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1. Correspondence (June 22-24, 2021) M

#13a.2

# Proposed Rule to Implement General Category Restricted- Fishing Days (RFDs) for the 2021 Fishing Year

Highly Migratory Species Management Division

May 2021



# Outline

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



# What is a Restricted-Fishing Day (RFD)?

- A day on which NOAA Fisheries sets the bluefin tuna (BFT) retention limit at zero for certain permit categories.
- Schedule of days established ahead of time -- published in the Federal Register.

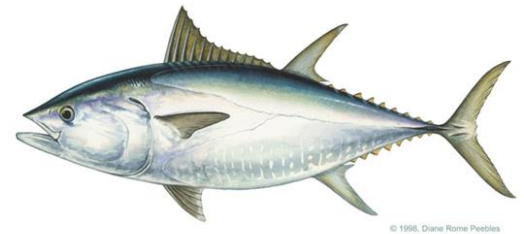
## On an RFD:

- Atlantic Tunas General category permitted vessels are prohibited from fishing for (including catch-and-release and tag-and-release), possessing, retaining, landing, or selling BFT.
- Highly Migratory Species (HMS) Charter/Headboat permitted vessels *with a commercial sale endorsement* are prohibited from fishing commercially for BFT.
- HMS Charter/Headboat permitted vessels can fish recreationally under Angling category restrictions and retention limits.



# History of RFDs

- NOAA Fisheries set RFDs annually for 1995 through 2007.
- RFDs not used since 2007.
- In 2019 and 2020, NOAA Fisheries received requests from Atlantic tuna dealers, General category participants, and members of the Atlantic HMS Advisory Panel to resume the use of RFDs.
  - Increased BFT catch rates in the General category shortened the time to fill time period subquotas.
  - Resulted in unstable markets.
  - Extending season throughout subquota period results in more equitable fishing opportunities



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# NOAA Fisheries also heard concerns from the public about RFDs

- RFDs could hinder the market from operating naturally;
- RFDs could unnecessarily restrict fishing opportunities during the fishing year; and
- RFDs may negatively affect BFT tournaments through reduced General category registered tournament participation.



# Purpose and Need of RFDs



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# Purpose of and Need for RFDs

To reduce likelihood of issues that affected the General category fishery in 2019 and 2020, including:

- Shortened time to fish, which occurs when subquotas are filled quickly;
- Increasing numbers of BFT that are landed but cannot be sold; and
- Decreasing BFT prices throughout the fishing year.



# Proposed RFD Schedule



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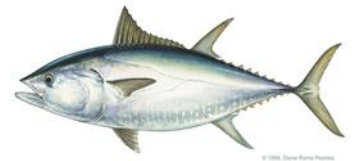


# Proposed 2021 RFD Schedule

- Proposed rule published May 12, 2021 (86 FR 25992).
- General category permitted vessels would be prohibited from fishing for (including catch-and-release and tag-and-release fishing), possessing, retaining, landing, or selling BFT on all Tuesdays, Fridays, and Saturdays July 20 - November 30, 2021.
- HMS Charter/Headboat permitted vessels with a commercial sale endorsement also would be prohibited from fishing commercially for BFT.
- HMS Charter/Headboat permitted vessels could fish recreationally for BFT under the applicable Angling category restrictions and retention limits.

# Proposed 2021 RFD Schedule (cont.)

- Proposed schedule based on:
  - Review of average daily catch rate data for recent years;
  - Review of past years' RFD schedules; and
  - Input from tuna dealers, General category participants, and HMS Advisory Panel.
- Tuesday, Friday, and Saturday RFDs should increase the likelihood of pacing General category landings to extend fishing opportunities through a greater portion of the subquota periods.



# Proposed 2021 RFD Schedule (cont.)

July						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Note: All of the yellow highlighted days are RFDs. Under proposed rule, landing and selling BFT could only happen on the days that are not highlighted in yellow.

# Waiving RFDs

- NOAA Fisheries may waive an RFD under certain circumstances including:
  - Review of dealer reports;
  - Daily landing trends; and
  - Availability of BFT on fishing grounds.
- NOAA Fisheries would announce such waiver by filing a retention limit adjustment with the Federal Register.
- NOAA Fisheries would not modify previously scheduled RFDs during the fishing year in other ways, including:
  - Changing an RFD from one date to another; or
  - Adding RFDs.

# Proposed Regulatory Technical Changes

NOAA Fisheries is proposing to:

- Clarify at § 635.23(c) that when the General category is closed or on an RFD, Charter/Headboat permitted vessels may only fish under the Angling category limits;
- Revise the definition for RFDs at § 635.2.



# Request for Comments



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# Request for Public Comments

- Comment period closes on June 11, 2021
- Please submit comments at <https://www.regulations.gov> (Search “NOAA-NMFS-2021-0040”)
- Action webpage:  
<https://www.fisheries.noaa.gov/action/proposed-rule-implement-general-category-restricted-fishing-days-2021-atlantic-bluefin-tuna>
- Target effective date July 2021
- For more information contact:  
Larry Redd, Jr. ([larry.redd@noaa.gov](mailto:larry.redd@noaa.gov)), or  
Sarah McLaughlin ([sarah.mclaughlin@noaa.gov](mailto:sarah.mclaughlin@noaa.gov))

