



NOAA
FISHERIES

Proposed Rule to Set Atlantic Bluefin Tuna General Category Effort Controls and Related Regulations

Highly Migratory Species Management Division

March 19, 2024

Outline

- Purpose and Need
- Background
- Proposed Management Measures and Alternatives
- Request for Public Comments



Purpose and Need for Action

- Establish schedule for all future Atlantic bluefin tuna (BFT) restricted-fishing days (RFDs)
- Establish a General category default daily retention limit for large medium or giant BFT on open days
- Clarify existing HMS dealer regulations and the definition of a bluefin statistical document (BSD) tag



What is an RFD?

- A day on which NOAA Fisheries sets the BFT retention limit at zero for certain permit categories
- An effort control used to lengthen the amount of time it takes to fill the General category time period subquotas
- RFD schedule is established ahead of time, currently through annual rulemaking

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

Proposed Measure – General category RFD Schedule (*Preferred Alternative B1*)

- RFD schedule would be set in the regulations (i.e., remain the same annually unless changed) every Tuesday, Friday, and Saturday July 1 – November 30
- NOAA Fisheries may remove or establish additional RFDs, as appropriate, through further rulemaking
- Other alternatives considered:
 - *Alternative A (Status-quo)*: Keep current regulations for RFDs
 - *Alternative B2*: Set an RFD schedule of three days per week (Thursday, Friday, and Saturday)
 - *Alternative B3*: Set an RFD schedule of three days per week (Friday, Saturday, and Sunday)
 - *Alternative B4*: Set an RFD schedule of four days or more per week from July 1 to November 30
 - *Alternative C*: Eliminate RFDs

Proposed RFD Schedule for 2024

July 2024						
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			

August 2024						
S	M	T	W	T	F	S
				1	X	X
4	5	X	7	8	X	X
11	12	X	14	15	X	X
18	19	X	21	22	X	X
25	26	X	28	29	X	X

September 2024						
S	M	T	W	T	F	S
1	2	X	4	5	X	X
8	9	X	11	12	X	X
15	16	X	18	19	X	X
22	23	X	25	26	X	X
29	30					

October 2024						
S	M	T	W	T	F	S
		X	2	3	X	X
6	7	X	9	10	X	X
13	14	X	16	17	X	X
20	21	X	23	24	X	X
27	28	X	30	31		

November 2024						
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

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”. **The same Tuesday, Friday, and Saturday schedule would apply in all future years.**

Waiving RFDs

- NOAA Fisheries may waive an RFD via closure of the General category time period(s)
- 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

Proposed Measure – General category default daily retention limits (*Preferred Alternative D3*)

Establish two default retention limits:

- 3 large medium or giant BFT per day/trip on open days in June
- 1 large medium or giant BFT per day/trip on open days during all other months when the fishery is open (*i.e., January through March and July through December; the General category BFT fishery is not open during the months of April and May*)
- Other alternatives considered:
 - *Alternative D1 (Status-quo):* No default retention limit
 - *Alternative D2:* Establish a default daily retention limit of 1 BFT per day/trip



Proposed Regulatory Clarification of Dealer Activities on RFDs

In recent years, we have received questions and concerns about dealer requirements relative to General category RFDs. These include:

- Questions on the timing of transfer and sale of a BFT to a dealer
- Questions on the timing of affixing a dealer tag
- Questions on who can act as a dealer's agent for the purposes of tagging a commercially landed BFT when a dealer is unavailable to first receive BFT on that day



Proposed Regulatory Clarification of Dealer Activities on RFDs (cont.)

- To address these ongoing questions and concerns and assist enforcement of RFDs, NOAA Fisheries is proposing to clarify:
 - BFT that are intended for sale must be in the possession of a permitted dealer no later than 2400 hours local time the day prior to an RFD
 - On an RFD, a dealer or dealer's agent may not purchase or place a dealer tag on a BFT that is on or has been offloaded from an Atlantic Tunas General category or HMS Charter/Headboat category permitted vessel, regardless of when the fish was landed
 - A dealer or dealer's agent must affix a dealer tag to each BFT purchased or first received from a U.S. vessel immediately upon offloading the BFT
 - A dealer's agent is a person who is currently employed by a place of business covered by the dealer's permit
 - Definition of a BSD tag

Note: On an RFD, a dealer or dealer's agent may continue to first receive, place dealer tags on, or purchase BFT from vessels with other Atlantic Tunas permits (i.e., Harpoon, Longline, Trap)

Request for Public Comments

- Proposed rule published February 23, 2024 (88 FR 13771)
- Comment period closes on March 25, 2024
- Please submit comments at <https://www.regulations.gov>
 - Search “NOAA-NMFS-2024-0021”
- Action webpage: <https://www.fisheries.noaa.gov/action/proposed-rule-set-general-category-effort-controls-and-clarify-related-atlantic-bluefin-tuna>
- Target effective date June 1, 2024
- For more information contact:
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