



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260430-0121]

RIN 0648-BN60

Atlantic Highly Migratory Species; North Atlantic Swordfish, South Atlantic Swordfish, North Atlantic Albacore, and Atlantic Bluefin Tuna Quotas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to implement recent binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) on quotas for North Atlantic swordfish, South Atlantic swordfish, North Atlantic albacore tuna (northern albacore), and Atlantic bluefin tuna. While this action does not propose to change the existing baseline quotas for North Atlantic swordfish, South Atlantic swordfish, and northern albacore, this action proposes to implement the management procedure for North Atlantic swordfish, describes the existing management procedure for northern albacore, and considers the possibility of future quota changes for swordfish and northern albacore consistent with their respective management procedures and ICCAT recommendations. For bluefin tuna, this action also proposes to implement the increased U.S. baseline quota adopted by ICCAT in 2025, divide it among the established regulatory domestic subquota categories, and implement changes to the bluefin tuna quota associated with longline bycatch adopted by ICCAT in 2025. This proposed rule also describes the annual quota adjustment procedures for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna and requests public

comment on them. This action is required by the Atlantic Tunas Convention Act (ATCA) and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. NMFS will hold a public hearing webinar for this proposed rule on May 28, 2026, from 2 p.m. to 4 p.m. EDT. For webinar registration information, see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0053>. You may submit comments on this document, identified by NOAA-NMFS-2025-0053, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type “NOAA-NMFS-2025-0053” in the search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the close of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Copies of this proposed rule and supporting documents are available from the Highly Migratory Species (HMS) Management Division website at <https://www.fisheries.noaa.gov/action/comments-requested-proposed-quotas-atlantic->

swordfish-northern-albacore-and-bluefin-tuna or by contacting Steve Durkee at *steve.durkee@noaa.gov* or 301-427-8503.

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff

(*carrie.soltanoff@noaa.gov*), Steve Durkee (*steve.durkee@noaa.gov*), or Larry Redd, Jr., (*larry.redd@noaa.gov*) at 301-427-8503.

SUPPLEMENTARY INFORMATION: Federal Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan, as amended (HMS FMP) pursuant to the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) and consistent with ATCA (16 U.S.C. 971 *et seq.*). HMS are defined at section 3(21) of the Magnuson-Stevens Act (16 U.S.C. 1802(21)), and the provisions for their management are at section 304(g)(1) (16 U.S.C. 1854(g)(1)). ATCA is the implementing statute for binding recommendations of ICCAT. Regulations implementing the HMS FMP are at 50 CFR part 635. Section 635.27(a) divides the U.S. bluefin tuna quota as recommended by ICCAT and implemented by the United States among domestic fishing categories as established under the HMS FMP, provides the annual bluefin tuna quota adjustment process, and implements an incidental catch quota for pelagic longline vessels fishing in the Northeast Distant gear restricted area (NED). Section 635.27(c) implements the ICCAT-recommended U.S. North and South Atlantic swordfish quotas and provides the annual adjustment process. Section 635.27(e) implements the ICCAT-recommended U.S. northern albacore quota and provides the annual northern albacore quota adjustment process. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas established pursuant to relevant international fishery agreements such as the ICCAT Convention.

Through this action, NMFS proposes to implement various management measures, including quotas, consistent with measures adopted by ICCAT for North

Atlantic swordfish, South Atlantic swordfish, northern albacore, and Atlantic bluefin tuna. NMFS also seeks public comment on the existing process NMFS uses to adjust the baseline quotas of these species when applying any overharvest or the allowable level of any carryover of previous year's quota underharvest to baseline quotas. A summary of background information and the alternatives considered is provided below. Additionally, NMFS has prepared a comprehensive document that presents the alternatives considered for this proposed rule and analyzes their anticipated environmental, social, and economic impacts ("supporting document"). This supporting document consolidates the requirements of a number of Federal statutes and executive orders and includes, among other sections, an Environmental Assessment (EA), Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA). A copy of the supporting document prepared for this proposed rule is available from NMFS (see **ADDRESSES**).

Consistent with how the quotas are established at ICCAT, weight information for northern albacore and bluefin tuna is shown in metric tons (mt) whole weight (ww), and weight information for swordfish is shown in both dressed weight (dw) and ww. The conversion factor between dw and ww for swordfish is 1.33 and the conversion follows the following formula: $dw * 1.33 = ww$.

Statutory Authority

Under section 971d(c)(1)(A) of ATCA, NMFS must promulgate such regulations as may be necessary and appropriate to carry out binding recommendations of ICCAT. Further, regulations promulgated shall, to the extent practicable, be consistent with FMPs prepared and implemented under the Magnuson-Stevens Act (see section 971d(c)(1)(C)).

The Magnuson-Stevens Act requires measures necessary for the conservation and management of the fishery to be consistent with the 10 National Standards set forth in section 301(a) (16 U.S.C. 1851(a)). The National Standards state, among other things, that conservation and management measures must: prevent overfishing while achieving,

on a continuing basis, optimum yield from the fishery (National Standard 1); be based on the best scientific information available (National Standard 2); and take into account and allow for variations among fisheries, fishery resources, and catches (National Standard 6). Furthermore, the Magnuson-Stevens Act authorizes measures to promote the long-term health and stability of the fisheries (303(a)(1) or 16 U.S.C. 1853). Measures such as annual adjustments of quotas for under- or overharvests are important in achieving these goals. Section 102 of the Magnuson-Stevens Act also provides for management actions to be coordinated through appropriate international organizations to promote conservation and achievement of optimum yield of such species throughout their range, both within and beyond the exclusive economic zone, and to take into account the traditional participation of U.S. fishermen (16 U.S.C. 1812(a) and (b)). Section 304(g)(1), among other things, provides NMFS the authority to implement fishery management plans and plan amendments that provide fishing vessels fishing for Atlantic HMS with a reasonable opportunity to harvest an allocation or quota authorized under an international fishing agreement, such as ICCAT's recommendations, and to ensure that conservation and management measures promote international conservation of HMS fisheries.

Overall Quota-Setting Process

Regulations at 50 CFR 635.27(c), (e), and (a) set forth the ICCAT-established U.S. baseline quotas for North and South Atlantic swordfish, northern albacore, and Atlantic bluefin tuna, respectively, as well as the requirements and processes for annual adjustments of the quotas for underharvest or overharvest required by ICCAT. The process for annually adjusting the baseline quotas for each stock is described in detail below. When the current baseline quotas for each stock were originally implemented, NMFS took public comment on this annual process. After considering public comment, NMFS stated that the annual adjustments to those baseline quotas could be made through temporary final rules as long as the adjustments were consistent with the implementing

regulations (87 FR 33049, June 1, 2022, for northern albacore and bluefin tuna; 81 FR 48719, July 26, 2016, for North and South Atlantic swordfish).

In this rulemaking, NMFS is once again providing an opportunity for the public to comment on this annual process. Taking into consideration public comment received, in the future NMFS could continue making annual quota adjustments by proceeding straight to temporary final rules as long as the adjustments are consistent with the implementing regulations as applied in the calculations below NMFS would publish a temporary final rule to adjust quotas in 2026, which could be combined with the final rule for this action.

North Atlantic Swordfish Annual Quota and Adjustment Process

For certain species, ICCAT has adopted an approach to fisheries management decision-making known as a “management procedure.” Under management procedures, ICCAT adopts new TACs based on the application of scientifically derived formulas and models unique to each species. These formulas and models, which use inputs from stock assessments and reflect various management objectives, are used by ICCAT’s scientific body to develop a range of possible TACs and advise ICCAT on the adoption of particular TACs for specific time periods. Management objectives could include meeting conservation targets and providing for stability in fisheries so that catch does not increase or decrease in the extreme over a particular time period. Put differently, a management procedure is a transparent, science-based framework that ICCAT uses to consider and set catch limits. It facilitates ICCAT catch negotiations by better aligning current stock conditions with pre-agreed management objectives and actions.

This proposed rule would implement Recommendation 25-10, which describes the management procedure for North Atlantic swordfish, by adding a reference to that procedure in the swordfish quota regulations at § 635.27(c)(1). The supporting document analyzes the range of TACs, described below, that might be derived from the new North Atlantic swordfish management procedure. The following discussion describes the

current quota, domestic quota allocations, and annual quota adjustment procedures per current regulatory processes for North Atlantic swordfish. In this rulemaking, NMFS is not proposing any changes to the current U.S. baseline quota, quota adjustment provisions, and domestic quota allocations. These processes are codified at § 635.27(c)(1)(i) and (3) (77 FR 45273, July 31, 2012).

Recommendation 25-10 describes a management procedure (originally established in Recommendation 24-10) that provides for 11 possible North Atlantic-wide total allowable catches (TACs) that range from 4,764 mt ww to 17,628 mt ww. These annual TACs are constant for each 3-year management period but may fluctuate between management periods. Recommendation 24-10 previously set the TAC for 2025-2027 at 14,769 mt. While the management procedure does not prescribe ICCAT Party quota allocations under each TAC level, the supporting document for this proposed rule analyzes future changes to the U.S. baseline quota under the different North Atlantic-wide swordfish TACs. Under Recommendation 25-10, as under the previous Recommendation 24-10 the United States continues to be allocated approximately 26 percent of the TAC, resulting in a 3,907 mt allocation out of a 14,769 mt TAC for 2025-2027. Applying this percentage and assuming the portion provided to the United States under future ICCAT recommendations remains the same, an increase in the TAC to the maximum allowed under the management procedure (17,628 mt ww) would result in a maximum U.S. baseline quota of 3,446.1 mt dw (4,583.3 mt ww) ($17,628 \text{ mt ww} * 0.26 = 4,583.3 \text{ mt ww}$). Recommendation 25-10 also maintains an underharvest carryover limit of 15 percent of the baseline quota from one year to the next. Considering this 15-percent underharvest carryover limit, the maximum adjusted U.S. quota would be 3,963.0 mt dw (5,270.8 mt ww) ($3,446.1 \text{ mt dw} + (0.15 * 3,446.1) \text{ mt dw}$). These maximum quota amounts are calculated here for the purpose of providing a reasonable anticipated range of potential quotas for use in impact analyses under the management procedure and do

not presuppose TAC levels resulting from future application of the management procedure or that any changes to the U.S. quota would be adopted under future ICCAT recommendations.

In the future, if ICCAT modifies the North Atlantic-wide swordfish TAC for the next 3-year management period consistent with the management procedure in Recommendation 25-10, NMFS may codify the resulting U.S. baseline quota up to a maximum of 3,446.1 mt dw through a final rulemaking if consistent with the analyses in this action's associated supporting document and if no new circumstances are present or management measures introduced that require additional analysis or opportunity for public comment. If a new TAC is adopted and resulting U.S. quota codified, NMFS could continue to annually adjust the new U.S. baseline quota through a temporary final rule reflecting underharvest carryover (up to a 3,963.0 mt dw maximum adjusted quota) or overharvest per the process discussed below if consistent with analyses in the supporting document and there are no new circumstances. NMFS would evaluate the need for any additional environmental analyses or proposed and final rulemaking when implementing any new management procedure-derived swordfish TACs and associated quotas adopted by ICCAT.

Consistent with the regulations at 50 CFR 635.27(c)(3), NMFS annually provides notice to the public in the **Federal Register** of the baseline North Atlantic swordfish quota with any annual adjustments as allowable for over- or underharvest. Consistent with § 635.27(c)(1)(i)(A) and (c)(3), the annual adjusted quota is calculated using the following formulas:

- Underharvest in previous year: Baseline quota + underharvest limited to 15 percent of the baseline quota.

- Overharvest in previous year: Baseline quota - overharvest. The overharvest amount may be subtracted from the quota categories or subcategories that are described below.

Annual adjusted quota calculations also take into account applicable international quota transfer(s) equal to any international quota transfer provisions as established by ICCAT. Such transfers are generally adopted at ICCAT to help other countries joining the fishery or creating new fisheries and/or to assist with scientific research.

In accordance with the current regulatory formula established at 50 CFR 635.27(c)(1)(i) in 2012 (77 FR 45273, July 31, 2012), the adjusted quota is then allocated among the domestic quota categories as follows:

- Reserve quota = 50 mt.
- Incidental category quota = 300 mt.
- Annual directed quota = Adjusted quota - Reserve quota - Incidental quota.
- Semi-annual directed quota (January through June; June through December) = Annual directed quota/2.

Any fishing under exempted fishing permits (EFP), scientific research permits (SRP), and display permits per the regulations at 50 CFR 635.32 is accounted for under the reserve category quota. NMFS is not proposing any changes to these allocations or accounting for 2026 or for future years.

Specifically for 2026-2027, consistent with the management procedure, Recommendation 25-10 maintains the U.S. baseline quota of 2,937.6 mt dw (3,907 mt ww). This is the same baseline quota that the United States has had for a number of years and is codified at § 635.27(c); thus, no changes to the regulations regarding the U.S. baseline quota are necessary in this rule. As described above, if ICCAT modifies the U.S. allocation consistent with the management procedure, NMFS may implement that quota modification in a final rule without additional public comment.

South Atlantic Swordfish Annual Quota and Adjustment Process

In this rulemaking, NMFS is not proposing any changes to the current South Atlantic swordfish quota or adjustment procedures for 2026 or for future years. Instead, NMFS describes the current quota and annual quota adjustment procedures per current regulatory processes for South Atlantic swordfish and provides updated analyses in the supporting document. These processes are codified at § 635.27(c) (72 FR 56929, October, 5, 2007).

While these processes are similar to those described above for North Atlantic swordfish, there are some differences. Specifically, Recommendation 22-04 provides for an underharvest carryover allowance of 100 percent of the U.S. baseline quota (75.2 mt dw) (100 mt ww) and for three annual international transfers from the United States to other ICCAT Parties totaling 75.2 mt dw (100 mt ww). These quota transfers were first established in 2010 and are currently in place through 2026. Each year, the quota could continue to be adjusted via temporary final rule. The supporting document for this rulemaking updates the analyses for the U.S. quota and any potential adjustments. Additionally, per Recommendation 21-03 as amended by Recommendation 22-04, up to 150.4 mt dw (200 mt ww) of swordfish landed between 5° N. latitude and 5° S. latitude can be counted toward the North Atlantic swordfish quota instead of the South Atlantic swordfish quota.

Consistent with the regulations at 50 CFR 635.27(c)(3), NMFS annually provides notice to the public of the baseline South Atlantic swordfish quota with any annual adjustments as allowable for over- and underharvest in the **Federal Register** as appropriate. Consistent with the same regulations, the adjusted South Atlantic swordfish quota is calculated as follows:

- Underharvest in previous year: Baseline quota + underharvest, limited to 100 percent of the baseline quota.

- Overharvest in previous year: Baseline quota – overharvest.

Annual adjusted quota calculations also take into account applicable international quota transfer(s) equal to any international quota transfer provisions as established by ICCAT.

Northern Albacore Annual Quota and Adjustment Process

In this rulemaking, NMFS describes the current quota, ICCAT management procedure, and annual quota adjustment procedures per current regulations for northern albacore. No changes are being proposed regarding the U.S. baseline quota and quota adjustment provisions codified at 50 CFR 635.27(e) as no regulatory changes are necessary for U.S. implementation of the current ICCAT recommendation on northern albacore. Rather, NMFS explains the range of quota adjustments possible under the existing management procedure and provides updated analyses in the supporting document. Implementation of the management procedure and the current quota adjustment processes for northern albacore are codified at § 635.27(e)(2) (87 FR 33049, June 1, 2022).

As discussed in the 2022 final rule, in the future, if ICCAT modifies the northern albacore TAC for the next 3-year management period consistent with the management procedure in Recommendation 21-04, as amended by Recommendation 23-05, NMFS may codify the resulting U.S. annual baseline quota through a final rulemaking up to a maximum of 950 mt if consistent with the analyses in the supporting document and if no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. Under Recommendation 23-05, the limit on underharvest carryover is 25 percent of the baseline quota. The accompanying supporting document for this rulemaking further analyzes the range of potential adjusted quotas for northern albacore, with a maximum adjusted quota of 1,187.5 mt based on the maximum baseline quota of 950 mt. These analyses would support future quota changes

up to the maximum analyzed adjusted quota if consistent with the current management procedure and if no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. Inclusion of the northern albacore quota in this document further provides the opportunity for updated impact analyses based on updated data and fishery conditions and the higher maximum adjusted quota. NMFS would evaluate the need for any additional environmental analyses or proposed and final rulemaking when implementing a new management procedure-derived TAC and associated quota adopted by ICCAT.

This action would not change the current U.S. baseline northern albacore quota of 889.4 mt that was adopted for 2024 through 2026 in Recommendation 23-05. NMFS had previously implemented the northern albacore management procedure in 2022 after analyzing the range of potential baseline quotas for the United States based on the range of possible TACs and considering public comment by adding reference to the procedure in the relevant quota regulations at 50 CFR 635.27(e). As discussed above, the maximum baseline quota analyzed was 950 mt. Because the new baseline quota established in Recommendation 23-05 fell within the range of analyzed quotas and there were no changes in circumstances or new management measures introduced that required additional analysis or opportunity for comment, NMFS implemented the new baseline quota of 889.4 mt in 2024 (89 FR 77029, September 20, 2024).

Consistent with the regulations at 50 CFR 635.27(e)(2), NMFS annually provides notice to the public of the baseline northern albacore quota with any annual adjustments as allowable for over- and underharvest in the **Federal Register** as appropriate.

Consistent with these same regulations, the annual adjusted quota is calculated as follows:

- Underharvest in previous year: Baseline quota + underharvest, limited to 25 percent of the baseline quota.

- Overharvest in previous year: Baseline quota - overharvest.

Annual adjusted quota calculations also take into account applicable international quota transfer(s) equal to any international quota transfer provisions as established by ICCAT.

Any fishing under EFPs, SRPs, and display permits per the regulations at 50 CFR 635.32 is accounted for under the quota. NMFS is not proposing any changes to this northern albacore quota adjustment process or accounting for 2026 or for future years. As described above, if ICCAT modifies the U.S. allocation consistent with the management procedure, NMFS may implement that quota modification in a final rule without additional public comment.

Bluefin Tuna Annual Quota, Subquotas, and Adjustment Process

In this rulemaking, NMFS proposes to implement a U.S. bluefin tuna baseline quota of 1,509.98 mt, reflecting adoption of the new quota at ICCAT in Recommendation 25-05. In implementing the new baseline quota, NMFS would modify the codified quotas and subquotas at § 635.27(a), using the currently codified percentages. In this rulemaking, NMFS also proposes to increase the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt, as well as modify how it is accounted, consistent with Recommendation 25-05. Further, NMFS describes the annual quota adjustment procedures for Atlantic bluefin tuna per current regulations. The current quota adjustment processes and domestic quota allocations for Atlantic bluefin tuna were codified in Amendment 13 to the HMS FMP (87 FR 59966, October 3, 2022) at § 635.27(a). NMFS is not proposing to make any changes to the current regulatory formula codified at § 635.27(a) that distributes the U.S. baseline quota among domestic quota categories or the quota adjustment process.

In 2025, ICCAT adopted Recommendation 25-05, which increased the bluefin tuna TAC to 3,081.6 mt and increased the U.S. quota to 1,509.98 mt for 2026-2028. The

current U.S. percentages of the bluefin tuna TAC were first established in Recommendation 10-03. If the overall TAC is greater than 2,660 mt, as is currently the case, the U.S. receives 49 percent of that TAC. Recommendation 25-05 further increased the U.S. allocation for longline bycatch of bluefin tuna from 25 mt to 62.5 mt. The Recommendation states that the 62.5 mt allocation is for bycatch related to longline fisheries in the vicinity of the management area boundary and adjacent areas and that this allocation is derived from the eastern Atlantic and Mediterranean bluefin tuna TAC. Recommendation 25-05 removed a provision from a prior recommendation that provided for subtracting the longline bycatch allocation from the TAC before calculating the individual country quotas. As such, the overall U.S. quota under Recommendation 25-05 is 1,572.48 mt, of which 62.5 mt can be used only by pelagic longline fishermen. Recommendation 25-05 further describes current provisions for quota underharvest and overharvest. Relevant to the United States, the recommendation states that any underharvest of an ICCAT Party's total quota in a given year may be carried forward to the next year. However, in no event shall the underharvest that is carried forward exceed 10 percent of the ICCAT Party's initial quota allocation as established in Recommendation 10-03. Regarding the overharvest provisions, which were first established in Recommendation 06-06, if, in a given year, any ICCAT Party has an overharvest of its total quota, its initial quota for the next year will be reduced by 100 percent of the overharvest, and ICCAT may authorize other appropriate actions. Further, if an ICCAT Party has an overharvest of its total quota during any two consecutive years, ICCAT will recommend appropriate measures, which may include, but are not limited to, reduction in the ICCAT Party's total quota equal to a minimum of 125 percent of the overharvest amount and, if necessary, trade restrictive measures.

Section 635.27(a) details the current regulatory quota formulas for dividing the baseline bluefin tuna quota among domestic categories. The baseline category quotas and

subquotas that result from applying the regulatory formulas under the proposed quota increase are shown in Table 1. The proposed changes to the text of § 635.27(a) are to insert the new quota and resulting category and subquota numbers.

Table 1 – Proposed annual baseline bluefin tuna quotas and subquotas

Category	Annual Baseline Quota (mt)	Subquotas	Subquota Amounts (mt)
General	815.4		
		January – March	43.2
		June – August	407.7
		September	216.1
		October – November	106.0
		December	42.4
Harpoon	67.9		
Longline	240.1		
Trap	1.5		
Angling	341.3		
		School	157.2
		Reserve	29.1
		North of 39°18' N. lat.	60.5
		South of 39°18' N. lat.	67.7
		Large School/Small Medium	173.4
		North of 39°18' N. lat.	81.9
		South of 39°18' N. lat.	91.6
		Trophy	10.6
		North of 42° N. lat.	2.6
		North of 39°18' N. lat.	2.6
		South of 39°18' N. lat.	2.6
		Gulf of America	2.6
Reserve	43.8		
U.S. Baseline Quota			1,509.98
Bycatch set-aside (for use by Longline category)			62.5
Annual Total U.S. quota			1,572.48

Note: Totals subject to rounding

Under the current regulations at § 635.27(a), NMFS may subtract the most recent, complete, and available estimate of dead discards from the annual U.S. quota and make the remainder available to vessels subject to U.S. jurisdiction. However, Amendments 7 and 13 to the HMS FMP implemented changes to the bluefin tuna quota category

calculations so that the codified category percentages are applied directly to the baseline quota. When making those changes, some parts of the regulatory text were not modified to remove the outdated language. Accordingly, this proposed rule would also modify paragraph § 635.27(a) by removing this outdated language from the regulations.

Under the regulations at 50 CFR 635.27(a)(9) governing annual adjustments of category quotas, on an annual basis if NMFS determines based on landing, catch statistics, and other available information that catches from the previous year indicate that a bluefin tuna quota for any category or, as appropriate, subcategory has been exceeded (overharvest), NMFS may subtract all or a portion of the overharvest from that quota category or subcategory for the following fishing year. Similarly, if NMFS determines that catches from the previous year indicate that a bluefin tuna quota for any category or, as appropriate, subcategory has not been reached (underharvest), NMFS may add all or a portion of the underharvest to that quota category or subcategory and/or the Reserve category. The underharvest that is carried forward may not exceed 100 percent of each category's baseline allocation, and the total of the adjusted fishing category quotas and the Reserve category quota must be consistent with ICCAT recommendations. Consistent with these regulations, the annual adjusted quota is thus calculated as follows:

- Underharvest in previous year:
 - Baseline quota + pelagic longline bycatch set-aside + underharvest, limited to 10 percent of the baseline quota.
 - The underharvest carryforward may be added to the corresponding quota categories or subcategories and/or Reserve category as described above.
- Overharvest in previous year:
 - Baseline quota + pelagic longline bycatch set-aside - total amount of overharvest of previous year's adjusted quota.

- The overharvest amount may be subtracted from the quota categories or subcategories as described above.

Annual adjusted quota calculations also take into account applicable international quota transfer(s) equal to any international quota transfer provisions as established by ICCAT.

Any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is counted against the school reserve or Reserve quota (§ 635.27(a)(6)) depending on the size of the fish.

Implementation of Pelagic Longline Bycatch Set-Aside Quota for Bluefin Tuna

In this rulemaking, NMFS would allocate the pelagic longline bycatch set-aside quota to pelagic longline individual bluefin tuna quota (IBQ) shareholders with IBQ shares designated for the Atlantic region as defined at § 635.15(c)(3). That section defines the Gulf of America region as all waters of the U.S. exclusive economic zone west and north of the boundary stipulated at § 600.105(c) and the Atlantic region as all other waters of the Atlantic Ocean including the Northeast Distant gear restricted area (NED), a large area whose coordinates are set forth in § 635.2.

As described above, this rulemaking would increase the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt consistent with ICCAT Recommendation 25-05. In recognition of new information regarding increased mixing between the western Atlantic and eastern Atlantic bluefin tuna stocks in the western Atlantic bluefin tuna management area, Recommendation 25-05 modifies the area where the set-aside applies for longline fisheries from “in the vicinity of the management area boundary” as specified in Recommendation 22-10 (and previous iterations of western Atlantic bluefin tuna management measures) to “in the vicinity of the management area boundary and adjacent areas.” Additionally, Recommendation 25-05 now specifies that the set-aside comes from the eastern Atlantic bluefin tuna TAC as opposed to the western Atlantic TAC. The

management area boundary refers to the boundary between the western Atlantic bluefin tuna management area and the eastern Atlantic bluefin tuna management area. As the boundary runs through the NED, existing § 635.27(a)(3) has long provided for a 25 mt incidental catch allocation for pelagic longline vessels fishing in the NED to account for the original geographic scope of where the bycatch set-aside applies. Given Recommendation 25-05's expansion of where the bycatch set-aside allocation applies and where it is derived from, NMFS also proposes via this rulemaking to change how NMFS accounts for the pelagic longline set-aside quota and which vessels may utilize it. NMFS would no longer account for bluefin tuna catch in the NED separately from bluefin tuna catch in the rest of the Atlantic region. Instead, NMFS would allocate the pelagic longline bycatch set-aside quota to pelagic longline vessels that have fishing history in the Atlantic region and annually distribute Atlantic allocation to each IBQ shareholder based on their IBQ share percentage. The Atlantic region would constitute the "adjacent areas" that ICCAT added to the scope of where the set-aside applies in Recommendation 25-05. IBQ shareholders with shares designated for the Gulf region would not receive allocation from the set-aside quota, and Atlantic IBQ allocation cannot be used in the Gulf under existing regulations, which would be maintained. The existing gear and bait requirements at § 635.21(c)(2) and (4) specific to pelagic longline vessels fishing in the NED would remain in place.

To implement these changes to the pelagic longline bycatch set-aside quota, the proposed regulations would move existing § 635.15(d) to § 635.15(d)(1) without any modifications to that text. This action would add the language proposed as § 635.15(d)(2).

Other Alternatives Analyzed

In addition to the proposed measures described above, in the supporting document for this action, NMFS analyzed three no action alternatives that would maintain the status

quo quota regulations and analyses for North and South Atlantic swordfish (Alternative A1), northern albacore (Alternative B1), and bluefin tuna (Alternative C1). NMFS does not prefer the no action alternatives because they do not meet the objectives of the rule, including implementing recent ICCAT recommendations and management procedures. NMFS also analyzed two additional alternatives for the implementation of the pelagic longline bycatch set-aside quota for bluefin tuna (Alternatives D1 and D2). Alternative D1 would maintain applicability of the pelagic longline set-aside quota exclusively in the NED and is not preferred because it is not consistent with the updated language in ICCAT Recommendation 25-05 describing the areas where the set-aside quota applies. Alternative D2 would increase applicability of the pelagic longline set-aside quota to some but not all other portions of the Atlantic that are frequently fished by the U.S. pelagic longline fleet. Alternative D2 is not preferred because it would provide bluefin tuna quota in heavily fished areas separate from the individual bycatch quotas provided under the IBQ program, potentially undermining goals of program, including limiting derby-style fishing. Further, Alternative D2 would not provide the set-aside quota to the full extent of areas in which eastern Atlantic and Mediterranean bluefin tuna are found in western Atlantic waters, as described in the supporting document, and would therefore not meet the intended purpose of the set-aside quota under Recommendation 25-05.

Request for Comments

NMFS is requesting comments on this proposed rule which may be submitted via <https://www.regulations.gov> or at a public webinar. NMFS solicits comments on this action by *[insert date 30 days after date of publication in the FEDERAL REGISTER]* (see **DATES** and **ADDRESSES** sections).

During the comment period, NMFS will hold a public hearing via webinar for this proposed action. Requests for sign language interpretation or other auxiliary aids should

be directed to Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301-427-8503 at least 7 days prior to the meeting.

The webinar will take place on May 28, 2026, from 2 p.m. to 4 p.m. EDT.

Information for registering and accessing the webinar can be found at

<https://www.fisheries.noaa.gov/action/comments-requested-proposed-quotas-atlantic-swordfish-northern-albacore-and-bluefin-tuna>.

The public is reminded that NMFS expects participants at public conference calls and webinars to conduct themselves appropriately. At the beginning of each conference call and webinar, the moderator will explain how the conference call and webinar will be conducted and how and when participants can provide comments. NMFS will structure the conference call and webinars so that all members of the public will be able to comment if they so choose. Participants are expected to respect the ground rules, and those that do not may be asked to leave the conference call and webinars.

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, ATCA, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

An IRFA was prepared as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the

preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Section 603(b)(1) requires agencies to describe the reasons why the action is being considered. The purpose of this action is to implement the ICCAT recommendations adopting management procedures and current TACs, quotas, transfers, and carryforward provisions for North and South Atlantic swordfish, northern albacore, and bluefin tuna (Recommendations 25-10, 22-04, 23-05, and 25-05, respectively) as necessary and appropriate pursuant to ATCA and to achieve domestic management objectives under the Magnuson-Stevens Act.

Section 603(b)(2) of the RFA requires agencies to state the objectives of, and legal basis for, the proposed action. The objective of this proposed rulemaking is to implement binding ICCAT Recommendations 25-10, 22-04, 23-05, and 25-05. NMFS is issuing this proposed rule pursuant to the ATCA section 971d(c)(1)(A) and the Magnuson-Stevens Act section 305(d).

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the Federal Register, which NMFS did on December 29, 2015 (80 FR 81194). In that final rule, effective on July 1, 2016, NMFS established a small business size standard of \$11

million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS completed a review of the small business size standard on November 24, 2025 (90 FR 52917) that resulted in maintaining the existing size standard. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than \$11 million for commercial fishing. SBA has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector (NAICS code 487210, for-hire), which includes charter/party boat entities. SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than \$14 million.

NMFS considers all HMS permit holders, both commercial and for-hire, to be small entities because they had average annual receipts of less than their respective sector's standard of \$11 million and \$14 million. Regarding those entities that would be directly affected by the preferred alternatives, the average annual revenue per pelagic longline vessel that received IBQ shares is estimated to be \$211,842, based on approximately 76 vessels that produced an estimated \$16.1 million in revenue in 2024, well below the NMFS small business size standard for commercial fishing businesses of \$11 million. No single pelagic longline vessel has exceeded \$11 million in revenue in recent years, and all pelagic longline vessel owners have identified themselves as small entities on their permit renewal applications.

Other non-longline HMS commercial fishing vessels typically earn less revenue than pelagic longline vessels and, thus, would also be considered small entities. Based on 2025 permit information, NMFS predicts that the preferred alternatives would apply to the following numbers of non-pelagic longline permit holders that fish commercially or engage in commercial or for-hire activities: 2,420 Atlantic Tunas General category, 4,409 HMS Charter/Headboat, 37 Atlantic Tunas Harpoon category, 73 Swordfish Handgear,

616 Swordfish General Commercial, and 109 Commercial Caribbean Small Boat permits.

The total number of small entities affected is 7,664.

This action would apply to all participants in the Atlantic swordfish and tuna fisheries. This proposed rule is expected to directly affect commercial and for-hire fishing vessels that possess an Atlantic swordfish, Atlantic tunas, Commercial Caribbean Small Boat, or Atlantic HMS Charter/Headboat permit. It is unknown what portion of HMS Charter/Headboat permit holders actively participate in the swordfish, bluefin tuna, and northern albacore fisheries or provide fishing services for recreational anglers. This constitutes the best available information regarding the universe of permits and permit holders. Impacts on these small entities is provided in the alternative analysis below.

NMFS has determined that the preferred alternatives would not likely directly affect any small organizations or small government jurisdictions defined under RFA, nor would there be disproportionate economic impacts between large and small entities.

Section 603(b)(4) of the RFA requires Agencies to describe any new reporting, record-keeping and other compliance requirements. The action does not contain any new collection of information, reporting, or record-keeping requirements.

Under section 603(b)(5) of the RFA, Agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other FMPs. These include, but are not limited to, the Magnuson-Stevens Act, ATCA, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed action has been determined not to duplicate, overlap, or conflict with any relevant regulations, Federal or otherwise.

Under section 603(c) of the RFA, agencies must describe any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. The analysis shall discuss significant alternatives such as: (1) establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities. These categories of alternatives are described at 5 U.S.C. 603(c)(1)-(4). NMFS examined each of these categories of alternatives. Regarding the first, second, and fourth categories, NMFS cannot establish differing compliance or reporting requirements for small entities or exempt small entities from coverage of the rule or parts of it because all of the businesses impacted by this rule are considered small entities, and thus the requirements are already designed for small entities. NMFS considered performance standards for this proposed rule. Specifically, Alternative D3 would allocate the pelagic longline bycatch set-aside quota to IBQ shareholders in this catch share program, and catch share programs are considered performance-based regulations. As described below, NMFS analyzed several alternatives in this proposed rulemaking; the discussion provides rationales for identifying the preferred alternative to achieve the desired objectives. The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels. Under Alternative A1, the no action alternative for North and South Atlantic swordfish, NMFS would not implement the ICCAT North Atlantic swordfish management procedure and would maintain implementation of relevant South Atlantic swordfish quota measures. NMFS has estimated the average impact maintaining the North Atlantic swordfish and South

Atlantic swordfish quotas for all domestic quota categories would have on individual categories and the permit holders within those categories. For North Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization and calculating the impacts of the alternatives under 100-percent utilization allows for comparison of the alternatives. The maximum adjusted quota considered under Alternative A1 is 3,378.2 mt dw. Assuming the 2024 average ex-vessel price of \$4.48 per pound and 100-percent quota utilization, total possible gross revenues across the domestic North Atlantic swordfish fishery would be estimated to be \$33,365,000 under Alternative A1. In 2025, there were 150 swordfish directed permit holders, 56 swordfish incidental permit holders, 73 swordfish handgear permit holders, 616 swordfish general commercial permit holders, and 65 incidental squid trawl permit holders. Due to quota tracking complexities, NMFS does not have a proportional breakdown of the total landings by permit type; however, the average annual ex-vessel revenue across all swordfish permit types is \$34,755 per vessel ($\$33,365,000 / 960$ permit holders). Since retention limits are higher for directed permit holders than incidental permit holders, actual per vessel revenue would likely be higher for directed permit holders and lower for incidental permit holders. There would be no change in economic impacts on vessels in the short term under this no action alternative.

For South Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative A1 is 75.2 mt dw. There are no recent landings of South Atlantic swordfish and, thus, no recent ex-vessel prices for the stock, but North Atlantic swordfish prices can be used as a proxy. Assuming the 2024 average ex-vessel price of \$4.48 per pound for North Atlantic swordfish and 100-percent quota utilization, total possible gross revenues

across the domestic South Atlantic swordfish fishery would be estimated to be \$743,000 under Alternative A1. Due to the distance from the U.S. mainland, only pelagic longline vessels operating under a swordfish directed permit are likely to fish for South Atlantic swordfish, and in 2025 there were 150 swordfish directed permits. The long-term estimated potential average annual ex-vessel revenue from South Atlantic swordfish across all swordfish directed permit holders is \$4,953 per vessel ($\$743,000 / 150$ swordfish directed permit holders). Similar to North Atlantic swordfish, there would be no change in economic impacts on vessels in the short term under this no action alternative.

Under preferred Alternative A2, NMFS would implement the ICCAT North Atlantic swordfish management procedure and would not make changes to implementation of relevant South Atlantic swordfish quota measures. NMFS has estimated the average impact of the North Atlantic swordfish and South Atlantic swordfish quotas under the most recent ICCAT recommendations for all domestic quota categories on individual categories and the permit holders within those categories. For North Atlantic swordfish, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. swordfish fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative A2 is 3,963.0 mt dw. Assuming the 2024 average ex-vessel price of \$4.48 per pound and 100-percent quota utilization, total possible gross revenues across the domestic North Atlantic swordfish fishery would be estimated to be \$39,141,000 under Alternative A2. In 2025, there were 150 swordfish directed permit holders, 56 swordfish incidental permit holders, 73 swordfish handgear permit holders, 616 swordfish general commercial permit holders, and 65 incidental squid trawl permit holders. Due to quota tracking complexities, NMFS does not have a proportional breakdown of the total landings by permit type, however, the average annual ex-vessel revenue across all

swordfish permit types is \$40,772 per vessel (\$39,141,000 / 960 permit holders). This would be a gain of an estimated \$6,017 per vessel in revenue as compared to the no action alternative, A1. Since retention limits are higher for directed permit holders than incidental permit holders, actual per vessel revenue would likely be higher for directed permit holders and lower for incidental permit holders.

Since there is no change in the South Atlantic quota under Alternative A2, there would be no change in impacts on small entities associated with the South Atlantic swordfish quota under Alternative A2 as compared to the status quo under Alternative A1.

Under Alternative B1, the no action alternative for northern albacore, NMFS would maintain implementation of the ICCAT northern albacore management procedure. NMFS has estimated the average impact of maintaining the northern albacore quota for all permit holders. For northern albacore, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. northern albacore fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative B1 is 1,111.8 mt. Assuming the 2024 average ex-vessel price of \$2.12 per pound and 100-percent quota utilization, total possible gross revenues across the domestic northern albacore fishery would be estimated to be \$4,519,000 (1,111.8 mt / 1.15 dw conversion factor * \$2.12) under Alternative B1. The total number of permit holders that would potentially land northern albacore is 2,662 (2,420 in the Atlantic Tunas General category; 37 in the Atlantic Tunas Harpoon category; 205 in the Atlantic Tunas Longline category). If the entire quota is harvested under this no action alternative, average annual revenue across all permit holders would be \$1,698 (\$4,519,000 / 2,662 permit holders). Under this no action alternative, there would be no short-term economic impact on these vessel owners.

Under preferred Alternative B2, NMFS would maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. NMFS has estimated the average impact of the northern albacore quota under the most recent ICCAT recommendation for all permit holders. For northern albacore, the United States is unlikely to achieve 100-percent quota utilization in the short term. In the long term, however, the U.S. northern albacore fishery could near 100-percent quota utilization. The maximum adjusted quota considered under Alternative B2 is 1,187.5 mt. Assuming the 2024 average ex-vessel price of \$2.12 per pound and 100-percent quota utilization, total possible gross revenues across the domestic northern albacore fishery would be estimated to be \$4,826,000 (1,187.5 mt / 1.15 dw conversion factor * \$2.12) under Alternative B2. The total number of permit holders that would potentially land northern albacore is 2,662 (2,420 in the Atlantic Tunas General category; 37 in the Atlantic Tunas Harpoon category; 205 in the Atlantic Tunas Longline category). If the entire quota is harvested under this no action alternative, average annual revenue across all permit holders would be \$1,813 (\$4,826,000 / 2,662 permit holders). This is an increase of \$115 per vessel in average annual revenue as compared to the no action alternative, B1.

Under Alternative C1, the no action alternative for bluefin tuna, NMFS would not implement the increased bluefin tuna quota adopted under Recommendation 25-05. NMFS has estimated the average impact maintaining the bluefin tuna quota for all domestic quota categories would have on individual categories and the permit holders within those categories. For bluefin tuna, to calculate the average ex-vessel bluefin tuna revenues under Alternative C1, NMFS first estimated potential category-wide revenues. The 2024 ex-vessel average price per pound information for each commercial quota category is used to estimate potential ex-vessel gross revenues under the current subquotas. The current baseline subquotas could result in estimated gross revenues of

\$13.9 million annually, if fully utilized, broken out by quota category. Revenues in each category are as follows: General category: \$9.3 million (710.7 mt * \$5.92/lb); Harpoon category: \$753,056 (59.2 mt * \$5.77/lb); Longline category: \$3.4 million (209.3 mt * \$7.46/lb); the pelagic longline bycatch set-aside: \$411,158 (25 mt * \$7.46/lb); and the Trap category: \$17,540 (1.3 mt * \$6.12/lb). Note that these revenues are likely an underestimation for the General and Harpoon categories, which typically receive additional quota from the Reserve category (*i.e.*, from the baseline Reserve subquota, and from the up to 10 percent of the U.S. baseline quota that could be carried forward from the previous year's underharvest). These revenues are likely an overestimation for the Longline and Trap categories, which do not typically land their entire quotas allocated for incidental bluefin tuna catch. Additionally, there has been substantial interannual variability in ex-vessel revenues in each category in recent years, due to recent changes in bluefin tuna availability and other factors.

To estimate the potential average ex-vessel revenues for each permit holder that could result from Alternative C1, NMFS divided the potential annual gross revenues for the General, Harpoon, and Trap category by the number of permit holders. For the Longline category, NMFS divided the potential annual gross revenues by the number of permit holders that received IBQ shares in 2026. This is an appropriate approach for bluefin tuna fisheries, because available landings data (weight and ex-vessel value of the fish in price-per-pound) allow NMFS to calculate the gross revenue earned by a permit holder on a successful trip. The available data (particularly from non-Longline permit holders) do not, however, allow NMFS to calculate the effort and cost associated with each successful trip (*e.g.*, the cost of gas, bait, ice, *etc.*), so net revenue for each permit holder cannot be calculated. As a result, NMFS analyzes the average impact of the proposed alternatives among all permit holders in each category using gross revenues.

Success rates for catching and landing bluefin tuna vary widely across permit holders in each category (due to extent of vessel effort and availability of commercial-sized bluefin tuna to permit holders where they fish), but for the sake of estimating potential revenues per permit holder, category-wide revenues can be divided by the number of permits in each category. In 2025, there were 2,420 Atlantic Tunas General category permits, 37 Atlantic Tunas Harpoon category permit, and no Atlantic Tunas Trap category permits. For the longline fishery, category-wide revenue is divided by the number of permit holders who received IBQ shares in 2026 to determine potential revenue per the 76 permit holders, as indicated below. Actual vessel level revenues would depend, in part, on each permit holder's effort. It is unknown what portion of HMS Charter/Headboat permit holders actively participate in the bluefin tuna fishery. HMS Charter/Headboat vessels may fish commercially under the General category quota and retention limits. Therefore, NMFS is estimating potential General category ex-vessel revenue changes using the number of General category permit holders only.

Estimated potential bluefin tuna revenues on a per permit holder basis under Alternative C1, the no action alternative, considering the number of permit holders and estimated gross revenues listed above, under the current subquotas, could be \$3,833 for the General category permit holders; \$20,353 for the Harpoon category permit holders; and \$50,702 for the Longline category, including the pelagic longline bycatch-set aside quota (using 76 permit holders). Under this no action alternative, there would be no short-term economic impact on these vessel owners.

Under preferred Alternative C2, NMFS would implement the U.S. bluefin tuna quota and distribute it to domestic categories in accordance with ICCAT Recommendation 25-05 and currently codified quota regulations. NMFS has estimated the average impact of the bluefin tuna quota under the most recent ICCAT recommendations for all domestic quota categories on individual categories and the

permit holders within those categories. For bluefin tuna, to calculate the average ex-vessel bluefin tuna revenues under Alternative C2, NMFS first estimated potential category-wide revenues under the maximum potential baseline subquotas. The 2024 ex-vessel average price per pound information for each commercial quota category is used to estimate potential ex-vessel gross revenues under the proposed subquotas. The proposed baseline subquotas could result in estimated gross revenues of \$15.4 million annually, if finalized and fully utilized, broken out by quota category. Revenues in each category are as follows: General category: \$10.6 million (815.4 mt * \$5.92/lb); Harpoon category: \$863,725 (67.9 mt * \$5.77/lb); Longline category: \$3.9 million (240.1 mt * \$7.46/lb); and pelagic longline bycatch set-aside: \$1.2 million (62.5 mt* \$7.46/lb); and Trap category: \$20,238 (1.5 mt * \$6.12/lb). Note that these revenues are likely an underestimation for the General and Harpoon categories, which typically receive additional quota from the Reserve category (*i.e.*, from the baseline Reserve subquota, and from the up to 10 percent of the U.S. baseline quota that could be carried forward from the previous year's underharvest). These revenues are likely an overestimation for the Longline and Trap categories, which do not typically land their entire quotas allocated for incidental bluefin tuna catch. Additionally, there has been substantial interannual variability in ex-vessel revenues in each category in recent years due to recent changes in bluefin tuna availability and other factors.

To estimate the potential average ex-vessel revenues for each permit holder that could result from this action for bluefin tuna, NMFS divided the potential annual gross revenues for the General, Harpoon, and Trap category by the number of permit holders. For the Longline category, NMFS divided the potential annual gross revenues by the number of permit holders that received IBQ shares in 2026. This is an appropriate approach for bluefin tuna fisheries, in particular, because available landings data (weight and ex-vessel value of the fish in price-per-pound) allow NMFS to calculate the gross

revenue earned by a permit holder on a successful trip but not the costs incurred (*e.g.*, the cost of gas, bait, ice), so net revenue for each permit holder cannot be calculated. As a result, NMFS analyzes the average impact of the proposed alternatives among all permit holders in each category using gross revenues.

Success rates for catching and landing bluefin tuna vary widely across permit holders in each category (due to extent of vessel effort and availability of commercial-sized bluefin tuna to permit holders where they fish), but for the sake of estimating potential revenues per permit holder, category-wide revenues can be divided by the number of permits in each category. In 2025, there were 2,420 Atlantic Tunas General category permits, 37 Atlantic Tunas Harpoon category permit, and no Atlantic Tunas Trap category permits. For the Longline fishery, category-wide revenue is divided by the number of permit holders who received IBQ shares in 2026 to determine potential revenue per the 76 permit holders, as indicated below, and actual revenues would depend, in part, on each permit holder's effort. It is unknown what portion of HMS Charter/Headboat permit holders actively participate in the bluefin tuna fishery. HMS Charter/Headboat vessels may fish commercially under the General category quota and retention limits. Therefore, NMFS is estimating potential General category ex-vessel revenue changes using the number of General category permit holders only.

Estimated potential 2026 bluefin tuna revenues on a per permit holder basis under Alternative C2, the preferred alternative, considering the number of permit holders and estimated gross revenues listed above, under the maximum potential subquotas, could be \$4,398 for the General category permit holders; \$23,344 for the Harpoon category permit holders; and \$65,482 for the Longline category, including the pelagic longline bycatch-set aside quota (using 76 permit holders). If the entire quota was harvested under Alternative C2, permit holders could expect an increase in gross revenues when compared to the no action alternative. For instance, General category permit holders

could experience an increase of \$565; \$2,991 for the Harpoon category permit holders; and \$14,780 for the Longline category, including the pelagic longline bycatch set-aside quota (using 76 permit holders).

Under Alternative D1, NMFS would maintain the area status quo (*i.e.*, the NED) and allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing specifically in the NED. This alternative would likely result in neutral economic impacts as few vessels currently fish in the NED and catch bluefin tuna. NMFS does not anticipate a change in fishing effort and thus economic impacts under this alternative.

Under Alternative D2, NMFS would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the NED area and the adjacent pelagic longline statistical reporting areas of the Northeast Coastal (NEC), North Central Atlantic, and Sargasso Sea as shown in Figure 1 in Section 2.4. Under Alternative D2, direct economic and social impacts would be neutral to minor beneficial in the short term and long term. As described above, Alternative C2 would increase the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt consistent with ICCAT Recommendation 25-05. Within these areas, pelagic longline vessels would not have to use IBQ allocation to account for bluefin tuna catch until the ICCAT-designated pelagic longline bycatch set-aside quota has been caught. Alternative D2 allows pelagic longline vessels greater flexibility to catch bluefin tuna incidentally without using IBQ allocation in areas with more frequent effort. For instance, pelagic longline vessels are more likely to catch bluefin tuna incidentally in the NEC as effort for target species is higher in this area compared to the NED. A possible reason for this increased effort is that some vessels would be able to travel shorter distances to reach this area versus the longer distance to reach the NED. Additionally, Alternative D2 may result in derby-style fishing for bluefin tuna since individual accounting of bluefin tuna under the IBQ program would not be

enforced until the bycatch set-aside quota of 62.5 mt is reached. As such, pelagic longline fishermen may be more inclined to rush to fish more sets while the set-aside quota is available resulting in increased fuel costs and potentially lower-quality market conditions. Thus, pelagic longline fishermen may not be inclined to avoid interacting with or catching bluefin tuna as they would not have to use their IBQ allocation to offset catches. Thus, the pelagic longline bycatch set-aside quota could be fully utilized by a small number of vessels before other pelagic longline fishermen could fish in these areas. In this scenario, pelagic longline fishermen that have access to these areas would be able to land target species and bluefin tuna without needing to use or lease IBQ. Furthermore, these vessels would have additional opportunities to generate revenue as they could potentially catch and sell additional bluefin tuna, and catch and sell additional target species, due to the flexibility for more fishing effort. However, pelagic longline fishermen that could not access these areas and utilize the set-aside quota due to the set-aside quota being reached or being located prohibitively far from these areas would likely have neutral impacts as they would have to use their annual IBQ allocations for catches of bluefin tuna. Lastly, Alternative D2 would create an additional cost and administrative burden to NMFS, compared to Alternatives D1 and D3. Catch of bluefin tuna by pelagic longline vessels is reported through the online IBQ system and through VMS. Currently, the areas available for reporting in both programs are Atlantic, Gulf, and NED. With the addition of new areas under this alternative, NMFS and partners would need to update and/or add reporting areas to the online IBQ system and VMS or manually track the locations of bluefin tuna catches in the Atlantic region.

Under Alternative D2, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral to minor beneficial in the short and long term. Supporting businesses and bait/tackle

suppliers may see positive impacts as pelagic longline fishermen could have more fishing opportunities for target and incidental species.

Under preferred Alternative D3, NMFS would allocate the pelagic longline bycatch set-aside quota to pelagic longline IBQ shareholders with IBQ shares designated for the Atlantic region as defined at § 635.15(c)(3). Under Alternative D3, direct economic and social impacts would be neutral to minor beneficial in the short term and long term for IBQ shareholders with IBQ shares designated for the Atlantic region but neutral for IBQ shareholders with only IBQ shares designated for the Gulf region. As described above, Alternative C2 would increase the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt consistent with ICCAT Recommendation 25-05. Under this alternative, NMFS would no longer account for bluefin tuna catch in the NED separately from bluefin tuna catch in the rest of the Atlantic. Instead, NMFS would allocate the pelagic longline bycatch set-aside quota to pelagic longline vessels that have fishing history in the Atlantic and annually distribute Atlantic allocation to each IBQ shareholder based on their IBQ share percentage to account for bluefin tuna catches. IBQ shareholders with shares designated for the Gulf region would not receive allocation from the set-aside quota, and Atlantic IBQ allocation cannot be used in the Gulf of America under existing regulations, which would be maintained. Shareholders with IBQ shares designated for the Atlantic region could be based in the Atlantic or in the Gulf of America, as long as they have fishing history in the Atlantic, as described at § 635.15(c). Under Alternative D3, Atlantic and Gulf pelagic longline vessels with Atlantic IBQ shares may be more willing to fish for target species and incidentally catch additional bluefin tuna compared to current levels. Furthermore, these vessels may be more willing to lease IBQ to other vessels through the IBQ system. Thus, direct impacts for those vessels are likely to have minor beneficial economic and social impacts in the short term and long term. Pelagic longline vessels that only fish in the Gulf of America are expected

to have neutral impacts as they would not receive an increase to their IBQ shares designated for the Gulf region.

Distributing the pelagic longline bycatch set-aside quota through the IBQ program is anticipated to maintain the objectives and benefits of the IBQ program, compared to Alternative D2. The IBQ program is described in Amendments 7 and 13, and the program objectives include providing incentives for pelagic longline vessel operators to avoid bluefin tuna interactions and thus reduce bluefin tuna dead discards and providing flexibility in the IBQ system to minimize constraints on fishing for target species. In addition, the IBQ program was selected over other quota management alternatives in Amendment 7 to promote safety at sea under National Standard 10, since individual quotas were expected to facilitate vessel operators deciding when and how to fish their quotas independently from one another, and therefore reduce somewhat the potential for derby-style fishing behavior (where there is the incentive for individual vessels to fish sooner rather than later).

Under Alternative D3, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral to minor beneficial in the short and long term. Supporting businesses and bait/tackle suppliers may see positive impacts as pelagic longline fishermen could have more fishing opportunities for target and incidental species.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: May 4, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 635 as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. In § 635.15, revise paragraphs (d) and (f)(3)(i), and remove paragraph (f)(6) to read as follows:

§ 635.15 Individual bluefin tuna quotas (IBQs).

* * * * *

(d) *Annual IBQ allocations.* (1) *Annual IBQ allocation from the baseline Longline category quota.* An annual IBQ allocation is the amount of BFT (whole weight) in metric tons corresponding to an IBQ shareholder's share percentage, distributed to their vessel to account for incidental landings and dead discards of BFT during a specified calendar year. NMFS will distribute IBQ allocations only when there is a valid Atlantic Tunas Longline category LAP associated with a vessel. Unless otherwise required under paragraph (f)(4) of this section, an IBQ allocation is derived by multiplying the IBQ share percentage (calculated under paragraph (c)(1) of this section) by the baseline Longline category quota for that year. If the baseline quota is adjusted during the fishing year, the annual IBQ allocation may also be adjusted as specified in paragraph (e)(2) of this section.

(2) *The IBQ Program and the pelagic longline bycatch set-aside quota.* In addition to the annual IBQ allocation described in paragraph (d)(1) of this section, NMFS will annually allocate the pelagic longline bycatch set-aside quota under § 635.27(a)(3) to IBQ shareholders with ATL shares. The allocation of the pelagic longline bycatch set-

aside quota will be derived by multiplying the IBQ share percentage (calculated under paragraph (c)(1) of this section) by the pelagic longline bycatch set-aside quota. The IBQ shares and resultant allocations of the pelagic longline bycatch set-aside quota will be designated as only ATL shares. If the pelagic longline bycatch set-aside quota is adjusted during the fishing year, the annual IBQ allocation may also be adjusted as specified under paragraph (e)(2) of this section. The BFT accounting requirement of paragraph (f)(3) of this section is applicable.

* * * * *

(f) * * *

(3) * * *

(i) *Catch deduction from IBQ allocations.* All BFT landings must be deducted from the vessel's IBQ allocation at the end of each trip by providing information to, and coordinating with the dealer. Dead discards will be deducted from the vessel's IBQ allocation by the Catch Shares Online System, when the vessel operator reports dead discards through VMS as required under § 635.69(e)(4)(i).

* * * * *

3. In § 635.27, revise paragraphs (a) introductory text, (a)(1)(i) introductory text, (a)(2) introductory text, (a)(2)(ii), (a)(3), (a)(4), (a)(5), (a)(6)(i), and (c)(1) introductory text to read as follows:

§ 635.27 Quotas.

(a) *BFT.* Consistent with ICCAT recommendations, the baseline annual U.S. BFT quota will be allocated among the General, Angling, Harpoon, Longline, Trap, and Reserve categories, as described in this section. BFT quotas are specified in whole weight. The baseline annual U.S. BFT quota is 1,509.98 mt, not including an additional annual 62.5-mt pelagic longline bycatch set-aside quota provided in paragraph (a)(3) of this section. This baseline BFT quota is divided among the categories according to the

following percentages: General—54 percent (815.4 mt); Angling—22.6 percent (341.3 mt), which includes the school BFT held in reserve as described under paragraph (a)(6)(ii) of this section; Longline—15.9 percent (240.1 mt) (total not including the 62.5-mt pelagic longline bycatch set-aside quota from paragraph (a)(3) of this section); Harpoon—4.5 percent (67.9 mt); Trap—0.1 percent (1.5 mt); and Reserve—2.9 percent (43.8 mt). NMFS may make inseason and annual adjustments to quotas as specified in paragraphs (a)(8) and (9) of this section.

(1) * * *

(i) Catches from vessels for which Atlantic Tunas General category permits have been issued and certain catches from vessels for which an HMS Charter/Headboat permit has been issued are counted against the General category quota in accordance with § 635.23(c)(3). Pursuant to paragraph (a) of this section, the amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold under the General category quota is 815.4 mt, and is apportioned as follows, unless modified as described under paragraph (a)(1)(ii) of this section:

* * * * *

(2) *Angling category quota.* In accordance with the framework procedures as described under § 635.34, prior to each fishing year, or as early as feasible, NMFS will establish the Angling category daily retention limits. In accordance with paragraph (a) of this section, the total amount of BFT that may be caught, retained, possessed, and landed by anglers aboard vessels for which an HMS Angling permit or an HMS Charter/Headboat permit has been issued is 341.3 mt. No more than 3.1 percent of the annual Angling category quota may be large medium or giant BFT. In addition, no more than 10 percent of the baseline annual U.S. BFT quota, inclusive of the allocation specified in paragraph (a)(3) of this section, may be school BFT. The Angling category

quota includes the amount of school BFT held in reserve under paragraph (a)(6)(ii) of this section. The size class subquotas for BFT are further subdivided as follows:

* * * * *

(ii) After adjustment (Angling category quota minus school and large medium/giant subquotas), resulting in a large school/small medium subquota of 173.4 mt, an amount equal to 52.8 percent may be caught, retained, possessed, or landed south of 39°18' N. lat. The remaining large school/small medium BFT Angling category quota may be caught, retained, possessed, or landed north of 39°18' N. lat.

* * * * *

(3) *Longline category quota.* Pursuant to paragraph (a) of this section, the total amount of large medium and giant BFT that may be caught, discarded dead, or retained, possessed, or landed by vessels that possess Atlantic Tunas Longline category permits is 240.1 mt. In addition, pelagic longline vessels with ATL IBQ are allocated, as described in § 635.15(d)(2), a pelagic longline bycatch set-aside quota of 62.5 mt. For purposes of the closure authority under § 635.28(a)(1), regional IBQ allocations under § 635.15(c)(3) and the BFT catch cap for fishing in the Gulf of America (§ 635.15(c)(3)(iii)) are considered quotas.

(4) *Harpoon category quota.* The total amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold by vessels that possess Atlantic Tunas Harpoon category permits is 67.9 mt. The Harpoon category fishery commences on June 1 of each year, and closes on November 15 of each year.

(5) *Trap.* The total amount of large medium and giant BFT, that may be caught, retained, possessed, or landed by vessels that possess Atlantic Tunas Trap category permits is 1.5 mt.

(6) * * *

(i) The total amount of BFT that is held in reserve is 43.8 mt, which may be augmented by allowable underharvest from the previous year. Consistent with paragraphs (a)(7) through (a)(9) of this section, NMFS may allocate any portion of the Reserve category quota for inseason or annual adjustments to any fishing category quota. NMFS may also use any portion of the Reserve category quota for adjustments to, or appeals of, IBQ allocations (see § 635.15(e)(1)(i)) and research using quota or subquotas (see § 635.32).

* * * * *

(c) * * *

(1) *Categories.* Consistent with ICCAT recommendations, the ICCAT North Atlantic swordfish management procedure, and domestic management objectives, the fishing year's total amount of swordfish that may be caught, retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction is divided into quotas for the North Atlantic swordfish stock and the South Atlantic swordfish stock. The quota for the North Atlantic swordfish stock is further divided into equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species or taking swordfish recreationally, and a reserve category.

* * * * *

[FR Doc. 2026-09059 Filed: 5/6/2026 8:45 am; Publication Date: 5/7/2026]