



NOAA FISHERIES

Compliance Guide for the Final Rule to Implement Atlantic Bluefin Tuna (BFT) General Category Effort Controls and Clarify Related Regulations

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

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Introduction

The Atlantic highly migratory species (HMS) fisheries (tunas, swordfish, billfishes, and sharks) are managed by the National Marine Fisheries Service (NOAA Fisheries). This guide provides a plain language summary of how to comply with the final rule setting effort controls and clarifying related regulations for the General category BFT fishery (publication date: May 31, 2024).

That rule affects 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 Restricted Fishing-Days (RFDs) Schedule for the 2024 Fishing Year

All of the red “X” days in the calendar below are RFDs. From July 1, 2024 through November 30, 2024, each Sunday, 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.
3. During the season, and under certain circumstances, NOAA Fisheries may waive certain RFDs.

July 2024							August 2024							September 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
											1	X	X							
	1	X	3	4	X	X	X	5	X	7	8	X	X	X	2	X	4	5	X	X
X	8	X	10	11	X	X	X	12	X	14	15	X	X	X	9	X	11	12	X	X
X	15	X	17	18	X	X	X	19	X	21	22	X	X	X	16	X	18	19	X	X
X	22	X	24	25	X	X	X	26	X	28	29	X	X	X	23	X	25	26	X	X
X	29	X	31										X	30						

October 2024							November 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		X	2	3	X	X						X	X
X	7	X	9	10	X	X	X	4	X	6	7	X	X
X	14	X	16	17	X	X	X	11	X	13	14	X	X
X	21	X	23	24	X	X	X	18	X	20	21	X	X
X	28	X	30	31			X	25	X	27	28	X	X

General Category BFT RFD Schedule for 2025 and Beyond

After 2024, unless otherwise notified, every Tuesday, Friday, and Saturday from July 1 through November 30 of each year will be an RFD.

General Category BFT Default Daily Retention Limit

The final rule establishes two General category default daily retention limits for open days.

- 3 Large medium or giant bluefin tuna in June.

- 1 Large medium or giant bluefin tuna for January through March and July through December.

Note: The General category BFT fishery is not open during the months of April and May.

Clarify General Category BFT Related Regulations

- A person with an Atlantic Tunas General category permit or HMS Charter/Headboat permit with a commercial sale endorsement must land, sell or transfer a BFT to a dealer no later than 0000 (or midnight) the day prior to an RFD.
- If the permit holder is unable to sell or transfer the BFT to a dealer before 0000, the fish cannot be sold, but must still be reported. In this case, the permit holder must follow the restrictions applicable to landed BFT specified under HMS regulations.
- A dealer or dealer's agent cannot buy or take possession of a BFT from a General category or Charter/Headboat vessel after 0000 local time on an RFD.

Note: A dealer's agent is a person who is currently employed by a business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are received; and fills out dealer reports as required under regulations.

Questions and Answers

Question 1: 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.

Question 2: What are the scheduled RFDs for the General category 2024 fishing year?

Answer: The General category RFDs are scheduled for every Sunday, Tuesday, Friday, and Saturday from July 1, 2024, through November 30, 2024.

Question 3: What will be designated as a fourth RFD in 2024, and is it expected to maintain this status in the years to come?

Answer: Based on public comment requesting the addition of a fourth RFD for 2024, NOAA Fisheries has added Sunday as an additional RFD in 2024. In previous years, Sunday had the highest catch rates of any other open day. As such, having Sunday be an RFD should slow the harvest rate of BFT in order to provide General category fishing opportunities through a greater portion of the General category time periods. No other remaining day of the week would have as much of an effect in slowing landings and extending the length of the fishing season (i.e., through a greater portion of the General category time periods). NOAA Fisheries will collect data from the 2024 fishing year and determine if it would be appropriate to include Sunday as an RFD in future years.

Question 4: What does it mean that the RFD schedule is now the default for future years?

Answer: NOAA Fisheries has established a default RFD schedule of every Tuesday, Friday, and Saturday from July 1 through November 30 every year. Having the schedule ahead of time provides interested parties some amount of certainty to allow them to plan around the schedule as needed (e.g., plan fishing trips). NOAA Fisheries still has the ability to waive RFDs, if necessary. This provides NOAA Fisheries the flexibility to respond to variables such as changes in BFT stock status, the environment, the regulations, and market conditions. If determined that

an RFD(s) needs to be waived, we would announce any waiver by filing a retention limit adjustment with the Office of the Federal Register for publication. Additionally, NOAA Fisheries may also decide to conduct an annual rulemaking to modify the RFD schedule (either permanently or temporarily) if needed. For example, in 2024, NOAA Fisheries has added a fourth RFD and, after considering the data collected in 2024, may consider doing so again in 2025.

Question 5: On an RFD, can a General category vessel sell a BFT that was caught and landed on a day prior to the RFD? On an RFD, can a dealer buy 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 no later than 0000 before the RFD. A dealer or dealer's agent cannot buy or take possession of a BFT from a General category or Charter/Headboat vessel after 0000 local time on an RFD.