able to lease IBQ allocation or to land bluefin. However, none of the five historical participants uses purse seine gear any longer, nor have they recently. The category has not fished since 2015, and there are currently no vessels issued a Purse Seine category permit. This alternative would have moderately beneficial impacts for categories that receive reallocated quota.</p>
	<p>Rationale: Discontinuation of the Purse Seine category and reallocation of its quota upon implementation of Amendment 13 would address various types of uncertainty that result from the inactive status of the Purse Seine category, provide additional quota to active fisheries that are, at times, quota-limited, and increase the likelihood that more of the U.S. quota will be utilized.</p>
<i>Sub-Alternative F3a: Discontinue Purse Seine Category and Reallocate Quota Upon Implementation of Amendment 13, Proportionally to All</i>	<p>Ecological: This alternative would have neutral ecological impacts because the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. Over past years, most of the Purse Seine category quota has been reallocated for use by other categories. No increases in fishing effort are expected from this alternative. Other ecological impacts, including impacts on HMS target species and non-bluefin incidental catch, would be neutral.</p>

<i>Bluefin Quota Categories.</i>	Socioeconomic: This alternative would have moderately beneficial impacts for the commercial bluefin fishing categories that are recipients of redistributed bluefin quota. Including the Longline category in the reallocation will address changes in the IBQ allocation leasing market
	Rationale: The Purse Seine category is an inactive category. Reallocating bluefin quota to active categories promotes commercial and recreational fishing and achieving optimum yield, increases the efficient use and management of the quota, and reduces management uncertainties. Including the Longline category in the reallocation addresses the need to have sufficient quota to account for bluefin catch (landings and dead discards), a minimum amount of IBQ on the first trip in each calendar quarter, and facilitate a successful an IBQ allocation leasing market, which is essential to the IBQ Program.
<i>Alternative G1: No Modifications to General Category Subquota Periods and/or Allocations - No Action</i>	Ecological: This alternative would have a neutral ecological impact because the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC.
	Socioeconomic: This alternative would have a neutral socioeconomic impact because there would be no change to the system of quota distribution seasonally.
	Rationale: This alternative would balance the objective of catching, but not exceeding, the General category quota with providing fishing opportunities throughout the fishing year and to broad geographic areas, in the context of the highly variable fishery and weather conditions. The No Action alternative provides a higher amount of quota to some subquota periods, which reflects the general seasonality, historical availability and relative sizes of the historical seasonal fisheries for bluefin. NOAA Fisheries considered a variety of data in its selection of the preferred alternative. An increasing percentage of the General category quota has been caught in recent years. The high-level structure of the fishery is equitable in that fishing permits are open access, and permit holders may fish in any geographic location they chose. The subquotas work in concert with several regulatory mechanisms that provide flexibility in how the amount of quota is divided among the sub-quota periods.
<i>Alternative H2: Modify Angling Category Trophy Areas and Allocations (Percentages)</i>	Ecological: Ecological impacts on bluefin would be expected to be neutral, as the effect of this measure would be to convert a small number of potential discards of large medium and giant bluefin to potential landings. While the alternative would result in slightly fewer landings of large school/small medium bluefin and slightly more of large medium/giant bluefin, no effect on the stock is anticipated as a result. Other ecological impacts, including impacts on bycatch, would be neutral.
	Socioeconomic: The socioeconomic impacts of this alternative would be minor and beneficial as a result of new fishing opportunities for vessels fishing in the new trophy area.
	Rationale: This alternative would implement a trophy subquota exclusively for bluefin caught off New England (generally north of Cape Cod) and ensure opportunities for the incidental catch and retention of trophy-sized bluefin in New England and continued opportunities elsewhere. This change is in contrast to the current trophy fishery management system, whereby bluefin

	caught off either New England or the upper portion of the Mid-Atlantic count towards a single trophy subquota,
<i>Sub-Alternative 11a: Maintain the Current Authorized Gears - No Action</i>	Ecological: The ecological impact would be neutral because it would not modify authorized gear for the Atlantic Tunas General or HMS Charter/Headboat categories. Other ecological impacts, including impacts on bycatch, would be neutral.
	Socioeconomic: The socioeconomic impacts of this alternative would be neutral for HMS Charter/Headboat vessels, which could continue to fish under the Atlantic Tunas General and Angling category regulations, and neutral for General category permitted vessels.
	Rationale: In recent years, the General category has fully caught its quota, which does not support the assertion that there is a need to expand opportunities by authorizing an additional gear. There has been a lack of public support for this concept due to concerns about safety of the use of harpoon gear in the context of a charter/headboat business.
<i>Sub-Alternative 12b: Set a Harpoon Category Default Limit on the Total Number of Bluefin at 10 Fish (Combined Large Medium and Giant Bluefin) and Allow Inseason Adjustment of the Combined Retention Limit to Between 5 and 10 Bluefin</i>	Ecological: This alternative would have a neutral ecological impact, although it may result in the catch of a lower number of bluefin than the status quo within the Harpoon category. Other ecological impacts, including impacts on bycatch, would be neutral.
	Socioeconomic: This alternative would have overall neutral impacts as a result of a few trips being constrained by a 10-fish limit (minor adverse), but also a potentially longer Harpoon category season (minor beneficial).
	Rationale: This alternative could result in extension of fishing opportunities to a greater number of Harpoon category participants, and would allow NOAA Fisheries the ability to adjust the retention limit (via inseason action) to avoid premature fishery closure, while taking into consideration the quota likely to be available to the Harpoon category fishery.
<i>Sub-Alternative 13a: Maintain Current Start and Closure Dates of Harpoon Category Season - No Action</i>	Ecological: The ecological impacts of this alternative would be neutral because there would be no change in the regulations.
	Socioeconomic: The socioeconomic impacts of this alternative would be neutral by remaining consistent with the season for prior years.
	Rationale: This alternative would best meet the objective of facilitating the ability for the HMS directed permit categories to catch their full bluefin quota allocation. Maintaining the Harpoon category and General category both on June 1 may facilitate enforcement and business planning; and provide greater certainty to participants regarding the level of fishing opportunity and effort and their potential impacts on market prices. Lastly, the current length of the Harpoon category season corresponds to the relative size of the bluefin quota likely to be available to the Harpoon category fishery.
<i>Sub-Alternative 14b: Allow Vessels with an Open Access Atlantic Tunas or HMS Permit to Change Permit Categories Within a Fishing Year Provided They Have Not Landed a Bluefin.</i>	Ecological: This alternative would have a neutral ecological impact because it is administrative in nature.
	Socioeconomic: The socioeconomic impacts of this alternative are minor and beneficial, as a result of vessels having flexibility to change permit types and fish in the manner desired.
	Rationale: Vessel owners, who make an error by selecting a permit type that they subsequently realized they do not want, are not stuck with their error. Under this alternative, they may obtain the desired permit type provided they have not landed a bluefin with the permit they no longer want. There are no

	ecological impacts of this change. Further, this alternative reduces the administrative burden to NOAA Fisheries.
<i>Sub-Alternative 15c: Allow Longline Category Permitted Vessels to Retain Bluefin Caught on Green-Stick Gear, While Pelagic Longline Gear is Onboard.</i>	Ecological: This alternative would have neutral ecological impacts because any bluefin catch by green-stick gear would be accounted for with IBQ allocation and the overall amount of allowable bluefin catch would remain within already-established limits, including the ICCAT-adopted TAC for the western Atlantic bluefin stock and the U.S. portion of that TAC. Other ecological impacts, including impacts on non-bluefin bycatch, would be neutral.
	Socioeconomic: This alternative would have minor beneficial economic impacts because a vessel would be able to retain some legal-sized bluefin that may otherwise be discarded dead.
	Rationale: Clarification of the regulations to allow the retention of a legal-sized bluefin caught using green-stick gear could reduce wasteful discards. Allowing such activity on a trip in which pelagic longline gear is also on the vessel would enhance flexibility for vessel operations in a high dynamic fishery. The use of green-stick gear as an alternative gear may be facilitated, and there may be opportunities for efficiency by allowing the retention of a bluefin by green-stick gear while both gear types are on board a vessel.

### **Mitigation Measures and Monitoring**

NEPA implementing regulations require Federal agencies to use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.” 40 CFR 1500.2(f). The mitigation of environmental impacts must be considered whether or not the impacts are significant. The ROD for an impact statement must identify the mitigation measures the agency is adopting.

The CEQ regulations at 40 CFR 1508.20 define “mitigation” as:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

The individual alternatives were selected because they individually, or in concert with the other selected alternatives, achieve the objectives of the action.

Additional mitigation measures are not necessary beyond the preferred alternatives, because impacts were mitigated through the selection of the preferred alternative. The bluefin fishery will continue to be monitored through the diverse requirements already established through previous

management actions, to ensure that fishery management plan objectives are achieved. Reporting and monitoring requirements are generally specific to the different HMS permit categories, and are fully described in the annual HMS SAFE Reports, available online. No monitoring of mitigations measures is required.

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Janet Coit  
Assistant Administrator for Fisheries

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Date