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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260813-0186; RTID 0648-XG086]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category October through November Quota Transfer and Adjustment

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

ACTION: Temporary rule; quota transfer and adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category October through November 2026 time period subquota by transferring 70.2 metric tons (mt) of quota from the Reserve category. Simultaneously, NMFS is adding 16.7 mt of subquota remaining from the June through August time period to the General category October through November time period. This action results in a total adjusted General category October through November time period subquota of 192.9 mt and an adjusted Reserve category of 42 mt. This action would affect Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: The quota transfer and adjustment is effective October 6, 2026, through November 30, 2026.

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SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (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.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (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.

NMFS recently published a final rule to implement the 2025 ICCAT Recommendation 25-05 (91 FR 53526, August 19, 2026). As described in § 635.27(a), the current baseline U.S. BFT quota is 1,509.98 mt (not including the 62.5 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the vicinity of the management area boundary and adjacent areas per § 635.27(a)(3)). The baseline quotas for the General and Reserve categories are 815.4 mt and 43.8 mt, respectively. The General category baseline quota is suballocated to different time periods. Specific to this action, the baseline subquota for the October through November time period is 106 mt. To date, NMFS has published several actions that have adjusted the Reserve category quota (91 FR 5855, February 10, 2026; 91 FR 43571, July 16, 2026; 91 FR 53526, August 19, 2026). The current adjusted Reserve category quota is 112.2 mt. Based on preliminary landings data received to date, NMFS has determined that the General category June through August time period subquota was underharvested by 16.7

mt. Thus, 16.7 mt remains available from previous time periods for use by General category fishermen.

Quota Transfer and Adjustment

Under § 635.27(a)(1)(ii) NMFS has the authority to adjust each period's apportionment based on overharvest or underharvest in the prior period, after considering determination criteria provided under § 635.27(a)(7). Additionally, under § 635.27(a)(8), NMFS has the authority to transfer quota among fishing categories or subcategories after considering the determination criteria provided under § 635.27(a)(7). This section focuses on the calculations involved in transferring quota from the Reserve category to the General category and adjusting the quota available for the General category October through November subquota time period. The consideration of the determination criteria can be found below after this section.

As stated above, the baseline October through November subquota and adjusted Reserve category quotas are 106 mt and 112.2 mt, respectively. Transferring 70.2 mt from the Reserve category to the General category would result in an adjusted October through November subquota and Reserve category quotas of 176.2 mt (106 mt + 70.2 mt = 176.2 mt) and 42 mt (112.2 mt – 70.2 mt = 42 mt), respectively. To date, preliminary landings data indicate that the General category June through August fishery landed 391 mt of the baseline 407.7 mt subquota by the end of the June through August time period, resulting in an underharvest of 16.7 mt (407.7 mt – 391 mt = 16.7 mt). Adding the June through August time period subquota underharvest of 16.7 mt to the October through November time period results in a total adjusted October through November time period subquota of 192.9 mt (176.2 + 16.7 mt = 192.9 mt). The General category quota is available for use by Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

In summary, these actions result in an adjusted General category October through November time period subquota of 192.9 mt and an adjusted Reserve quota of 42 mt. The General category fishery will remain open until November 30, 2026, or until the adjusted General category October through November subquota is reached, whichever comes first.

Consideration of the Relevant Determination Criteria

NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer and quota adjustment (§ 635.27(a)(7)). These criteria include, but are not limited to, the following:

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 General category fishermen and provided by tuna dealers continue 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 General 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 General category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii) and (ix)). At this time, the fishery is open. However, in the past few years, the October through November subquota has been harvested quickly. Without taking action at this time, the General category October through November time period would very likely reach the available quota and NMFS would have to stop BFT fishing activities even though commercial-sized BFT remain available in the areas where General category permitted vessels operate. A quota transfer and adjustment at this time provides limited additional opportunities to harvest the U.S. BFT quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the General category quota to harvest the additional amount of BFT quota before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered General category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS may adjust each time period's subquota based on overharvest or underharvest in the prior time period and may transfer subquota from one time period to another time period. By allowing for the current quota transfer and adjustment, NMFS anticipates that the General category quota would be used before the end of the fishing year. Additionally this quota transfer and adjustment would allow fishermen to take advantage of the availability of BFT on the fishing grounds and provide a reasonable opportunity to harvest available U.S. BFT quota.

NMFS also considered the estimated amounts by which quotas for other gear categories of the BFT fishery might be exceeded (§ 635.27(a)(7)(iv)) and the ability to account for all 2026 landings and dead discards (§ 635.27(a)(7)(xii) and (a)(7)(xi)). In most of the several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. When total U.S. BFT landings are above the available U.S. quota, the United States reduces the next year's quota by the overharvest amount (including reducing the various fishing category quotas and subquotas by their respective overharvest amounts), as was necessary in 2025 to account for the 2024 adjusted U.S. quota, consistent with ICCAT recommendations. NMFS will need to account for 2026 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do so.

NMFS also considered the effects of the transfer and quota adjustment on the BFT stock and on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). This action would be 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. This action is in line with the established management measures and stock status determinations. Another principal consideration is the objective of providing opportunities to harvest the available General category quota without exceeding the annual quota. This consideration is based on the objectives of the HMS FMP and its amendments, and it 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)). Specific to the General category, this includes providing opportunities equitably across all time periods. Finally, we note that the amount remaining in the Reserve category is sufficient for anticipated needs.

In summary, this action adjusts the General category October through November subquota and Reserve category quota to 192.9 mt and 42 mt, respectively. This action provides additional fishing opportunities to harvest the General category quota and subquotas, without exceeding them, while maintaining equitable fishing opportunities for General category fishermen. If needed and appropriate, NMFS could take an additional action(s) later in the year to increase or decrease the retention limit, transfer quota, or close the applicable General category time period.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries 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 adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category 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*, using the HMS Catch Reporting app, or calling 888-872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m. E.T.).

Depending on catch rates of BFT and any updated landings information 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 available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments, including quota transfers, 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 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 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 prior notice and an opportunity for public comment is impracticable and contrary to the public interest as this

fishery is currently underway and, based on the most recent landings information and historical landings trends, the 2026 General category October through November subquota is projected to be reached shortly. Delaying this action could result in BFT landings that exceed the General category October through November subquota. Additionally, a delay in implementing this action would preclude the fishery from harvesting BFT that are currently available on the fishing grounds and that might otherwise become unavailable. This action does not raise conservation and management concerns and would support effective management of the BFT fishery. This action does not affect the overall ICCAT-allocated U.S. BFT quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effective date.

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

Dated: October 6, 2026.

Shannon Bettridge,

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National Marine Fisheries Service.

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