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Proposed Rule to Set General Category Restricted-Fishing Days (RFDs) for parts of the 2023 and 2024 Fishing Years

Highly Migratory Species Management Division

March 23, 2023

Outline

- Background
- Proposed Management Measures
- Request for Public Comments



Background



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What is a Restricted-Fishing Day (RFD)?

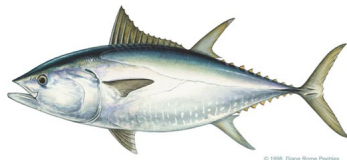
- A day on which NOAA Fisheries sets the bluefin tuna (BFT) retention limit at zero for certain permit categories
- Schedule of days established ahead of time -- published in the Federal Register
- Effort control used to lengthen the amount of time it takes to fill the General category time period subquotas

On an RFD:

- Atlantic Tunas General category permitted vessels are prohibited from fishing for (including catch-and-release and tag-and-release), possessing, retaining, landing, or selling BFT
- Highly Migratory Species (HMS) Charter/Headboat permitted vessels *with a commercial sale endorsement* are prohibited from fishing *commercially* for BFT
- HMS Charter/Headboat permitted vessels can fish *recreationally* under Angling category restrictions and retention limits

History of RFDs

- NOAA Fisheries set RFDs annually for 1995 through 2007
- After numerous requests, NOAA Fisheries resumed the use of RFDs in 2021 and 2022
- Additional requests since then include:
 - Increase from 3 to 4 RFDs per week during the July through November time periods
 - Establish a weekly RFD schedule consisting of *3 days in a row* (e.g. all Thursdays, Fridays, and Saturdays)
 - Establish RFDs for the *December* time period
 - Establish RFDs for the *January through March* time period



Proposed RFD Schedule



Proposed RFD Schedule

- General category permitted vessels would be prohibited from fishing for (including catch-and-release and tag-and-release fishing), possessing, retaining, landing, or selling BFT on:
 - Every Tuesday, Friday, and Saturday July 1 – Nov. 30, 2023
 - Every Tuesday and Friday Dec. 1, 2023 - March 31, 2024
- HMS Charter/Headboat permitted vessels with a commercial sale endorsement also would be prohibited from fishing commercially for BFT
- HMS Charter/Headboat permitted vessels could fish recreationally for BFT under the applicable Angling category restrictions and retention limits

Proposed RFD Schedule (cont.)

- Proposed schedule based on:
 - Review of average daily catch rate data for recent years
 - Review of past years' RFD schedules (including the most recent 2022 RFD schedule)
 - Review of past closure dates prior to RFDs being set in 2021
 - Input from HMS Advisory Panel, General category participants, and Atlantic tunas dealers
- Proposed schedule of RFDs should increase the likelihood of pacing General category landings to extend fishing opportunities through a greater portion of the General category time periods

Proposed 2023 RFD Schedule (cont.)

July 2023						
S	M	T	W	T	F	S
						X
2	3	X	5	6	X	X
9	10	X	12	13	X	X
16	17	X	19	20	X	X
24	25	X	26	27	X	X
30	31					

August 2023						
S	M	T	W	T	F	S
		X	2	3	X	X
6	7	X	9	10	X	X
13	14	X	16	17	X	X
20	21	X	23	24	X	X
27	28	X	30	31		

September 2023						
S	M	T	W	T	F	S
					X	X
3	4	X	6	7	X	X
10	11	X	13	14	X	X
17	18	X	20	21	X	X
24	25	X	27	28	X	X

October 2023						
S	M	T	W	T	F	S
1	2	X	4	5	X	X
8	9	X	11	12	X	X
15	16	X	18	19	X	X
22	23	X	25	26	X	X
29	30	X				

November 2023						
S	M	T	W	T	F	S
			1	2	X	X
5	6	X	8	9	X	X
12	13	X	15	16	X	X
19	20	X	22	23	X	X
26	27	X	29	30		

December 2023						
S	M	T	W	T	F	S
					X	2
3	4	X	6	7	X	9
10	11	X	13	14	X	16
17	18	X	20	21	X	23
24	25	X	27	28	X	30
31						

January 2024						
S	M	T	W	T	F	S
	1	X	3	4	X	6
7	8	X	10	11	X	13
14	15	X	17	18	X	20
21	22	X	24	25	X	27
28	29	X	31			

February 2024						
S	M	T	W	T	F	S
				1	X	3
4	5	X	7	8	X	10
11	12	X	14	15	X	17
18	19	X	21	22	X	24
25	26	X	28	29		

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

Note: All of the red “X” days are proposed RFDs. Under the proposed rule, landing and selling BFT *commercially* could only happen on the days that do not have a red “X”.

Waiving RFDs

- NOAA Fisheries may waive an RFD under certain circumstances including:
 - Review of dealer reports
 - Daily landing trends
 - Availability of BFT on fishing grounds
- NOAA Fisheries would announce any waiver via a retention limit adjustment in the Federal Register
- NOAA Fisheries would not modify previously scheduled RFDs during the fishing year in other ways, including:
 - Changing an RFD from one date to another
 - Adding RFDs

Request for Comments



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Request for Public Comments

- NOAA Fisheries is proposing a schedule of RFDs:
 - Every Tuesday, Friday, and Saturday from July 1, 2023 - Nov. 30, 2023
 - Every Tuesday and Friday from Dec. 1, 2023 - March 31, 2024
- NOAA Fisheries is specifically requesting comments on:
 - Whether July through November RFDs should be established for 4 days per week instead of 3, and if so, what the 4th day should be
 - Whether July through November RFDs should be scheduled for 3 or 4 consecutive days and if that schedule would be less disruptive than the proposed schedule that allows for 2-consecutive 2-day open periods each week (Sunday - Monday; Wednesday - Thursday)
 - How many RFDs per week would be appropriate during the December 2023 and January through March 2024 time periods and which days would be the most beneficial to extend the time periods



Request for Public Comments

- Proposed rule published March 6, 2023 (88 FR 13771)
- Comment period closes on April 5, 2023
- Please submit comments at <https://www.regulations.gov>

- Action webpage:
<https://www.fisheries.noaa.gov/action/proposed-restricted-fishing-days-atlantic-bluefin-tuna-fishery-parts-2023-and-2024>

- Target effective date July 1, 2023
- For more information contact:
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