



NOAA FISHERIES

Compliance Guide for the Final Rule to Implement General Category Atlantic bluefin tuna (BFT) Restricted-Fishing Days (RFDs) for the 2021 Fishing Year

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

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Introduction

Atlantic highly migratory species (HMS) including tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NOAA Fisheries), considering both the domestic and international aspects of these fisheries. This guide provides a plain language summary of how to comply with the final rule implementing RFDs for the 2021 General category BFT fishery (publication date: August 9, 2021).

RFDs will affect vessels permitted in the Atlantic Tunas General category (commercial handgear fisheries) and HMS Charter/Headboat-permitted vessels when fishing commercially. This guide is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act, which requires agencies to publish guides to assist small entities in complying with certain rules. The official and complete set of regulations addressing HMS are found in the Code of Federal Regulations (CFR), primarily at 50 CFR Part 635. Electronic versions of both the CFR and the *Federal Register* (FR) are available at www.gpo.gov/fdsys. The rule and this guide are also available by calling the HMS Management Division at (301) 427-8503 or by visiting the HMS website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>. If there is any inconsistency between this guide and the codified regulations, the regulations take precedence.

General Category BFT RFD Schedule for 2021 Fishing Year

All of the yellow-highlighted days in the calendar below are RFDs. From September 3, 2021 through November 30, 2021, each Tuesday, Friday, and Saturday is an RFD. On an RFD:

1. Atlantic Tunas General category permitted vessels cannot fish (including catch-and-release and tag-and-release fishing), possess, retain, land, or sell a BFT of any size class. These vessels can fish for other tunas under the General category permit restrictions; and
2. HMS Charter/Headboat permitted vessels cannot commercially fish for or land a BFT. Such vessels can fish for, possess, retain, or land BFT recreationally under applicable HMS Angling category rules.

Throughout the season, and under certain circumstances, NOAA Fisheries may waive certain RFDs by increasing the BFT retention limit for those days; however, NOAA Fisheries will not modify RFDs in other ways (e.g., switching days, adding RFDs).

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				

Questions and Answers regarding Restricted-Fishing Day (RFD) Regulations

1. *Question:* What is an RFD?

Answer: An RFD is a day, established in a schedule published in the Federal Register, on which NOAA Fisheries sets the BFT retention limit at zero for certain categories of permit holders.

2. *Question:* What is the rationale for establishing RFDs for the General category 2021 fishing year?

Answer: In 2019 and 2020, NOAA Fisheries noted recurring issues including the shortened time to fish under the General category subquotas that occurs when quota is filled quickly, increasing numbers of BFT that are landed, but cannot be sold by fishermen fishing under the General category quota when there are large volumes of landings in a short period, and the decreasing prices of BFT. NOAA Fisheries is establishing General category RFDs for the 2021 fishing year to slow the rate of General category landings to extend fishing opportunities through a greater portion of the subquota periods. Thus, we anticipate that, while vessels can fish on fewer days, they can fish until later in the fishing period.

3. *Question:* What are the scheduled RFDs for the General category 2021 fishing year?

Answer: The General category RFDs are scheduled for every Tuesday, Friday, and Saturday from September 3, 2021, through November 30, 2021.

4. *Question:* On an RFD, can an Atlantic Tunas General category-permitted vessel fish for BFT?

Answer: No. On an RFD, vessels permitted in the Atlantic Tunas General category are prohibited from fishing for (including catch-and-release and tag-and-release fishing), possessing, retaining, landing, or selling BFT. However, on an RFD, vessels permitted in the Atlantic Tunas General category remain able to fish commercially for bigeye, albacore, yellowfin, and skipjack tunas (BAYS). There is no General category daily retention limit for any of the BAYS tunas; however, yellowfin and bigeye must be greater than 27 inches curved fork length under existing regulations.

5. *Question:* On an RFD, can a General category vessel sell a BFT that was caught and landed on a day prior to the RFD?

Answer: No. Any General category BFT landed on a day prior to an RFD must be sold before the ensuing RFD. General category permit holders cannot fish for, possess, retain, land, or sell a BFT on RFDs.

6. *Question:* When the General category fishery has been closed due to full utilization of a subquota (not on an RFD), are General category permitted vessels allowed to catch and release or tag and release?

Answer: When the fishery is officially closed because the subquota has been reached (not because of an RFD), General category vessels may tag and release BFT of all sizes, subject to the requirements at § 635.26. Catch and release fishing without permitted tagging is not allowed; if you catch a BFT while fishing for other fish you must release it.

7. *Question:* On an RFD, can HMS Charter/Headboat permitted vessels with a commercial sale endorsement commercially fish for BFT?

Answer: No. On an RFD, HMS Charter/Headboat permitted vessels with a commercial sale endorsement are prohibited from fishing commercially.

8. *Question:* On an RFD, can HMS Charter/Headboat permitted vessels with a commercial sale endorsement recreationally fish for BFT?

Answer: Yes. On an RFD, all HMS Charter/Headboat permitted vessels, including those with a commercial sale endorsement, may fish recreationally, subject to the Angling category regulations for BFT.

9. *Question:* On an RFD, can an Atlantic Tunas General category permitted vessel participate in a registered HMS fishing tournament?

Answer: Yes. On an RFD, an Atlantic Tunas General category permitted vessel may participate in a registered HMS fishing tournament, but cannot fish for BFT in such a tournament. Atlantic Tunas General category permitted vessel fishing in a registered HMS fishing tournament may still fish for, possess, retain, and land sharks, swordfish, billfish, under the Angling category regulations, and BAYS tunas under the General category regulations, regardless of whether the day is an RFD, since RFDs affect BFT only.

10. *Question:* On an RFD, can an HMS Charter/Headboat permitted vessel participate in a registered HMS fishing tournament?

Answer: Yes. On an RFD, an HMS Charter/Headboat permitted vessel can still participate in a registered HMS fishing tournament under the Angling category regulations, including retention limits and restrictions that apply to BFT.

11. *Question:* Will the RFD schedule for 2021 change?

Answer: NOAA Fisheries will not change scheduled RFDs to other days or add new RFDs in 2021. However, NOAA Fisheries may decide that a previously scheduled RFD is no longer needed and publish its decision to waive an RFD. In waiving a previously-scheduled RFD, NOAA Fisheries would review, among other things, dealer reports, daily landing trends, and the availability of BFT on fishing grounds. NOAA Fisheries would announce any such waiver by filing a retention limit adjustment with the Office of the Federal Register for publication. Such adjustments would be effective no less than 3 calendar days after the date of filing with the Office of the Federal Register. NOAA Fisheries also may waive previously designated RFDs effective upon closure of the General category fishery so that persons aboard vessels permitted in the General category may conduct tag-and-release fishing for BFT under § 635.26(a). However, should NOAA Fisheries waive previously designated RFDs while the General category fishery is open, persons aboard vessels permitted in the General category may conduct catch and release or tag-and-release fishing for BFT under § 635.26(a).