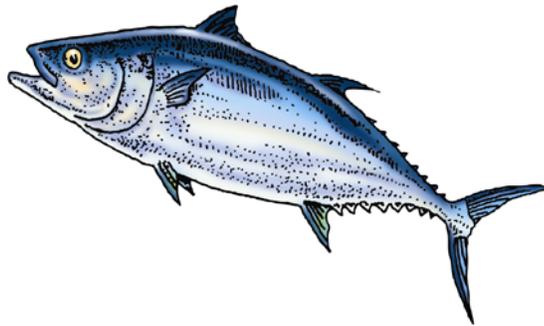


Supplemental Environmental Assessment

for the

2013 Atlantic Bluefin Tuna Quota Specifications

*Supplements the EA/RIR/Final Regulatory Flexibility Analysis (FRFA) for the
Atlantic Bluefin Tuna Quotas and Atlantic Tuna Fisheries Management Measures, prepared in May 2011*



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

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ABSTRACT

Final Action: Establish Atlantic bluefin tuna (BFT) quota specifications for the 2013 fishing year.

Type of statement: Supplemental Environmental Assessment

Lead Agency: National Marine Fisheries Service (NMFS): Office of Sustainable Fisheries

For further information: Highly Migratory Species Management Division (F/SF1)
NMFS - Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930
Phone: (978) 281-9260; Fax: (978) 281-9340

Abstract: In October 2006, NMFS finalized the Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) and issued implementing regulations, including regulations for the Atlantic bluefin tuna fishery, to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) pursuant to the Atlantic Tunas Convention Act (ATCA) and to achieve domestic management objectives under the Magnuson-Stevens Act. This action would, for the 2013 fishing year, adjust the U.S. quota and subquotas to account for BFT dead discards and unharvested 2012 quota allowed by ICCAT to be carried forward to 2013. The currently codified quotas were established via a 2011 final rule (76 FR 39019, July 5, 2011).

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Section 1: Purpose and Need for Action

For the 2013 fishing year, NMFS is preparing BFT quota specifications to adjust the U.S. BFT quota and subquotas to account for BFT dead discards and unharvested 2012 quota that the United States is allowed to carry forward to 2013. The currently codified quotas were established via the 2011 final quota rule described below.

This Supplemental Environmental Assessment (Supplemental EA) prepared for the 2013 quota specifications supplements the EA/RIR/Final Regulatory Flexibility Analysis (FRFA) for the Atlantic Bluefin Tuna Quotas and Atlantic Tuna Fisheries Management Measures, prepared in May 2011, consistent with the National Environmental Policy Act (NEPA, 42 U.S.C. *et seq.*). The May 2011 rulemaking: (1) implemented and allocated the U.S. BFT quota for 2011 and for 2012; (2) adjusted the 2011 U.S. quota and subquotas to account for unharvested 2010 quota allowed to be carried forward to 2011, and to account for a portion of the estimated 2011 dead discards up front; and (3) implemented several other BFT management measures (76 FR 39019, July 5, 2011). NMFS is not analyzing any new regulatory action and as such, this document does not present any action alternatives for consideration. Although it is unnecessary for NMFS to prepare an EA for quota specifications alone (in accordance with the approach described in the 2006 Consolidated HMS FMP), NMFS is preparing this Supplemental EA to present updated information regarding the affected environment, including information from the 2012 stock assessment, the latest annual landings and dead discards estimates, and other updates relative to the information presented in the EA/RIR/FRFA for the 2011 final quota rule in May 2011.

Management History

Atlantic BFT, bigeye tuna, albacore tuna, yellowfin tuna, and skipjack tuna (hereafter referred to as “Atlantic tunas”) are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tuna Conventions Act (ATCA), which authorizes the Secretary of Commerce (Secretary) to promulgate regulations as may be necessary and appropriate to implement recommendations of International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA). On May 28, 1999, NMFS published in the Federal Register (64 FR 29090) final regulations, effective July 1, 1999, implementing the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (1999 FMP). The 1999 FMP included framework provisions to promulgate annual specifications for the BFT fishery, in accordance with ATCA and the Magnuson-Stevens Act, and to implement the annual recommendations of ICCAT. Since 1982, ICCAT has recommended a Total Allowable Catch (TAC) of BFT, and since 1991, ICCAT has recommended specific limits (quotas) for the United States and other BFT Contracting Parties.

On October 2, 2006, NMFS published in the Federal Register (71 FR 58058) final regulations, effective November 1, 2006, implementing the Consolidated 2006 HMS FMP, which included slightly modified framework provisions. Among other things, the 2006

Consolidated HMS FMP maintained the allocation percentages established in the 1999 FMP for dividing the baseline annual U.S. BFT quota among several domestic quota categories.

Note that the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) is an integrated document that included a Final Environmental Impact Statement (FEIS). That FEIS evaluated the management program structure for BFT quota management under the BFT Rebuilding Program, and as one of the preferred alternatives (later selected as part of NMFS' final decision) analyzed the range of impacts of the annual BFT quota specification process in the 2006 Consolidated HMS FMP (as opposed to a separate annual NEPA analysis). NMFS proposed that analytical documents would accompany the annual BFT quota specifications only if the analyses associated with the 2006 Consolidated HMS FMP no longer applied (i.e., if ICCAT were to amend its recommendation regarding the total U.S. BFT quota). As described below, ICCAT last amended its BFT TAC recommendation, including the U.S. quota, in 2010. ICCAT Recommendation 12-02 (Supplemental Recommendation by ICCAT concerning the western Atlantic BFT Rebuilding Program) did not make changes to the TAC and U.S. BFT quota, but rather called for a one-year rollover of the existing quotas for ICCAT Contracting Parties considering the results of the 2012 stock assessment, which were substantively similar to the results of the 2010 stock assessment.

The 2013 BFT quota specifications are necessary to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. The preparation of these specifications is consistent with the objectives of the 2006 Consolidated HMS FMP and its implementing regulations, applicable law, and the applicable ICCAT recommendations.

The baseline annual U.S. BFT quota and subquotas for the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories are codified in the HMS regulations at 50 CFR § 635.27; these allocations (in metric tons) were established via a 2011 final rule (76 FR 39019, July 5, 2011) per the allocation percentages set forth in the 2006 Consolidated HMS FMP. As discussed below, at the 2010 ICCAT annual meeting, ICCAT considered the advice of Standing Committee on Research and Statistics (SCRS, its scientific body) based on the 2010 stock assessment, which supported maintaining the western BFT TAC at 1,800 mt. The United States supported, and ICCAT adopted, a reduction in the total allowable catch to 1,750 metric tons, as an additional cautionary step given the uncertainty in the scientific advice. In implementing the ICCAT-recommended U.S. BFT quota consistent with the ICCAT Rebuilding Program in 2011, NMFS relied on the findings of the 2010 SCRS stock assessment, considering it the best available science at the time.

The 2013 quota specifications are needed to adjust the current BFT baseline quota and subquotas to account for dead discards as well as to carry forward to 2013 allowable underharvest (of the 2012 adjusted quota). Preliminary 2012 landings and dead discard estimates indicate an underharvest of 90.9 mt (see Table 1), just under the maximum amount the United States could add to its 2013 baseline quota (i.e., 94.9 mt) per ICCAT Recommendation 12-02.

NMFS plans to make any daily retention limit adjustments, if needed for the 2013 fishing

year, via Federal Register notices separate from the final specifications. Federal regulations at 50 CFR 635.23 allow the establishment and adjustment of General and Angling category retention limits via inseason actions, and NMFS has used inseason actions in the past for this purpose.

Recent Applicable ICCAT Recommendations

2010 ICCAT Recommendation (ICCAT Recommendation 10-03 -- Supplemental Recommendation by ICCAT concerning the western Atlantic BFT Rebuilding Program)

In November 2010, ICCAT adopted a western Atlantic bluefin tuna (western BFT) TAC of 1,750 mt annually for 2011 and 2012 after considering the results of the 2010 western BFT stock assessment (see Section 3.1) and following protracted negotiations among western BFT Contracting Parties.

ICCAT Recommendation 10-03 included a revised allocation scheme that now includes the United Kingdom (in respect of Bermuda), France (in respect of St. Pierre and Miquelon), and Mexico. These three ICCAT Contracting Parties previously received western BFT allocations as specific tonnage directly from the TAC prior to application of the agreed allocation scheme (to the United States, Canada, and Japan). The amount of TAC allocated to the Contracting Parties depends on the amount of the overall recommended TAC. For 2011 and for 2012, the net effect was that these Contracting Parties received the same amounts as they did in 2009 and 2010 (i.e., 4 mt, 4 mt, and 95 mt, respectively, for the United Kingdom, France, and Mexico).

For 2011 and 2012, ICCAT Recommendation 10-03 made the following allocations from the 1,750-mt TAC for bycatch related to longline fisheries in the Northeast Distant gear restricted area (NED): 15 mt for Canada and 25 mt for the United States. Following subtraction of these allocations directly from the TAC, the recommendation allocated the remainder to the UK (0.23 percent), France (0.23 percent), Mexico (5.56 percent), the United States (54.02 percent), Canada (22.32 percent) and Japan (17.64 percent). For the United States, 54.02 percent of the remaining 1,710 mt was 923.7 mt annually for 2011 and 2012. This represents the *baseline* annual U.S. BFT quota analyzed in the EA/RIR/FRFA for the 2011 final quota rule in May 2011. Including the additional 25-mt NED allocation for the United States, the *total* U.S. quota is 948.7 mt annually (i.e., a decrease of 28.7 mt or 2.9 percent from the 2010 total U.S. quota of 977.4 mt).

ICCAT Recommendation 10-03 also maintained the provision from previous recommendations allowing a Contracting Party with a quota allocation to make a one-time transfer within a fishing year of up to 15 percent of its quota allocation to other contracting parties with quota allocations, consistent with domestic obligations and conservation considerations. Contracting parties with an allocation of 4 mt or less were able to transfer up to 100 percent of their allocation. The ICCAT recommendation stipulated that the quota transfer may not be used to cover overharvests, and that a Contracting Party that receives a one-time quota transfer may not re-transfer that quota. Further, as a method for limiting fishing mortality on juvenile BFT, ICCAT continued to recommend a tolerance limit on the annual harvest of BFT measuring less than 115 cm (straight fork length) to no more than 10 percent of a Contracting Party's total BFT quota over the 2011 and 2012 fishing period. The United States implemented

this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed the 10-percent limit over the 2011-2012 period. The provision remains in effect for 2013 as part of Recommendation 12-02.

Notably, ICCAT Recommendation 10-03 limited the amount of unused quota Contracting Parties may carry forward to 2011 to 10 percent of their total quota. This limited the amount of 2010 U.S. underharvest carried forward to 2011 to 94.9 mt (10 percent of the 948.7-mt total U.S. quota).

2012 ICCAT Recommendation (ICCAT Recommendation 12-02 -- Supplemental Recommendation by ICCAT concerning the western Atlantic BFT Rebuilding Program) (See Appendix 1 for full text)

At its 2012 annual meeting in Agadir, Morocco, following consideration of the 2012 western BFT stock assessment, ICCAT adopted a recommendation that included a one-year rollover of the annual TAC of 1,750 mt and the country-specific quotas that were set for 2011 and 2012. This amount is expected to allow for continued stock growth under both low and high stock recruitment scenarios, discussed below, considering the most recent stock assessment results. The U.S. baseline quota continues to be 923.7 mt, and the total U.S. quota, including 25 mt to account for bycatch related to pelagic longline fisheries in the Northeast Distant gear restricted area, continues to be 948.7 mt.

Other notable aspects of ICCAT Recommendation 12-02 include:

- Establishment of an absolute minimum size consistent with current U.S. regulations (i.e., 67 cm straight fork length, the equivalent of 27 inches curved fork length)
- Revision of the quota transfer provisions to require that any transfer of quota underharvests from Mexico and France (in respect of St. Pierre and Miquelon) to Canada, or the United Kingdom (in respect of Bermuda) to the United States be used to support cooperative research that will contribute to the objectives of ICCAT's Atlantic-wide Bluefin Tuna Research Program and help inform the 2015 stock assessment. No provision is made for transfer of quota by the other Contracting Parties (Canada, Japan, and the United States).
- Addition of several scientific research and data and reporting requirements, including:
 - Request to ICCAT to convene a working group of fisheries managers and scientists in mid-2013 to guide the work of the SCRS leading up to the next stock assessment in 2015
 - Request to CPCs that harvest WBFT to contribute to ICCAT's Atlantic-wide Research Program for Bluefin Tuna (GBYP)
In particular, CPCs should make special efforts to enhance biological sampling activities in order to provide significant new information for the new assessment. Priority research should be obtaining new information on natal origin, maturity, and age of the catch in all fisheries, following protocols developed by the SCRS. Complementary information will also be required for the eastern Atlantic and Mediterranean stock in order to evaluate the effects of mixing. It is also important

to enhance, and where needed develop, an accurate abundance index for juvenile fish.

- Requests to SCRS to:
 - Prepare a strategy matrix reflecting stock recovery scenarios;
 - In preparation for the 2015 stock assessment, thoroughly review the evidence that initially was used in support of each recruitment scenario as well as any additional information available as a means of informing the Commission on which recruitment scenario is more likely to reflect the current stock recruitment potential; and
 - Review and report to ICCAT on new available information on the potential existence of additional BFT spawning grounds.

Accounting for BFT dead discards

In recommendations that applied from 1999 through 2006, ICCAT historically recommended a deduction of 79 mt from the TAC as an allowance for dead discards, and the U.S. portion of this allowance was 68 mt. ICCAT recommendations from 2006 onward have neither included a recommended dead discard allowance nor specified a dead discard reporting methodology for compliance purposes. However, the ICCAT-recommended TAC and U.S. quota are inclusive of dead discards. The United States accounts for this mortality as part of the domestic specification calculation process and reports dead discard estimates to ICCAT annually.

In 2007 through 2010, NMFS accounted for pelagic longline dead discards within the Longline category quota, and deducted the best available estimate of dead discards from the current year Longline base quota. In the quota specifications for these years, NMFS also carried forward the full amount of prior-year underharvest allowed by ICCAT and distributed the underharvest to: (1) ensure that the Longline category had sufficient quota to operate during the fishing year after the required accounting for BFT dead discards; (2) maintain 15 percent of the 2010 U.S. quota in Reserve for potential transfer to other ICCAT Contracting Parties and other domestic management objectives, if warranted; and (3) provide the non-Longline quota categories a share of the remainder of the underharvest consistent with the allocation percentages established in the 2006 Consolidated HMS FMP. *It is important to note that the ICCAT recommendation to limit the amount of underharvest carried forward to 10 percent of a Contracting Party's total quota, combined with the level of dead discards in recent years, made using the method employed in 2007 through 2010 impracticable for 2011 onward. For details, see Section 2.1 of the May 2011 EA/RIR/FRFA.*

In both the 2011 and 2012 specifications, NMFS took the proactive measure of accounting for half of the dead discard estimate “up front,” (i.e., at the beginning of the fishing year) and deducting that portion directly from the Longline category quota. In the 2011 specifications, NMFS applied half of the 2010 underharvest that was allowed to be carried forward to the Longline category and maintained the other half in the Reserve category (76 FR 39019, July 5, 2011). This was intended to provide maximum flexibility in accounting for 2011 landings and dead discards. In 2012, NMFS proposed the same method of distributing the underharvest that was allowed to be carried forward to 2012 (77 FR 15712, March 16, 2012).

However, NMFS had closed the pelagic longline fishery to BFT retention by the time the final specifications were being prepared and therefore ultimately provided a larger portion to the Longline category in the final rule to account for actual BFT landings, and placed the remainder in the Reserve category. For the last two years, NMFS has maintained the directed fishing categories at their baseline quotas. See Section 2 for details.

Current Bluefin Tuna Dead Discard Estimate

The total amount of available annual quota is determined by the ICCAT-recommended U.S. baseline BFT quota after consideration of overharvest/underharvest from the previous fishing year and any accounting for estimated dead discards of BFT. In the draft Supplemental EA for the proposed action, NMFS used the 2011 estimate of 145.2 mt as a proxy for potential 2013 dead discards because the BFT dead discard estimate for 2012 was not yet available. NMFS stated that any necessary adjustments to the 2013 specifications would be made in the final rule after considering updated 2012 landings information and the dead discard estimate for 2012. The preliminary 2012 dead discard estimate, 239.5 mt, became available from the NMFS Southeast Fisheries Science Center in late May and that updated amount is used in this final Supplemental EA. The 2012 estimate is 94 mt higher than the 2011 estimate of 145.2 mt.

Although Atlantic Coast dead discards were consistent with recent years, Gulf of Mexico dead discards were substantially higher than the pre-Deepwater Horizon levels in 2008 and 2009. This may be explained in part by a strong 2003 year class entering the Gulf and in part because of resumed fishing activities in the Gulf, with effort distributed evenly through the year. As indicated in the proposed rule, the 2012 dead discard estimate is used to prepare the final 2013 quota specifications and will be reported to ICCAT along with total 2012 bluefin tuna landings.

Estimates of bluefin tuna dead discards are available only for the pelagic longline fishery at this time. Estimates from other gear types and fishing sectors that are not observed at sufficient levels for estimation and that do not report via a logbook are not included in this calculation. Thus, NMFS currently considers the pelagic longline dead discard estimate to be the best available information regarding bluefin tuna dead discards. However, bycatch and bycatch mortality of bluefin tuna by vessels using handgear and purse seine gear is considered to be relatively low.

Section 2: Summary of the Alternatives

As described in Section 1, NMFS is not analyzing any new regulatory action and as such, this document does not present any new action alternatives for consideration.

A detailed description of the 2013 BFT quota specifications follows below, using the same approach to subquota category allocation, underharvest adjustments, and dead discard accounting that NMFS took for the final 2011 quota specifications and the proposed 2012 quota specifications. As discussed previously, NMFS has decided to prepare a Supplemental EA for the quota specifications this year, although it is not technically required, primarily because a new stock assessment was conducted in 2012. The results of the stock assessment were substantively the same as those in the previous stock assessment. ICCAT's SCRS considered the assessment

essentially to be an “update” of the previous assessment. Another assessment will be conducted in 2015.

The new assessment did not result in a new quota for the stock, although SCRS provided additional outlook information as described in Section 3 (for instance that constant catches of 2,000 mt would result in the biomass at the end of the rebuilding period being nearly equal to the 2012 biomass). The 2012 ICCAT Recommendation included a rollover of the quota adopted in 2010 for 2011 and 2012. A range of alternatives regarding implementation of this quota was considered in the associated 2011 proposed rulemaking and EA with regard to implementing the ICCAT quota and allocating it among subquota categories. Thus, we are supplementing that EA to consider the implications for the specifications but not for the codified quotas

Alternatives Considered in 2011

Section 2 of the EA/RIR/FRFA for the 2011 final BFT quota rule described the alternatives that NMFS considered regarding implementation of the U.S. BFT quota recommended by ICCAT in 2010 and allocation among domestic fishing categories, as well as alternatives for other Atlantic tuna fisheries management measures. In that section, NMFS also presented the implications of each alternative for the 2011 quota specifications under the proposed methodology as well as one developed following consideration of public comment and the updated estimate of dead discards. The implications for the 2011 specifications under the preferred alternative (Alternative A2: Allocation of ICCAT quota to domestic categories in accordance with the 2010 ICCAT Recommendation, 2006 Consolidated HMS FMP, and implementing regulations) are repeated here (offset below) *for reference only*. Note that in 2011, the estimate of dead discards changed between the proposed and final rules.

Alternative A2a: Proposed Rule Methodology (for 2011 specifications)

In the draft EA and proposed action, NMFS stated that, to establish the 2011 quota specifications, NMFS would subtract the dead discard estimate of 160 mt from the U.S. baseline quota of 923.7 and add the 94.9 mt of underharvest allowed to be carried forward, for an adjusted total of 858.6 mt ($923.7 - 160 + 94.9$ mt). NMFS then would apply the allocation percentages established in the 2006 Consolidated HMS FMP to the adjusted total. The resulting 2011 category subquotas would be as follows: 169.1 mt for the Angling category; 404.4 mt for the General category; 33.5 mt for the Harpoon category; 159.7 mt for the Purse Seine category; 69.5 mt for the Longline category; 0.9 mt for the Trap category; and 21.5 mt held in the Reserve category.

Alternative A2b: 2011 Final Specifications Methodology (for 2011 specifications)

Following consideration of public comment and the updated estimate of dead discards, NMFS would deduct half of the 2010 dead discard estimate of 122.3 mt from the 2011 baseline Longline quota of 74.8 mt and apply half of the 97.7 mt allowed to be carried forward to 2011 to the Longline category, i.e., $74.8 - 61.2 + 47.5 = 61.1$ mt adjusted Longline subquota (not including the 25-mt allocation for the NED). NMFS would hold

the remainder of the 2010 underharvest that can be carried forward to 2011 (47.4 mt) in the Reserve category, with a baseline allocation of 23.1 mt, for an adjusted Reserve category quota of 70.5 mt). For the directed fishing categories, NMFS would maintain the directed categories at their baseline subquotas, which reflect application of the allocation percentages established in the 2006 Consolidated HMS FMP to the 2011 baseline U.S. BFT quota. See Table 4 (*of the May 2011 BFT Quota Rule EA*) for details.

Implications for the 2013 BFT Quota Specifications

The currently codified U.S. BFT quota and subquotas reflect implementation of Alternative A2 in the 2011 final BFT quota rule and the base quotas and subquotas remain in effect. Again, NMFS is not analyzing any new regulatory action at this time, and as such, this document does not present any action alternatives for consideration. NMFS needs to publish quota specifications for 2013 to adjust the current annual U.S. baseline BFT quota to account for underharvest or overharvest of the adjusted 2012 U.S. BFT quota. If NMFS were to take no action, i.e., not publish quota specifications, the codified U.S. baseline BFT quota would remain in effect for 2013 and there would be no adjustment for underharvest or overharvest of the adjusted 2012 U.S. BFT quota.

Based on preliminary data available as of May 31, 2013, landings for 2012 totaled 713.2 mt (see Table 1). Adding the 239.5-mt estimate of dead discards results in a preliminary 2012 total catch of 952.7 mt, which is 90.9 mt less than the amount of quota (inclusive of dead discards) allowed under ICCAT Recommendation 10-03, which applied in 2012 (i.e., the total U.S. quota of 948.7 mt plus the 94.9 mt of 2011 underharvest carried forward to 2012, for an adjusted quota of 1,043.6 mt). This amount of underharvest is within the maximum amount allowed per the current ICCAT recommendation to be carried forward to 2013 (i.e., 10 percent of the total U.S. quota, or 94.9 mt).

NMFS would account up front (i.e., at the beginning of the fishing year) for half of the expected dead discards for 2013, using the best available estimate of dead discards, and deducting that portion directly from the Longline category subquota. NMFS proposed to apply half of the amount of underharvest that is allowed to be carried forward to 2013 to the Longline category and maintain the other half in the Reserve category. NMFS indicated that maintaining this portion of the underharvest in the Reserve category until later in the fishing year would provide maximum flexibility in accounting for 2013 landings and dead discards. Consistent with determination criteria at § 635.27(a)(8), NMFS may allocate any portion of the Reserve category quota for inseason or annual adjustments to any other quota category.

Specifically, NMFS proposed to deduct half of the dead discard estimate of 145.2 mt (i.e., 72.6 mt) from the 2013 baseline Longline category subquota of 74.8 mt and apply half of the 94.9 mt allowed to be carried forward to 2013 to the Longline category (i.e., $74.8 - 72.6 + 47.5 = 49.7$ mt adjusted Longline subquota, not including the 25-mt allocation set aside by ICCAT for the NED). NMFS proposed to add the remainder of the 2012 underharvest that can be carried forward (47.4 mt) to the Reserve category's baseline allocation of 23.1 mt, for an adjusted Reserve category quota of 70.5 mt.

In the proposed action, NMFS indicated that if the final 2012 landings and dead discards information resulted in a total of greater than 948.7 mt (e.g., if the estimate of dead discards used in the proposed rule were to increase by more than 90.5 mt) but less than 1,043.6 mt, then the amount of 2012 underharvest that the United States may carry forward to 2013 would need to be reduced from 94.9 mt accordingly. NMFS requested public comment and consideration of the possibility that deduction of half of the final estimate of dead discards from the baseline Longline category subquota could result in little to no quota for the Longline category for 2013 prior to application of any available underharvest, as well as the possibility that NMFS may close the Longline category fishery to bluefin tuna retention based on codified quotas and account fully for landings to date in the final specifications, as occurred in 2012. After reviewing the 2012 dead discard estimate, because the 2012 estimate is 94.3 mt higher than the 2011 estimate used in the proposed rule as a proxy for estimated 2013 dead discards, the amount of 2012 underharvest that the United States may carry forward to 2013 is reduced from 94.9 mt to 90.9 mt (1,043.6 mt – 952.7 mt as discussed above).

NMFS received few comments that *specifically mentioned* the contents of the 2013 proposed rule, and those comments supported the proposed specifications. NMFS considered the comments (see Section 9) and the updated (2012) dead discard estimate, and after public discussion and input has decided to establish the 2013 BFT quota specifications as follows (see also Table 2).

In the final rule, NMFS would account for half of the 2012 dead discard estimate of 239.5 mt up front by deducting it directly from the baseline Longline category subquota of 74.8 mt. If NMFS deducts one half of the dead discard estimate from the Longline category subquota and provide half of the available underharvest, the result is a 2013 adjusted Longline category subquota of less than 1 mt ($74.8 \text{ mt} - 119.75 \text{ mt} + 45.45 \text{ mt} = 0.5 \text{ mt}$). Therefore, NMFS would add all of the 2012 underharvest that can be carried forward to 2013 (i.e., 90.9 mt) to the Longline category (fourth column). Thus, the adjusted Longline category subquota would be $74.8 \text{ mt} - 119.75 \text{ mt} + 90.9 \text{ mt} = 46 \text{ mt}$ (not including the separate 25-mt allocation for the Northeast Distant gear restricted area). In these specifications, NMFS is balancing the need of the pelagic longline fishery to continue fishing for swordfish and Atlantic tunas with the need of directed bluefin fisheries participants to receive their base quota.

NMFS would maintain the baseline BFT subquotas for the directed fishing categories (i.e., the Angling, General, Harpoon, Purse Seine categories) as well as the Trap category, in which BFT may be caught incidentally. The allocations that result from applying the percentages established in the 2006 Consolidated HMS FMP to the baseline U.S. BFT quota would remain in effect for these categories.

Although NMFS would distribute the available underharvest differently than proposed, it is within the range of actions discussed in the draft Supplemental EA and proposed action. NMFS also discussed at the proposed rule stage the possibility that NMFS may have to close the Longline category fishery to bluefin tuna retention based on codified quotas and account fully for landings to date in the final specifications, as occurred in 2012. Therefore, the regulated

community reasonably could have anticipated both the resultant moderate changes in amounts and distribution and the Longline category closures.

Thus, in accordance with the ICCAT Recommendation 12-02, the 2006 Consolidated HMS FMP allocation percentages for the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(10), the quota specifications for the 2013 fishing year would be as follows and as shown in Table 2: General category – 435.1 mt; Harpoon category – 36 mt; Purse Seine category – 171.8 mt; Angling category – 182 mt; Longline category – 46 mt; and Trap category – 0.9 mt. The amount allocated to the Reserve category for inseason adjustments, scientific research collection, potential overharvest in any category except the Purse Seine category, and potential quota transfers would be 23.1 mt.

The adjusted Longline category subquota for 2013 would be further subdivided in accordance with the North/South allocation percentages (i.e., no more than 60 percent to the south of 31° N. latitude) in the 2006 Consolidated HMS FMP. Thus, the Longline category subquota of 46 mt would be subdivided as follows: 18.4 mt to pelagic longline vessels landing BFT north of 31° N. latitude, and 27.6-mt to pelagic longline vessels landing BFT south of 31° N. latitude. NMFS would account for landings in the Northeast Distant gear restricted area separately from other Longline category landings, under the 25 mt ICCAT allowance.

It is important to note that NMFS and ICCAT have separate schedules and approaches for accounting for landings and dead discards. At the beginning of the year, NMFS accounts proactively for half of the best estimate of dead discards, whereas total 2013 U.S. BFT landings and dead discards will be accounted for at the end of the year and reported to ICCAT in 2014. ICCAT usually assesses quota compliance at its annual meeting in November by comparing the prior year's landings and reported dead discards against the adjusted U.S. quota. At the 2013 ICCAT annual meeting, ICCAT will compare actual 2012 U.S. landings and dead discards against the total 2012 adjusted U.S. quota of 1,043.6 mt (i.e., the 948.7-mt base quota for 2012, plus the 94.9 mt that were allowed to be carried forward from 2011 to 2012), to determine the United States' compliance with 2012 ICCAT recommendations.

In 2012, NMFS closed the Longline category fishery to BFT retention in the southern area on May 29 (77 FR 31546), and the northern area on June 30 (77 FR 38011), for the remainder of the year, because landings had met the codified subquotas for those areas. Given that the incidental Longline fishery for BFT was closed, NMFS accounted fully for those landings in the final rule by applying 76.2 of the available 94.9-mt underharvest to the Longline category and maintaining the remaining underharvest (18.7 mt) in the Reserve category. For 2013, NMFS has not yet taken action to close either the southern or northern Longline category fisheries to retention of BFT, based on codified BFT subquotas for those fisheries, but may need to do so concurrent with or following the effective date of the final specifications.

NMFS considers this current specifications approach as a transition from the method used for 2007 through 2010, when there were substantial underharvests of some of the commercial BFT subquotas. Consistent with the 2006 Consolidated HMS FMP and its implementing regulations, NMFS provided the Longline category a substantial portion of prior year U.S.

underharvest that was allowed to be carried forward (limited to 50 percent of the total U.S. quota at that time) during the annual specification process at the beginning of the fishing year. This provided quota sufficient for the pelagic longline fleet to operate for the entire fishing year while also accounting for dead discards “up front” using the best available estimate of anticipated dead discards. NMFS was also able to increase the directed categories’ quotas and the Reserve category quota using available underharvest.

As discussed in the Cumulative Impacts section below, NMFS is developing Draft Amendment 7 to the 2006 Consolidated HMS FMP. This amendment will explore related BFT fishery management issues consistent with the need to end overfishing and rebuild the stock. NMFS anticipates that measures in Draft Amendment 7 would address several of the long-standing challenges facing the fishery and will examine, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories. NMFS anticipates that Draft Amendment 7 will publish in mid-2013.

In the meantime, management of the BFT fishery continues under the current 2006 Consolidated HMS FMP, implementing regulations, and ICCAT Recommendations. In contemplating how to account for dead discards within the BFT quota and allocate the underharvest that is allowed to be carried forward, NMFS believes that the operational issues facing the pelagic longline fishery as the fleet continues directed fishing operations for swordfish and other tunas should be considered.

Section 3: DESCRIPTION OF AFFECTED ENVIRONMENT

Section 3 of the EA/RIR/FRFA for the 2011 final BFT quota rule included a brief summary of the status of the stocks, fishery participants and gear types, and affected area including habitat and protected species as of May 2011. For a complete description of the biology and status of BFT and the U.S. tuna fishery, including operations, catches, and discards, please see the 2012 HMS Stock Assessment and Fishery Evaluation (SAFE) Report (NMFS, 2012), as well as the latest BFT Stock Assessment (SCRS, 2012). Also, for information on interactions and concerns with protected species and the Atlantic tuna fisheries, please see Section 7 of the 2012 SAFE Report and the *2004 Final Supplemental Environmental Impact Statement (FSEIS) for a Final Rule to Implement Management Measures to Reduce Bycatch and Bycatch Mortality of Atlantic Sea Turtles in the Atlantic Pelagic Longline Fishery* (NMFS, 2004). The action area is the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

NMFS is supplementing the 2011 final BFT quota rule EA by providing updated summary information re: the update by ICCAT’s Standing Committee on Research and Statistics (SCRS) of the 2010 assessment and fishery participation, below.

Status of the Stocks

In 2012, SCRS conducted an update of the 2010 stock assessments for both the western and eastern stocks using data collected through 2011. Similar to the 2010 western BFT stock

assessment, SCRS presented status and projection information based on two divergent stock recruitment scenarios and continued to indicate that there is no strong evidence to favor either scenario over the other. The SCRS' findings did not permit specification of a single maximum sustainable yield (MSY) level. Projected trends in stock size are strongly dependent on estimates of recent recruitment. Generally, under the low recruitment scenario, it is assumed that the stock is not as productive as it once was (i.e., prior to the 1970s) and therefore the MSY is fairly low (2,634 mt). Under the high recruitment scenario, it is assumed that the stock can be much more productive as it recovers and the MSY target is much higher (6,472 mt).

The spawning stock biomass (SSB) trends estimated in the 2012 update were consistent with previous analyses in that SSB declined steadily from 1970 to 1992 and has since fluctuated between 25 percent and 36 percent of the 1970 level. In recent years, however, there appears to have been a gradual increase in SSB from 27 percent in 2003 to an estimated 36 percent in 2011. Since 1998, when the rebuilding plan was adopted, the SSB has increased by 19 percent. The stock has experienced different levels of fishing mortality over time, depending on the size of fish targeted by various fleets. Fishing mortality on spawners (ages 9 and older) declined markedly after 2003.

The 2010 assessment estimated that the 2003 year class was the largest since 1974, but the current assessment estimates two somewhat smaller year classes (2002 and 2003) instead. SCRS continues to believe that the 2003 year class was large based on the progression of size classes through various fisheries and that the estimate of two adjacent but smaller year classes is likely an artifact of the lack of direct observations of the age of fish in the catch and recent U.S. regulations that limited the landing of fish in that size range. In 2012, the 2003 year class began to contribute to the spawning biomass.

For the low recruitment scenario, the fishing mortality rate (F) for 2008-2010 was 61 percent of F_{MSY} and the SSB for 2011 was 140 percent of the SSB that can support maximum sustainable yield (SSB_{MSY}). For the high recruitment scenario, $F_{2008-2010}$ was 157 percent of F_{MSY} and SSB_{2011} was 19 percent of SSB_{MSY} .

Overall, the 2012 assessment update showed that under the low recruitment scenario, the stock is above the biomass that can support MSY (i.e., it is considered rebuilt, and overfishing is not occurring) and catches of 2,500 mt or lower would maintain the stock biomass above the MSY level. Constant catches of 2,000 mt would result in SSB_{2019} being nearly equal to SSB_{2012} . Conversely, under the high recruitment scenario, the stock remains overfished with overfishing occurring and will not rebuild by the end of 2018 (under the 20-year rebuilding period that began in 1999) even with no catch, although catches of 1,200 mt or less would have a 60-percent chance of ending overfishing immediately and initiating rebuilding. As in prior years, SCRS cautioned that conclusions of the assessment do not capture the full degree of uncertainty in the assessments and projections, and noted that an important factor contributing to uncertainty is mixing between fish of eastern and western origin (SCRS, 2010).

Taking this information into consideration and following protracted negotiations among western BFT Contracting Parties, ICCAT adopted a one-year measure for the western BFT stock

that maintained key provisions of the previous recommendation, including the 1,750-mt TAC and the allocations to Contracting Parties. This TAC is expected to allow for continued stock growth under both low and high stock recruitment scenarios. A new SCRS stock assessment is expected to be conducted in 2015; it is expected to incorporate new data from the research conducted by the Atlantic-wide BFT Research Program and related activities, and to utilize new methodologies and an assessment peer review process.

NMFS is relying upon the 2010 SCRS stock assessment and the 2012 stock assessment update as the best scientific information available at the present time. That stock assessment and update were subject to rigorous analysis and review by a panel of experts from participating ICCAT countries. Any newly available models that address mixing of eastern and western Atlantic bluefin tuna stocks will be reviewed and incorporated when and as appropriate in future assessments, following acceptance by ICCAT's panel of experts. At present, the next full stock assessment is planned for 2015, with stock assessment updates planned for 2013 and 2014. ICCAT will renegotiate the western BFT recommendation on TAC and country quotas and other bluefin conservation and management measures in November 2013.

Fishery Participants

There are approximately 31,500 permitted vessels that may participate in the Atlantic tuna fisheries. Vessels permits are issued in five directed fishing categories and two incidental fishing categories (Table 3). Generally, permits are issued for a distinct fishery by gear types, and participants are restricted to the use of only those allowed gears. For directed fisheries on BFT, these gears consist of purse seine, rod and reel, harpoon, handline, bandit gear, and greenstick (which is used primarily to harvest yellowfin tuna). Pelagic longline gear is not an allowed gear type for directed fishing on BFT; it is used to target other HMS species, primarily swordfish, bigeye, and yellowfin tuna. However, NMFS allocates a quota for landings of incidentally-caught BFT by longline and trap gear.

U.S. landings of BFT for 2000 through 2012 are provided in Table 4. The historical level of landings has generally been determined by quotas since 1982. Commercial fisheries are focused on large medium (73 inches to less than 81 inches) and giant (81 inches or greater) BFT, while recreational fisheries are focused on large school/small medium BFT (47 inches to less than 73 inches), with allowances for school (27 inches to less than 47 inches), large medium, and giant BFT. Commercial categories are monitored by a census of landing cards, whereas the recreational catch is monitored primarily by survey, although the states of Maryland and North Carolina have implemented recreational census BFT tagging programs as well.

The BFT fishery has been managed on a fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 FMP in 2000 until January 2008, when management reverted to a calendar year basis per implementation of the 2006 Consolidated HMS FMP. The 2007 fishing year was June 1, 2007, through December 31, 2007. Therefore, Table 4 landings are presented on a calendar year (versus fishing year) basis for 2008 through 2012.

The majority of BFT landings are taken by handgear fisheries in the commercial General category and recreational Angling and Charter/Headboat categories. The distribution of fishing activity for BFT is generalized in Table 5. General category fisheries are focused in New England during the summer and fall, and off the mid- and south Atlantic states during the winter. However, from 2004 through 2008, the availability of commercial-sized BFT to the commercial fisheries, particularly off New England declined dramatically, while the Canadian commercial quota was approached or met (SCRS, 2010). The low level of U.S. commercial landings relative to quotas during that time period led the SCRS to consider two plausible explanations in its 2010 stock assessment: “(1) that availability of fish to the U.S. fishery has been abnormally low, and/or (2) the overall size of the population in the western Atlantic declined substantially from the level of recent years. SCRS noted that while there is no overwhelming evidence to favor either explanation over the other, the base case assessment implicitly favors the first hypothesis (regional changes in availability) by virtue of the estimated increase in SSB. The decrease indicated by the U.S. catch rate of large fish is matched by an increase in several other large fish indices.” SCRS noted that substantial uncertainty remains on this issue and more research needs to be done (SCRS, 2010).

Recreational fisheries are prosecuted by private vessels fishing in the Angling category and vessels for hire fishing under the Charter/Headboat category. The 2006 Consolidated HMS FMP notes that charter/headboats have been targeting school BFT off New York and New Jersey since the early 1900s. School BFT are caught recreationally off Virginia, Delaware, and Maryland in late spring and early summer, and off New Jersey and New York as the summer progresses. In recent years, school BFT availability has been variable in southern New England fisheries. Fishery landings and school BFT availability generally decline in fall with colder water temperatures and degrading fishing conditions. Recreational fishing also takes place for BFT in the mid-Atlantic winter fishery, and the 2006 Consolidated HMS FMP notes that this fishery includes an active charter/headboat fishery. Large school and small medium BFT are landed by private and charter/headboat fisheries in summer and fall off Virginia, Delaware, Maryland, New Jersey, and Massachusetts, but are overall less accessible to New York, Connecticut and Rhode Island fisheries. In general, the locations of BFT fisheries for various size BFT vary from year to year since the exact availability of BFT and the demand for fishing opportunities is unpredictable.

BFT migration throughout the Atlantic is the subject of much research and affects the availability of harvest for regional fisheries. Commercial landings by General category fishermen, Harpoon category fishermen, and Purse Seine category fishermen have been suppressed relative to the end of the 1990s and early 2000s, resulting in large underharvests of commercial quotas until 2009 (Table 4). In 2007 through 2012, purse seine activity for BFT was very low; in 2008, 2010, and 2011, no BFT were landed using this gear type. Conversely, the ratio of landings to quota was very high for the Angling category, relative to that for other categories, particularly in 2007 through 2009.

Section 4: ENVIRONMENTAL CONSEQUENCES

Section 4 of the EA/RIR/FRFA for the 2011 final BFT quota rule summarized the environmental and economic impacts of the alternatives for implementing and allocating the U.S. quota recommended in 2010 for 2011 onward, as well as alternatives pertaining to the other actions contained in the rulemaking.

The 2011 quota rule EA, as well as the documents analyzing the allocation scheme and management measures established in the 2006 Consolidated HMS FMP, presumed carryover of underharvested quota from one year to the next, consistent with applicable ICCAT recommendations. See, e.g., EIS for 2006 Consolidated HMS FMP at 4-224 to 225: (“[Alternative F8 (preferred)] would provide reasonable fishing opportunities to harvest the ICCAT-recommended U.S. BFT TAC as close to the timeframe it was originally intended to be harvested and may reduce the likelihood of reallocating U.S. BFT quota to another member nation that does not have comparable conservation measures. . . .”). Based on the updated information below and the information provided in the 2011 final BFT quota rule EA, the environmental impact of carrying forward the allowed underharvest from 2012 to 2013 would be neutral, particularly given the reduced amount of carryover allowed and the fact that it is applied in the immediately following year.

NMFS is supplementing the 2011 final BFT quota rule EA by providing updated information about the 2012 stock assessment update, the latest Coastal Zone Management Act procedures for BFT quota specifications, and cumulative impacts.

Coastal Zone Management Act (CZMA)

NMFS determined that the implementation of BFT quota specifications is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea (77 FR 15712, March 16, 2012). Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. NMFS has determined that this action will not affect the coastal zone of any state beyond that previously analyzed in the consistency determinations for the Atlantic bluefin tuna quota specifications sent to the states following publication of the 2012 proposed rule. Consequently, no additional consistency consultation is required.

Cumulative Impacts

Cumulative impacts are the impacts on the environment that result from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts include the total effect on a natural resource, ecosystem, or human community due to past, present, and reasonably foreseeable future activities or actions of federal,

non-federal, public, and private entities. Cumulative impacts may also include the effects of natural processes and events, depending on the specific resource. Cumulative impacts include the total of all impacts to a particular resource that have occurred, are occurring, and would likely occur as a result of any action or influence, including the direct and reasonably foreseeable indirect impacts of a federal activity. The goal of this section is to describe the cumulative ecological, economic and social impacts of past, present and reasonably foreseeable future actions with regard to the management measures presented in this document.

Since 1999, management actions pertaining to BFT have had minor positive ecological impacts by continuing to limit BFT mortality by U.S. fishermen in accordance with the strict quota limits set by ICCAT. The 1999 FMP adopted ICCAT's 20-year stock rebuilding program for western BFT, which includes, among other things, authority for NMFS to implement ICCAT's BFT quota allocation on a yearly basis through a framework procedure. The FEIS for the 2006 Consolidated HMS FMP (NMFS, 2006) concluded that the cumulative long-term impact of the final implementing actions, including the ICCAT BFT rebuilding program and annual quota allocation process, would be to establish sustainable fisheries for Atlantic HMS.

In October 2009, Monaco submitted a proposal to list Atlantic bluefin tuna in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), which would prohibit international trade of the species. At the March 2010 CITES 15th Conference of Parties meeting in Doha, Qatar, the proposal was not adopted. The U.S. Department of the Interior, which is the lead Federal agency on CITES issues, subsequently issued a press release indicating that the United States will continue to work with ICCAT parties to conserve and recover BFT.

On May 24, 2010, NMFS received a petition from the Center for Biological Diversity to list BFT as threatened or endangered under the ESA and designate critical habitat concurrently with its listing. On September 21, 2010, NMFS announced a 90-day finding (75 FR 57431) that the petition presents substantial scientific information indicating the petitioned action may be warranted. NMFS conducted a species status review of BFT to determine if the petitioned action was warranted.

In January 2011, NMFS published a proposed rule to require the use of weak hooks on pelagic longline vessels in the Gulf of Mexico (76 FR 2313, January 13, 2011). The purpose of that proposed action is to reduce pelagic longline catch of BFT in the Gulf of Mexico, the only known spawning area for the western BFT stock. Both that action and this one are intended to address BFT bycatch issues in pelagic longline fisheries, including managing BFT catch and landings within available quotas.

In April 2011, NMFS published a final rule requiring the use of weak hooks on pelagic longline vessels in the Gulf of Mexico (76 FR 18653, April 5, 2011). The purpose of that action is to reduce pelagic longline catch of BFT in the Gulf of Mexico, the only known spawning area for the western BFT stock.

On May 27, 2011, NOAA announced that listing BFT as endangered or threatened is not

warranted at this time (76 FR 31556, June 1, 2011). NOAA also formally designated both the western Atlantic and eastern Atlantic and Mediterranean stocks of BFT as “species of concern” under the ESA. This placed the species on a watchlist for concerns about its status and threats to the species. See below for the summary of the Status Review Team’s evaluation of the potential effect of the Deepwater Horizon/BP oil spill on the future abundance of BFT, which was included in the status review report. At the time of the report, NOAA committed to revisit this decision in 2013, pending additional information about the effects of the April 2010 Deepwater Horizon BP oil spill, the 2012 BFT stock assessment, and the 2012 ICCAT BFT recommendations.

In July 2011, NMFS published a final rule to: (1) implement and allocate the ICCAT-recommended U.S. base quotas for 2011 and for 2012; (2) adjust the 2011 U.S. quota and subquotas to account for unharvested 2010 quota allowed by ICCAT to be carried forward to 2011, and to account for a portion of the estimated 2011 dead discards up front; (3) reinstate pelagic longline target catch requirements for retaining BFT in the Northeast Distant Gear Restricted Area (NED); (4) amend the Atlantic tunas possession-at-sea and landing regulations to allow removal of tail lobes; and (5) clarify the transfer-at-sea regulations for Atlantic tunas (76 FR 39019, July 5, 2011). Both the weak hook action and the NED action were intended to address BFT bycatch issues in pelagic longline fisheries, including managing BFT catch and landings within available quotas.

In November 2011, NMFS published a final rule that implemented adjustments to the BFT General and Harpoon category regulations (76 FR 74003, November 30, 2011). The rule: (1) increased the General category maximum possible BFT daily retention limit from three to five fish (with limit adjustments to be executed via inseason actions as appropriate); (2) allows the BFT General category season to remain open until the January subquota is reached or March 31 (whichever happens first); and (3) increased the Harpoon category daily retention limit of BFT measuring 73 to 81 inches from two to four fish (allowed under current regulations to be taken incidentally while targeting BFT measuring 81 inches or greater). This action was intended to enable more thorough utilization of the available U.S. BFT quota for the commercial handgear categories; minimize bycatch and bycatch mortality to the extent practicable; expand fishing opportunities for participants in the commercial winter General category fishery; and increase NMFS’ flexibility and range for setting the General category retention limit depending on available quota.

Although it is called the “January subquota,” the regulations allow this fishery to continue until the 23.1-mt subquota is reached, or March 31, whichever comes first. In the EA supporting the November 2011 action, NMFS noted that extending the January fishery into March may result in minimal, if any, ecological impacts. The January fishery is weather-dependent to a large extent, and it is not possible to predict in future years the number of boats that will participate. For example, if there is inclement weather in January during a given year and quota remains available in February, there might be a temporal shift in fishing effort (i.e., changing the month in the year during which a fish is caught) in relation to past fishing seasons. NMFS anticipated that any temporal shift likely extend the winter fishery by less than a few weeks. Since this final rule was implemented, NMFS has closed the fishery that begins January 1 each year on January 22,

2012, and February 15, 2013. As the quota available for the January fishery is not changing as a result of this action, NMFS does not anticipate any biological impacts beyond those previously analyzed.

In April 2012, NMFS began development of Draft Amendment 7 to 2006 Consolidated HMS FMP (77 FR 24161, April 23, 2012), with publication of a Notice of Intent to hold public scoping meetings and to prepare a draft Environmental Impact Statement (DEIS). NMFS is currently preparing the DEIS and proposed rule, expected to be published in mid-2013. This Draft amendment will explore related bluefin tuna fishery management issues consistent with the need to end overfishing and rebuild the stock. NMFS anticipates that measures in Draft Amendment 7 would address several of the long-standing challenges facing the fishery and will examine, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures; and improving the reporting and monitoring of dead discards and landings in all categories. See http://www.nmfs.noaa.gov/sfa/hms/hmsdocument_files/Tuna.htm for Amendment 7 documents as they become available.

ICCAT is next scheduled to review the status of Atlantic BFT stocks in 2015. Because the 2013 western BFT recommendation (ICCAT Recommendation 12-02) included a one-year rollover of the TAC, a new recommendation is anticipated at the November 2013 ICCAT meeting. Changes to the ICCAT BFT rebuilding program may require a future domestic rulemaking. Any future domestic actions taken in regard to the BFT fishery would remain within the scope of ICCAT recommendations as well as established BFT TACs, consistent with ATCA.

The 2013 BFT quota specifications are not expected to change current fishing practices or increase fishing effort, and therefore should not cause biological impacts not previously considered in the 2001 and 2004 BiOps and addressed in the 2006 Consolidated HMS FMP FEIS. Therefore, the cumulative effects analyses presented in the 2006 Consolidated HMS FMP EIS, as supported by the cumulative effects analysis in the 2001 BiOp and 2004 BiOps, is hereby incorporated by reference. Briefly, the cumulative effects section of the 2006 Consolidated HMS FMP indicated that management action pertaining to BFT have had minor positive ecological impacts by continuing to limit BFT mortality by U.S. fishermen in accordance with the strict quota limits set by ICCAT and established under the approved 20-year rebuilding plan. It indicated that the preferred BFT alternatives in that FMP were primarily administrative in nature and anticipated to provide negligible or minor additional positive ecological benefits for BFT. It listed actions NMFS may consider in the future for both the recreational and commercial sectors, including additional measures to rationalize BFT fishing effort, adjustment of size tolerance limits, discard reduction, landing limits, possession limits, tagging requirements, gear and/or bait restrictions, time/area closures, handling and release requirements, effort restrictions, seasonal closures, regional or seasonal allocations, or others as appropriate. It indicated that these measures, if considered, would be designed to address specific needs of the resource, and as such, would be intended to have positive ecological impacts.

NMFS' goal for HMS management has been to provide sustainable harvests that will provide the greatest economic benefits to the largest number of individuals. While certain HMS

fisheries management actions have resulted in negative socio-economic impacts, all of the past, present, and reasonably foreseeable future HMS fisheries management actions are expected to ensure the long-term sustainability and continued economic viability of U.S. Atlantic HMS fisheries consistent with applicable law.

The quota specifications are necessary to implement binding recommendations of ICCAT, as required by ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act. This action follows the framework procedures implemented in the 1999 and 2006 FMPs to establish annual BFT quota specifications. It carries forward unused quota to the following fishing year, consistent with the latest ICCAT BFT recommendation, which currently limits the amount to 10 percent of the adjusted U.S. quota annually. NMFS analyzes the anticipated environmental and economic impacts of implementing and allocating the U.S. quota each time ICCAT recommends a new TAC and U.S quota. NMFS issues BFT specifications to adjust the U.S. quota as appropriate for underharvest or overharvest for each fishing year and plans to continue to do so.

Deepwater Horizon/BP oil spill

In 2010, in response to a petition to list BFT under the ESA submitted by the Center for Biological Diversity, NMFS convened a status review team (Team) to review the status of western BFT. As described on pages 48 through 50 of the BFT Status Review Report (published in May 2011 and available at: www.nmfs.noaa.gov/stories/2011/05/docs/bft_srr_final.pdf) the Team evaluated the potential effect of the Deepwater Horizon/BP oil spill on the future abundance of BFT. The Team compared projections made by ICCAT's SCRS in 2010 with similar projections that assume the number of BFT yearlings (one-year-old fish) in 2011 would be reduced by 20 percent. The value of 20 percent was based on a report by the European Space Agency that suggested that about 20 percent of the spawning habitat was oiled. The Team noted that another study suggested that considerably less than 20 percent of the spawning habitat for western BFT was affected by the spill. However, given other factors, the Team regarded 20 percent as a reasonable upper bound for the mortality rate of BFT larvae owing to the spill event. The 20 percent reduction in the 2010 year-class (2011 yearlings) results in less than a 4 percent reduction in spawning biomass when future catches are within the range historically allowed under ICCAT management (i.e., 2,500 mt or less). This result is not surprising because BFT are a relatively long-lived species and the 2010 year class is only one of multiple year classes that will contribute to the spawning biomass in any given year. If the TAC remains less than 2,500 mt, as is expected, then the western BFT stock would be expected to continue to increase despite the Deepwater Horizon/BP oil spill; if however, catches are allowed to exceed 2,500 mt, then the western stock would be expected to decline and any reduction in the 2010 year class would hasten that decline.

The Team also conducted projections using the 'MAST' model (Multistock Age-Structured Tag-Integrated assessment model), which uses electronic tagging data in an effort to account for intermixing between the eastern and western stocks, under the assumption that future catches in the western Atlantic would be 1,800 mt and future catches in the east would be 13,500 mt (slightly greater than allowed by the current management plans). The results of these

modeling projections were very similar to those above. In this case, a 20-percent reduction in the 2010 year-class would be projected to cause only a 3-percent reduction in spawning biomass.

The Team also considered the potential impacts of scenarios in which 20 percent of the adult BFT were also killed in 2010, in which case the spawning biomass would be immediately reduced by 20 percent, which might lead to additional reductions in the 2011 and subsequent year-classes (relative to what they would have been in the absence of the spill), and in turn, reductions in future spawning biomass levels. The Team noted, however, the absence of any evidence that any portion of adults were actually deleteriously affected, and noted that all of the electronically-tagged BFT that were known to have spent time in the Gulf of Mexico during the actual spill event (8 fish) survived long after leaving the Gulf of Mexico.

Regarding impacts of the Deepwater Horizon/BP oil spill, NMFS considers the information summarized in the BFT Status Review to be the best scientific information of the effect of the Deepwater Horizon/BP oil spill on BFT on which to base management actions at this time and no additional information is available upon which to change that analysis. NOAA and NMFS maintain publically-accessible websites regarding the oil spill and its impacts at: <http://www.noaa.gov/deepwaterhorizon/index.html> and http://sero.nmfs.noaa.gov/deepwater_horizon/index.html.

No other past, present, or reasonably foreseeable future actions beyond what was analyzed in the May 2011 EA and those discussed above were identified. In summary, NMFS considers that this action is consistent with past and current HMS fisheries actions, and anticipates that it also will be consistent with future actions with no substantial adverse, cumulative impacts on the environment from the proposed quota specifications.

Section 5: MITIGATION AND UNAVOIDABLE ADVERSE IMPACT

As there is no new ICCAT recommendation regarding the U.S. quota and the baseline quota and subquotas remain the same, there is no need to update Section 5 of the EA/RIR/FRFA for the 2011 final BFT quota rule (Mitigation and Unavoidable Adverse Impact). NMFS does not expect a change in current fishing patterns or a change in fishing effort as a result of this action.

The U.S. domestic BFT management program includes numerous management measures to implement ICCAT quota and management recommendations and for consistency with the 2006 Consolidated HMS FMP. NMFS uses a variety of controls such as BFT subquotas, seasons, retention limits, size limits, and time/area closures to provide reasonable BFT fishing and harvest opportunities over a wide geographic range within available quotas, while minimizing negative environmental impacts.

Using its inseason management authority, NMFS will continue to monitor and make adjustments to the commercial fishery close to “real time.” Since NMFS will continue to monitor the commercial fishery, any unpredicted increase in effort and landings of BFT, should they occur, could be addressed within a fishing season. NMFS also may adjust recreational effort

controls inseason based on the best information available, but landings data are not available with the timing and frequency of commercial data (submitted within 24 hours to NMFS through required landings reports for each fish).

Section 6: ECONOMIC EVALUATION

Section 6 of the EA/RIR/FRFA for the 2011 final BFT quota rule (Economic Evaluation) summarized the environmental and economic impacts of the alternatives for implementing and allocating the U.S. quota recommended in 2010 for 2011 onward, as well as alternatives pertaining to the other actions contained in the rulemaking. Some of that information comprised part of the Regulatory Impact Review as well. As there is no new ICCAT recommendation regarding the U.S. quota and the baseline quota and subquotas remain the same, there is no need to update Section 7 of the EA/RIR/FRFA for the 2011 final BFT quota rule (Regulatory Impact Review). Below, NMFS is providing updated information regarding prices and markets, ex-vessel gross revenues, and trade. Note that all dollars are reported in nominal dollars, consistent with methods used in the 2006 Consolidated HMS FMP.

Because this action does not change the codified quota or subquotas, and will not have an economic impact on the affected entities, it does not have a significant economic impact on a substantial number of small entities, no initial regulatory flexibility analysis is required, and none has been prepared.

Prices and Markets

Since implementation of the 1999 FMP, the ex-vessel average price per pound of BFT has varied from a low in 2003 of \$4.75 to just under \$9 in 2012. The role of the Japanese market and of quality and market structure considerations in the determination of BFT prices is discussed in great detail in the 2006 Consolidated HMS FMP and is not repeated here. Many factors, including the yen/dollar exchange rate, market supply and demand, and fish quality may affect ex-vessel prices. In addition, the amount of product from the Mediterranean BFT farming industry can influence prices, with over-supply of the market potentially leading to reduced ex-vessel prices for U.S. fishermen. Table 7 gives the annual average ex-vessel price of BFT, for 2000 through 2012, per year for each category.

Ex-vessel prices (nominal values) per category have fluctuated over the last several years. Accounting for inflation, preliminary average ex-vessel prices for BFT in 2012 were higher for the General, Harpoon, and Longline categories relative to prices during 2011, and for the Purse Seine category relative to 2009, the most recent prior year in which Purse Seine BFT landings occurred.

Ex-vessel Gross Revenues

Ex-vessel gross revenues (nominal values) from recorded sales of BFT in all commercial categories for 2000 through 2012 are presented in Table 6. Revenues for the General category and the Longline category in 2012 were 4 percent and 22 percent higher, respectively, than in

2011, and were the highest, nominally, since 2002 and 2009, respectively. Harpoon category revenues were 24 percent lower in 2012 than in 2011. Revenues for the Purse Seine category have fluctuated at a low level over the 2004-2012 period, and in 2012 were 69 percent lower than in 2009, the last year that there were Purse Seine BFT landings. The combination of stable or reduced ex-vessel prices (Table 7) and reduced commercial landings (Table 4) had a severe impact on ex-vessel gross revenues in 2006 and 2007, but increased overall ex-vessel prices and landings, particularly in the General category, led to a modest total increase in ex-vessel gross revenues in 2008 through 2012. All categories have generally shown declines since 2001, with the exception of the incidental Longline category. Note that this discussion focuses on gross revenues only, and not net revenues.

Bluefin Tuna Fishery Participation

A complete description of participation rates in the BFT fishery is provided in the 2006 Consolidated HMS FMP and the 2012 SAFE Report and is not repeated here. However, Table 5 provides a summary of generalized patterns of fishing activities and Table 3 indicates the number of vessels permitted during the 2012 fishing season, by category, to participate in the BFT fishery.

Bluefin Tuna Processing and Export

The 2006 Consolidated HMS FMP and the 2012 SAFE Report include a detailed discussion regarding the export, import, and re-export trade program and market for BFT. As noted above, over the last 10 years, total landings of BFT have generally declined, U.S. ex-vessel prices have fluctuated, and generally, ex-vessel gross revenues have declined. Although the proportion of BFT exported has shown a decreasing pattern since 1996, the majority of domestically harvested commercial BFT (i.e., 75 percent or greater) was exported until 2004. The reduction in amount of exports and decrease in the ex-vessel value of landings since 2003 indicates a corresponding decrease in the value of exports, although these figures are not available for Atlantic product alone. According to the HMS BFT Landings Database, approximately 58 percent of the 566 mt (dressed weight) of commercial BFT harvested domestically in 2011 were exported. In 2011, the United States imported approximately 396 mt (dressed weight) of BFT harvested in the Atlantic Ocean, including the Mediterranean and Gulf of Mexico, and including approximately 35 mt of product that subsequently was re-exported.

Section 7: LIST OF PREPARERS/AGENCIES AND PERSONS CONSULTED

This Supplemental EA was prepared by staff of the HMS Management Division, Office of Sustainable Fisheries. Please contact the HMS Management Division, Northeast Regional Office, for a complete copy of current regulations for the Atlantic tunas fisheries.

Highly Migratory Species Management Division
NMFS - Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930
phone: (978) 281-9260 fax: (978) 281-9340

Discussions relevant to the preparation of this Supplemental EA involved input from several NMFS components and constituent groups, including: NMFS Southeast Fisheries Science Center; NMFS Northeast Regional Office, NMFS Office for Law Enforcement; NMFS Office of Science and Technology; NOAA Office of the General Counsel, Fisheries and Protected Resources Section; and the members of the HMS AP (which includes representatives from the commercial and recreational fishing industries, environmental and academic organizations, state representatives, and fishery management councils). NMFS also has received numerous comments from individual fishermen and interested parties.

Section 8: REFERENCES

NMFS. 1999. Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks. NOAA, NMFS, Highly Migratory Species Management Division.

NMFS. 2004. Final Supplemental Environmental Impact Statement for a Final Rule to Implement Management Measures to Reduce Bycatch and Bycatch Mortality of Atlantic Sea Turtles in the Atlantic Pelagic Longline Fishery. NOAA, NMFS, Highly Migratory Species Management Division.

NMFS. 2006. Final Consolidated Atlantic HMS FMP. NOAA, NMFS, Highly Migratory Species Management Division.

NMFS. 2012. Stock Assessment and Fishery Evaluation (SAFE) Report for Atlantic HMS Species. NOAA, NMFS, Highly Migratory Species Management Division.

SCRS. 2010. Report on the Standing Committee on Research and Statistics, ICCAT Standing Committee on Research and Statistics, October 4-8, 2010.

SCRS. 2012. Report on the Standing Committee on Research and Statistics, ICCAT Standing Committee on Research and Statistics, October 1-5, 2012.

Section 9: PUBLIC COMMENT AND AGENCY RESPONSES

NMFS received a total of 13 written comments. There were no participants at the two public hearings in Gloucester, Massachusetts and Silver Spring, Maryland. Few of the comments specifically addressed the proposed specifications, and those supported the proposed adjustment of the 2013 baseline BFT quota and subquotas. Below, NMFS summarizes and responds to all comments made specifically on the proposed rule during the comment period. Most of the comments received were outside the scope of this rule and are summarized under “Other Issues” below.

Comment 1: Several commenters stated they support the proposed rule because it uses the same methodology as in the recent past and allows for continued participation by all user groups.

Response: The approach used for these final 2013 quota specifications is an appropriate

continuation of the approach used in 2011 and 2012 as a transition from the method used from 2007 through 2010. Changes in ICCAT's approach to western Atlantic bluefin tuna management in 2006 (i.e., discontinuation of the dead discard allowance and a new provision that the western BFT Total Allowable Catch include dead discards) have had implications for NMFS's domestic management of the fishery, because landings and dead discards must be accounted for within the total U.S. quota (rather than an additional allocation for dead discards). Through this interim approach, NMFS is balancing the needs of the pelagic longline fishery to continue fishing for swordfish and Atlantic tunas with the needs of directed bluefin tuna fisheries participants.

Comment 2: The same commenters asked what NMFS would do if the dead discard estimate used in the specifications is wrong, especially if it is too high and as a result the adjusted quotas are lower than needed. They asked if the difference would ever be reallocated as quota or if it would be lost.

Response: NMFS deducts only half of the estimate of dead discards up front and accounts for the remainder at year-end. Thus, dead discards would have to be substantially higher than the estimate used for the final 2013 quota specifications for there to be a situation in which NMFS would set the final specifications lower than the level necessary for landings and dead discards to stay within the adjusted U.S. quota. Even though the recently-available updated dead discard estimate for 2012 was 65 percent higher than the 2011 proxy, sufficient quota exists and adjustments below quota are not needed. Thus, this concern has not been realized for 2013.

Comment 3: One commenter stated that NMFS should not carry unharvested quota forward and should instead set the U.S. quota at the level of the ICCAT-recommended quota reduced by the estimate of dead discards.

Response: Carrying forward underharvest (limited to no more than 10 percent of the total U.S. quota) is consistent with the ICCAT recommendation, ATCA, and the BFT quota regulations that implement the western Atlantic bluefin tuna rebuilding plan adopted at ICCAT and relevant measures in the 2006 Consolidated HMS FMP. The distribution of the 90.9-mt underharvest provides flexibility for existing management needs, particularly to account for dead discards and provide sufficient quota for pelagic longline operations as the fleet continues directed fishing operations for swordfish and other tunas.

Comment 4: One commenter expressed concern that NMFS may, in order to stay within the ICCAT-recommended U.S. quota, limit or close directed BFT fisheries in the event that unused quota, including the Reserve quota, is insufficient to account for Longline category landings overharvests and dead discards.

Response: The United States must account for dead discards within its overall adjusted quota allocation, regardless of in which fishery they occur, to comply with ICCAT recommendations. BFT quota allocations in the 2006 Consolidated HMS FMP were based on historic landings and were established initially in 1992. Baseline quotas were modified in 1995 and 1997, but have remained the same since implementation of the 1999 FMP, when a separate discard allowance was provided for in the ICCAT BFT recommendation. Following ICCAT's

elimination of the dead discard allowance and change to include dead discards within TACs in 2006, NMFS has not modified the allocation scheme. Instead, the United States has accounted for dead discard mortality as part of the domestic specification calculation process for the last several years and reports dead discard estimates to ICCAT annually. Regarding the concern about potential closure, NMFS manages each fishing category to its adjusted quota for a given year, and it is highly unlikely that NMFS would close a fishery prior to the available quota for that category being met.

Through Amendment 7, NMFS is considering how best to reduce and account for BFT dead discards, as well as methods to improve reporting and monitoring of discards and landings.

Comment 5: One commenter suggested that NMFS anticipate both increased General activity overall in 2013, due to reduced quotas in the groundfish fishery, as well as increased General category participation during the December 2013 period given increased availability of commercial-sized BFT in Hudson Canyon in December 2012.

Response: NMFS recognizes that changes in other commercial fisheries in which bluefin tuna fishermen participate, as well as recent changes in bluefin availability (as discussed in the Supplemental EA), may result in shifts in fishing effort in the General category. Overall, for 2012, 96 percent of the adjusted General category quota was used, including the 40-mt transfer from the Reserve effective December 15. NMFS will monitor landings closely and may take action to allocate a portion of the Reserve category quota for inseason or annual adjustments to any other quota category following consideration of the regulatory determination criteria regarding inseason adjustments at § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds.

Other Issues

In addition to the few comments specifically on the content of the proposed rule, all 13 written comments raised issues beyond the scope of this rule, regarding HMS management measures generally and the quota allocations in the 2006 Consolidated HMS FMP. Specifically, comments articulated concern about division of the U.S. baseline quota and that priority allocation should be to full-time commercial fish harvesters; concern that the volume of dead discards is negatively impacting directed bluefin tuna fishery participants; support for eliminating "regulatory" dead discards and increasing quota use within a fishing year, including year-end transfer of unused quota to a "discard reserve" and more liberal target catch requirements in the Northeast Distant gear restricted area; support for allocating sufficient quota to cover incidental discards first; concern about recreational landings estimates and fishery monitoring; support for greater opportunities to land trophy bluefin tuna; concern about the complexity of the exempted fishing permit process and its effect on biological sampling; and support for changes in U.S.

policies regarding ICCAT, including bluefin tuna quota negotiations. NMFS anticipates that Amendment 7 to the 2006 Consolidated HMS FMP will address many of the issues raised in comments that were outside the scope of the 2013 BFT quota specifications.

FINDING OF NO SIGNIFICANT IMPACT

2013 Atlantic bluefin tuna (BFT) quota specifications

The Highly Migratory Species (HMS) Management Division of the Office of Sustainable Fisheries submits the attached Supplemental Environmental Assessment for the 2013 BFT fisheries for Secretarial review under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

This action would, for the 2013 fishing year, adjust the U.S. quota and subquotas to account for BFT dead discards and unharvested 2012 quota allowed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to be carried forward to 2013. The currently codified quotas were established via a 2011 final rule (76 FR 39019, July 5, 2011) in response to a 2010 ICCAT recommendation. The quota level established in that recommendation remains in effect through a 2012 recommendation for 2013. The 2013 BFT quota specifications are necessary to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. The preparation of these specifications is consistent with the objectives of the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) and its implementing regulations, applicable law, and the applicable ICCAT recommendations.

NMFS is preparing this supplemental EA to present updated information regarding the affected environment given that there was a 2012 stock assessment update by ICCAT. This supplemental EA considers information available since the time NMFS prepared the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) for the BFT Quotas and Atlantic Tuna Fisheries Management Measures in May 2011 (hereafter referred to as the “parent” document). This supplemental EA considers information contained in the 2006 Consolidated HMS FMP and the parent document and updates the Cumulative Impacts section. The responses in the Finding of No Significant Impact statement are supported by the analyses in the parent document and the supplemental EA, and the NEPA documents referenced. Copies of these documents are available at the following address:

Highly Migratory Species Management Division, F/SF1
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9260

or

<http://www.nmfs.noaa.gov/sfa/hms>

The National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of an action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of context and intensity. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQs context and intensity criteria. These include:

1. Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

No. The action is not expected to jeopardize the sustainability of BFT, which is the primary target species of fishing operations affected by this action. This action does not change the total U.S. baseline quota of 923.7 mt that was established in 2011, consistent with ICCAT Recommendation 10-03 and allocated per the 2006 Consolidated HMS FMP. ICCAT has recommended a one-year rollover of the BFT Total Allowable Catch (TAC) and U.S. quota in ICCAT Recommendation 12-02 on November 2012. Because the recommended quota was adopted as part of ICCAT's ongoing implementation of the rebuilding program for western Atlantic BFT and is expected to result in stock growth under both low and high recruitment scenario, it is not expected to jeopardize the sustainability of BFT. This action would carry forward 90.9 mt of unharvested 2012 BFT quota to the 2013 fishing year. Fishing patterns and behavior in these fisheries are not expected to change from the action previously analyzed as a result of this action. Because the recommended quota was adopted as part of ICCAT's ongoing implementation of the rebuilding program for western BFT and is expected to result in stock growth under both the low and high recruitment scenario, it is not expected to jeopardize the sustainability of BFT.

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

No. The action is not expected to jeopardize the sustainability of any non-target fish species or bycatch. The action would not increase fishing effort compared to 2011 levels, and those levels were determined not to jeopardize the sustainability of any non-target fish species or bycatch in the parent EA.

The primary fishing gears used to target BFT (i.e., rod and reel and purse seine) allow for the live release of non-target species to a great degree. The quotas for these sectors of the fishery account for more than 85 percent of the total U.S. annual quota. Primary non-target fish species caught by vessels targeting BFT include yellowfin tuna, bigeye tuna, and other large pelagic species. NMFS has already implemented rebuilding plans, as appropriate, and fishing controls for the primary non-target species.

Handgear and purse seine gear fisheries actions, covered under the June 2001 Biological Opinion (BiOp) for HMS fisheries, were determined not likely to jeopardize the continued existence of endangered or threatened species, including sea turtles. In June 2004, NMFS released a BiOp that concluded that the Atlantic pelagic longline fishery was not likely to jeopardize the continued existence of loggerhead, green, hawksbill, Kemp's ridley or olive ridley sea turtles but was likely to jeopardize the continued existence of leatherback sea turtles. NMFS has implemented the Reasonable and Prudent Alternative and Terms and Conditions specified in these BiOps. According to an August 9, 2007, memorandum regarding reinitiation of the Endangered Species Act Section 7 consultation process for the U.S. Atlantic pelagic longline fishery, NMFS determined that the basis and assumptions of the 2004 BiOp, including the expected effects on the species remain the same and that the Terms and Conditions, and the Incidental Take Statement (ITS) are still appropriate and do not need to be revised. ESA-listed species taken with pelagic longline gear would be considered against the ITS established in the 2004 BiOp. The analyses in the 2001 and 2004 BiOps were relevant for the 2006 Consolidated HMS FMP, in which NMFS established the framework process for establishing annual quota specifications, and remain relevant for current BFT management actions, including the 2013 BFT quota specifications.

The adjustment of the base quota and subquotas with allowed 2012 underharvest is not expected to significantly alter fishing patterns and/or behavior, and therefore should not have adverse impacts on non-target species beyond those considered in the parent document, 2001 and 2004 BiOps, and the 2006 Consolidated HMS FMP.

Goals of the 2006 Consolidated HMS FMP include implementing rebuilding plans, minimizing bycatch and bycatch mortality for overfished stocks, and managing healthy stocks for optimum yield. Bycatch reduction measures are in place under the HMS Bycatch Reduction Implementation Plan (discussed in Section 3.8 of the 2006 Consolidated HMS FMP), and this action would not change any of the bycatch measures in place under the 2006 Consolidated HMS FMP, or the effectiveness of those measures. Section 3.4 of the parent document and Table 4.6 of the 2012 HMS Stock Assessment and Fishery Evaluation (SAFE) Report list the 22 marine mammal species that are or could be of concern with respect to potential interactions with HMS fisheries. Those sections discuss interactions and the ESA, including six endangered whale species. A summary of marine mammal interactions in the pelagic longline fishery from 1992 through 2005 is provided in Section 3.4.1.2 of the 2006 Consolidated HMS FMP and is updated for 2002 through 2011 in the 2012 SAFE Report. The response to Question 5, below, summarizes the finding that marine mammals and ESA-listed species' sustainability would not be jeopardized by this action.

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

No. The parent document concluded that there would not be any substantial damage to the ocean, coastal habitats, or EFH from the BFT Quotas and Atlantic Tuna Fisheries Management Measures and there is no new information that alters that analysis. Although EFH

is present in the action area, as this action is not increasing the annual quota for the BFT fishery, it is not expected to change BFT fishing patterns or impacts on EFH from the prior year, or to allow substantial damage to ocean and coastal habitats and/or EFH. As discussed in Chapter 10 of the 2006 Consolidated HMS FMP, the primary fishing gears used to harvest BFT (hook and line and purse seine) are fished in the water column and have little impact on coastal resources or bottom substrate. Water column features also are identified as EFH, but there is no evidence that physical effects that occur while fishing for HMS are adversely affecting EFH to the extent that any effects can be identified.

4. Can the action be reasonably expected to have a substantial adverse impact on public health and safety?

No. Because the action is not expected to change the current fishery practices or behavior overall, no significant effects to public health and safety are anticipated from its implementation.

5. Can the action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

No. See response to Question 2 regarding findings of the 2001 and 2004 BiOps. Implementation of reasonable and prudent alternatives, reasonable and prudent measures and terms and conditions of those BiOps is underway, and this action is covered by the scope of those BiOps.

This action is not changing the annual quota for the BFT fishery. It is not expected to alter current fishing practices or increase fishing effort, would not be expected to change previously analyzed endangered species or marine mammal interaction rates or magnitudes, or alter bycatch mortality rates. Implementation of the 2013 BFT quota specifications should not have adverse impacts on protected species, or have any further impacts on endangered species, marine mammals, or critical habitat beyond those considered in the 2001 and 2004 BiOps and in the 2006 Consolidated HMS FMP. Thus, no further consultation is necessary.

In addition, the interactions with non-listed marine mammals are managed in accordance with the MMPA “List of Fisheries” categories for each appropriate sector (including pelagic longline incidental catch of BFT), and this action is not anticipated to change the effort in these fishery sectors in any manner that would increase the potential for interaction with non-listed marine mammals as previously analyzed in the 2006 Consolidated HMS FMP.

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

No. The action is not expected to have a significant impact on biodiversity and ecosystem function within the affected area, because the action is not expected to change fishing practices, and/or interactions with non-target and endangered or threatened species. The action

would not affect unique geographic areas. In addition, this action is not expected to introduce or spread non-indigenous species.

7. Are significant social or economic impacts interrelated with significant natural or physical environmental effects?

No. There are no significant natural or physical environmental effects associated with the action and no significant social or economic impacts interrelated with natural or physical environmental effects that would result from the action. See Section 6 of the parent document for an analysis of the predicted economic impacts to the BFT fishery and small business entities.

8. To what degree are the effects on the quality of the human environment expected to be highly controversial?

The effects of this action on the human environment are not expected to be highly controversial. The action would not change BFT baseline quotas and would carry forward allowed underharvest from 2012 consistent with ICCAT Recommendations 10-03 and 12-02 and with the 2006 Consolidated HMS FMP.

9. Can the action be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

No. This action would not result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas because fishing effort would occur in open areas of the ocean. In addition, there is no park land, prime farmlands, wetlands, or wild and scenic rivers within the action area so there would be no adverse impacts on these areas.

10. Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

No. Effects on the human environment would be similar to those in similar annual actions since 1999, and have been considered in the 2006 Consolidated HMS FMP FEIS and in the parent document. None of the previous actions resulted in highly uncertain effects or unique or unknown risks. This action would carry forward allowed underharvest from 2012, consistent with ICCAT Recommendations 10-03 and 12-02 and with the 2006 Consolidated HMS FMP.

11. Is the action related to other actions with individually insignificant, but cumulatively significant impacts?

No. This action is not expected to have additional impacts to those analyzed in the parent EA. There are no significant cumulative impacts associated with this action in combination with other past, present, or reasonable foreseeable future actions. This action would adjust the codified U.S. quota and base quotas with allowed 2012 underharvest and would be consistent

with the ongoing implementation of ICCAT's rebuilding program for western Atlantic BFT. NMFS regulations provide tools for the agency to manage quota attainment during the season. Further, any quota overharvests or underharvests that might occur during the fishing year could be addressed in the BFT quota specifications for 2014.

Other recent actions (including numerous BFT inseason actions to adjust daily retention limits for the handgear categories, the 2008 authorization of green-stick gear for BFT, the 2011 weak hook requirement for pelagic longline vessels fishing for HMS in the Gulf of Mexico, and the 2011 General and Harpoon category regulatory amendment) have been consistent with ICCAT recommendations and the 2006 Consolidated HMS FMP. Any future domestic actions taken in regard to the BFT fishery would remain within the scope of ICCAT recommendations and the 2006 Consolidated HMS FMP. Likewise, all actions in this rule are consistent with those proposed and consulted over in previous BiOps issued under the ESA.

NMFS continues to develop Draft Amendment 7 to the 2006 Consolidated HMS FMP. This amendment will explore related bluefin tuna fishery management issues consistent with the need to end overfishing and rebuild the stock. NMFS anticipates that measures in Draft Amendment 7 would help address several of the long-standing challenges facing the fishery and will examine, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories. NMFS anticipates that Draft Amendment 7 will publish in mid-2013.

12. Is the action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No. The management measures would occur in inshore and offshore waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea and would not occur in any areas listed or eligible for listing in the National Register of Historic Places. This action has no potential to cause loss or destruction of significant scientific, cultural, or historical resources because there are no significant scientific, cultural, or historic resources within the action area.

13. Can the action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No. This action adjusts codified quotas for allowed 2012 underharvest. Most vessels in the directed BFT fishery are small day boats that return to port each night and do not travel between ecologically different bodies of water or exchange ballast water. No activity associated with this action would involve the potential introduction or spread of a non-indigenous species.

14. Is the action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

No. The implementation of quota specifications is a routine procedure which occurs on

an annual basis and is consistent with current ICCAT recommendations and the 2006 Consolidated HMS FMP. The HMS regulations at 50 CFR 635 lay out the approach and boundaries for the action. NMFS considers these specifications to be limited in nature and unlikely to set precedent or represent a decision in principle about future considerations. The 2013 adjusted quotas would be in place from the effective date through December 31, 2013. A separate action would be taken to establish the 2014 BFT quota specifications and would not be dependent on this proposed action.

15. Can the action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

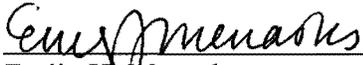
No. The action would be consistent with the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, and the regulations at 50 CFR 635. NMFS determined that the implementation of BFT quota specifications is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea (77 FR 15712, March 16, 2012). Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This action to establish the 2013 BFT quota specifications follows the same process that was previously consulted upon. Therefore, no additional consultation is required. The action would not be expected to violate any Federal, state, or local law or requirement imposed for the protection of the environment.

16. Can the action reasonably be expected to result in cumulative adverse effects that could have substantial effect on the target species or non-target species?

No. The action is not expected to result in cumulative adverse effects that could have a substantial effect on target species or non-target species. The action would implement carry forward available 2012 underharvest for use in 2013 specifically. It would be consistent with the ongoing implementation of ICCAT's rebuilding program for western Atlantic BFT and the objectives of the 2006 Consolidated HMS FMP as analyzed in the 2006 Consolidated HMS FMP FEIS. No increase in fishing effort or change in current fishing practices is expected relative to recent fishing years. The current ICCAT recommendation was made after consideration of scientific and statistical information, including the 2012 BFT stock assessment, and to guide cumulative future management actions of member countries.

DETERMINATION

In view of the information presented in this document and the analysis contained in the attached supplemental EA prepared for the 2013 BFT Quota Specifications as well as in the parent document and the FEIS for the 2006 Consolidated HMS FMP, it is hereby determined that this action would not significantly impact the quality of the human environment as described above, in the supplemental EA and the parent document. In addition, all impacts to potentially affected areas, including national, regional and local, have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



Emily H. Menashes
Acting Director, Office of Sustainable Fisheries, NMFS

6/6/2013
Date

TABLES AND FIGURES

Table 1. Atlantic bluefin tuna adjusted quotas and landings (metric tons) by category for the 2012 fishing year (January 1- December 31, 2012).

Category	2012					
	Base Quota	Dead Discard Deduction (1/2 of 2011 proxy of 145.2 mt)	2011 Underharvest Carried Forward to 2012	Adjusted Quota	Landings & LL dead discards	% of Adjusted Quota
<i>General</i>	435.1			475.1 ¹	456.2	96
<i>Harpoon</i>	36.0			36.0	17.2	48
<i>Longline</i>	99.8	-72.6	+76.2	103.4	89.6 ²	87
North	29.9		26.7	27.6	30.4	110
NED	25			25	8.4	34
South	44.9		39.5	50.8	50.8	100
<i>Trap</i>	0.9			0.9	0	0
<i>Purse Seine</i>	171.8			171.8	1.7	1
<i>Angling</i>	182.0			182.0	148.5	82
School	94.9			94.9	63.2	67
Large school/Small medium	82.9			82.9	79.1	95
Large Medium/Giant ("trophy")	4.2			4.2	6.2 ³	148
<i>Reserve</i>	23.1		+18.7	1.8 ¹	0	0
TOTAL	948.7		95	971.0⁴	713.2	73
				1,043.6		68
<i>TOTAL (incl. 239.5-mt dead discard estimate)</i>	948.7			971.0 ⁴	952.7	98
				1,043.6		91

Data for the 2012 fishing year are as of May 31, 2013. Totals are subject to rounding error.

Commercial landings information is from the NERO dealer report database. Recreational landings information is from Large Pelagics Survey estimates, NC catch card data, MD catch card data (outside LPS sampling timeframe) and the NMFS Automated Landings Reporting System. Landings of BFT under Exempted Fishing Permits are counted against the Reserve or school reserve. For 2012, EFP landings of BFT totaled less than 0.05 mt and round to 0 mt.

¹ Includes transfer of 40 mt from the Reserve category to the General category effective December 15, 2012 (77 FR 74612, December 15, 2012)

² The Longline category southern and northern areas closed to retention of BFT effective May 29 and June 30, 2012, respectively (77 FR 31546, May 29, 2012; and 77 FR 38011, June 26, 2012)

³ The Angling category southern area trophy fishery closed effective April 7, 2012 (77 FR 21015, April 9, 2012)

⁴ 2012 Adjusted Quota published in 77 FR 44161 (July 27, 2012) = 971 mt, reflecting NMFS' accounting for half of the estimated dead discards at the beginning of the fishing year, with the remainder to be accounted for at year-end; **U.S. Adjusted Quota for ICCAT accounting purposes=1,043.6 mt**

Table 2. Atlantic bluefin tuna quotas and quota specifications (in metric tons) for the 2013 fishing year (January 1-December 31, 2013).

Category (% Share of Baseline Quota)	Baseline Allocation (per Current ICCAT Recommendation and the 2006 Consolidated HMS FMP Allocations)	2013 Quota Specifications		
		Dead Discard Deduction (1/2 of 2012 Estimate of 239.5 mt)	2012 Underharvest to Carry Forward to 2013 (90.9 mt Total)	Adjusted 2013 Fishing Year Quota
Total (100)	923.7*			894.9
Angling (19.7)	182.0 <u>SUBQUOTAS:</u> School 94.9 Reserve 17.6 North 36.5 South 40.8 LS/SM 82.9 North 39.1 South 43.8 Trophy 4.2 North 1.4 South 2.8			182.0 <u>SUBQUOTAS:</u> School 94.9 Reserve 17.6 North 36.5 South 40.8 LS/SM 82.9 North 39.1 South 43.8 Trophy 4.2 North 1.4 South 2.8
General (47.1)	435.1 <u>SUBQUOTAS:</u> Jan 23.1 Jun-Aug 217.6 Sept 115.3 Oct-Nov 56.6 Dec 22.6			435.1 <u>SUBQUOTAS:</u> Jan 23.1 Jun-Aug 217.6 Sept 115.3 Oct-Nov 56.6 Dec 22.6
Harpoon (3.9)	36.0			36.0
Purse Seine (18.6)	171.8			171.8
Longline (8.1)	74.8 <u>SUBQUOTAS:</u> North (-NED) 29.9 NED 25.0* South 44.9	-119.75	+90.9	46 <u>SUBQUOTAS:</u> North (-NED) 18.4 NED 25.0* South 27.6
Trap (0.1)	0.9			0.9
Reserve (2.5)	23.1			23.1

*25-mt ICCAT set-aside to account for bycatch of BFT in pelagic longline fisheries in the NED. Not included in totals at top of table.

Table 3. 2012 Atlantic HMS and Atlantic tunas permits as of October 2012.

Category	Number of Permits
General	4,084
Harpoon	13
Purse Seine	5
Longline	253
Trap	8
HMS Angling (Recreational)	23,061
HMS Charter/Headboat	4,129
Total	31,553

Data Source: Atlantic HMS/Tunas Permit Database, as reported in 2012 SAFE Report

Table 4. BFT landings (metric tons) by year and category, 2000-2012.

Category	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
General	725	933	898	595	344	234	160	122	235	327	528	462	456
Harpoon	53	68	41	53	30	23	22	12	22	41	18	29	17
Purse Seine	275	196	208	265	32	178	4	28	0	11	0	0	2
Longline North & NED	12	8	8	25	34	29	28	26	33	77	45	38	39
Longline South	51	28	48	69	58	28	38	9	42	54	44	37	51
Trap	0	0	0	0	0	0	0	0	0.3	0	0	0	0
Angling	50	241	619	392	355	199	187	507	438	566	179	182	149
Total	1,166	1,484	1,822	1,399	853	691	439	704	773	1,076	814	748	714

The BFT fishery was managed on a fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 FMP in 2000 until January 2008, when management reverted to a calendar year basis. Landings are presented on a calendar year (versus fishing year) basis for 2008 through 2010. The 2007 fishing year was June 1, 2007-December 31, 2007.

Data for the 2012 fishing year are as of May 31, 2013.

Commercial landings information is from the NERO dealer report database.

Recreational landings information is from Large Pelagics Survey estimates, NC catch card data, MD catch card data (outside LPS sampling timeframe) and the NMFS Automated Landings Reporting System.

Totals are subject to rounding error.

Table 5. Summary of patterns of fishing activities directed at BFT in the United States.

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

Table 6. Ex-vessel gross revenues in the U.S. Atlantic BFT fishery by commercial fishing category, 2000-2012.

Year	General	Harpoon	Incidental (Longline/Trap)	Purse Seine	Total
2012	\$9,167,720	\$346,245	\$1,184,722	\$46,137	\$10,744,824
2011	\$8,799,627	\$455,859	\$972,575	--	\$10,228,061
2010	\$7,814,366	\$202,643	\$878,908	--	\$8,895,917
2009	\$5,040,772	\$498,877	\$1,247,600	\$149,934	\$6,937,183
2008	\$3,975,244	\$313,781	\$722,016	--	\$5,011,041
2007	\$2,259,194	\$160,845	\$807,954	\$451,390	\$3,679,383
2006	\$2,526,052	\$265,951	\$558,022	\$33,819	\$3,383,844
2005	\$3,815,068	\$268,815	\$675,297	\$1,124,305	\$5,883,484
2004	\$5,444,735	\$381,593	\$998,201	\$333,066	\$7,157,595
2003	\$6,027,760	\$658,832	\$691,496	\$2,346,137	\$9,724,224
2002	\$12,199,803	\$518,822	\$486,793	\$2,673,090	\$15,878,508
2001	\$14,070,209	\$964,945	\$398,401	\$2,667,004	\$18,100,558
2000	\$13,686,456	\$751,034	\$731,340	\$3,992,422	\$19,161,253

Revenues contained in the table reflect calendar year summaries.

The BFT fishery was managed on a fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 FMP in 2000 until January 2008, when management reverted to a calendar year basis. Revenues are presented on a calendar year (versus fishing year) basis for 1996 through 1999, and for 2008. The 2007 fishing year was June 1, 2007-December 31, 2007.

Prior to the 2007 BFT specifications, NMFS reported values as converted to 1996 dollars (using the Consumer Price Index Conversion Factors). In this table, all prices are presented as nominal dollars, consistent with methods used in the 2006 Consolidated HMS FMP.

There were no Purse Seine category landings in 2008, 2010, or 2011.

Data Source: BFT Dealer Report Database.

Table 7. Ex-vessel average price (\$ per lb, round weight) for BFT by commercial fishing category, 2000-2012.

Category	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
General	8.62	6.78	6.12	5.17	6.77	7.40	7.60	7.82	8.44	7.60	6.93	8.90	9.31
Harpoon	6.42	6.57	5.97	5.88	6.04	5.51	5.45	5.98	6.36	5.50	5.75	7.12	9.13
Incidental (Longline/Trap)	5.36	5.08	4.40	4.52	4.27	3.80	4.84	4.98	4.78	4.48	4.96	6.10	6.19
Purse Seine	6.58	6.17	5.79	4.01	4.73	2.73	4.28	7.31	n/a	5.96	n/a	n/a	12.46*

Prices contained in the table reflect calendar year averages. The BFT fishery was managed on an offset fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 HMS FMP in 2000 until January 2008, when management reverted to a calendar year basis. Prices are presented on a calendar year (versus offset fishing year) basis for 2008 and 2009. The 2007 fishing year was June 1, 2007-December 31, 2007.

Prior to the 2007 BFT specifications, NMFS reported values as converted to 1996 dollars (using the Consumer Price Index Conversion Factors). In this table, all prices are presented as nominal dollars, consistent with methods used in the 2006 Consolidated HMS FMP.

There were no Purse Seine category landings in 2008, 2010, and 2011.

* price likely reflects relatively small amount of purse seine-caught BFT on market

Data Source: BFT Dealer Report Database. General category 2012 value corrected from \$9.38 in draft Supplemental EA to \$9.31.

Appendix 1. 2012 ICCAT WBFT Recommendation

**SUPPLEMENTAL RECOMMENDATION BY ICCAT
CONCERNING THE WESTERN ATLANTIC BLUEFIN TUNA REBUILDING PROGRAM**

RECALLING the 1998 Recommendation by ICCAT to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna [Rec. 98-07], the Recommendation by ICCAT Concerning Conservation of Western Atlantic Bluefin Tuna [Rec. 02-07], the Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program and the Conservation and Management Measures for Bluefin Tuna in the Eastern Atlantic and Mediterranean [Rec. 04-05], the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 06-06], the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 08-04], and the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 10-03],

FURTHER RECALLING that the objective of the Convention is to maintain populations at levels that will support maximum sustainable catch (usually referred to as MSY),

CONSIDERING that the 2012 scientific advice from the Standing Committee on Research and Statistics (SCRS) indicates that under the low recruitment scenario the western Atlantic bluefin tuna stock is above the biomass level that can support MSY and is consistent with the Convention objective. Under the high recruitment scenario (under which higher sustainable yields are possible in the future), the stock remains overfished and overfishing will continue under the current total allowable catch (TAC),

FURTHER CONSIDERING that the SCRS has estimated MSY to be 2,634 t under the low recruitment scenario and 6,472 t under the high recruitment scenario,

ACKNOWLEDGING that the SCRS continues to indicate that there is no strong evidence to favor either the low or high recruitment scenario over the other,

HIGHLIGHTING that the SCRS has noted that considerable uncertainties remain for the outlook of the western stock, including the effects of mixing, age at maturity, and recruitment, and that the short intermission between the 2010 and 2012 assessments did not allow sufficient time for key research projects conducted under the Atlantic-wide Research Program for Bluefin Tuna (GBYP) to be completed and resulting information to be incorporated into the 2012 assessments,

RECOGNIZING, however, that the 2015 stock assessments will incorporate new data from the research conducted under the GBYP and related activities and is expected to utilize new methodologies and an assessment peer review process,

FURTHER RECOGNIZING the value of increasing biological sampling to provide additional support toward addressing key stock assessment uncertainties,

FURTHER ACKNOWLEDGING the need to re-evaluate the western Atlantic bluefin tuna rebuilding program no later than 2015 in light of the 2015 stock assessment results and resulting advice from SCRS,

UNDERSCORING that the SCRS continues to advise that protecting the strong 2003 year class would enhance its contribution to the spawning stock biomass, which has the potential to increase the productivity of the stock in the future,

UNDERSCORING FURTHER that SCRS has advised that increases in spawning stock biomass may help resolve the issue of low and high recruitment potential,

FURTHER ACKNOWLEDGING that management actions taken in the eastern Atlantic and Mediterranean are likely to affect recovery in the western Atlantic, given that the productivity of the western Atlantic bluefin tuna fisheries is linked to the eastern Atlantic and Mediterranean stock,

FURTHER RECOGNIZING the ICCAT *Criteria for the Allocation of Fishing Possibilities* [Ref. 01-25],

RENEWING the commitment to the full implementation of existing mandatory reporting obligations including those in the *Recommendation by ICCAT Concerning the Recording of Catch by Fishing Vessels in the ICCAT Convention Area* [Rec. 03-13],

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. Contracting Parties and Cooperating non-Contracting Parties, Entities and Fishing Entities (CPCs) whose vessels have been actively fishing for bluefin tuna in the western Atlantic will continue the 20-year rebuilding program that began in 1999 and continues through 2018.

Effort and capacity limits

2. In order to avoid increasing fishing mortality of bluefin tuna in the eastern or western Atlantic, CPCs will continue to take measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic and Mediterranean and from the eastern Atlantic and Mediterranean to the western Atlantic.

TACs, TAC allocations, and catch limits

3. The rebuilding program for bluefin tuna in the western Atlantic will have a TAC, inclusive of dead discards, of 1,750 t in 2013. The annual TAC for 2014 will be set in 2013.
4. The annual TAC, MSY target, and the 20-year rebuilding period shall be reviewed and, if appropriate, adjusted based upon subsequent SCRS advice. No adjustment to the annual TAC or the 20-year rebuilding period shall be considered unless SCRS advice indicates that the TAC under consideration will allow the MSY target to be achieved within the rebuilding period with a 50 percent or greater probability.
5. If the SCRS stock assessment detects a serious threat of stock collapse, the Commission shall suspend all bluefin tuna fisheries in the western Atlantic for the following year.
6. The allocation of the annual TAC, inclusive of dead discards, will be indicated as follows:
 - a) The annual TAC shall include the following allocations:

CPC	Allocation
USA (by-catch related to longline fisheries in vicinity of management area boundary)	25 t
Canada (by-catch related to longline fisheries in vicinity of management area boundary)	15 t

- b) After subtracting the amounts under paragraph 6(a), the remainder of the annual TAC will be allocated as follows:

CPC	<i>If the remainder of the annual TAC is:</i>			
	<2,413 t (A)	2,413 t (B)	>2,413-2,660 t (C)	>2,660 t (D)
United States	54.02%	1,303 t	1303 t	49.00%
Canada	22.32%	539 t	539 t	20.24%
Japan	17.64%	426 t	426 t + all increase between 2,413 t and 2,660 t	24.74%
United Kingdom (in respect of Bermuda)	0.23%	5.5 t	5.5 t	0.23%
France (in respect of St. Pierre & Miquelon)	0.23%	5.5 t	5.5 t	0.23%
Mexico	5.56%	134 t	134 t	5.56%

- c) Consistent with paragraphs 1 and 6(b), the TAC for 2013 results in the following CPC-specific quota allocations (not including by-catch allowances listed in 6(a)):

	<i>2013</i>
	1,750 t
United States	923.70 t
Canada	381.66 t
Japan	301.64 t
United Kingdom (in respect of Bermuda)	4 t
France (in respect of St. Pierre & Miquelon)	4 t
Mexico	95 t

In no case shall the allocation to France (St. Pierre & Miquelon) and to the United Kingdom (Bermuda) be less than 4 t each in any single year unless the fishery is closed.

- d) Depending on availability, Mexico can transfer up to 86.5 t of its adjusted quota in 2013 to Canada to support cooperative research as specified in paragraph 19.
- e) Depending on availability, the United Kingdom (in respect of Bermuda) can transfer up to the amount of its adjusted quota in 2013 to the United States to support cooperative research as specified in paragraph 19.
- f) Depending on availability, France (in respect of St. Pierre & Miquelon) can transfer up to the amount of its adjusted quota in 2013 to Canada to support cooperative research as specified in paragraph 19.
- g) CPCs planning to engage in the cooperative research activities specified in paragraphs 6(d), 6(e) and 6(f) above shall notify the Commission and the SCRS of the details of their research programs to be undertaken before they commence and shall present the results of the research to the SCRS in time to inform the 2015 stock assessments.
7. A CPC's total quota shall include its allocations in paragraph 6, adjusted for underharvest or overharvest consistent with the remainder of this paragraph. Each year shall be considered as an independent management period for the remainder of this paragraph.
- a) Any underharvest of a CPC's total quota in a given year may be carried forward to the next year. However, in no event shall the underharvest that is carried forward exceed 10% of the CPC's initial quota allocation under paragraph 6, with the exception of those CPCs with initial allocations of 100 t or less, for which the underharvest that is carried forward shall in no event exceed 100% of the initial allocation under paragraph 6 (i.e., the total quota for such CPC shall not exceed twice its annual quota in any given year).
- b) If, in the applicable management period, and each subsequent management period, any CPC has an overharvest of its total quota, its initial quota for the next subsequent management period will be reduced by 100% of the excess of such total quota, and ICCAT may authorize other appropriate actions.
- c) Notwithstanding paragraph 7(b), if a CPC has an overharvest of its total quota during any two consecutive management periods, the Commission will recommend appropriate measures, which may include, but are not limited to, reduction in the CPC's total quota equal to a minimum of 125% of the overharvest amount and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each CPC's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine.

Minimum fish size requirements and protection of small fish

8. CPCs will prohibit the taking and landing of western Atlantic bluefin tuna weighing less than 30 kg or, in the alternative, having a fork length of less than 115 cm.

9. Notwithstanding the above measures, CPCs may grant tolerances to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative, having a fork length of less than 115 cm, provided they limit the take of these fish to no more than 10% by weight of the total bluefin tuna quota for each CPC, and institute measures to deny economic gain to the fishermen from such fish. CPCs granting such a tolerance will prohibit the taking and landing of western Atlantic bluefin tuna having a fork length of less than 67 cm.
10. CPCs will encourage their commercial and recreational fishermen to tag and release all fish less than 30 kg or, in the alternative, having a fork length less than 115 cm and report on steps taken in this regard in their Annual Report.

Area and time restrictions

11. There shall be no directed fishery on the bluefin tuna spawning stock in the western Atlantic spawning grounds (i.e., the Gulf of Mexico).

Transshipment

12. Transshipment at-sea shall be prohibited.

Scientific research and data and reporting requirements

13. In 2015, and thereafter every three years, the SCRS will conduct a stock assessment for bluefin tuna for the western Atlantic stock and for the eastern Atlantic and Mediterranean stock and provide advice to the Commission on the appropriate management measures, approaches, and strategies, including, *inter alia*, regarding TAC levels for those stocks for future years.
14. The SCRS shall prepare and present a Kobe II strategy matrix reflecting recovery scenarios of western Atlantic bluefin tuna consistent with *Resolution by ICCAT to Standardize the Presentation of Scientific Information in the SCRS Annual Report and in Working Group Detail Reports* [Res. 11-14].
15. In 2013, a working group of fisheries managers and scientists will be convened as described in Annex I.
16. The SCRS shall annually review available fishery and stock indicator trends and evaluate whether they warrant advancing the scheduling of the next stock assessment. In support of this evaluation, CPCs shall make special efforts to update abundance indices and other fishery indicators annually and provide them in advance of the SCRS annual species group meetings.
17. In preparation for the 2015 stock assessment, the SCRS should thoroughly review the evidence that initially was used in support of each recruitment scenario as well as any additional information available as a means of informing the Commission on which recruitment scenario is more likely to reflect the current stock recruitment potential. If the SCRS is unable to support one scenario over the other, the SCRS then should provide the Commission with management advice that takes into consideration the risks (e.g., risk of not achieving the Convention objective, lost yield) that would be associated with opting to manage the stock under a scenario that does not accurately reflect the stock-recruit relationship.
18. If scientific evidence results in an SCRS recommendation to alter the definition of management units, or to take explicit account of mixing between management units, then the western Atlantic rebuilding program shall be re-evaluated.
19. CPCs that harvest western Atlantic bluefin tuna should contribute to ICCAT's GBYP. In particular, CPCs should make special efforts to enhance biological sampling activities in order to provide significant new information for the new assessment. Priority research should be obtaining new information on natal origin, maturity, and age of the catch in all fisheries, following protocols developed by the SCRS. Complementary information will also be required for the eastern Atlantic and Mediterranean stock in order to evaluate the effects of mixing. In addition, it is also important to enhance, and where needed develop, an accurate abundance index for juvenile fish.
20. All CPCs shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable.

21. As part of the 2015 stock assessment, the SCRS shall review and report to the Commission on new available information on the potential existence of additional western Atlantic bluefin tuna spawning grounds.
22. Each CPC shall report its provisional monthly catches of bluefin tuna. This report shall be sent to the ICCAT Secretariat within 30 days of the end of the calendar month in which the catches were made.
23. The ICCAT Secretariat shall, within 10 days following the monthly deadline for receipt of the provisional catch statistics, collect the information received and circulate it to CPCs together with aggregated catch statistics.
24. All CPCs shall provide the best available data for the assessment of the stock by the SCRS, including information on the catches of the broadest range of age classes possible, consistent with minimum size restrictions.
25. This Recommendation replaces the *Supplemental Recommendation by ICCAT Concerning the Western Atlantic Rebuilding Program* [Rec. 10-03].

**Working Group of Fishery Managers and Scientists
in Support of the WBFT Stock Assessment**

Structure

Establish a Working Group of Fisheries Managers and Scientists, which reports to the Commission.

The Working Group shall be comprised of fishery managers and scientists from Contracting Parties. The Working Group shall be Co-Chaired by the SCRS Chair and an individual (to be selected) who has fishery management expertise. The meeting shall be open to ICCAT-accredited observers.

The Group will convene a Workshop in mid-2013, to guide the work of the SCRS leading up to the next assessment. The Workshop participants will discuss ways to improve the communication of management goals, stock assessment results including the associated uncertainties, and management advice between scientists and managers. The Workshop will provide an opportunity for managers to provide input to scientists on the development of management advice.

Scope of Meeting

1. Describe the history of the science advice and management of the western Atlantic bluefin tuna stock prior to and during the rebuilding period that commenced in 1998, including the management actions taken by ICCAT and the stock responses.
2. Review the current knowledge of population mixing between the western Atlantic and eastern Atlantic and Mediterranean stocks, and stock assessment methods being considered that can accommodate such mixing between the stocks and the implications for the perception of stock status. Such approaches would facilitate the evaluation of the effects of the conservation and management measures in the eastern Atlantic and Mediterranean on the perceived status of the western Atlantic stock.
3. Review the basis for the current assumptions concerning spawning stock biomass and recruitment, including any evidence of changes in the ecosystem, such as environmental conditions, that could have had an impact on stock productivity.
4. Consider any other relevant issues relating to science and management of western Atlantic bluefin tuna.