

# Compliance Guide for the Final Rule to Implement Amendment 13 – Bluefin Tuna Management

National Marine Fisheries Service  
Office of Sustainable Fisheries  
Highly Migratory Species Management Division

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## Introduction

Atlantic highly migratory species (HMS) includes tunas, swordfish, sharks, and billfish. In managing the fisheries for these species, the National Marine Fisheries Service (NOAA Fisheries) considers both the domestic and international aspects of the fisheries. This guide provides a plain language summary of how to comply with the final rule implementing Amendment 13 to the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) (publication date: October 3, 2022).

Amendment 13 focuses on bluefin tuna (bluefin) fisheries. As such, the measures in Amendment 13 affect permit holders, vessel owners and operators that fish for bluefin commercially or recreationally, or catch bluefin incidentally and seafood dealers that purchase bluefin from pelagic longline vessels. This guide is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act, which requires agencies to publish small entity compliance guides to assist small entities in complying with certain rules.

The official and complete set of regulations addressing HMS are found in the Code of Federal Regulations (CFR), primarily at 50 CFR Part 635. Electronic versions of both the CFR and the Amendment 13 *Federal Register* (FR) document are available at the [CFR](#) and the [Federal Register](#). The rule and this guide are also available by calling the HMS Management Division at (301) 427-8503 or by visiting the HMS [website](#). If there is any inconsistency between this guide and the codified regulations, the regulations take precedence. The regulations added or modified by Amendment 13 will be incorporated into the complete [compliance guides](#).

This guide is organized according to the type of bluefin fishery and topic.

All fish lengths noted below are expressed in curved fork length (CFL), the length of a fish measured from the tip of the upper jaw to the fork of the tail along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.

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## **Pelagic longline fishery (incidentally-caught bluefin tuna)**

The new requirements described below will be effective on January 1, 2023.

**Individual bluefin quota (IBQ) shares and allocations** will be determined annually during the last quarter of each year, based on the number of pelagic longline sets that a vessel deployed during the recent 36 months of best available data. NOAA Fisheries will only count one set per day, and intends to include data from the majority of the year prior to the year for which shares are applied and allocations are distributed. Prior to January 1, eligible Atlantic Tunas Longline category permit holders will be notified of their IBQ share percentages and IBQ allocations (pounds of bluefin) for the upcoming year. Detailed information on the calculation of IBQ shares and allocations will be provided with the annual notification. To facilitate communication, shareholders should make sure their current email addresses are listed in their Shareholder Accounts. If you have questions regarding your annual IBQ shares or allocation, please call the IBQ Program customer service line at (301) 427-8591 or email [NMFS.hms.ibq@noaa.gov](mailto:NMFS.hms.ibq@noaa.gov). If the total amount of Gulf of Mexico (GOM) designated IBQ shares are five percent or less of total Atlantic (ATL) and GOM shares, NOAA Fisheries will file an action with the Federal Register that suspends for the year the accounting rule that only GOM IBQ may be used to account for bluefin caught in the Gulf of Mexico.

**Cap on IBQ shares:** An Atlantic Tunas Longline permit holder, whether an individual or an organization such as a corporation, partnership, or trust, may not hold or acquire more than 25 percent of the total IBQ shares. The maximum share amount will apply whether the IBQ shares are accrued through ownership of multiple permits and/or the result of concentrated fishing effort and the annual determination of IBQ shares. The cap on IBQ shares does not apply to the amount of IBQ a permit holder can lease; individuals may continue to lease IBQ as usual.

### **Electronic monitoring (EM) requirements:**

- *Hard drive mailing requirement:* As of January 1, 2023, vessel operators must mail the EM hard drive(s), within 48 hours of the completion of every *other* pelagic longline trip (every second trip) instead of *every* trip. However, if the hard drive is at capacity (full) after one trip, as indicated by the EM System, the vessel owner and/or operator must mail the hard drive at the end of that single trip.
- *Installation of video camera mount:* Currently, all vessels are required to have two or more video cameras installed to provide certain views of the vessel and fishing activities and number and species of fish harvested. Under the Amendment 13 final rule, vessel owner and/or operators may be required to coordinate with NOAA Fisheries or a NOAA Fisheries-approved contractor to install a boom or telescoping support for the video camera located near the rail to provide a better view of the location where fish are removed from the water. The NOAA Fisheries-approved contractor will notify vessel owner and/or operators whether a boom or other support will be required. The precise design and location of the video camera mount will be determined through discussions between the vessel owner/operator and the NOAA Fisheries-approved contractor. The vessel owner will be required to pay the cost of the materials and labor for the installation of such equipment. Based on past video reviews, rail cameras that provide an adequate view will not trigger this requirement. The vessel operator must make the Vessel Monitoring Plan (VMP) available to NOAA Fisheries or the NOAA Fisheries-approved

contractor for revision to include the camera mount. Once the VMP has been revised and signed by NOAA Fisheries or the NOAA Fisheries-approved contractor, the vessel owner and/or operator must implement, and ensure that the vessel complies with all of the requirements, specifications, and protocols outlined in the VMP no later than 6 months after the date of approval of the VMP.

- *Requirement for a measuring grid:* Vessel owners and/or operators are responsible for ensuring installation of a measuring grid in view of one of the video cameras, and for ensuring that each retained fish is placed on the grid in accordance with operational procedures in the vessel's VMP. The grid may be a mat or carpet with painted grid, or a grid painted on the deck. The precise specifications of the size and shape of the grid will be determined through discussions between the vessel owner/operator and NOAA Fisheries or the NOAA Fisheries-approved contractor. Vessel owners must pay the cost of the materials and labor for the installation of such a grid. The vessel owner and/or operator must make the VMP available for revision to include the measuring grid. Once the VMP has been revised and signed by NOAA Fisheries or the NOAA Fisheries-approved contractor, the vessel owner and/or operator must implement, and ensure that the vessel complies with, all of the requirements, specifications, and protocols outlined in the VMP no later than 6 months after the date of approval of the VMP.

**Cost recovery program:** Annually, NOAA Fisheries will determine whether to charge fees based on an evaluation of the incremental costs of the administering the IBQ Program, the total ex-vessel value of bluefin landed by pelagic longline vessels, and the estimated costs associated with administering the cost recovery program. If the amount of fees that may be recovered is similar to or less than the cost of administering the cost recovery program, NOAA Fisheries will not assess fees. Otherwise, NOAA Fisheries will notify Atlantic Tunas Longline permit holders through their Shareholder Accounts of their fees, which will be based on the total dressed weight of bluefin sold to dealers by their vessels and the total amount of fees that may be recovered. Permit holders would pay the cost recovery fee through the online IBQ Program website and the associated [pay.gov](https://www.pay.gov) link.

**Retention of bluefin caught on green-stick gear:** Effective January 1, 2023, pelagic longline vessels may retain one bluefin (73" or greater CFL) per trip taken incidentally with green-stick gear while fishing for target species (such as yellowfin tuna or bigeye tuna), and with the following additional regulations applying to such trips:

- Vessels are required to submit a vessel monitoring system (VMS) set report for each green-stick gear retrieval that interacts with bluefin, and report information on the date and area of the set, the length of bluefin retained, and the numbers and length of bluefin discarded dead or alive within 12 hours of the completion of the retrieval of the green-stick gear set. In addition, pelagic longline vessels must continue to submit a VMS report after *each* pelagic longline set (also within 12 hours of the completion of the retrieval of the gear).
- Regardless of whether sets are made with green-stick gear or pelagic longline gear, vessels are required to comply with HMS logbook requirements, and comply with the IBQ Program requirements regarding accounting for bluefin catch using IBQ allocation, quarterly accountability, and other applicable regulations. If pelagic longline gear is on

board, vessels must comply with EM requirements to monitor the retrieval of longline sets with the EM System on the same trip, and other regulations that are triggered by the presence of pelagic longline gear.

## **Dealer reporting requirements under the IBQ Program**

Effective January 1, 2023, Atlantic tunas dealers will no longer be required to report bluefin dead discard information from pelagic longline vessels. However, dealers must still submit landings reports for each bluefin received not later than 24 hours after receipt of the bluefin. When purchasing bluefin from IBQ Program participants, dealers must enter the bluefin landings reports into the Catch Shares Online System via the dealer account. Additionally, vessel operators/owners no longer need to enter a personal identification number to confirm the accuracy of landing information that a dealer enters into the Catch Shares Online System. NOAA Fisheries will inform vessel owners via the Catch Shares Online System when a dealer conducts a bluefin landings transaction with that vessel's IBQ account. This notification will provide a means of vessel owner oversight of dealer transactions with their IBQ vessel account.

## **Angling category trophy bluefin fishery**

As of January 1, 2023, the current Angling category Trophy North subquota area will be divided into two zones: north and south of 42° North latitude (N. lat.) (off Chatham, MA). These newly formed areas are named the Gulf of Maine Trophy area and the Southern New England Trophy area, respectively, as shown in Figure 1. HMS Angling and HMS Charter/Headboat permitted vessels may retain one incidentally caught "trophy" bluefin tuna (*i.e.*, large medium (73" - < 81" CFL) or giant (81" or greater CFL)) per year, provided the area where they are fishing is open. See Table 2 for more information regarding the Trophy subquota.

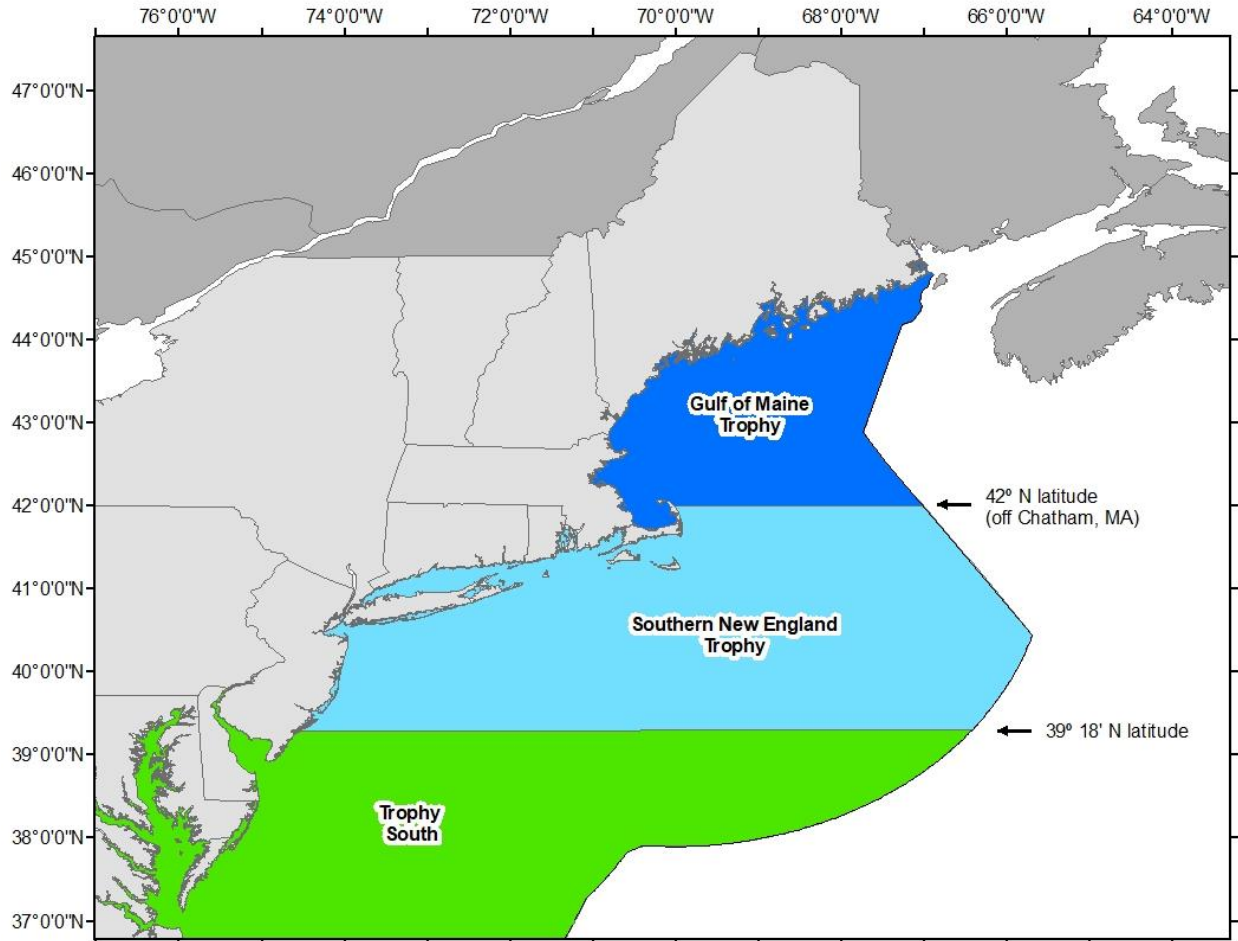


Figure 1. Modifications to the Trophy North Area, showing the two newly defined regions, Gulf of Maine Trophy and Southern New England Trophy.

## Harpoon category retention limit

As of January 1, 2023, the default Harpoon category combined daily retention limit is 10 commercial-sized bluefin (*i.e.*, the combination of large medium (73" - < 81" CFL) and giant (81" or greater CFL) bluefin is 10 fish) per vessel per day. Through inseason action, NOAA Fisheries may modify this default limit over a range of 5 to 10 large medium and giant bluefin combined. Amendment 13 maintains the current regulations regarding retention of large medium bluefin (*i.e.*, the range of two (default) to four fish per day or trip, adjustable through inseason action). Table 1 illustrates potential retention limit scenarios. For example, if the combined retention limit is nine, and two large medium bluefin are retained, the maximum of seven giant bluefin would be allowed to be retained. The table depicts the full range of large medium fish that may be retained under a limit of four large medium bluefin.

**Table 1. Harpoon category retention limit scenarios under applicable limits.**

	Combined Retention Limits					
	10	9	8	7	6	5
Large medium bluefin retained*	Maximum number of giant bluefin allowed					
0	10	9	8	7	6	5
1	9	8	7	6	5	4
2	8	7	6	5	4	3
3*	7	6	5	4	3	2
4*	6	5	4	3	2	1

\*If the default limit of two large medium fish were in effect, the rows “3” and “4” would not be applicable. If a limit of three large medium fish were in effect, row “4” would not be applicable.

### **Vessels with open access or Atlantic HMS permit**

Effective January 1, 2023, permit holders with an Atlantic Tunas permit in the General, Harpoon, or Trap category, or Atlantic HMS permit in the Angling or Charter/Headboat category, may change permit categories at any time during the fishing year as long as the vessel has not landed any bluefin. Once a bluefin is landed, the vessel may not subsequently switch permit categories for the remainder of the calendar year.

### **Purse Seine Fishery**

Effective January 1, 2023, NOAA Fisheries will discontinue the Purse Seine category and purse seine will no longer be an authorized gear type for HMS fisheries. The quota previously allocated to the Purse Seine category will be reallocated proportionally to all bluefin categories. See Table 2 for annual bluefin quotas.

## Bluefin Tuna Annual Quota and Subquotas

Effective January 1, 2023, the codified baseline annual U.S. bluefin tuna quota and subquotas will be those in Table 2.

**Table 2. Annual Atlantic Bluefin Tuna Quotas (in metric tons whole weight)**

Category	Annual Baseline Quota	Subquotas		
General	710.7			
		January-March	37.7	
		June-August	355.4	
		September	188.3	
		October-November	92.4	
		December	37.0	
Harpoon	59.2			
Longline	209.3			
Trap	1.3			
Angling	297.4			
		School	134.1	
		Reserve		24.8
		North of 39°18' N. lat.		51.6
		South of 39°18' N. lat.		57.7
		Large School/Small Medium	154.1	
		North of 39°18' N. lat.		72.7
		South of 39°18' N. lat.		81.4
		Trophy	9.2	
		Gulf of Maine		2.3
		Southern New England		2.3
		Trophy South		2.3
		Gulf of Mexico		2.3
Reserve	38.2			
U.S. Baseline Quota	1,316.14			
Total U.S. Quota, including 25 mt for NED (Longline)	1,341.14			