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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260813-0186; RTID 0648-XG077]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Angling Category Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 15 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the Angling category large school/small medium subquota. This transfer results in an adjusted Angling category large school/small medium subquota of 188.4 mt and an adjusted Reserve category quota of 27 mt. This action is intended to provide further harvest opportunities for Angling category fishermen, based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT.

DATES: The quota transfer is effective October 13, 2026 through December 31, 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*.). 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.

Every year, the BFT fishing year starts on January 1 and ends on December 31. The Angling category opens on January 1 and continues through December 31 or until the applicable quota or subquota is reached or projected to be reached, whichever comes first. 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 Angling and Reserve categories are 341.3 mt (§ 635.27(a)(2)) and 43.8 mt (§ 635.27(a)(6)), respectively. The Angling category quota is further subdivided into subquotas by size class. Specific to this action, the subquotas are 157.2 mt for school BFT and 173.4 mt for large school/small medium BFT (*see* § 635.27(a)(2) and (a)(2)(ii)). 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; 91 FR 64302, October 8, 2026). The current adjusted Reserve category quota is 42 mt.

Transfer from the Reserve Category to the Angling Category Large School/Small Medium Subquota

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 currently available from the 2026 Reserve category to the 2026 Angling category quota; the consideration of the determination criteria can be found below after this section.

As stated above, the baseline Angling category large school/small medium subquota is 173.4 mt. The adjusted Reserve category quota is 42 mt. Transferring 15 mt from the Reserve category to the Angling category large school/small medium subquota results in an adjusted Angling category large school/small medium subquota of 188.4 mt (173.4 mt + 15 mt = 188.4 mt), and an adjusted Reserve category quota of 27 mt (42 mt – 15 mt = 27 mt). With this transfer the overall Angling category quota increases to 356.3 mt (341.3 mt + 15 mt = 356.3 mt). The Angling category quota is available for use by HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT.

In summary, this transfer results in an adjusted Angling category large school/small medium subquota of 188.4 mt and an adjusted Reserve quota of 27 mt. The Angling category large school/small medium fishery will remain open until December 31, 2026, or until the adjusted Angling category large school/small medium 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 these inseason actions (§ 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 recreational fishermen 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 Angling 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 Angling 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). In doing so, NMFS also reviewed the latest information regarding landings and the availability of BFT on the fishing grounds (§ 635.27(a)(7)(ix)). Fishery performance in recent years indicates that in the late summer/fall the recreational fishery shifts to large school/small medium-sized BFT as these sized fish are more geographically spread out along the east coast. A quota transfer at this time should provide additional opportunities to harvest the large school/small medium subquota while avoiding exceeding the overall Angling category quota. Should recreational landings be higher or lower than expected, NMFS could take another action later in the year to further adjust the daily retention limit or close the Angling category fishery.

Regarding the projected ability of the vessels fishing under the Angling category to harvest the additional amount of BFT quota transferred before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered Angling category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to recreational-sized BFT and fishing conditions, among other factors. This quota transfer would allow recreational fishermen to take advantage of the current availability of BFT on the fishing grounds and provide a reasonable opportunity to harvest the available U.S. BFT quota before the end of the fishing year.

NMFS also considered the estimated amounts by which quotas for other gear categories of the 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)(xi)), and the ability to facilitate quota accounting (§ 635.27(a)(7)(xii)). With the exception of 2024, the total U.S. BFT landings in recent years are typically 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 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 Angling 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)).

In summary, this action adjusts the Angling category large school/small medium subquota and Reserve category quota to 188.4 mt and 27 mt, respectively. This action provides additional fishing opportunities to harvest the available Angling category quota and subquotas, without exceeding them, while maintaining equitable fishing opportunities for recreational fishermen. As described earlier, if needed and appropriate, NMFS could take an additional action(s) later in the year to increase or decrease the retention limits or close the fishery.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or the 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. Eastern Time).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure 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://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-fishery-statuses-minimum-sizes*, for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water,

consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure*.

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. 553(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 adjustments and quota transfers 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. Based on available quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, a quota transfer is warranted to provide additional flexibility to maximize fishing opportunities to land the available BFT quota. It is impracticable for NMFS to have proposed this action earlier, as it needed to consider and respond to complete 2025 recreational landings data and the most recent 2026 recreational landings data about daily landing trends and the availability of BFT on the fishing grounds. If NMFS was to offer a public comment period now, after having appropriately considered that information, it would preclude the fishery from harvesting BFT that are legally available consistent with all of the regulatory criteria. Delays in this action could result in BFT landings that exceed the Angling category quota and subquotas. 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. 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 13, 2026.

Shannon Bettridge,

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National Marine Fisheries Service.

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