

*Science, Service, Stewardship*



# Proposed Rule to Adjust the Atlantic Bluefin Tuna General and Harpoon Category Regulations

Highly Migratory Species  
Management Division  
NMFS/NOAA

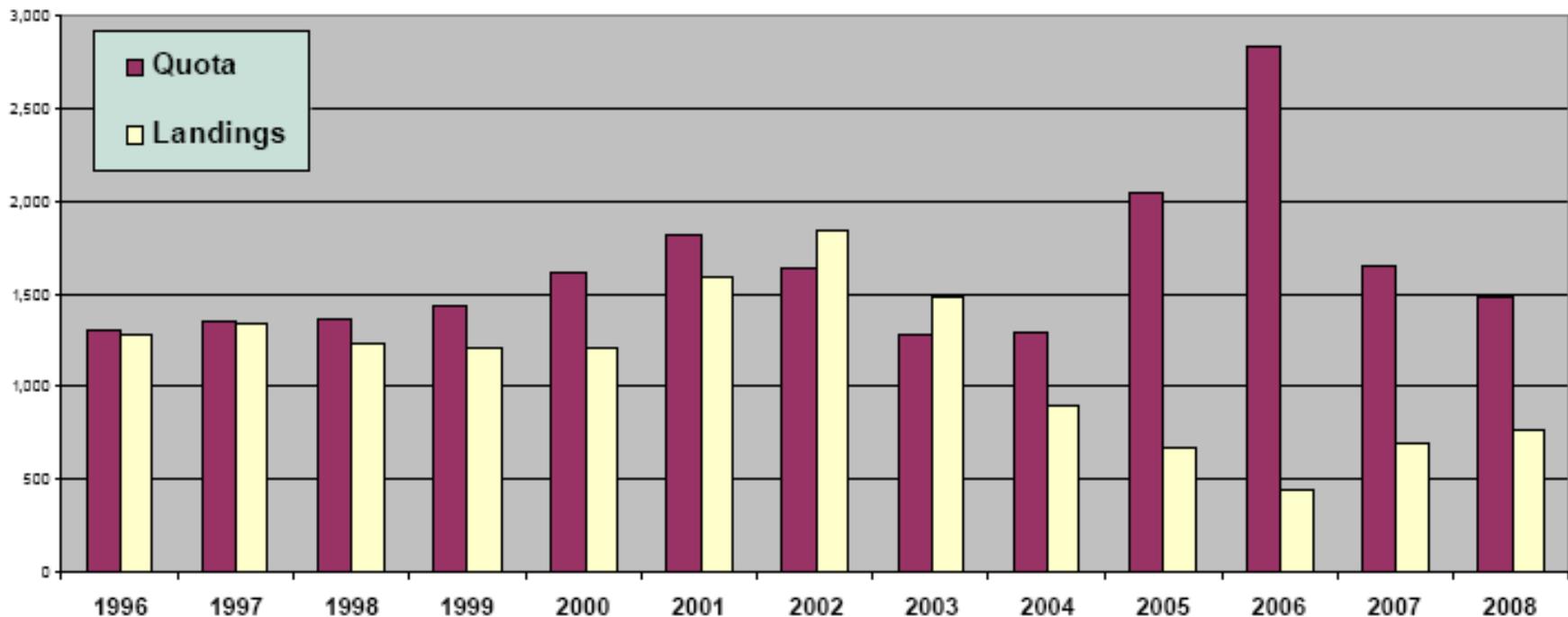
December 2009

**NOAA  
FISHERIES  
SERVICE**



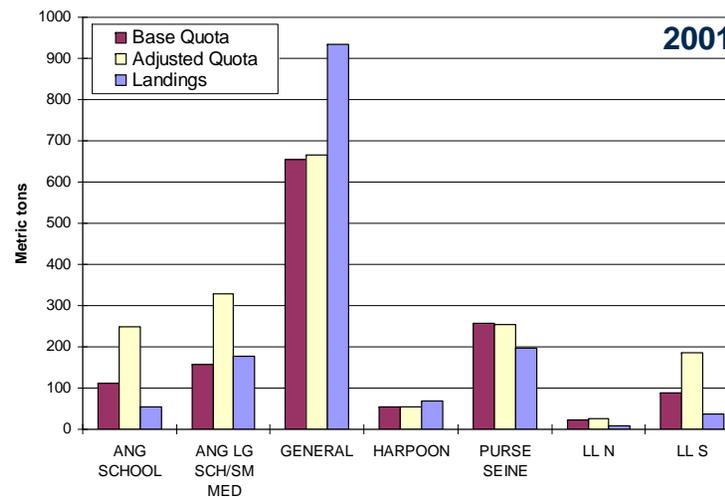
## Background – Need for Action

Since 2004, U.S. BFT landings have fallen below ICCAT-recommended quotas (mt), adjusted for underharvest.

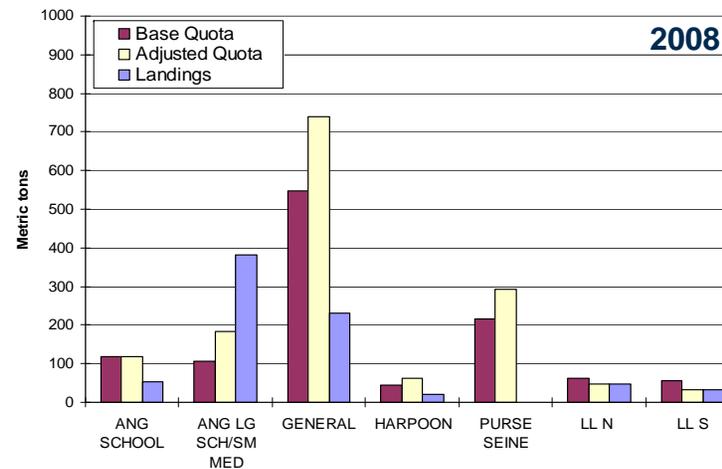




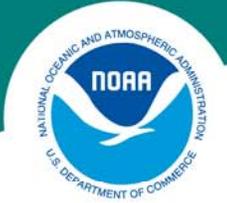
## U.S. Base Quotas, Adjusted Quotas, and Landings by Category, 2001 and 2008



**Total Landings were  
107% of Base Quota and  
81% of Adjusted Quota**

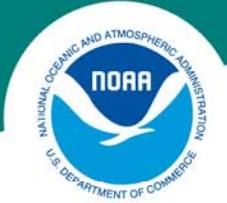


**Total Landings were  
65% of Base Quota and  
46% of Adjusted Quota**



## Background – Need for Action

- 2008 General category landings:
  - 48% of baseline quota
  - 31% of adjusted quota
  - Underharvest of adjusted quota: 510 mt
  
- 2008 Harpoon category landings:
  - 56% of baseline quota
  - 36% of adjusted quota
  - Underharvest of adjusted quota: 39.2 mt
  
- Contributing factors:
  - Reduced regional availability of BFT and/or
  - Reduced BFT population level
  - Reduced effort



## ICCAT Western Atlantic BFT Status and Quota Recommendations

**2008 Status: Overfished with overfishing occurring**

**SSB = 14% - 57% of  $SSB_{MSY}$      $F = 1.27 - 2.18 F_{MSY}$**

	Rec. 06-06 (for 2007 & 2008)	Rec. 08-04 (for <b>2009</b> )	Rec. 08-04 (for <b>2010</b> )
W. Atl. TAC	2,100 mt	1,900 mt	1,800 mt
Total U.S. quota	1,190 mt	1,034.9 mt	977.4 mt
U.S. baseline quota (- 25 mt for bycatch in NED)	1,165 mt	1,009.9 mt	952.4mt



## Relation to Advance Notice of Proposed Rulemaking (ANPR)

- ANPR published June 1, 2009
- Requested comment on these specific BFT fishery issues:
  - ↑ or eliminate General category maximum daily retention limit (3 BFT  $\geq$  73”);
  - Extend General category season (closed February through May);
  - ↓ commercial minimum size for the General and Harpoon categories and reallocate quota within those categories to allow access to fish <73”;
  - Eliminate Harpoon category daily incidental retention limit (2 BFT 73-81”);
  - Allow Charter/Headboats to fish commercially and recreationally on same day;
  - Allow removal of Atlantic tunas tails at sea
- 30-day comment period for these issues; 90 days for other ANPR issues (ended August 31, 2009).



## Comment on ANPR re: BFT Actions

Wide range of comments from complete **support** (primarily industry)

- Relax/eliminate restrictions that were needed in past, when quota was limiting, but not needed now, when can't catch quota
- Comment evolved to a request for temporary (interim) suspension of those regulations (within the provisions of the ICCAT BFT Recommendation).

... to complete **opposition** (primarily NGOs and individuals)

- Relaxation of the regulations would compromise NMFS' BFT rebuilding and bycatch reduction efforts
- Suggest more conservative protections for the BFT fishery
  - ↑ commercial minimum size
  - prohibit longlining during BFT spawning season
- It is not NMFS regulation of the fishery that is causing underharvest of the U.S. quota. It is unacceptable to rationalize the subject actions as necessary to preserve U.S. quota.



## Specific Comment Examples

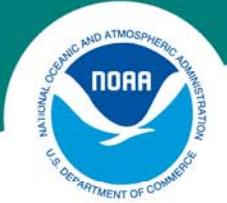
### General Category Maximum Daily Retention Limit:

#### In favor of a change:

- Limit retention of 73"+ BFT on CHBs to 1/person up to 4/vessel
- Increase maximum limit to 5 fish
- Eliminate completely
- Increase or eliminate the maximum to provide incentive for offshore multi-day trips.

#### Opposed:

- Leave maximum at 3 fish
- Increases in retention limits could also result in a substantial proportion of a school of BFT being taken at one time, having widespread age and/or genetic impacts on the stock
- Leave maximum at 3 fish but allow 1 fish to be 65-73"
- Concerned about increased bycatch and bycatch mortality of BFT <73"



## Specific Comment Examples

### General Category Season:

#### In favor of a change:

- Fishery should not be shut down Jan. 31st, if unused January quota remains
- Fishery should be year-round and time period subquotas should be adjusted
  - 12 equal monthly allocations
  - Greater allocation for use during January through May
  - Continue to roll underharvest forward to subsequent period
- Changes should not be temporary
- Most important issue for winter fishery participants (more than min. size or daily limit)

#### Opposed:

- Oppose *year-round* season as the pre-spawning aggregation on winter fishing grounds warrants heightened protection.



## Specific Comment Examples

### Harpoon Category Incidental Daily Retention Limit:

In favor of a change:

- Since the Harpoon category minimum size is 73", NMFS should not limit harvest of 73-81" BFT, so eliminate incidental limit.

Opposed:

- Concerned about increased bycatch and bycatch mortality of BFT just under 73"



## General and Harpoon category BFT Fisheries

### Participation:

General: 4,721 Atlantic tunas General category vessels  
and 4,827 HMS Charter/Headboat category vessels (when fishing  
commercially for BFT)

Harpoon: 26 Harpoon category vessels

### 2009 Allocations (% of U.S. base quota) and Category Quotas:

General: 47.1%: 475 mt; adjusted quota: 623.1 mt

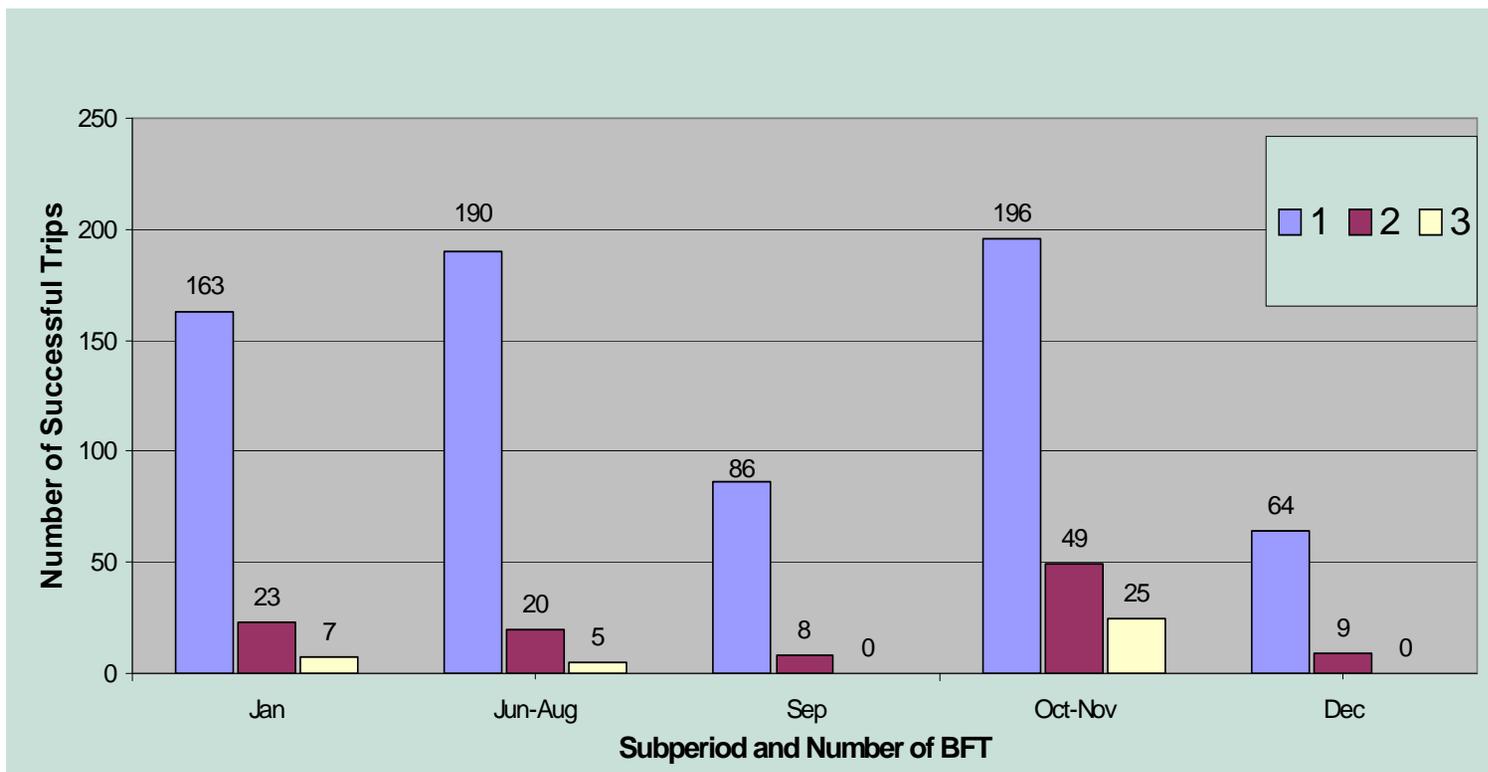
Harpoon: 3.9%: 39.4 mt; adjusted quota: 51.6 mt

(inseason action effective Sept. 1 added 25 mt to Harpoon category)



## Successful General category trips and number of BFT per trip (day) for 2008

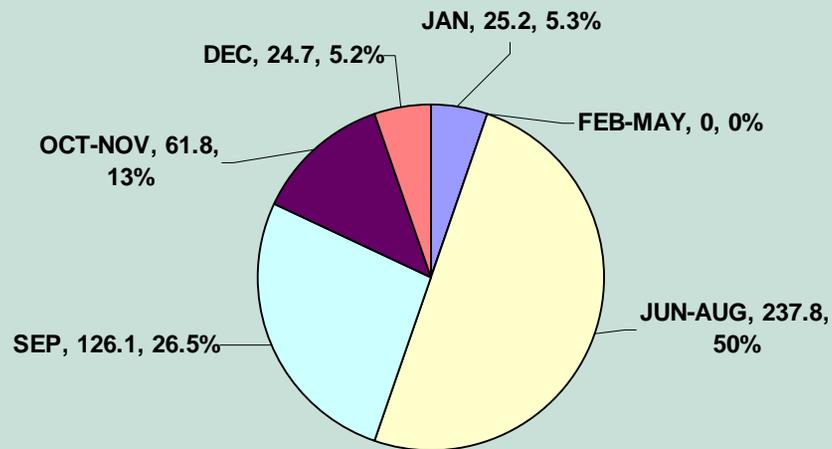
GC & CHB trips landing at least 1 BFT  $\geq 73$ ": 845





## General Category Season

- Currently open January 1-31; June 1-December 31
- January period is allocated 5.3% of General category quota
- January now *first* period (since 2008)





## Successful Harpoon category trips and number of BFT per trip (day) for 2008

Harpoon category trips landing at least 1 BFT $\geq$ 73": 87

# large medium BFT	0	1	2
# of trips	33	42	12
%	38%	48%	14%



## Proposed Action

### General category

- Increase maximum daily retention limit from 3 to 5 BFT  $\geq 73$ "
- Allow full January subquota to be reached (i.e., keep fishery open past January 31 until subquota reached)

### Harpoon category

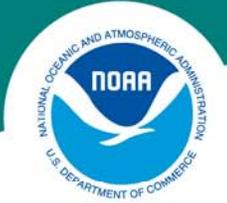
- Increase daily incidental retention limit of large medium BFT (73-81") from 2 fish to 4 fish

**Intent: to enable more thorough utilization of the available U.S. quota, while ending BFT overfishing, rebuilding the BFT stock by 2019, and minimizing bycatch and bycatch mortality to the extent practicable.**



## Proposed Action continued

- The proposed action would control effort, i.e., *when and where* BFT mortality occurs, and not the magnitude (amount of BFT caught and landed).
- The magnitude of mortality has been defined by the 20-year BFT Rebuilding Program and other ICCAT Recommendations
  - finite quotas
  - fish size limits
  - 2009 and 2010 quotas were established based on information from 2008 BFT stock assessment



## General Category Maximum Daily Retention Limit

Alternative A1: No action (maximum of 3 large medium or giant BFT ( $\geq 73''$ ) per vessel)

**Alternative A2: Increase to 5 large medium or giant BFT per vessel (Preferred Alternative)**

Alternative A3: Eliminate the maximum daily retention limit

***Regardless of selected alternative, NMFS may change daily retention limit via inseason action***



## General Category Maximum Daily Retention Limit – Anticipated Impacts

- Positive impacts:
  - Potential ↑ ex-vessel revenues per trip, optimum yield, and efficiency

*Increased socioeconomic impacts would depend on availability of large medium and giant BFT (≥73”) to the fishery*
- Negative impacts:
  - Potential ↑ bycatch and bycatch mortality of small medium BFT (59 to <73”), which could contribute to ↓ in spawning potential, age and/or genetic impacts on the stock



## General Category Season

Alternative B1: No action (January time period would close January 31 or when January subquota reached, whichever comes first)

**Alternative B2: Leave the General category open until the January subquota is reached regardless of date (Preferred Alternative)**

Alternative B3: Establish a January-December fishing season and monthly time periods and subquotas

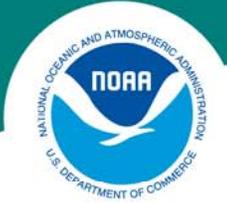


## General Category Season – Anticipated Impacts

- Overall, impacts would be neutral because the overall quotas and size classes of BFT targeted would not be changed. Extension of season likely to be a few weeks or less.
  
- Positive impacts:
  - Potential ↑ in geographic and temporal landings distribution
  - Potential ↑ ex-vessel revenues, optimum yield for GC and CHB participants in South Atlantic region

*Increased socioeconomic impacts would depend on availability of large medium and giant BFT ( $\geq 73$ " ) to the fishery from February 1 until January subquota reached*

- Negative impacts:
  - Potential ↓ ex-vessel revenues, optimum yield for GC and CHB summer fishery in northern/New England region, but very minor and mitigated by carryforward of unharvested quota from one time period to next



## Harpoon Category Daily Incidental Retention Limit

Alternative C1: No action (maximum of 2 large medium BFT (73-<81”) per vessel)

**Alternative C2: Increase daily incidental retention limit to 4 large medium BFT per vessel (Preferred Alternative)**

Alternative C3: Eliminate the daily incidental retention limit (allow unlimited large medium BFT) medium



## Harpoon Category Daily Incidental Retention Limit – Anticipated Impacts

### Positive impacts:

- Potential ↑ ex-vessel revenues per trip, optimum yield, and efficiency
- Convert some discards to landings

*Increased socioeconomic impacts would depend on availability of large medium and giant BFT ( $\geq 73$ " ) to the fishery*

### ➤ Negative impacts:

- Potential ↑ bycatch and bycatch mortality of small medium BFT (59 to  $< 73$ " )
- Potential ↑ bycatch and bycatch mortality of large medium BFT caught in excess of the 4-fish daily incidental retention limit

These could lead to ↓ in spawning potential, age and/or genetic impacts on the stock

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## Comments/Questions

**Please submit comments, identified by “0648-AX85,” by December 21, 2009**

**Electronic:** <http://www.regulations.gov> (Preferred method)

**FAX:** 301-713-1917, Attn: Margo Schulze-Haugen

**Mail:** NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910

**Public hearings:**

**Dec. 14, Silver Spring, MD**

**Dec. 15, Gloucester, MA**

For more information go to: <http://www.nmfs.noaa.gov/sfa/hms/> or call:

Sarah McLaughlin (978) 281-9260 or Peter Cooper (301) 713-2347