



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 220919-0193; RTID 0648-XF752]

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Harpoon Category Retention Limit Adjustment

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

**ACTION:** Temporary rule; retention limit adjustments.

**SUMMARY:** NMFS is decreasing the Harpoon category daily retention limit from the default of no more than a combined total of 10 large medium and giant bluefin tuna (BFT) (*i.e.*, measuring 73 inches (185 cm) or greater curved fork length (CFL)), to no more than a combined total of 5 large medium and giant BFT. The incidental catch limit of two large medium BFT per vessel per day/trip remains unchanged. This retention limit applies to Atlantic Tunas Harpoon category permitted vessels from June 1 through the remainder of the 2026 Harpoon category fishing season, which concludes on November 15, 2026, or until further modified.

**DATES:** Effective from June 1, 2026, through November 15, 2026, or until NMFS announces via a notice in the **Federal Register** another adjustment to the retention limit.

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**SUPPLEMENTARY INFORMATION:** Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and

Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The Harpoon category baseline quota is 59.2 mt. As described in § 635.23(d)(1), the default Harpoon category daily retention limit is no more than 10 large medium and giant BFT, combined, per vessel per day/trip. As described in § 635.23(d)(2), the incidental daily catch limit is no more than two large medium BFT (*i.e.*, measuring 73 inches (185 cm) to less than 81 inches (206 cm) CFL) per vessel per day/trip. As such, under the default retention limit, if the vessel owner/operator retains two large medium BFT during a day/trip, they may retain a maximum of eight giant BFT on that same day/trip.

Separate from this action, NMFS published a proposed rulemaking that would implement the 2025 ICCAT recommendation (Recommendation 25-05) regarding western BFT management (91 FR 24789, May 7, 2026). Consistent with the recommendation, that proposed rule proposes increasing the baseline U.S. BFT quota

from 1,316.14 mt to 1,509.98 mt and adjusting all the subquotas accordingly. In that proposed rule, the General category baseline quota would increase from 710.7 mt to 815.4 mt. The comment period on that proposed rule ends on June 8, 2026. Any final rule implementing ICCAT Recommendation 25-05 would likely be effective in mid-2026 or later.

### **Adjustment of the Harpoon Category Daily Retention Limit**

NMFS may increase or decrease the Harpoon category daily retention limit after considering the regulatory determination criteria under § 635.27(a)(7). For the Harpoon category, NMFS may adjust the overall daily retention limit of large medium and giant BFT, combined, per vessel per day over a range of 5 to 10 BFT per vessel per day (see § 635.23(d)(1)). NMFS may also adjust the incidental daily catch limit for the Harpoon category over a range of two to four large medium BFT per vessel per day (see § 635.23(d)(2)).

As described below, NMFS has considered all relevant determination criteria for adjusting the BFT retention limit in the Harpoon category and has decided to decrease the overall daily retention limit for the Harpoon category to no more than five large medium and giant BFT, combined, per vessel per day/trip (*i.e.*, BFT measuring 73 inches (185 cm) CFL or greater). This action maintains the incidental daily catch limit of two large medium BFT (*i.e.*, measuring 73 inches (185 cm) to less than 81 inches (206 cm) CFL) per vessel per day/trip. As such, if two large medium BFT are retained during a day/trip, no more than three giant BFT may be retained on the same day/trip. Similarly, if no large medium BFT are retained, then all five BFT could be giant BFT. This adjustment would apply from June 1 through the remainder of the 2026 Harpoon category fishing season, which concludes on November 15, 2026, or until NMFS announces via a notice in the **Federal Register** another adjustment to the retention limit.

Regardless of the duration of a fishing trip, no more than a single day's daily retention limit may be possessed or retained at the end of the trip for Harpoon category vessels (§ 635.23(d)(3)). For example, a Harpoon category vessel cannot exceed the daily limit of five combined large medium and giant BFT, regardless of the trip's length or number of trips in a day. This retention limit is effective in all areas, except for the Gulf of America, where NMFS prohibits targeted fishing for BFT. The Harpoon category retention limit applies to those vessels permitted in the Harpoon category.

### **Consideration of the Determination Criteria**

As described above, under § 635.23(d)(1), NMFS may adjust the daily retention limit of large medium and giant BFT in the Harpoon category after considering the regulatory determination criteria under § 635.27(a)(7). Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by Harpoon category fishermen and provided by BFT dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Harpoon category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the Harpoon category quota in recent years (*i.e.*, most recently in 2025) and the likelihood of closure of the Harpoon category if no adjustment is made (§ 635.27(a)(7)(ii)). Commercial-size BFT are anticipated to migrate to the fishing grounds off the northeast U.S. coast by early June. Given the possibility of high catch rates in early June, decreasing the retention limit from a combined 10-fish limit to a combined 5-fish limit could assist in extending the time required to fully harvest the quota. If catch rates are lower than expected, NMFS could take another action later in the season to increase the retention limit.

NMFS also considered the effects of this retention limit adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). Adjusting the retention limit for this category would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendations, ATCA, and the objectives of the HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. Making this adjustment is in line with the established management measures and stock status determinations. It is also important that NMFS limit landings to the quotas and subquotas both to adhere to the domestic allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the latest stock assessment. This retention limit adjustment is consistent with those objectives.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the available Harpoon category quota without exceeding the annual quota. This consideration is based on the objectives of the HMS FMP and its amendments, and includes achieving optimum yield on a continuing basis and optimizing the ability of all permit categories to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)). NMFS will actively monitor catch rates for the Harpoon category and adjust the daily retention limit as needed throughout the fishing season to facilitate scientific data collection and maintain fishing opportunities while preventing the exceedance of available quota. For the Harpoon category, a 10-fish (combined) daily retention limit could result in diminished fishing opportunities, and the premature closure of the Harpoon category. A 5-fish (combined) daily retention limit for the remainder of the fishing season will provide equitable fishing opportunities for all Harpoon category participants.

Given these considerations, NMFS has determined that a 5-fish (combined) daily retention limit for the Harpoon category is warranted for the fishing year. This retention limit would provide a reasonable opportunity to harvest the available U.S. BFT quota, without exceeding it, while maintaining an equitable distribution of fishing opportunities; help optimize the ability of the Harpoon category to harvest the available quota; allow the collection of a broad range of data for stock monitoring purposes; and be consistent with the objectives of the HMS FMP and amendments.

### **Monitoring and Reporting**

NMFS will continue to monitor the BFT fishery closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, Harpoon category permitted vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov> or by using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT at that time, and after consideration of all the criteria specified at § 635.27(a)(7), NMFS may determine that additional adjustments are necessary to ensure the available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://hmspermits.noaa.gov>, for updates on quota monitoring and inseason adjustments.

### **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on available BFT quota, recent fishery performance, and the presence of BFT on fishing grounds, responsive adjustments to the Harpoon category BFT daily retention limit from its default level is warranted. This adjustment aims to enable fishermen to capitalize on the availability of fish and quota. NMFS could not have proposed this adjustment earlier, as it needed to thoroughly assess updated data and information concerning fishery conditions and this year's landings. Offering a public comment period now, after appropriately considering this data, would prevent fishermen from legally harvesting BFT in alignment with all regulatory criteria. Additionally, it could lead to the use of a retention limit unsuitable to the available quota for the period.

Adjustment of the Harpoon category retention limit needs to be effective June 1, 2026, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. The Harpoon category will commence on June 1, and thus prior notice would be contrary to the public interest. Delays in decreasing this retention limit

would adversely affect Harpoon category permitted vessels, that would otherwise have an opportunity to harvest BFT if the fishery were to remain open for as long as feasible throughout the year. Limited opportunities to harvest the available quota may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota designated in the HMS FMP and amendments. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would decrease any risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, e-mailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on <https://hmspermits.noaa.gov>.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d), there is also good cause to waive the 30-day delay in effective date.

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

Dated: May 28, 2026.

**David R. Blankinship,**

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