



Compliance Guide and Summary of Atlantic Tuna Fisheries Regulations in Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

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 (NMFS) under the authority of the Secretary of Commerce, with consideration for the domestic and international aspects of these fisheries.

NMFS has recently amended regulations for Atlantic tuna fisheries under the final rule for Amendment 7 to the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) to ensure sustainable management of bluefin tuna and make minor regulatory changes related to the management of Atlantic HMS. Table 1 summarizes the measures that apply to different permit types.

Table 1. Final Amendment 7 to the 2006 Consolidated HMS FMP Measures, and the Quota Category to which the measures apply.

Measure	Regulated Bluefin Quota Category
Quota Allocation	
Codified Reallocation to Longline Category Based on Historical 68-mt Dead Discard Allowance	Longline, Purse Seine, General, Harpoon, Angling
Annual Reallocation of Bluefin Quota from Purse Seine Category	Longline, Purse Seine, General, Harpoon, Angling
Modify Reserve Category	Longline, Purse Seine, General, Harpoon, Angling
Area Based Measures	
Cape Hatteras Pelagic Longline Gear Restricted Area with Access based on Performance	Longline
Spring Gulf of Mexico Pelagic Longline Gear Restricted Areas	
Pelagic and Bottom Longline Transiting Closed Areas	
Bluefin Tuna Quota Controls	
Individual Bluefin Quotas	Longline, Purse Seine
Measures Associated with an IBQ – Elimination of Target Catch Requirements, Mandatory Retention of Legal-Size Bluefin	
NMFS Ability to Close the Pelagic Longline Fishery	Longline
Enhanced Reporting Measures	
VMS Requirements for the Purse Seine and Longline Categories	Longline, Purse Seine
Electronic Monitoring of Longline Category	Longline
Online Catch Reporting	General, Harpoon, Charter/Headboat

Measure	Regulated Bluefin Quota Category
Other Measures	
Provide Additional Flexibility for General Category Quota Adjustment	General
NMFS Authority to Adjust Harpoon Category Retention Limits Inseason	Harpoon
Allocate a Portion of the Trophy South Sub-Quota to the Gulf of Mexico	Angling, Charter/Headboat
Change Start Date of Purse Seine Category to a Range from June 1 to August 15	Purse Seine
Modify Rules Regarding Permit Category Changes	Longline, Purse Seine, General, Harpoon, Angling, Charter/Headboat, Trap
Implement North Atlantic Albacore Tuna Quota	Longline, Purse Seine, General, Harpoon, Angling, Charter/Headboat, Trap

This guide is intended to provide a plain-language summary of how to comply with the new regulations and is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act. For the official and complete set of regulations, please see 50 CFR Part 635 and other relevant parts of the Code of Federal Regulations (CFR) and the *Federal Register* (FR) (electronic versions of both the CFR and FR are available at www.gpo.gov/fdsys). Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulatory updates and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR Part 635 or other applicable CFR parts and the information in this Guide, the regulations will take precedence. This Guide supplements applicable sections of the HMS Compliance Guides published in April and May 2014, until an update of the Compliance Guides with Amendment 7 information is published.

All measures included in the final rule for Amendment 7 to the 2006 Consolidated Atlantic HMS FMP are effective January 1, 2015, except where indicated.

You may request a copy of a particular rule or current updates under Amendment 7 by calling the NMFS HMS Management Division at (301) 427-8503 or by visiting the HMS website at www.nmfs.noaa.gov/sfa/hms.

Reporting Requirements

Vessel Monitoring System (VMS) Requirements

Category: Purse Seine

- Vessels with an Atlantic Tunas Purse Seine category permit must have an approved Enhanced Mobile Transmitting Unit (E-MTU) VMS unit installed by a qualified marine electrician in order to fish with purse seine gear. The VMS hardware and communications service provider must be on the VMS type approval lists for use in HMS fisheries, which is

available at

http://www.nmfs.noaa.gov/ole/docs/2014/noaa_fisheries_service_type_final_020514.pdf.

- Vessels must follow the procedures for installation and activation provided by NMFS and submit to NMFS the completed checklist and compliance certification statement.
- The VMS unit must submit automatic position reports every hour, 24 hours a day, unless a valid power down exemption has been granted by NMFS law enforcement.
 - Purse Seine category participants may request a documented power down exemption from NMFS law enforcement if the vessel will not be fishing for an extended period of time. The request must describe:
 - the reason an exemption is being requested;
 - the location of the vessel during the time an exemption is sought;
 - the exact time period for which an exemption is needed; and
 - sufficient information to determine that a power down exemption is appropriate.
- If a vessel operator is aware that transmission of automatic position reports has been interrupted, or is notified by NMFS that such reports are not being received, the vessel operator must contact NMFS and follow the instructions given.
 - After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must have a qualified marine electrician replace or repair the VMS unit prior to the vessel's next trip.
- As a condition of obtaining an HMS limited access permit, the vessel owners or operators must allow NMFS, the USCG, or their designees access to the vessel's position data.

On each trip to fish for Atlantic tunas with purse seine gear:

- **Hail out:** Prior to departing on a trip, vessels must submit a "Highly Migratory Species Trip Declaration Form" through E-MTU VMS to:
 - declare their intent to fish for Atlantic tunas with purse seine gear, and
 - note their HMS target species.
- **Catch reports:** Vessels must submit through VMS, a "Highly Migratory Species Bluefin Tuna Catch Report," for each set. Specifically, such vessels must:
 - report the number of all bluefin discarded dead or retained (by standardized size ranges) within 12 hours of completion of each set (including reporting of zero bluefin on a set).
- **Hail in:** At least three hours and no more than 12 hours in advance of landing, the vessel operator must provide advanced notice of landing, by submitted the "Highly Migratory Species Pre-Landing Notification Form" with information on the time and location of landing.
- **Declare out:** If a vessel operator decides not to fish for or retain HMS for two or more trips, the operator may choose to "declare out" of the fishery, according to instructions provided by NMFS, and would not be subject to the HMS hail in / hail out requirements during trips for which they are declared out of the HMS fishery.
- NMFS Office of Law Enforcement (OLE) will provide vessel owners with instructions regarding the detailed methods of reporting such information using their VMS units.
- For questions regarding VMS, please contact OLE Southeast Division at 1-800-758-4833 or 727-824-5334.

Category: Longline

- Catch Reports
 - Vessels fishing with pelagic longline gear must report through VMS within 12 hours of completion of each pelagic longline set the following: date the set was made; area in which the set was made; the number of hooks in the set; and the approximate length of all bluefin tuna retained, discarded dead, or released alive (by standardized size ranges).
 - If a vessel is fishing both inside and outside of the Northeast Distant Area (NED) on the same trip (straddle trip), that vessel must submit two VMS bluefin catch reports noting the location of the catch.
- Landing Notifications
 - Permit holders must submit a landing notification at least 3 hours, but no more than 12 hours, prior to any landing. Information required for a landing notification includes (but may not be limited to):
 - Vessel identification
 - Time of arrival
 - City of landing port
 - State of landing port
 - For trips that will be less than 3 hours in length, landing notifications can be made at the same time (or before) a hail out declaration is submitted.
 - **Please Note:** The confirmation code does not automatically give the fisherman permission to land and offload. It simply provides NMFS a confirmation that a landing notification was made. The owner/operator is responsible for ensuring all regulations are satisfied.
- Because several VMS vendors are type approved, there may be some inherent variability in VMS data forms between different VMS units. Permit holders are responsible for ensuring that all required information is included with each VMS report submitted.
- Additional VMS requirements for pelagic longline vessels can be found in the HMS Commercial Fishing Compliance Guide (<http://www.nmfs.noaa.gov/sfa/hms/compliance/guides/index.html>), in the Amendment 7 Compliance Guide, and in the IBQ Program FAQ document (enclosed with this letter).
- For questions regarding VMS, please contact the Office of Law Enforcement (OLE) Southeast Division at 1-800-758-4833 or 727-824-5334.

Electronic Monitoring

Category: Longline

Effective date:

- Electronic monitoring measures are effective June 1, 2015. NMFS has identified Federal funding for the initial purchase and installation of electronic monitoring equipment for eligible vessels. However, NMFS cannot guarantee the availability of funding after June 1, 2015 or for non-eligible vessels.

Installation:

- Permit owner/operators (or their representatives) that intend to fish using an Atlantic Tunas Longline permit using pelagic longline gear must coordinate with NMFS or NMFS-approved contractors to install and test electronic monitoring equipment.
- Permit owner/operators will be required to make their vessel accessible to NMFS or NMFS-approved contractors on a specific date, or range of dates, in order to allow installation and testing, and certification of the electronic monitoring equipment and training in the use of electronic monitoring equipment. Permit owner/operators may be required to steam to a designated port within their geographic region to enable such installation.
- **Starting on June 1, 2015, in order to fish using pelagic longline gear, a vessel must have a valid electronic monitoring certification from NMFS, or NMFS-approved contractors, that it has a fully functioning electronic monitoring system on board.**

Recording and submitting data:

- The permit owner/operator is responsible to ensure that all bluefin tuna are handled in a safe manner that enables the electronic monitoring system to record such fish, and must identify a crew person or employee responsible for ensuring that all handling, retention, and sorting of bluefin tuna occurs in accordance with the regulations.
- The NMFS-approved contractors will develop a written electronic monitoring operational plan in order to document the standardized procedures relating to electronic monitoring and facilitate communication of such procedures to the vessel crew.
- The permit owner/operator must submit the electronic monitoring hard drives to NMFS or NMFS-approved contractors within 48 hours of the completion of the trip.

Equipment:

- NMFS is not implementing regulations with detailed technical specifications for electronic monitoring equipment. Instead, NMFS is implementing functional requirements that specify important functions the system as a whole must achieve (as described below).
- As explained in more detail below, vessels must, in accordance with instructions provided by NMFS or NMFS-approved contractors, install and maintain the following equipment, as components of an electronic monitoring system:
 - Two to four video cameras
 - a recording device
 - video monitor
 - hydraulic pressure transducer
 - winch drum rotation sensor
 - system control box
 - GPS receiver, and
 - related support equipment needed to achieve the objectives (e.g., power supply, camera mounts, and lighting).
- Vessel owner/operators must facilitate installation of, maintain, and operate the required equipment in accordance with instructions provide by NMFS, or NMFS-approved contractors, and allow inspection of the equipment by NMFS, the USCG, or NMFS' designee.
- The electronic monitoring system must include software to enable a test function so that the vessel operator may test the status of the system (*i.e.*, whether it is fully functional) prior to each trip, and record the outcome of the test. A vessel operator may not depart on a pelagic

longline trip unless the pre-trip test indicates that the system is fully functioning (unless authorized by NMFS).

- A fully functioning electronic monitoring system must have cameras installed that provide a view of the area where the longline gear is retrieved and catch is removed from the hook (prior to placing in the hold or discarding boatside) and a requirement that such a system be connected to the mechanical hauling device so that recording is initiated by gear retrieval.
- Specifically, the equipment functional requirements are as follows:

Video Cameras:

- Video data are produced by digital IP (Internet protocol) video cameras at a resolution of no less than 720p (1280x720).
- The individual vessel systems must include no less than two cameras:
 - at least one camera to record close-up images of the deck at the haul back station for species identification/length estimation, and
 - at least one camera to record activity along the side of the vessel at the water line of the haul back station to document animals that are caught and discarded but not brought aboard, as well as the disposition of that catch (released alive/dead).
- The frame rates of the footage will need to allow for ease of viewing.
- The cameras are not required to record audio.

GPS Receiver:

- A GPS receiver is required to begin producing output at a rate of 1 Hz from the moment it receives power. This output, which includes location coordinates, velocity, and heading data, is directly logged by the control box.

Hydraulic & Drum Rotation Sensors:

- Hydraulic sensors are required to continuously monitor when the hydraulic pressure exceeds a specified threshold, thereby triggering a potential gear hauling state which would result in the video data being captured for later review.
- Drum rotation sensors must be used in a similar manner as the hydraulic pressure sensors. If the drum starts rotating, the system must trigger the video cameras to record.
- The combination of these two sensors must provide a mechanism to ensure that fishing activity, as instructed by NMFS, is captured on video.

EM Control Box & Monitor:

- The system must include a 'control box' to receive and store the raw data provided by the sensors. Removable hard drives with the capacity to store data must be maintained, as instructed by NMFS (e.g., adequate to store the data associated with a trip lasting approximately 30 days).
- A wheelhouse monitor must provide a graphical user interface for harvesters to monitor the state and performance of the control box and should include information such as: Current date and time synced via GPS, GPS coordinates, operational status of the external sensors (via red/green color-coding), presence of a data disk, percentage used of the data disk, and an estimate of recording time left, video recording status, etc.

Hydraulics:

- Vessels are required to have a hydraulic pressure transducer installed inline on the pressure side of the line drum hydraulic system.
- Vessels must install a hydraulic tee fitting with a ¼” National Pipe Thread (NPT) port prior to a scheduled EM installation so technicians can apply the transducer.

Power:

- Electronic monitoring systems are capable of being powered by both alternating current (AC) and direct current (DC) power. However, they are most efficiently and reliably powered through vessel DC circuits.
- If the EM system is to be powered by a DC circuit, free space on a 12-volt bus bar must be provided in the wheelhouse.
- If the EM systems are to be powered by AC circuits, vessels must provide an Uninterrupted Power Supply (UPS) in the wheelhouse.

Camera Mounts:

- In order to capture imagery of activity along the side of the vessel at the water line, cameras must be mounted outboard of the vessel rail.
- If determined during the vessel assessment that there are not suitable mounting structures onboard, vessels must provide a mount that allows a camera to be positioned to view the waterline outboard of the vessel rail.
- This mount must be fabricated prior to the scheduled install and made available at the time of install.

Lighting:

- Vessels must provide sufficient lighting for cameras to capture imagery on deck at the haul back station and along the vessel rail at the waterline.

For technical questions regarding electronic monitoring systems, please call the NMFS-approved contractor at 1-800-770-3241.

Online Catch Reporting

Category: General, Harpoon, Charter/Headboat

- Atlantic Tunas General, Harpoon, and HMS Charter/Headboat categories are required to report the length of all bluefin tuna retained or dead discards through an online catch reporting system (either through a website designated by NMFS or calling a phone number) within 24 hours of the landings or end of each trip.
- Specifically, vessels must report the number of bluefin tuna retained, and the number of bluefin tuna discarded dead, according to instructions that will be provided by NMFS.

Individual Bluefin Quota (IBQ) Program

Category: Longline, Purse Seine

- Refer to *Frequently Asked Questions for the Atlantic HMS Bluefin Tuna IBQ Program* for detailed information on the IBQ program, available on the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am7/index.html>.

Mandatory Retention of Legal-Sized Bluefin Tuna

Category: Longline

- Pelagic longline vessels must retain all legal-sized commercial bluefin tuna that are dead at haul-back. Because these fish must be retained, regulatory discards and the waste of fish will be decreased, and it will be more likely that such fish are accurately accounted for and have a positive use (e.g., marketed, used for scientific information, etc.).

Elimination of Target Catch Requirement

Category: Longline

- This measure eliminates the current target catch requirements for pelagic longline vessels (including those fishing in the NED), which restricts the number of incidentally caught bluefin tuna a pelagic longline vessel may retain in relation to the amount of target species retained and sold. In the context of the IBQ system being implemented by Amendment 7, the current target catch requirement is no longer necessary.

NMFS Closure of the Pelagic Longline Fishery

Category: Longline

- NMFS has authority to close the pelagic longline fishery (i.e., prohibit the use of pelagic longline gear) when the total Longline category quota is reached, projected to be reached or exceeded, or, when there is high uncertainty regarding the estimated or documented levels of bluefin tuna catch. These steps will be taken in order to prevent overharvest of the Longline category quota and prevent further discards of bluefin tuna.
- When NMFS projects that the quota will be reached, it will file a closure action with the Office of the Federal Register for publication.
- Vessels will be required to offload all bluefin tuna prior to the closure date/time.
- Criteria for NMFS consideration will include those listed under § 635.27(a)(8) as well as:
 - total estimated bluefin tuna catch (landings and dead discards) in relation to the quota;
 - estimated amount by which the bluefin tuna quota might be exceeded; usefulness of data relevant to monitoring the quota;
 - uncertainty in the documented or estimated dead discards or landings of bluefin tuna;
 - amount of bluefin tuna landings or dead discards within a short time;
 - effects of continued fishing on bluefin tuna rebuilding and overfishing;
 - provision of reasonable opportunity for pelagic longline vessels to pursue the target species;

- variations in seasonal distribution, abundance or migration patterns of bluefin tuna; and
- other relevant factors.

Area Based Measures

Cape Hatteras Gear Restricted Area, with Conditional Access

Category: Longline

- The final rule for Amendment 7 establishes an area off Cape Hatteras, NC and limits access to this area for vessels fishing with pelagic longline gear during the 5-month period from December through April (Figure 1).
- Coordinates for this area are as follows clockwise from the southernmost shoreward point, starting at 34°50' N. lat., 75°10' W. long.; 35°40' N. lat., 75°10' W. long.; 35°40' N. lat., 75°00' W. long.; 37°10' N. lat., 75°00' W. long.; 37°10' N. lat., 74°20' W. long.; 35°30' N. lat., 74°20' W. long.; 34°50' N. lat., 75°00' W. long.; 34°50' N. lat., 75°10' W. long
- The Cape Hatteras Gear Restricted Area will become effective upon implementation of the final rule. In other words, vessels that did not qualify for access will be prohibited from fishing this area with pelagic longline gear starting **January 1, 2015** and ending **April 30, 2015**. For subsequent years, this area will be restricted from December through April of the following year.

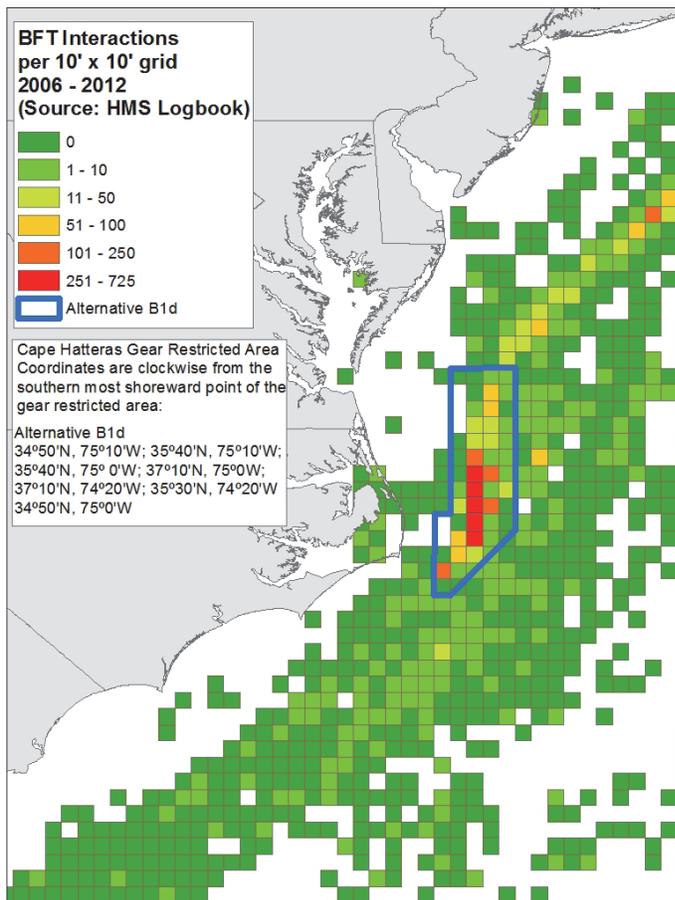


Figure 1. Cape Hatteras Gear Restricted Area, showing number of bluefin interactions with pelagic longline gear (2006 – 2012)

Performance metrics

- Atlantic Tunas Longline permit holders with eligible vessels that have demonstrated an ability to avoid bluefin and comply with reporting and monitoring requirements have been granted conditional access to the Cape Hatteras Gear Restricted Area based on: (1) Ratio of bluefin interactions to designated species landings; (2) Compliance with the Pelagic Observer Program requirements; and (3) Compliance with HMS logbook reporting requirements.
- The initial assessment of performance metrics (i.e., effective date of the final rule through the end of 2015) is based on data from 2006 through 2012. Subsequent assessments (i.e., the 2016 fishing year) will be based on the most recent complete three-consecutive-year-period data that are available.

Step 1: Bluefin avoidance scores are based on a vessel’s Bluefin Interactions: Designated Species Landings Ratio (described under the IBQ program). Ratios and Scores are based on data reported in the HMS Logbooks (2006 – 2012).

Ratio	0	>0 to <1	≥1 to <2	≥2 to <3	≥3
Bluefin Avoidance Score	5	4	3	2	1

Step 2: POP Compliance Scores are generated by comparing POP data for each vessel against the scoring system in the first two rows of this table.

Percent Compliant	100%	80-100%	80-100%	<80%	na
Percent Observed	90-100%	>60-90%	>33-60%	0-33%	na
Initial POP Compliance Score*	5	4	3	2	1

**If there is evidence of non-compliant fishing, the score will be decreased by 1 point.*

Step 3: NMFS generated Logbook Compliance Scores for each vessel by comparing the average number of days it took for logbook reports to be submitted to the Logbook Program (2006-2012) to the data ranges in the table.

Data Type	Days Between Offload and Mail Opening (Receipt)				
	≤ 7	>7 to ≤30	> 30 to ≤60	>60 to ≤90	> 90
Logbook Compliance Score	5	4	3	2	1

Step 4: Vessel owners should compare their bluefin avoidance scores, POP Compliance Scores, and Logbook Compliance Scores to the rules below to determine whether they have access to the Cape Hatteras Gear Restricted Area.

Score	Access
<i>If Bluefin Avoidance Score = 1</i>	No
<i>If Bluefin Avoidance Score is >1 and POP Compliance Score is = 1 or 2</i>	<i>If Logbook Compliance Score ≤ 3, No If Logbook Compliance Score ≥ 4, Yes</i>

If Bluefin Avoidance Score > 1 and POP Compliance Score > 2	Yes
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- Please refer to Appendix 11.7 of Final Amendment 7 for further information on the application of performance metrics to determine vessel access to the Cape Hatteras Gear Restricted Area (<http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am7/index.html>).
- **Permit holders will be notified annually of the status of access for the relevant vessel.**
- **In order to access the Cape Hatteras Gear Restricted Area, permit holders must have the letter on board their vessel stating that the vessel is qualified to access the Gear Restricted Area.**

Appeals

- Vessels will be able to appeal their performance scores to NMFS by submitting a written request to appeal. See *Appeals* below for further information on submitting appeals.

Spring Gulf of Mexico Pelagic Longline Gear Restricted Areas

Category: Longline

- This measure establishes two areas in the Gulf of Mexico (Figure 2) and limits access to these areas for vessels fishing with pelagic longline gear during the 2-month period from April through May of a given year, to reduce dead discards but also maintain fishing opportunities for pelagic longline vessels.
- Coordinates are as follows for both areas, the first area from the southernmost seaward point clockwise are: 26°30' N. lat., 94°40' W. long.; 27°30' N. lat, 94°40' W. long.; 27°30' N. lat., 89° W. long.; 26°30' N. lat., 89° W. long.; 26°30'N. lat., 94°40' W. long. The second area from the southernmost seaward point clockwise are: 27°40' N. lat., 88° W. long.; 28° N. lat, 88° W. long.; 28° N. lat., 86° W. long.; 27°40' N. lat., 86° W. long.; 27°40'N. lat., 88° W. long.
- Other gear types authorized for use by pelagic longline vessels such as buoy gear, green-stick gear, or rod and reel are allowed in these areas, provided the vessel abides by any rules/regulations that apply to those gear types.

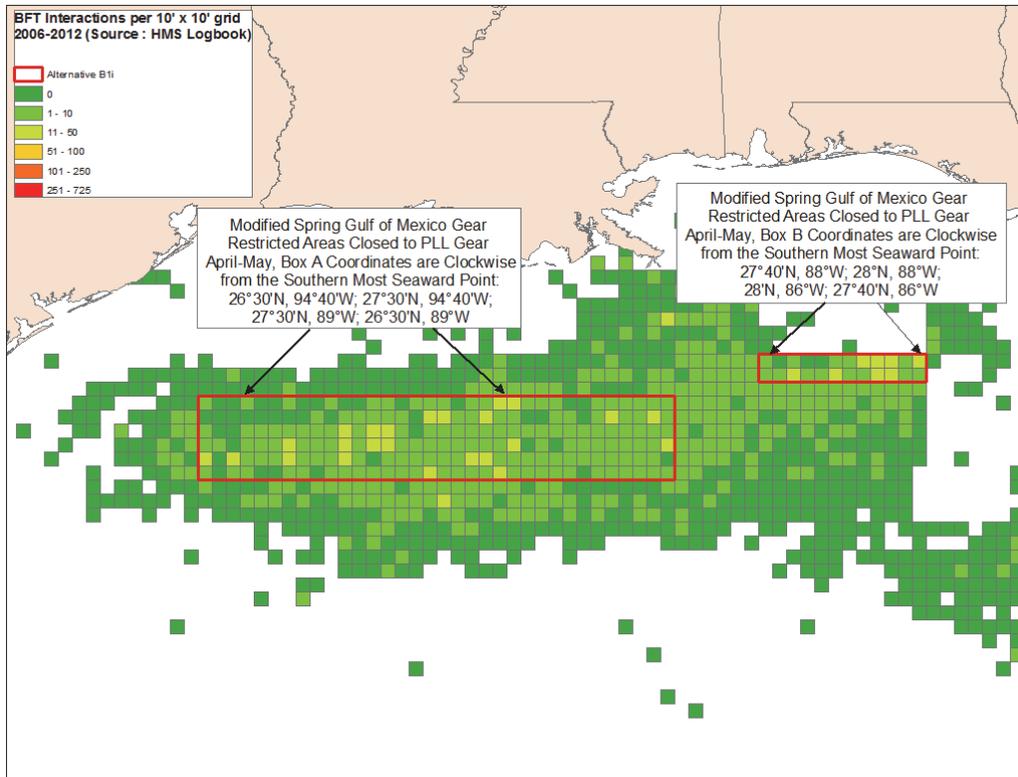


Figure 2. Spring Gulf of Mexico Gear Restricted Areas, showing number of bluefin interactions with pelagic longline gear (2006 – 2012)

Transiting Closed Areas

Category: Longline

- Vessels with an Atlantic Tunas Longline permit, Swordfish Incidental or Directed Limited Access permit, and/or a Shark Limited Access permit fishing with bottom or pelagic longline gear may transit areas that are closed or restricted to such gear, if they remove and stow the gangions, hooks, and buoys from the mainline and drum. **No baited hooks are allowed.**
- The specific closed and restricted areas to which this transiting provision applies include those established by this rule (Spring Gulf of Mexico Gear Restricted Areas and Modified Cape Hatteras Gear Restricted Area), as well as the following pelagic longline closed areas in effect: *Northeastern U.S. Closure, Northeast Distant Restricted Fishing Area, Charleston Bump, East Florida Coast Closed Area, and DeSoto Canyon Closed Area.*
- This measure will allow vessels to transit the following bottom longline closed areas in effect: *Mid-Atlantic Shark, Snowy Grouper Wreck, Northern South Carolina, Edisto, Charleston Deep Artificial Reef, Georgia, North Florida, St Lucie Hump, East Hump, Madison-Swanson, Steamboat Lumps, and Edges 40 Fathom Contour.*

Appeals

Appeals Process for IBQ Program and Cape Hatteras Gear Restricted Area Access

Category: Longline

Atlantic Tunas Longline permit holders received letters conveying initial IBQ shares and resultant allocations and determination of access to fish in the Cape Hatteras Gear Restricted Area (GRA). Permit holders wishing to (a) appeal their initial IBQ share or (b) appeal the decision on access to the Cape Hatteras GRA must initiate an appeals process by notifying the HMS Management Division, in writing, of a request for an appeal. Appellants are encouraged to submit and track requests via certified mail. (Note: IBQ and GRA appeals based on hardship factors will not be considered.) Further details are supplied in the *Appeals Process – IBQ Program and Cape Hatteras Gear Restricted Area Access* document, which is available online.

Reallocation Measures

Codified Quota Reallocation

Category: Longline, Purse Seine, General, Harpoon, Angling

- Each year the Longline category base quota will be increased by 62.5 mt (based on deductions from the other quota categories), to more fully and predictably account for Longline category incidental bluefin catch, including both dead discards and landings.
- This measure does not modify the codified bluefin gear category quota allocation percentages.
- Each category's contribution to the 68 mt and revised allocation is shown in Table 2.

Table 2. Codified Reallocation – Allocations reflecting 68 mt of dead discards

Category	Current Allocation (%)	Current Allocation (mt) ⁱ	Contributions to 68 mt	Revised Allocation ⁱ after Deducting (or Adding) Portion of 68 mt
General	47.1	435.1	32.1	403.0
Harpoon	3.9	36.0	2.6	33.4
Purse Seine	18.6	171.8	12.7	159.1
Longline	8.1	74.8	5.5	137.3 ⁱⁱ
Trap	0.1	0.9	0.1	0.9
Angling	19.7	182.0	13.4	168.6
Reserve	2.5	23.1	1.7	21.4
Totals		923.7	68.0 ⁱⁱⁱ	923.7
Net Reallocation			62.5 ^{iv}	

ⁱ Based on a U.S. quota of 923.7, subject to rounding error; ⁱⁱ Reflects the addition of the 62.5 mt; ⁱⁱⁱ Totals subject to rounding errors; ^{iv} Net reallocation to the Longline category equates to 62.5 mt as Longline category proportionately shares initial reduction of 5.5 mt as its portion of the 68 mt historic dead discard allowance (68 - 5.5 = 62.5).

Annual Quota Reallocation

Category: Longline, Purse Seine, General, Harpoon, Angling

- Annually, NMFS will make allocations of quota to Pure Seine category participants through a two-step process: 1) NMFS will calculate equal amounts of quota for the participants (20% of the total quota for each participant); and 2) NMFS may make adjustments to the individual participant quotas based on the bluefin catch by such participants in the previous year (described in detail below).
- Purse Seine category participants will be allocated either 100%, 75%, 50%, or 25% of their individual allocation, according to the following allocation criteria:
 - If the catch is between 0 and 20% of the base quota in Year 1, the participant will be allocated 25% of the base quota in Year 2, and 75% of the quota will be reallocated to the Reserve category for that year.
 - If the catch is greater than 20% and up to 45% of the base quota in Year 1, the participant will be allocated 50% of the quota in Year 2, and 50% of the quota will be reallocated to the Reserve category for that year.
 - If the catch is greater than 45% and up to 70% of the base quota in Year 1, the participant will be allocated 75% of the quota in Year 2, and 25% of the quota will be transferred to the Reserve category for that year.
 - If the catch is greater than 70% of the base quota in Year 1, the participant will be allocated 100% of the baseline quota in Year 2, and no quota will be transferred to the Reserve category for that year.

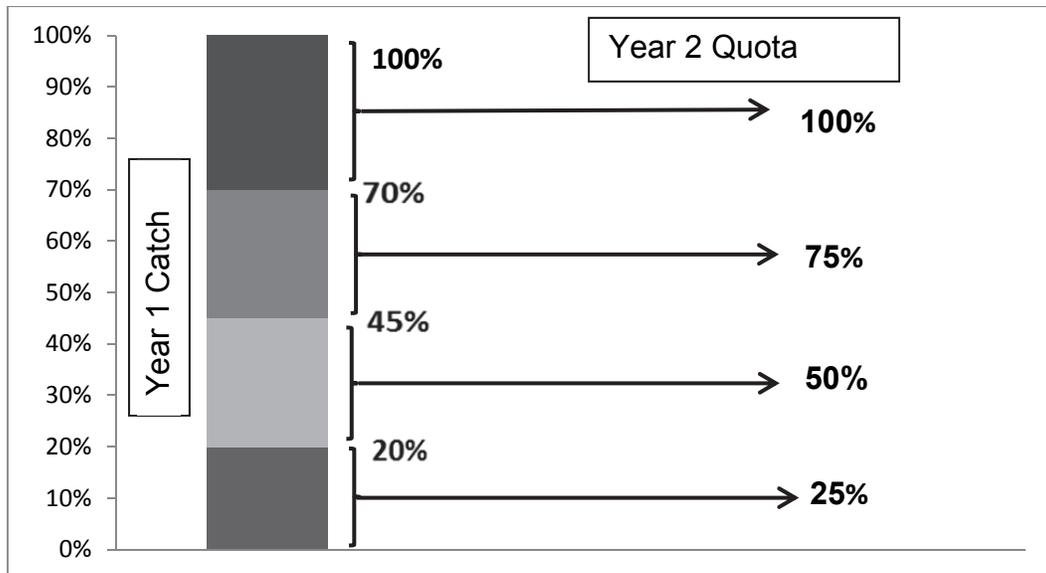


Figure 3. Annual Reallocation: Relationship between Individual Vessel's Year 1 Catch and Year 2 Quota

Table 3. Annual Reallocation of Bluefin Quota from Purse Seine Participants (under the current Purse Seine quota of 159.1 mt; five purse seine participants receive 31.8 mt each)

Year 1	Year 2		
Amount of Purse Seine Base Quota <i>Caught</i> by Purse Seine Participant	Amount of Purse Seine Base Quota <i>Allocated</i> to Purse Seine Participant	Amount of Purse Seine Base Quota <i>Reallocated</i> to the Reserve category per Participant	Maximum Amount of Total Purse Seine Base Quota <i>Reallocated</i> to the Reserve category
0 to 6.4 mt (0 to 20%)	8 mt 25% (minimum quota)	23.8 mt 75%	119 mt 75%
>6.4 to 14.3 mt (>20% to 45%)	15.9 mt 50%	15.9 mt 50%	79.5 mt 50%
>14.3 to 22.3 mt (>45% to 70%)	23.8 mt 75%	8 mt 25%	40 mt 25%
>22.3 to 31.8 mt (>70% to 100%)	31.8 mt 100%	0 mt 0%	0 mt 0%

- The Purse Seine category catch levels and allocation levels have been staggered to allow for an increase in allocation in the following year, without causing the participant to exceed the current year’s allocation to do so.
- As described under “Modifications to the Reserve Category,” quota that is reallocated to the Reserve Category may be utilized in a variety of ways to meet multiple objectives.
- NMFS will annually estimate the purse seine catch for that year and publish a notice in the Federal Register regarding the amount of quota that would be allocated to the Purse Seine category participants, as well as the corresponding amount allocated to the Reserve category and any disposition of the quota from the Reserve category for the subsequent year made at that time.
- After the initial adjustment, NMFS may make additional modifications, inseason, to the Purse Seine category quota in accordance with the criteria for inseason adjustments specified at §635.27(a), or make subsequent use of quota from the Reserve category, if warranted.

Modifications to the Reserve Category

Category: Longline, Purse Seine, General, Harpoon, Angling

- This measure gives NMFS management flexibility to augment the amount of quota in the Reserve category and adds new criteria to the list of determination criteria NMFS considers in redistributing quota to or from the Reserve category.
- The potential sources of quota for the Reserve category on top of its baseline allocation of 2.5 percent are:
 - (1) available underharvest of the U.S. quota that is allowed to be carried forward; and
 - (2) unused Purse Seine category quota, under the Annual Quota Reallocation measure described above.

- For example, under the Annual Quota Reallocation, NMFS would estimate the amount of quota each Purse Seine permit holder had caught during that year and adjust the Purse Seine allocation in the subsequent year (as a result). The remaining amount of Purse Seine quota would then be reallocated to the Reserve category for that subsequent year.
- NMFS could utilize quota from the Reserve category inseason after considering defined criteria and objectives (See § 635.27(a)(8)). For example, bluefin tuna quota from the Reserve category could be used to augment other quota categories (to optimize fishing opportunity and facilitate quota accounting).

Additional Measures

Flexibility for General Category Quota Adjustment

Category: General

- NMFS may transfer subquota from one time period to another time period, earlier in the same calendar year, either during annual specifications or through inseason action.
- NMFS will prioritize a transfer of quota from the December sub-quota time period to the January sub-quota time period in order to address the unique characteristics of the January sub-quota period.
 - For example, for an upcoming year (i.e., prior to January), NMFS may transfer quota from the December to the January sub-quota period.
- NMFS may also conduct lower priority transfers of sub-quota between time periods.
 - For example, subquota could be transferred from the October 1 through November 30 time period to the September time period.

NMFS Authority to Adjust Harpoon Category Retention Limits

Category: Harpoon

- In order to optimize fishing opportunity for the Harpoon category participants within the available quota, NMFS may increase or decrease the daily retention limit of large medium bluefin tuna (greater than 73" CFL and less than 81" CFL) within a range from 2 to 4 fish.
- The default Harpoon category daily retention limit of large medium bluefin tuna will be two fish per vessel (the large medium bluefin tuna daily retention limit that applied prior to the 2011 regulatory change).
- The retention limit of giant bluefin tuna will remain unlimited.

Angling Category Trophy Subquota Distribution

Category: Angling, Charter/Headboat

- One third of the Angling category trophy subquota is allocated specifically for the Gulf of Mexico.
- The trophy subquota would be divided as follows: 33% to each of the northern area, the southern area outside the Gulf of Mexico, and the Gulf of Mexico.
- Based upon the recent average trophy fish weight, this would allow up to 8 trophy bluefin tuna to be landed annually in each of the three areas.

- To distinguish bluefin tuna caught in the Gulf of Mexico from those caught in the Atlantic, the Gulf of Mexico region includes all waters of the U.S. EEZ west and north of the boundary stipulated at § 600.105(c), which is essentially west of 83° 00' West longitude but also includes the waters off southwestern Florida and north of the Florida Keys.

Purse Seine Category Fishing Year Start Date

Category: Purse Seine

- NMFS annually will publish a notice in the Federal Register announcing the start of the Purse Seine category fishery, within a range from June 1 through August 15.

Rules Regarding Permit Category Changes

Category: Longline, Purse Seine, General, Harpoon, Angling, Charter/Headboat, Trap

- Vessel owners can modify the category of an Atlantic Tunas or HMS permit issued for up to **45 days** from date of issuance, provided the vessel has not landed bluefin tuna as verified via landings data (a change from the previous restriction of 10 calendar days).

Northern Albacore Tuna Quota

Category: Longline, Purse Seine, General, Harpoon, Angling, Charter/Headboat, Trap

- This measure implements the U.S. annual quota of northern albacore tuna recommended by ICCAT and establishes provisions for the accounting of overharvest and underharvest of the quota via annual specifications.
- Specifically, the codified U.S. northern albacore tuna quota will be adjusted as appropriate for prior year catch (up or down), including delayed adjustment (that would skip a year) or adjustments over several years.
- Consistent with the ICCAT recommendation, carry-forward of unused quota from one year to the next will be limited to 25 percent of the initial quota.
- NMFS will adjust and implement the following via regulatory framework adjustments: actions to implement ICCAT recommendations, as appropriate; allocating and refining domestic allocation of the U.S. quota; establishing retention limits; implementing effort restrictions, etc.
- At this time there are no category-specific quotas for albacore tuna.

Requirements for Dealers

- This section is relevant to Federal dealers who intend to purchase landings from vessels catching bluefin tuna with pelagic longline or purse seine gear.
- Dealers must use the electronic IBQ dealer account to complete landings transactions.
 - Dealers must log in to the online IBQ account using the User ID and personal identification number (PIN) sent by NMFS.
 - For IBQ system support please contact IBQ Customer Service at 301-427-8591 or NMFS.HMS.IBQ@noaa.gov.

- A dealer purchasing bluefin from pelagic longline or purse seine vessels (or purchasing other HMS from pelagic longline or purse seine vessels that discarded dead bluefin tuna) must enter **all bluefin landings and bluefin dead discard information** from the trip. Specifically, the information will include the weight of all bluefin landed.
 - The dealer must coordinate with vessel owner or operator, or their designee to enter dead discard information as well as landings, into the IBQ system.
 - The landing transaction completed by the dealer must include the name and permit number of the vessel that landed the bluefin and any other information regarding the landings, as instructed by NMFS (such as the shareholder's account number, vessel account number, individual tag number, weights for landed bluefin tuna, and the number of dead discarded bluefin tuna by appropriate length bin).
 - The vessel owner or operator, or designee, must validate the landings information and enter the dead discard information (such as numbers of fish by approximate size) before the transaction is processed.
 - Landings reports must be entered no later than 24 hours after receipt of the bluefin.
- **Please note:** This new reporting requirement for bluefin tuna landings (and dead discards) does not replace the current bluefin tuna reporting requirement. Dealers will be required to also continue the current method of submitting landings reports via fax for purse seine and pelagic longline vessels, in addition to the reporting information into the IBQ account. In the future NMFS will evaluate whether continuation of both types of reporting is necessary.
- Refer to *Frequently Asked Questions for the Atlantic HMS Bluefin Tuna IBQ Program* for further information on the IBQ program, available on the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am7/index.html>.