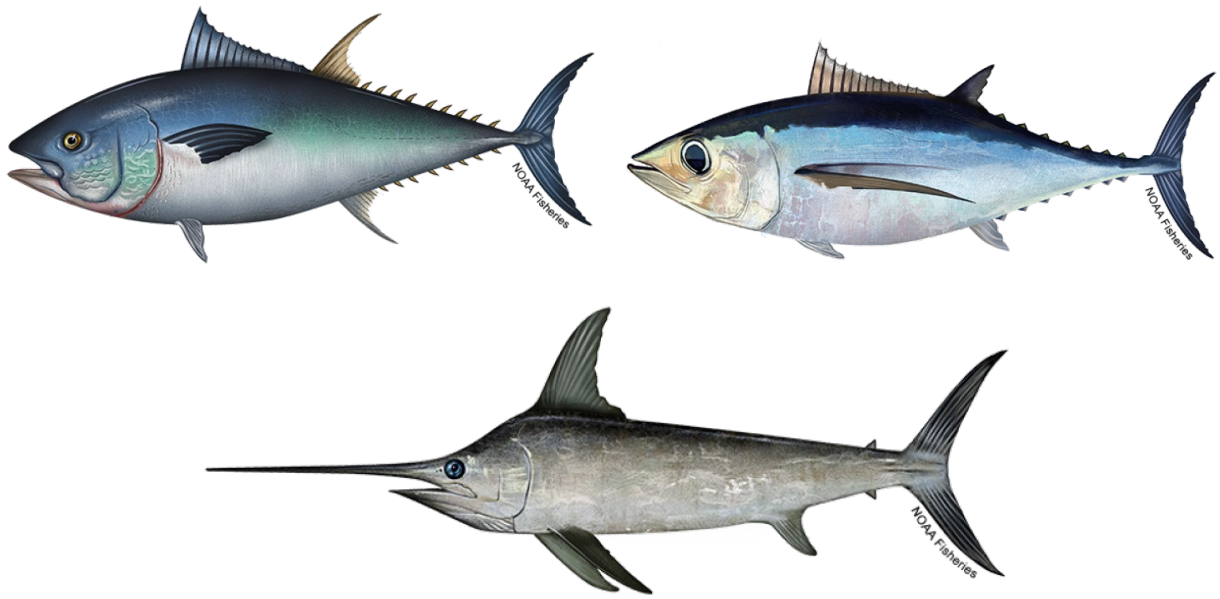
Implementation of the International Commission for the Conservation of Atlantic Tunas Recommendations on North Atlantic Swordfish, South Atlantic Swordfish, North Atlantic Albacore, and Atlantic Bluefin Tuna Quotas

Draft Environmental Assessment (ID: EAXX-006-48-1HQ-1752700896),
Regulatory Impact Review, and
Initial Regulatory Flexibility Analysis



Atlantic Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
United States Department of Commerce

May 2026

Action: Implement current binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) on North Atlantic swordfish, South Atlantic swordfish, North Atlantic albacore (northern albacore), and Atlantic bluefin tuna, including baseline annual U.S. quotas and subquotas.

Type of statement: Environmental Assessment (EA), Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA)

Lead Agency: National Marine Fisheries Service
Office of Sustainable Fisheries

For further information: Atlantic Highly Migratory Species Management Division (F/SF1)
1315 East-West Highway
Silver Spring, MD 20910
Phone: 301-427-8503

Abstract: This proposed action is necessary to implement binding ICCAT recommendations, as 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). Similar to what was done in 2022 for northern albacore, this action would implement the management procedure adopted by ICCAT for North Atlantic swordfish, including analyzing a range of baseline quotas in anticipation that new baseline quotas may be adopted by ICCAT and implemented every three years. This action also considers the range of adjusted quotas that could result from applying previous years' underharvests or overharvests to the baseline quotas resulting from the management procedures for North Atlantic swordfish and northern albacore. This action does not change the existing baseline quotas for North Atlantic swordfish, South Atlantic swordfish, and northern albacore, and the ICCAT-recommended swordfish quota would continue to be divided among the established regulatory domestic subquota categories. For bluefin tuna, this action would implement the increased U.S. baseline quota adopted by ICCAT in 2025 and divide that quota among the established regulatory domestic subquota categories. This action would also implement changes adopted by ICCAT in 2025 to the bluefin tuna quota associated with longline bycatch. This action further reiterates the method used to establish adjusted quotas annually based on previous years' under- or overharvests and any international quota transfers, for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna.

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1.0 INTRODUCTION

1.1 Regulatory Authorities

The National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, is responsible for managing Atlantic highly migratory species[1] (HMS) fisheries, including the Federal Atlantic shark, tuna, billfish, and swordfish fisheries, under the authority of 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.). Under the Magnuson-Stevens Act, NMFS must, consistent with ten National Standards, manage fisheries to maintain optimum yield on a continuing basis, while preventing overfishing. Since the early 1990s, under the authority provided in § 304(g)(1) of the Magnuson-Stevens Act, NMFS has implemented several fishery management plans (FMPs), FMP amendments, and numerous regulations relating to Atlantic HMS fisheries (see 16 U.S.C. 1854(g)(1)). Currently, NMFS manages HMS fisheries under the 2006 Consolidated Atlantic HMS FMP (HMS FMP), its amendments, and implementing regulations at 50 Code of Federal Regulations (CFR) part 635.

The Magnuson-Stevens Act requires measures necessary for the conservation and management of the fishery to be consistent with the ten National Standards set forth in § 301(a) or 16 U.S.C. § 1851(a). While all of the National Standards are relevant, specific to the objectives of this action, the National Standards state that measures must: prevent overfishing while achieving 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 allows us to adjust annual quotas at a level to ensure the long-term health and stability of the fisheries (§ 303(a)(1) or 16 U.S.C. § 1853) and to achieve optimum yield ((§ 304(a)(4) or 16 U.S.C. § 1854). The Magnuson-Stevens Act also allows 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 (§ 102(a) and (b) or 16 U.S.C. § 1812). Under ATCA (§ 971(d)), the Secretary of Commerce promulgates regulations as may be necessary and appropriate to carry out recommendations by ICCAT. In accordance with the Magnuson-Stevens Act (see § 304(g)(1)(E) requiring NMFS to review, on a continuing basis, and revise as appropriate, the conservation and management measures for Atlantic HMS) and ATCA, NMFS analyzed the potential environmental consequences, including ecological, economic, and social impacts, for the alternatives in this document and associated proposed rule. This action is necessary to implement binding ICCAT Recommendations 22-04, 23-05, 25-05, and 25-10 consistent with ATCA and provisions of the Magnuson-Stevens Act.

[1] The Magnuson–Stevens Act, Section 3, defines the term "highly migratory species" as tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*). 16 U.S.C. § 1802(21). Further, the Magnuson-Stevens Act, Section 3, defines the term "tunas species" as albacore tuna (*Thunnus alalunga*), bigeye tuna (*Thunnus obesus*), bluefin tuna (*Thunnus thynnus*), skipjack tuna (*Katsuwonus pelamis*), and yellowfin tuna (*Thunnus albacares*). 16 U.S.C. § 1802(44).

In addition to the Magnuson-Stevens Act and ATCA, any management measures must also be consistent with other applicable laws including, but not limited to, the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Coastal Zone Management Act (CZMA). As described below, this document is a consolidated document that is meant to comply with all these statutes.

1.2 Brief Management History

Descriptions of the management history for bluefin tuna and albacore fisheries are provided in Section 1.1 of the Final Environmental Impact Statement (FEIS) for Amendment 7 to the HMS FMP (Amendment 7),[2] Section 1.1 of the FEIS for Amendment 13 HMS FMP (Amendment 13), and Section 1.2 of the final environmental assessment (EA) for the 2022 bluefin tuna and northern albacore quota rule (87 FR 33049, June 1, 2022).[3] Descriptions of swordfish management history are provided in Section 1.5 of the final EA for Amendment 8 to the HMS FMP and Section 1.2 of the final EA for the rule to change North Atlantic swordfish and shark retention limits (86 FR 22882, April 30, 2021).[4] The information below supplements that management history with information specific to bluefin tuna, northern albacore, and swordfish quota management and annual quota adjustment processes. ICCAT sets conservation and management measures for swordfish, northern albacore, and bluefin tuna, including total allowable catches (TACs), following consideration of the latest stock assessment information, management procedure results, and management advice provided by ICCAT's scientific body, the Standing Committee on Research and Statistics (SCRS). These measures are adopted by ICCAT through binding recommendations.[5]

Atlantic Swordfish

The first Atlantic swordfish FMP was completed and implemented in 1985 by the South Atlantic Fishery Management Council in cooperation with other Atlantic regional fishery management councils. This FMP laid the groundwork for defining approved fishing methods, determining optimum yield and status of the stocks, implementing variable season closures, and regulating foreign fishing in U.S. waters. Swordfish management was transferred from the regional fishery management councils to NMFS in the early 1990s. NMFS implemented the FMP for Atlantic Tunas, Swordfish, and Sharks (1999 FMP) in July 1999 (64 FR 29090, May 28, 1999). The 1999 FMP adopted quotas and time periods to rebuild North Atlantic swordfish, established a foundation for international work to support rebuilding North Atlantic swordfish, limited access permits for

[2] HMS FMP Amendments available at https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-hms-fishery-management-plans-and-amendments

[3] Available at https://www.fisheries.noaa.gov/action/final-rule-changes-atlantic-bluefin-tuna-and-north-atlantic-albacore-quotas

[4] Available at https://www.fisheries.noaa.gov/action/final-rule-changes-some-north-atlantic-swordfish-and-shark-retention-limits-and-inseason

[5] Available at https://www.iccat.int/en/RecRes.asp

swordfish fisheries, changed quota monitoring procedures for the swordfish fishery, and considered time/area closures to protect small swordfish.

Since 2006, NMFS has managed the U.S. Atlantic swordfish fishery under the HMS FMP. There are two distinct management units for swordfish in the Atlantic Ocean, north and south, divided at 5° N latitude. Because the southern stock is located south of 5° N latitude, South Atlantic swordfish are not within the management authority of the Magnuson-Stevens Act. However, the stock and its fishery are included in the HMS FMP because South Atlantic swordfish are managed by ICCAT and because there are U.S. fishermen who have traditionally fished in the South Atlantic.

North Atlantic Swordfish

Since 1994, ICCAT has recommended a TAC of North Atlantic swordfish as well as specific limits (quotas) for the United States and other Contracting Parties and Cooperating non-Contracting Parties, Entities and Fishing Entities (hereafter referred to as "ICCAT Parties" for simplicity). In 1999, ICCAT established a 10-year rebuilding plan, reducing the TAC to 10,400 metric tons (mt) whole weight (ww) over a three-year period. The United States completed development of a domestic rebuilding plan for North Atlantic swordfish in 2000 (65 FR 77523, December 12, 2000). In 2002, after limited stock increases, ICCAT increased the overall TAC to 14,000 mt beginning in 2004 under Recommendation 02-02 and increased the U.S. annual baseline quota to 3,907 mt ww (2,937.6 mt dressed weight (dw)). The U.S. quota has remained at that level since 2004. The 2009 North Atlantic swordfish stock assessment found the stock to be fully rebuilt with no overfishing occurring. Note that swordfish quotas and catches are described at ICCAT in mt ww, but swordfish is managed domestically in dw (ww = dw * 1.33).

In 2002, NMFS established a reserve quota for North Atlantic swordfish to facilitate a quota transfer to Japan specified in Recommendation 00-03 and to amend inseason and annual adjustment procedures to include the reserve quota (67 FR 70023, November 20, 2002). Recommendation 00-03 included the provision that Japan be allowed to count up to 400 mt ww of its 2001 swordfish catch taken from a specific management area against the uncaught U.S. North Atlantic swordfish quota. Ultimately, 215 mt ww (161.7 mt dw) was needed by Japan and accounted for in the swordfish quota adjustments published in 2003 (68 FR 14167, March 24, 2003).

In the 2007 swordfish quota rule (72 FR 56929, October 5, 2007), NMFS transferred 15 percent of the U.S. baseline North Atlantic swordfish quota (440.6 mt dw) into the reserve category, consistent with a provision adopted in Recommendation 06-02 allowing a ICCAT Party to make a one-time quota transfer within a fishing year of up to 15 percent of its TAC allocation. Reserve category quota could also be used for inseason adjustments to other categories, for accounting for any overharvest, for fishery independent research, or other purposes consistent with management objectives. The 2007 quota rule also implemented accounting for previous quota underharvest. Recommendation 06-02 stated that 2,690 mt ww of the unused portion of the U.S. quota at the end of the previous management period (2003-2006) would be added to the TAC and redistributed to other ICCAT Parties in 2007 and 2008.

In July 2012, NMFS published the EA for the 2012 North and South Atlantic Swordfish Quota Rule. In the 2012 quota rule (July 31, 2012, 77 FR 45273), NMFS implemented quota transfers to Morocco for 2012 and 2013, under Recommendation 11-02, to support joint scientific research and Morocco's efforts to eliminate the use of driftnets. International quota transfers are generally adopted at ICCAT to help other countries joining the fishery or creating new fisheries and/or to assist with scientific research. NMFS also reduced the North Atlantic swordfish reserve category quota to 50 mt dw and stated that quota transfers in ICCAT recommendations would be removed from the annual baseline quota rather than from the reserve category quota. In the 2012 quota rule, NMFS also modified the cleithrum to caudal keel minimum size measurement, to provide a more equivalent alternative dressed swordfish measurement to the existing lower jaw-fork length minimum size.

In 2013, under Recommendation 13-02, ICCAT adopted the current provision stating that the maximum underharvest that an ICCAT Party may carryover in any given year shall not exceed 15 percent of the initial catch limit, for the United States and other ICCAT Parties holding catch limits greater than 500 mt ww. NMFS implemented this provision in 2014 (79 FR 49719, August 22, 2014) to apply to annual quota adjustments beginning in 2015.

The most recent swordfish stock assessment occurred in 2022 and showed that the status of the North Atlantic stock continues to be not overfished with no overfishing occurring. In 2024, ICCAT completed a multiyear management strategy evaluation (MSE) to adopt a management procedure for North Atlantic swordfish. Management procedures (sometimes called harvest strategies) include stock monitoring, harvest control rules (HCRs), and MSE. HCRs implement pre-agreed management actions that will occur in response to various stock status and other performance indicators to help ensure identified management objectives are achieved. MSE is an inclusive, interactive, and iterative process for evaluating the performance of potential HCRs and reference points (such as target biomass) in relation to management objectives, including the risk associated with not achieving those objectives. Under a management procedure, ICCAT adopts new TACs based on the application of scientifically derived formulas and models unique to each species which include inputs from stock assessments and other management objectives and recommend a range of possible TACs. The management procedure for North Atlantic swordfish was adopted in Recommendation 24-10. In 2025, ICCAT completed the North Atlantic swordfish management procedure through the adoption of an exceptional circumstances protocol, including actions to be taken if ICCAT's scientific body determines that an exceptional circumstance exists that precludes the application of the management procedures or makes its application unadvisable. The completed management procedure, TAC, catch limits, and other conservation and management measures for North Atlantic swordfish are contained in Recommendation 25-10.

The management procedure for North Atlantic swordfish, described in Recommendation 25-10, is titled MCC11 (Mostly Constant Catch with 11 levels), is empirical, and uses a single input: the North Atlantic swordfish combined index of abundance ("the Combined Index"). The goal of the MCC11 management procedure is to have the catch remain as constant as possible and only increase the TAC if the Combined Index increased substantially and only decrease the TAC if the Combined

Index declined substantially. This management procedure is tuned to achieve a 60-percent probability of being in the Kobe plot green quadrant[6] (i.e., $SB \geq SB_{MSY}$ and $F \leq F_{MSY}$; not overfished with no overfishing occurring) in each of the three 10-year projection time periods (short = years 1-10; medium = years 11-20; long = years 21-30). The range of possible TACs under the MCC11 management procedure are 4,764-17,628 mt ww. The management procedure and associated measures set a three-year management cycle with a constant annual TAC, and sets the next stock assessment for 2029 and the MSE review for 2030 (after two management cycles). The first application of the management procedure increased the North Atlantic swordfish TAC to 14,769 mt ww for 2025 through 2027. The U.S. quota was maintained at 3,907 mt ww.

In some years, the United States transfers North Atlantic swordfish quota to other ICCAT Parties under the relevant ICCAT recommendation. In 2003-2011, the United States transferred 25 mt ww annually to Canada. In 2012 and 2013, the United States transferred 150 mt ww annually to Morocco. In 2014-2017, the United States transferred 25 mt ww annually to Mauritania. In 2024, the United States transferred 200 mt ww to Morocco. In 2025, the United States transferred 300 mt ww to Costa Rica.

The current quota adjustment processes and domestic quota allocations for North Atlantic swordfish are codified at §§ 635.27(c)(3) and (1)(i) respectively (77 FR 45273, July 31, 2012).

South Atlantic Swordfish

Since 1997, ICCAT has recommended a TAC of South Atlantic swordfish and quotas for some ICCAT Parties. In 2002, ICCAT first adopted a South Atlantic swordfish quota for the United States under Recommendation 02-03. The current U.S. quota of 100 mt ww (75.2 mt dw) was established in Recommendation 06-03 and implemented by NMFS in the 2007 swordfish quota rule. The 2007 rule also implemented the provision in Recommendation 06-03 that the United States can carry forward up to 100 mt ww of a prior year's underharvest. The 2022 stock assessment showed that the South Atlantic swordfish stock is overfished and subject to overfishing. In response, ICCAT reduced the South Atlantic swordfish TAC to 10,000 mt ww for 2023 through 2026 in Recommendation 22-04. Recommendation 22-04 maintains the previous U.S. quota and carryover provision.

Similar to North Atlantic swordfish, the United States also transfers South Atlantic swordfish quota to other ICCAT Parties under ICCAT recommendations. Since 2010, the United States has annually transferred 50 mt ww to Namibia, 25 mt ww to Côte d'Ivoire, and 25 mt ww to Belize. Under Recommendation 22-04, these quota transfers are in place through 2026.

The current quota adjustment process for South Atlantic swordfish is codified at § 635.27(c)(3) (October, 5, 2007, 72 FR 56929).

[6] *See* ICCAT Recommendation 11-13 on the "Principles of Decision Making for ICCAT Conservation and Management Measures" describing the four-quadrant "Kobe Plot" on fishing mortality and biomass.

Northern Albacore

Since 1998, ICCAT has adopted recommendations regarding the northern albacore fishery, including quotas for the major harvesters. ICCAT sets northern albacore conservation and management measures, including TACs, following consideration of the latest stock assessment information and management advice provided by the SCRS. In 2009, ICCAT established a northern albacore rebuilding program, setting a 28,000-mt TAC and including several provisions to limit catches by ICCAT Parties (for major and minor harvesters), and reducing the amount of unharvested quota that could be carried forward from 50 percent to 25 percent of a ICCAT Party's baseline annual quota. Note that all northern albacore quota weights are in whole weight (ww) and are not designated as such at each mention.

In August 2014, NMFS published an FEIS, Final Regulatory Impact Review, Final Regulatory Flexibility Analysis, and Final Social Impact Statement for Amendment 7. In December 2014, NMFS published the final rule to implement Amendment 7 (79 FR 71510, December 2, 2014). Amendment 7 was designed to meet domestic management objectives consistent with the requirements of the Magnuson-Stevens Act including preventing overfishing, achieving optimal yield, and minimizing bycatch to the extent practicable, as well as the objectives of ATCA and obligations pursuant to binding recommendations of ICCAT. In Amendment 7, NMFS implemented a baseline annual U.S. northern albacore quota of 527 mt to implement ICCAT Recommendation 13-05 and established provisions for the accounting of overharvest and underharvest of the quota via annual specifications (79 FR 71510, December 2, 2014). These measures took effect January 1, 2015. Since then, NMFS has adjusted the quota to account for available underharvest annually.

In 2017, ICCAT adopted a recommendation regarding northern albacore management, based on the stock assessment conducted by the SCRS in 2016 as well as other analyses regarding candidate HCRs conducted in 2017. Through ICCAT Recommendation 17-04, ICCAT recommended an increase to the northern albacore TAC. In response, NMFS implemented a northern albacore quota of 632.4 mt in the 2018 quota rule (83 FR 51391, October 11, 2018).

At the 2020 ICCAT annual meeting, following the results of the 2020 northern albacore stock assessment and application of the interim HCR, the northern albacore TAC was increased from 33,600 mt to 37,801 mt, and the baseline U.S. northern albacore quota was increased from 632.4 mt to 711.5 mt, for 2021 (Recommendation 20-04). Given provisions in Recommendation 20-04, it was possible the U.S. northern albacore quota might change at the ICCAT annual meeting in 2021. In anticipation of such a change and to decrease administrative burden, NMFS did not alter the HMS regulations to incorporate the 2021 quota increase at that time (86 FR 54659, October 4, 2021). Since domestic landings are typically less than 50 percent of the baseline quota, and since the domestic fishery is limited by management measures other than the quota, changing the regulations was unlikely to result in increased fishing opportunities or harvest.

In 2021, ICCAT adopted Recommendation 21-04, which established a management procedure that resulted in maintaining the 2021 TAC of 37,801 mt (set using the initial HCR) for 2022 and

2023, including the annual U.S. quota of 711.5 mt. The management procedure establishes reference points, dictates that stock assessments shall be conducted every three years, sets a three-year constant annual TAC (beginning with the 2024-2026 management period) using values estimated from each stock assessment, and contains an HCR. The parameters of the HCR include the following: "the maximum catch limit [TAC] recommended is 50,000 mt in order to avoid adverse effects of potentially inaccurate stock assessments," and the maximum change in the catch limit shall not exceed 25 percent in case of increase or 20 percent in case of decrease of the previous recommended catch limit when the current biomass is greater than or equal to the biomass threshold level.

In 2022, NMFS implemented a bluefin tuna and northern albacore quota rule (87 FR 33049, June 1, 2022). For northern albacore, this rule set the baseline annual quota at 711.5 mt, consistent with Recommendation 21-04. The associated EA for that action analyzed the effects of three-year annual quotas of up to 950 mt, where the quota is set through application of the HCR within Recommendation 21-04's northern albacore management procedure. This level of 950 mt was derived from the TAC recommended in the northern albacore management procedure. The maximum TAC of 50,000 mt represented an increase of approximately 32 percent over the TAC in Recommendation 21-04 of 37,801 mt. Assuming the portion of the overall quota allocated to the United States remains the same in future years under the management procedure, such an increase would result in a maximum annual baseline U.S. quota of 950 mt. This analysis anticipated that NMFS would implement U.S. northern albacore quotas as recommended by ICCAT in accordance with the management procedure, up to the analyzed maximum baseline quota of 950 mt. NMFS anticipated implementing any new baseline quotas through final rulemaking, assuming no new management measures are adopted or other relevant changes in circumstances occur. Additionally, consistent with current practice, NMFS annually would provide notice to the public in the Federal Register of the baseline northern albacore quota with any annual adjustments as allowable for over- and underharvest, as appropriate.

In 2023, ICCAT adopted Recommendation 23-05 amending Recommendation 21-04. Recommendation 23-05 set a constant annual TAC of 47,251 mt and an annual U.S. quota of 889.4 mt for the 2024-2026 management period, pursuant to application of the management procedure. Recommendation 23-05 did not make any change to the northern albacore management procedure or to management measures. In 2024, NMFS increased the annual baseline northern albacore quota to 889.4 mt via final rule (89 FR 77029, September 20, 2024), pursuant to Recommendation 23-05 and the procedure described in the 2022 quota rule.

The current quota adjustment process for northern albacore is codified at § 635.27(e)(2) (87 FR 33049, June 1, 2022).

Bluefin Tuna

Since 1982, ICCAT has recommended a TAC of western Atlantic bluefin tuna, and since 1991, ICCAT has recommended specific limits (quotas) for the United States and other western Atlantic bluefin tuna ICCAT Parties. ICCAT adopted a 20-year rebuilding program for western Atlantic bluefin tuna in 1998. The rebuilding plan period was set as 1999 through 2018.

The 1999 FMP included framework provisions to promulgate domestic annual quota specifications for the bluefin tuna fishery, in accordance with ATCA and the Magnuson-Stevens Act, and to implement ICCAT recommendations. In 2002, ICCAT adopted Recommendation 02-07, which, among other things, established a U.S. quota of 25 mt to account for bycatch related to longline fisheries "in the vicinity of the management area boundary" for the eastern and western Atlantic bluefin tuna stocks. In 2003, NMFS determined that this 25-mt quota would apply in the Northeast Distant gear restricted area (NED) as defined under § 635.2 (68 FR 56783, October 2, 2003).

Effective November 1, 2006, NMFS implemented final regulations for the HMS FMP, which consolidated management of all HMS into one FMP (71 FR 58058, October 2, 2006). Among other things, the HMS FMP maintained the allocation percentages established in the 1999 FMP for dividing the baseline annual U.S. bluefin tuna quota among several domestic quota categories. The FEIS for the HMS FMP evaluated and analyzed the environmental impacts of a number of alternatives regarding the bluefin tuna quota including subquotas, time periods, and inseason management. The FEIS indicated that additional environmental impact analyses would accompany the annual bluefin tuna quota specifications only if the analyses associated with the HMS FMP no longer applied (e.g., if ICCAT were to amend its recommendation regarding the total U.S. bluefin tuna quota or if environmental conditions were to change).

Subsequent to publication of the HMS FMP, bluefin tuna TACs and U.S. quotas were changed by ICCAT in 2006 (Recommendation 06-06), 2008 (Recommendation 08-04), and 2010 (Recommendation 10-03). Recommendation 06-06 established the current overharvest provisions, stating that 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 excess of such total quota, and ICCAT may authorize other appropriate actions. Further, if a 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. Recommendation 10-03 established the current underharvest provisions, stating that, relevant to the United States, 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.

Recommendation 06-06 further established the current provision specific to school bluefin tuna (defined in the HMS regulations as bluefin tuna measuring at least 27 inches (69 cm) and less than 47 inches (119 cm) curved fork length), stating that ICCAT Parties must limit the take of these fish to no more than 10 percent by weight of the total bluefin tuna quota for each Party. Recommendation 16-08 established the current provision regarding overharvest of school bluefin tuna, which is that any overharvest of the tolerance limit from one year must be subtracted from the tolerance limit applicable in the next year or the year after that.

In 2014, under Amendment 7, NMFS took several actions to reduce bluefin tuna dead discards and account for dead discards in all fishing categories; optimize fishing opportunities in all domestic quota categories; enhance reporting and monitoring; and adjust other aspects of the HMS FMP as necessary. In Amendment 7, NMFS also changed the way that it adjusts the U.S. annual bluefin tuna quota domestically for the previous year's underharvest, if any. Rather than publish proposed and final rules for such quota adjustments annually, NMFS, through the regulations established in Amendment 7, now adjusts the bluefin tuna Reserve category quota to the extent that underharvest from the previous year is available, through a temporary final rule. Such adjustments are made consistent with ICCAT limits on carryover of underharvested quota and calculated when complete bluefin tuna catch information for the prior year is available and finalized. NMFS then may allocate quota from the Reserve category to other bluefin tuna fishing categories after considering regulatory determination criteria described at 50 CFR 635.27(a)(8), or for scientific research. Most of the Amendment 7 measures, including the quota adjustment and reallocation measures discussed above, took effect January 1, 2015.

In 2014, ICCAT increased the bluefin tuna TAC under Recommendation 14-05, accordingly increasing the U.S. quota as well. The environmental impacts of domestic implementation of the new baseline annual U.S. bluefin tuna quota were analyzed in a 2015 EA. The EA considered the effects of increasing the baseline annual U.S. bluefin tuna quota from the 923.7-mt level established by ICCAT Recommendation 10-03 and a 2011 quota rule (76 FR 39019, July 5, 2011) to the ICCAT-recommended level of 1,058.79 mt for each of 2015 and 2016 (80 FR 52198, August 28, 2015). For 2017, ICCAT through Recommendation 16-08 maintained the quota levels from the previous recommendation through 2017, and NMFS determined that no additional environmental analysis or rulemaking was required to maintain that quota level. Note that all bluefin tuna quota weights are in whole weight (ww) and are not designated as such at each mention.

In 2017, ICCAT adopted an interim conservation and management plan for western Atlantic bluefin tuna to transition from the rebuilding program to a long-term management strategy for the stock, based on the 2017 stock assessment conducted by the SCRS. Through ICCAT Recommendation 17-06, ICCAT recommended an increase to the bluefin tuna TAC. In the subsequent 2018 quota rule (83 FR 51391, October 11, 2018), the U.S. quota accordingly was increased to 1,247.86 mt, which was then divided among the domestic subquota categories. The environmental impacts of domestic implementation of an updated baseline annual U.S. bluefin tuna quota were analyzed in a 2018 EA.

In 2020, ICCAT adopted a recommendation regarding western Atlantic bluefin tuna management, based on the 2020 stock assessment update conducted by the SCRS. Recommendation 20-06 maintained the overall bluefin tuna TAC and U.S. quota adopted under Recommendation 17-06 for 2021. Consistent with SCRS advice to allow for a more thorough analysis of the western Atlantic bluefin tuna stock status, Recommendation 20-06 provided for a 2021 stock assessment that would incorporate the most recent available data, including any new abundance indices. In 2021, NMFS analyzed the impacts of adjusting the 2021 quota in the context of the 2020 stock assessment update information developed by the ICCAT SCRS in a rule adjusting the 2021 baseline quotas for northern

albacore and North and South Atlantic swordfish, and the Atlantic bluefin Reserve category, based on available underharvest of the 2020 adjusted U.S. quotas (86 FR 54659, October 4, 2021).

In 2021, ICCAT adopted a recommendation regarding western Atlantic bluefin tuna management, based on the 2021 stock assessment conducted by the SCRS. Recommendation 21-07 extended the interim conservation and management plan for western Atlantic bluefin tuna for 2022. Through Recommendation 21-07, ICCAT recommended an increase to the bluefin tuna TAC and an increase in the U.S. quota to 1,316.14 mt for 2022. In 2022, NMFS implemented the increased U.S. quota and divided it among the domestic subquota categories (87 FR 33049, June 1, 2022).

In 2022, NMFS published the FEIS and final rule for Amendment 13 (87 FR 59966, October 3, 2022). Amendment 13 regulations became effective on January 1, 2023. Amendment 13 modified domestic bluefin tuna management measures, including revising the bluefin tuna category allocation percentages. Under Amendment 7, each subquota category (including the Longline category) was annually allocated a percentage of the U.S. bluefin tuna quota after 68 mt (i.e., the historical 68-mt dead discard allowance) was subtracted from the baseline quota and allocated to the Longline category. This process was intended to have all bluefin tuna subquota categories contribute proportionally to 68 mt provided to the Longline category annually. Amendment 13 eliminated the two-step process and, instead, made slight revisions to the category allocation percentages to account for the 68 mt in the Longline category quota. The Longline category quota percentage increased from 8.1 percent to 13.1 percent and the other category allocation percentages were slightly modified accordingly. In addition, Amendment 13 discontinued the Purse Seine category and reallocated the Purse Seine category quota proportionally to all other bluefin tuna domestic subquota categories.

In 2022, ICCAT adopted two recommendations on western Atlantic bluefin tuna: Recommendation 22-09 established a management procedure which considers both western Atlantic and eastern Atlantic bluefin tuna stocks and Recommendation 22-10 adopted the resulting TAC, quotas for ICCAT Parties, and other quota management provisions. The chapeau (introduction) to Recommendation 22-09 explains why ICCAT decided to use a management procedure, noting that the SCRS has previously had difficulties with low quality of data and that management procedures provide a more robust management framework due to its precautionary approach and stabilizing of TAC. The management procedure adopted in Recommendation 22-09 is empirical, based on inputs related to abundance indices which are first standardized for magnitude, then aggregated by way of a weighted average of all indices available, and finally smoothed over years to reduce observation error variability effects. The management procedure was selected from the candidate management procedures based on its consistency with several management objectives stated in Recommendation 22-09, including that Atlantic bluefin tuna stocks "should have a 60% or greater probability of occurring in the green quadrant of the Kobe plot[7] (no overfishing occurring and not overfished)." TACs are then derived from the management procedure based on the concept of taking a fixed proportion of the abundance present, as indicated by these aggregated and smoothed abundance indices. Subject to the stability management objective for bluefin tuna, any changes in TAC between

[7] *See* ICCAT Recommendation 11-13 on the "Principles of Decision Making for ICCAT Conservation and Management Measures."

consecutive management periods are restricted to no more than a 20-percent increase or a 35-percent decrease.

Recommendation 22-10 applied the management procedure to set an annual TAC of 2,726 mt for the first 3-year management period (2023-2025). This represented the same TAC adopted under the previous Recommendation 21-07 and the annual U.S. bluefin tuna quota likewise remained at 1,316.14 mt under this recommendation.

In 2023, ICCAT adopted Recommendation 23-07 amending Recommendation 22-09 to adopt an exceptional circumstances protocol as part of the management procedure. Per the protocol, ICCAT adopts TACs based on the outcome of the management procedure unless SCRS identifies exceptional circumstances that require consideration of alternative management actions to be taken. The protocol identifies three principles that should be considered as a signal indicating the possibility that exceptional circumstances exist: (1) When there is evidence that the stock and/or fishery dynamics are in states not previously considered to be plausible in the context of the management strategy evaluation; (2) When there is evidence that the data required to apply the management procedure are not available or sufficient, or are no longer appropriate; and/or, (3) When there is evidence that total catch for either the West area or the East area is above the TAC for the respective area set using the management procedure. The SCRS checks for the presence of exceptional circumstances annually. Recommendation 23-07 contains the current description of the bluefin tuna management procedure.

In 2025, ICCAT adopted Recommendation 25-05, which considered results from application of the management procedure, to increase the bluefin tuna TAC by 13% to 3,081.6 mt and increased the U.S. quota to 1,509.98 mt for 2026 through 2028. In recognition of the parameters of the exceptional circumstance protocol, the Recommendation specified that if total catch in the western management area exceeds the TAC in any year, it will constitute an exceptional circumstance. 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 further states that this allocation is derived from the eastern Atlantic and Mediterranean bluefin tuna TAC. Recommendation 25-05 removed the provision to subtract 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 only be used by pelagic longline fishermen. Recommendation 25-05 further describes current provisions for quota underharvest and overharvest, established under Recommendations 06-06 and 10-03 as described above.

The current quota adjustment processes and domestic quota allocations for Atlantic bluefin tuna were codified in Amendment 13 (87 FR 59966, October 3, 2022) at § 635.27(a).

Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), and Display Permits

EFPs, display permits, and SRPs are issued under the authority of the Magnuson-Stevens Act and/or ATCA and may specifically exempt the researcher from certain regulatory provisions. These permits authorize collections of tunas and swordfish, as well as other HMS, from Federal waters for the purposes of scientific data collection and public display. Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic HMS. EFPs are issued to individuals for the purpose of conducting research or other fishing activities using private (non-research) vessels, whereas an SRP would be issued to Agency, state, or academic scientists who are using NOAA or bona fide research vessels as their platforms. Display permits are issued to aquaria or third-party collectors that collect live fish for public display.

Issuance of EFPs, SRPs, and display permits may be necessary to allow certain research activities to occur as the fisheries for bluefin tuna may be closed for extended periods during which collection of live animals and/or biological samples would otherwise be prohibited. In addition, sampling swordfish, northern albacore, or bluefin tuna may require collecting undersize fish, sampling fish in excess of retention/bag limits, the use of unauthorized gears, the collection of fish without the necessary commercial or recreational permits (as research vessels are not required to obtain such permits), and/or the deployment of archival tags. Researchers are required to submit interim reports regarding collections within five days of the completion of a fishing trip and an annual report within 30 days of the expiration of a permit.

EFPs and SRPs have been issued for a wide range of research involving biological sampling of bluefin tuna, northern albacore, swordfish, and other HMS to investigate, among other things, reproductive status, feeding habits, larval presence in the western Atlantic, movement patterns, habitat use, capture-related physiological stress, and seafood safety. In addition, genetic and otolith sampling has been conducted on young-of-year fish to determine the mixture of eastern and western Atlantic bluefin tuna origin yearling fish entering the U.S. mid-Atlantic fishery and develop abundance indices necessary for stock assessments for western Atlantic bluefin tuna. Efforts also continue to collect hard parts (i.e., otoliths and spines) representative of the recreational and commercial fisheries for use in determining both age and stock structure of the bluefin tuna catches. Bluefin tuna sampling also has been conducted to update length-weight conversion tables.

NMFS uses some quota from the Reserve (and other categories) to issue EFPs, SRPs, and display permits for research activities involving the collection of biological samples, live animals, and tagging bluefin tuna, albacore, swordfish, and other HMS. For bluefin tuna, 2.9 percent of the baseline quota is held in the Reserve category for inseason or annual adjustments and fishery-independent research. In addition, the total amount of school bluefin tuna quota that is held in reserve (the “school reserve”) for inseason or annual adjustments and fishery-independent research is 18.5 percent of the total school bluefin tuna Angling category subquota. For swordfish, 50 mt of the North Atlantic swordfish quota is held in reserve for inseason adjustments to fishing categories, to compensate for projected or actual overharvest in any category, for fishery research, or for other purposes consistent with management objectives.

1.3 Proposed Action, Purpose, and Need

Proposed Action: NMFS is considering alternatives to implement the management procedure adopted by ICCAT for North Atlantic swordfish and the quota increase adopted by ICCAT for Atlantic bluefin tuna. For bluefin tuna, this would implement the increased U.S. baseline quota adopted by ICCAT in 2025 and divide that quota among the established regulatory domestic subquota categories. This action would also implement changes adopted by ICCAT in 2025 to the bluefin tuna quota associated with longline bycatch. NMFS would also consider updated procedures for implementing future U.S. quotas adopted under the North Atlantic swordfish and northern albacore management procedures. This action would also continue implementing a process that adjusts the baseline quotas when applying any overharvest or the allowable level of any carryover of previous year's quota underharvest to baseline quotas, and to apply any international quota transfers under adopted ICCAT recommendations.

Purpose: 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.

Need: This action is needed to update impact analyses for the quotas, transfers, and carryforward provisions included in the most recent ICCAT recommendations on management of North and South Atlantic swordfish, northern albacore, and bluefin tuna. This action is also needed to implement the management procedures adopted for North Atlantic swordfish and to increase the baseline annual bluefin tuna quota.

1.4 Scope and organization of this document related to the National Environmental Policy Act

In considering this proposed action, NMFS must comply with a number of Federal statutes and executive orders, including NEPA (42 U.S.C. 4321 *et seq*.). To comply with these requirements and eliminate redundancies to the extent practicable, NMFS consolidates all the requirements into one comprehensive document. For this action, Chapter 4 of this document, in addition to other sections as referenced within Chapter 4, should be considered the EA required under NEPA. The purpose of an EA is to provide sufficient evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact (FONSI) and to aid in the Agency's compliance with NEPA when no EIS is necessary.

In developing EA, NMFS adhered to the procedural requirements of NEPA as amended, and the NAO 216-6A with its accompanying Companion Manual. Consistent with the procedures laid out in the Companion Manual, this document focuses on whether the environmental effects of the proposed action are significant. Effects or impacts refer to changes to the human environment from

the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. Effects can include ecological, aesthetic, historic, cultural, economic, social, or health effects. They can be beneficial or adverse or both. Effects that are remote in time, geographically remote, or the product of a lengthy causal chain are not included. Additionally, effects do not include those effects that NMFS has no ability to prevent due to the limits of its regulatory authority, that would occur regardless of the proposed action, or that would need to be initiated by a third party.

1.5 Scope and organization of this document related to other applicable laws and Executive Orders

As described above, when considering this proposed action, NMFS consolidated the analyses and discussion for all the requirements and laws that NMFS must comply with into one comprehensive document. Thus, this consolidated document considers, in addition to the NEPA requirements as described above, the requirements under all relevant statutes and executive orders including the Magnuson-Stevens Act, Executive Order 12866 (E.O. 12866, Regulatory Planning and Review), and the Regulatory Flexibility Act (RFA). For this action, in addition to any references stated withing the chapters, Chapter 5 addresses the requirements under E.O. 12866, also known as the RIR; Chapter 6 provides the IRFA required under RFA; and Chapter 7 provides additional consistency information that is required under specific sections of the Magnuson-Stevens Act and other statutes such as the CZMA, ESA, and MMPA. While NMFS wrote some of the chapters to comply with the specific requirements under these various statutes and executive orders, it is the document as a whole that meets all the federal requirements and not any individual chapter.

2.0 SUMMARY OF THE ALTERNATIVES

A number of federal requirements, such as NEPA, E.O. 12866, and the RFA, require a consideration of reasonable alternatives. This chapter lists and defines the alternatives that NMFS considered. These alternatives were designed to meet the purpose and need for the action (see Section 1.3), meet all the requirements under the multiple federal requirements, and include a "no action" alternative. To the extent needed, this chapter explains how the specific requirements of an alternative were derived. Additional descriptions and supporting analyses of any effects of these alternatives are provided in later chapters of this document. When developing the alternatives listed below, NMFS considered the following screening criteria to determine whether an alternative is reasonable:

- An alternative must be consistent with the Magnuson-Stevens Act, including the 10 National Standards set forth in the Magnuson-Stevens Act.
- An alternative must be administratively feasible. The costs associated with implementing an alternative cannot be prohibitively exorbitant or require unattainable infrastructure.
- An alternative cannot violate other laws (e.g., ESA, MMPA).
- An alternative must be consistent with the HMS FMP and its amendments.
- An alternative must be consistent with ICCAT recommendations as implemented by NMFS under ATCA.

2.1 North and South Atlantic Swordfish – A Alternatives

Alternative A1: No Action. Do not implement the ICCAT North Atlantic swordfish management procedure. Maintain implementation of relevant South Atlantic swordfish quota measures.

North Atlantic Swordfish

Alternative A1 would not implement Recommendation 25-10, including the management procedure. Instead, NMFS would maintain the regulations established in 2012 (see Section 1.2). Under this no action alternative, the North Atlantic swordfish baseline quota would not change and NMFS could continue to adjust the quota and distribute them among domestic quota categories as currently outlined in the regulations via temporary final rule. The existing baseline quota is 2,937.6 mt dw and the maximum possible adjusted quota as a result of underharvests is 3,378.2 mt dw.

Consistent with § 635.27(c)(1)(i)(A) and (c)(3), the annual adjusted quota would continue to be 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 as described below.

Annual adjusted quota calculations also take into account applicable international quota

transfer(s). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota. 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 regulations at § 635.27(c)(1)(i), the adjusted quota would continue to be 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.

Note that any fishing under exempted fishing permits (EFP), scientific research permits (SRP), and display permits per the regulations at § 635.32 is accounted for under the reserve category quota.

South Atlantic Swordfish

Alternative A1 would maintain implementation of relevant South Atlantic swordfish quota measures. Under this alternative, NMFS would maintain the baseline quota of 75.2 mt dw and maximum adjusted quota of 75.2 mt dw. Each year, the quota would continue to be adjusted via temporary final rule. The most recent recommendation, Recommendation 22-04, established a South Atlantic-wide TAC of 10,000 mt ww through 2026. Note however, there were no changes impacting the United States and requiring a change in implementation as compared to the prior Recommendation 17-03. Of the TAC, the U.S. baseline quota is 75.2 mt dw (100 mt ww), which has remained the same since 2002. The recommendation also maintains an underharvest carryover allowance of 100 percent of the U.S. baseline quota (75.2 mt dw) (100 mt ww) and the three following annual international transfers from the United States to other ICCAT Parties totaling 75.2 mt dw: 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Côte d'Ivoire, and 18.8 mt dw (25 mt ww) to Belize. These quota transfers and maximum underharvest carryover allowance for the United States were first established in 2010 and are currently in place through 2026. The baseline quota, plus the maximum underharvest carryover, minus the international quota transfers result in a maximum adjusted quota of 75.2 mt dw. Note that, 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.

Consistent with § 635.27(c)(3), the annual adjusted quota would continue to be calculated using the following formulas:

- 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

Alternative A2: Implement the ICCAT North Atlantic swordfish management procedure. No changes to implementation of relevant South Atlantic swordfish quota measures. - *Preferred Alternative*

North Atlantic Swordfish

Under Alternative A2, NMFS would implement Recommendation 25-10, which describes the management procedure for North Atlantic swordfish, and would consider public comment on the annual quota adjustment procedure. Specifically, the management procedure under Recommendation 25-10 provides for 11 possible North Atlantic-wide TACs, which range from 4,764 mt ww to 17,628 mt ww. These annual TACs are constant for each three-year management period but may fluctuate between management periods. While the management procedure does not prescribe ICCAT Party quota allocations under each TAC level, this alternative considers future changes to the U.S. baseline quota under the different North Atlantic-wide TACs. Under the initial TAC and U.S. quota allocation in the management procedure, the United States is allocated approximately 26 percent of the TAC. 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 mt ww *0.26 = 4,583.3 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 mt dw + (0.15*3,446.1) mt dw). These maximum quota amounts are calculated here for the purpose of providing a reasonable anticipated range for NEPA 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. Under this alternative, if ICCAT changes the North Atlantic-wide TAC 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 (3,963.0 mt dw maximum adjusted quota) if consistent with the analyses in this document and if no new circumstances are present or management measures introduced that require additional analysis or public comment. NMFS is not proposing any changes to the underharvest/overharvest carryover process codified at § 635.27(c) and so each year, the quota could be adjusted via temporary final rule.

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 as described below.

Annual adjusted quota calculations also take into account applicable international quota transfer(s). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota. 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.

NMFS is not proposing any changes to this North Atlantic swordfish quota adjustment process for 2026 or for future years.

In accordance with regulations at § 635.27(c)(1)(i), 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.

Note that any fishing under exempted fishing permits (EFP), scientific research permits (SRP), and display permits per the regulations at § 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 through 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 under this alternative.

South Atlantic Swordfish

As discussed under Alternative A1, there have been no changes in the most recent ICCAT recommendation on South Atlantic swordfish, Recommendation 22-04, which require changes in U.S. implementation. Accordingly, under Alternative A2, NMFS is not proposing any changes to its implementation of the relevant ICCAT measures for South Atlantic swordfish through the same baseline quota and quota transfers as discussed under Alternative A1. For 2026, the baseline South Atlantic swordfish quota would be maintained at 75.2 mt dw. NMFS is not proposing any changes to the underharvest/overharvest carryover process codified at § 635.27(c) and so each year, the quota could be adjusted via temporary final rule. Inclusion of the South Atlantic swordfish quota in this document provides the opportunity for updated impact analyses based on updated data and fishery conditions.

Consistent with the regulations at § 635.27(c)(3), the annual adjusted quota would continue to be calculated using the following formulas:

- 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

NMFS is not proposing any changes to this South Atlantic swordfish quota adjustment process for 2026 or for future years.

2.2 Northern Albacore – B Alternatives

Alternative B1: No Action. Maintain implementation of the ICCAT northern albacore management procedure.

Under this no action alternative, NMFS would maintain the regulations implemented in 2022 and 2024 that codified the ICCAT northern albacore management procedure and baseline annual U.S. northern albacore quota of 889.4 mt. This alternative would continue to allow for streamlined implementation of future three-year baseline quotas of up to 950 mt. NMFS could continue to adjust the U.S. annual northern albacore quota for the previous year's underharvest, if any, with a maximum possible carryforward based on the current baseline quota of 889.4 mt via temporary final rule, as allowable under the regulations adopted in Amendment 7 and the 2022 Atlantic Bluefin Tuna and Northern Albacore Quota Rule, as described in Section 1.2.

Consistent with the regulations at § 635.27(e), the annual adjusted quota would continue to be calculated using the following formulas:

- 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

Note that any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is accounted for under the quota.

Alternative B2: Maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. – *Preferred Alternative*

In 2023, ICCAT adopted Recommendation 23-05, which applied the current management

procedure for northern albacore (established in Recommendation 21-04) to update quota allocations based on recent catch information. Recommendation 23-05 updated the North Atlantic-wide TAC to 47,251 mt for the 2024-2026 management period and U.S. baseline quota to 889.4 mt, consistent with the existing management procedure. NMFS implemented that baseline quota in 2024, as described in Section 1.2. Under the terms of the management procedure, annual TACs for each three-year management period may fluctuate between management periods, although "the maximum catch limit recommended is 50,000 mt in order to avoid adverse effects of potentially inaccurate stock assessments." In the 2022 quota rule, NMFS considered future changes to the three-year annual U.S. quota for northern albacore adopted pursuant to the management procedure.

Accordingly, this alternative makes no changes to the U.S. baseline quota of 889.4 mt and would continue to allow for streamlined implementation of future three-year baseline quotas of up to 950 mt, when adopted by ICCAT consistent with the management procedure and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. This procedure was implemented under the 2022 Atlantic Bluefin Tuna and Northern Albacore Quota Rule. These analyses assumed the portion provided to the United States under future ICCAT recommendations would remain the same, and so an increase to the maximum TAC would result in a maximum baseline U.S. quota of 950 mt.

Recommendation 23-05 also maintained the limit on underharvest carryover at 25 percent of the baseline quota. NMFS is not proposing any changes to the annual quota adjustment formula or process codified at § 635.27(e) and thus, each year, the quota could continue to be adjusted via temporary final rule as under Alternative B1. Although Alternative B2 is largely similar to Alternative B1, this alternative analyzes impacts of the maximum adjusted quota, 1,187.5 mt, allowed under the management procedure. The maximum baseline quota of 950 mt plus the maximum underharvest carryover of 237.5 mt would result in a maximum adjusted quota of 1,187.5 mt. The analyses in this document 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.

Further, the baseline quota would remain at 889.4 mt annually until changed (e.g., by ICCAT under the management procedure in a new recommendation). Those changes could be codified in final rulemaking if consistent with the analyses in this EA, and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment.

Consistent with the regulations at § 635.27(e)(2), the annual adjusted quota would continue to be calculated using the following formulas:

- 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

Note that any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is accounted for under the quota. NMFS is not proposing any changes to this northern albacore quota adjustment process or accounting under this alternative.

2.3 Bluefin Tuna Quota – C Alternatives

Alternative C1: No Action. Do not implement the increased bluefin tuna quota adopted under Recommendation 25-05.

Alternative C1 would not implement the new baseline annual U.S. bluefin tuna quota adopted by ICCAT in 2025 or the increased pelagic longline bycatch set-aside under Recommendation 25-05. Rather, this alternative would maintain the bluefin tuna regulations finalized in 2022 (see Section 1.2). The baseline quota would continue to be 1,316.14 mt with a maximum possible carryforward based on that baseline level (134.1 mt). The maximum possible adjusted quota as a result of underharvests, and including the existing 25-mt pelagic longline bycatch set-aside, would continue to be 1,475.2 mt. NMFS could continue to adjust the U.S. annual bluefin tuna quota for the previous year's underharvest or overharvest, if any, via temporary final rule as allowable under the regulations adopted in Amendment 13 and the 2022 Atlantic Bluefin Tuna and Northern Albacore Quota Rule, as described in Section 1.2.

Under this alternative, the baseline bluefin tuna quota would continue to be divided among the categories according to the following percentages: General—54 percent (710.7 mt); Angling—22.6 percent (297.4 mt); Longline—15.9 percent (209.3 mt) (i.e., total not including the 25-mt allocation for pelagic longline bycatch set-aside); Harpoon—4.5 percent (59.2 mt); Trap—0.1 percent (1.3 mt); and Reserve—2.9 percent (38.2 mt). The General category quota is apportioned as follows: January 1 through March 31—5.3 percent; June 1 through August 31—50 percent; September 1 through September 30—26.5 percent; October 1 through November 30—13 percent; and December 1 through December 31—5.2 percent. For the Angling category, no more than 3.1 percent of the annual Angling category quota may be large medium or giant bluefin tuna. In addition, no more than 10 percent of the baseline annual U.S. bluefin tuna quota, inclusive of the allocation specified in § 635.27(a)(3), may be school bluefin tuna. The size class subquotas for bluefin tuna are further subdivided as follows: (i) after adjustment for the school bluefin tuna quota held in reserve, 52.8 percent of the school bluefin tuna Angling category quota may be caught, retained, possessed, or landed south of 39°18′ N. latitude. The remaining school bluefin tuna Angling category quota may be caught, retained, possessed or landed north of 39°18′ N. latitude; (ii) after adjustment (Angling category

quota minus school and large medium/giant subquotas), an amount equal to 52.8 percent may be caught, retained, possessed, or landed south of 39°18′ N. latitude. The remaining large school/small medium bluefin tuna Angling category quota may be caught, retained, possessed, or landed north of 39°18′ N. latitude; (iii) one fourth of the large medium and giant bluefin tuna Angling category quota may be caught retained, possessed, or landed, in each of the four following geographic areas: North of 42° N. latitude; south of 42° N. latitude and north of 39°18′ N. latitude; south of 39°18′ N. latitude, and outside of the Gulf of America; and in the Gulf of America region. Note that any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is accounted against the school reserve or Reserve quota (50 CFR § 635.27(a)(6)) depending on the size of the fish.

Under the regulations on annual adjustments of category quotas, NMFS may on an annual basis, based on landing, catch statistics, and other available information, subtract all or a portion of the overharvest from that quota category or subcategory for the following fishing year if NMFS determines that catches from the previous year indicates that a bluefin tuna quota for any category or, as appropriate, subcategory has been exceeded (overharvest). Similarly, if NMFS determines that catches from the previous year indicates 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. In other words, under this alternative, adjusted quotas would continue to be 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

Note that any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is accounted against the school reserve or Reserve quota (50 CFR § 635.27(a)(6)) depending on the size of the fish.

Alternative C2: Implement U.S. bluefin tuna quota and distribute to domestic categories in accordance with ICCAT Recommendation 25-05 and currently codified quota regulations. – ***Preferred Alternative***

Alternative C2 would implement the U.S. 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 listed under Alternative C1. 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. Under this alternative, NMFS would increase the pelagic longline bycatch set-aside quota from 25 mt to 62.5 mt, consistent with Recommendation 25-05. Table 1 shows the category percentages and the current baseline category subquotas compared to the category subquotas that would result from implementation of the new quota implemented under this alternative. Table 1 compares the *baseline* annual quota and subquotas only and does not reflect any inseason adjustments to the subquotas such as inseason quota transfers between quota categories. These adjustments to subquotas would occur within the ICCAT-recommended overall U.S. bluefin tuna quota after considering the determination criteria at § 635.27(a)(7), and these adjustments are not analyzed further in this EA.

Table 1. Baseline bluefin tuna quotas and subquotas under the analyzed alternatives

	Codified percentage of the baseline quota allocated to each category	**Current baseline quota and subquotas (mt) (Alternative C1)**	**New baseline quota and subquotas (mt) (Alternative C2)**
Baseline Annual U.S. quota		**1,316.14**	**1,509.98**
Subquotas:			
General category	54%	710.7	815.4
Harpoon category	4.5%	59.2	67.9
Longline category	15.9%	209.3	240.1
Trap category	0.1%	1.3	1.5
Angling category	22.6%	297.4	341.3
Reserve category	2.9%	38.2	43.8
Bycatch set-aside (for use by Longline category)		25	62.5
Annual Total U.S. quota		1,341.14	1,572.48

Under this alternative, NMFS would implement the ICCAT-recommended limit on the harvest of school bluefin tuna (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed 10 percent of the baseline quota (157.2 mt), in accordance with Recommendation 25-

05. The maximum possible carryforward of underharvest remains at 10% of the U.S. baseline quota under Recommendation 25-05 (157.2 mt). Under this alternative, the maximum possible adjusted quota as a result of underharvests, and including the 62.5-mt pelagic longline bycatch set-aside, would be 1,729.68 mt (1,572.48 mt + 157.2 mt = 1,729.68 mt).

As described under Alternative C1, Alternative C2 also would continue to adjust the U.S. annual bluefin tuna quota for the previous year's underharvest or overharvest, if any, via temporary final rule as allowable under the regulations adopted in Amendment 13 and the 2022 Atlantic Bluefin Tuna and Northern Albacore Quota Rule, as described in Section 1.2. Adjusted quotas would continue to be 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 is added to the Reserve category.

- 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). This amount would be equal to any international quota transfer provisions as established by ICCAT and would be included in the adjusted quota.

Note that any fishing under EFPs, SRPs, and display permits per the regulations at § 635.32 is accounted against the school reserve or Reserve quota (50 CFR § 635.27(a)(6)) depending on the size of the fish.

For bluefin tuna, the baseline annual quota and subquotas would be effective for the 2026 fishing year and annually until changed (for instance, as a result of a new ICCAT recommendation on bluefin tuna TAC and U.S. quota). As described in Section 1, NMFS may make subsequent quota transfers, such as from one category (including the Reserve category) to another within the fishing year pursuant to regulatory determination criteria. Table 2 shows the baseline category quotas and subquotas that would result from implementation of Alternative C2.

Table 2. 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 error

2.4 Implementation of Pelagic Longline Bycatch Set-Aside Quota – D Alternatives

Alternative D1: Maintain the pelagic longline bycatch set-aside quota specific to the status quo area of the NED.

Alternative D1 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.

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. Currently, the pelagic longline bycatch set-aside quota can be used in the NED. Under the existing regulations, vessels do not have to use IBQ allocation to account for bluefin tuna catch from the NED until after the ICCAT-designated pelagic longline bycatch set-aside quota has been caught. Under this alternative, NMFS would maintain the current IBQ catch accounting rules for pelagic longline vessels fishing in the NED at § 635.15(f)(6). The existing gear and bait requirements specific to pelagic longline vessels fishing in the NED would remain in place.

Alternative D2: Allocate the pelagic longline bycatch set-aside quota to include the NED and the adjacent pelagic longline statistical reporting areas of the Northeast Coastal (NEC), North Central Atlantic (NCA), and Sargasso Sea (SAR).

Alternative D2 would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the existing NED area as well as the adjacent pelagic longline statistical reporting areas of the Northeast Coastal (NEC), North Central Atlantic (NCA), and Sargasso Sea (SAR) as shown in Figure 1. 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. The current IBQ catch accounting rules for pelagic longline vessels fishing in the NED would also apply in the NEC, NCA, and SAR. Within these areas, pelagic longline vessels would not have to use IBQ allocation to account for bluefin catch until the ICCAT-designated pelagic longline bycatch set-aside quota has been caught. The existing gear and bait requirements specific to pelagic longline vessels fishing in the NED would remain in place.

For the purpose of illustrating the areas considered in developing this alternative, two maps are provided below. The domestic pelagic longline statistical areas shown in Figure 1 were used to determine domestic implementation of the provision in Recommendation 25-05 given that these areas are used in analysis and description of pelagic longline catch and are familiar to the fleet. However, the ICCAT bluefin tuna sampling areas map in Figure 2 better illustrates the bluefin tuna management areas used by ICCAT in developing its recommendation. Figure 2 illustrates the ICCAT bluefin tuna areas that are in the vicinity of the management area boundary and the areas that are adjacent to those areas. Alternative D2 would allocate the pelagic longline bycatch set-aside quota to pelagic longline vessels fishing in the corresponding areas of BF52, BF53, BF56, and BF57, which overlap with the existing NED area, as shown in Figure 2, as these areas are in the vicinity of the management area boundary at 45°00’ W. longitude. The NCA overlaps with areas BF56, BF57, BF62, and BF67, which are also in the vicinity of the management area boundary. The NEC and SAR partially overlap with areas BF51, BF55, and BF61, which are the adjacent areas to BF52, BF56, and BF67. However, these ICCAT bluefin tuna sampling areas go to the shore, while the NEC and SAR do not go to the shore. Therefore, NMFS does not believe this alternative covers the broad extent to which eastern Atlantic and Mediterranean bluefin tuna are found in western Atlantic waters, as described in Section 3.1. Eastern Atlantic and Mediterranean bluefin tuna are found in the entire ICCAT sampling areas of BF51, BF55, and BF61. Thus, NMFS does not believe this alternative fully meets the intended purpose of this set-aside quota to account for bycatch related to pelagic longline

fisheries in the vicinity of the management area boundary and adjacent areas, representing bluefin tuna of eastern Atlantic and Mediterranean origin.

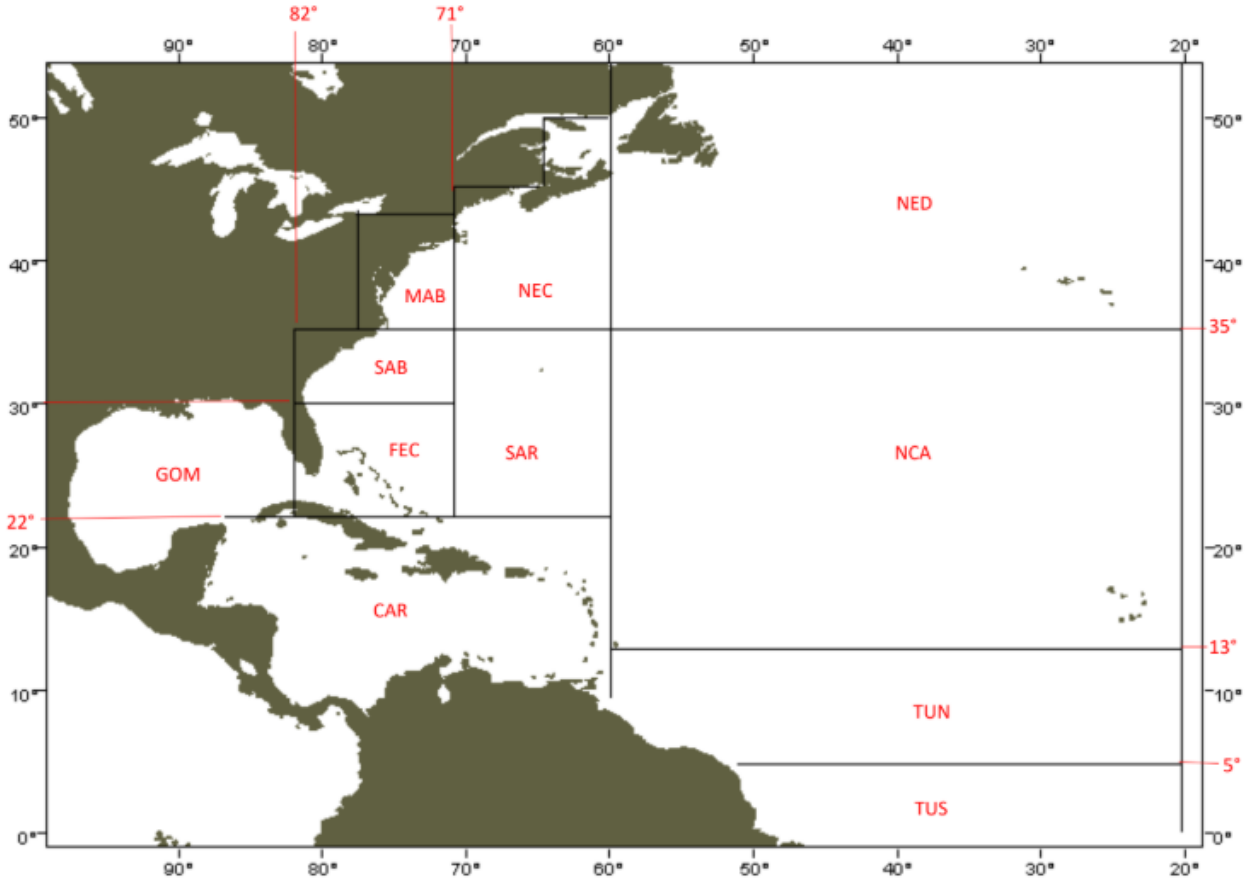

Figure 1. Geographic Areas Used in Summaries of Pelagic Longline U.S. Logbook Data

CAR=Caribbean. GOM = Gulf of America. FEC = Florida East Coast. SAB = South Atlantic Bight. MAB = Mid-Atlantic Bight. NEC = Northeast Coastal. NED = Northeast Distant Waters. SAR = Sargasso Sea. NCA = North Central Atlantic. TUN = Tuna North. TUS = Tuna South. Source: Cramer and Adams 2000.

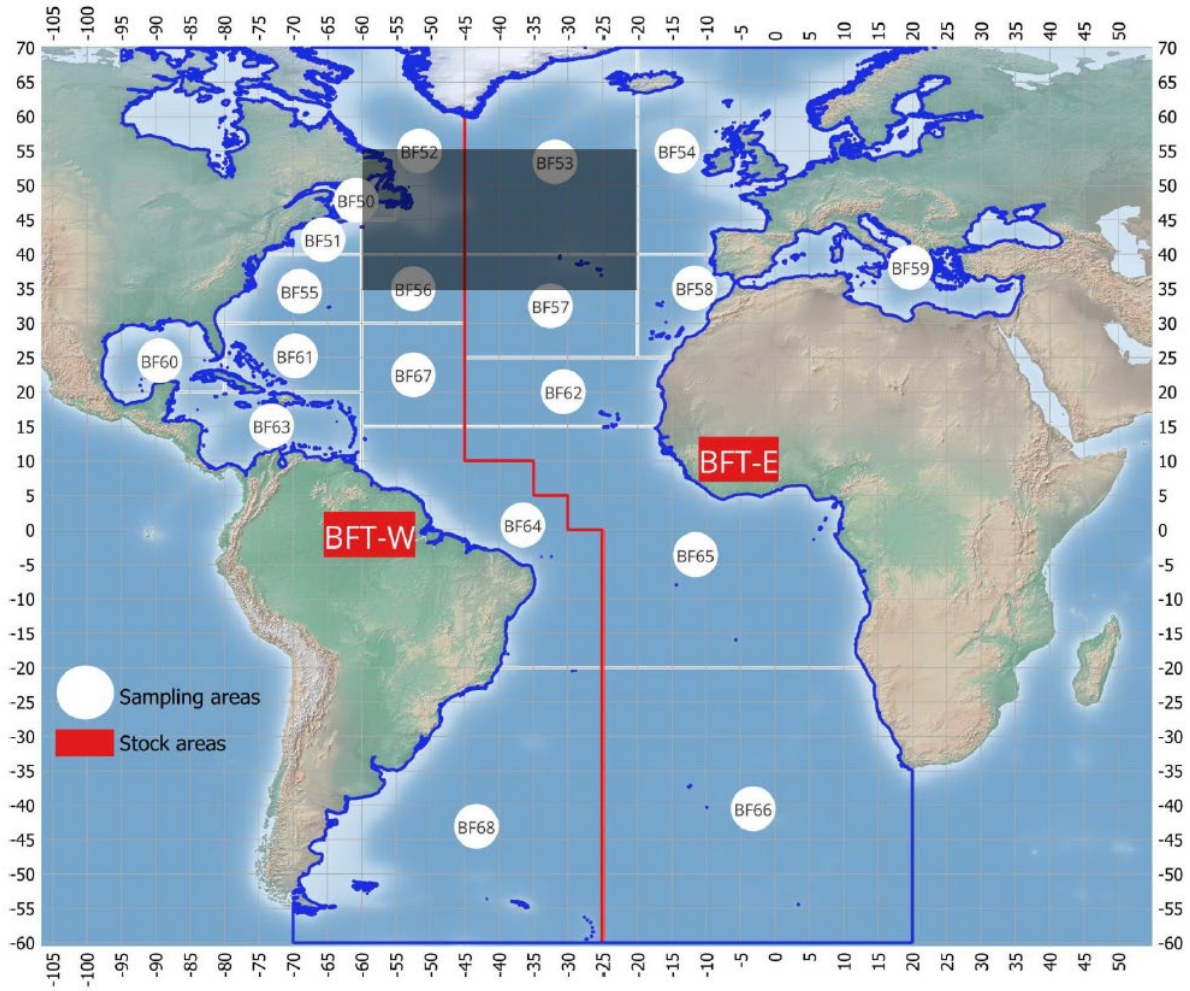

Figure 2. ICCAT Bluefin Tuna Sampling Areas

Western Atlantic bluefin tuna sampling area codes = BF50, BF51, BF52, BF55, BF56, BF60, BF61, BF63, BF64, BF67, BF68. Eastern Atlantic and Mediterranean bluefin tuna sampling area codes = BF53, BF54, BF57, BF58, BF59, BF62, BF65, BF66. Source: https://www.iccat.int/en/gis.html The shaded black box represents the U.S. NED area. The red line represents the boundary between the Western Atlantic and Eastern Atlantic bluefin tuna stock areas.

Alternative D3: Allocate the pelagic longline bycatch set-aside quota to IBQ shareholders with IBQ shares designated for the Atlantic region. – *Preferred Alternative*

Alternative D3 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). 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 for each IBQ shareholder based on their IBQ share percentage. 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. The existing gear and bait requirements specific to pelagic longline vessels fishing in the NED would remain in place.

Alternative D3 provides the most appropriate interpretation of ICCAT Recommendation 25-05, paragraph 6, for bycatch related to pelagic longline fisheries in the vicinity of the management area boundary and adjacent areas derived from the eastern Atlantic and Mediterranean bluefin tuna TAC, i.e., representing bluefin tuna of eastern Atlantic and Mediterranean origin. As described in Section 3.1, eastern Atlantic and Mediterranean bluefin tuna cover a wide distribution area in the western Atlantic. The distribution of these fish extends throughout the North Atlantic into waters along the east coast from Maine to Florida. As shown above in Figure 2, this alternative would allow use of the set-aside quota through the IBQ program in the ICCAT sampling areas BF52, BF53, BF56, BF57, BF62, and BF67, which are in the vicinity of the management area boundary, and overlap with the existing NED area, and areas BF51, BF55, and BF61, which are adjacent to those areas. The Gulf of America (BF60) would not be considered an adjacent area under Recommendation 25-05, as eastern Atlantic and Mediterranean bluefin tuna do not reside in this area. NMFS believes Alternative D3 most accurately covers the range of eastern Atlantic and Mediterranean bluefin tuna found in U.S. waters that may interact with pelagic longline vessels. Alternative D3 meets the intended purpose of this set-aside quota to account for bycatch related to pelagic longline fisheries in the vicinity of the management area boundary and adjacent areas, representing bluefin tuna of eastern Atlantic and Mediterranean origin.

3.0 AFFECTED ENVIRONMENT

This section describes the affected environment including a brief summary of the status of the stocks, fishery participants, and gear types that are involved in this rulemaking. For information on protected species and the Atlantic swordfish and tuna fisheries, including regulatory requirements and bycatch reduction measures, please see Section 6 of the HMS Stock Assessment and Fishery Evaluation (SAFE) Report (NMFS 2023). These documents or sections of documents are hereby incorporated by reference, and summaries of their contents are included below.

3.1 Stock Statuses

Stock assessments for swordfish, albacore tuna, and bluefin tuna are conducted by ICCAT's SCRS. The results of the most recent stock assessments are described in the current SCRS report (SCRS 2025).

Status of the North Atlantic Swordfish Stock

The latest SCRS stock assessment (2022) indicates that the North Atlantic swordfish stock is above biomass at maximum sustainable yield. Consistent with this information, NMFS considers the status of North Atlantic swordfish to be fully rebuilt and overfishing is not occurring. The estimated relative biomass trend shows a consistent increase since 2000. The relative trend in fishing mortality shows that the level of fishing peaked in 1995, followed by a decrease until 2002, followed by small increase in the 2003-2005 period and a downward trend since then. Fishing mortality has been below the fishing mortality at maximum sustainable yield since 2005 and catches have been below the total allowable catch since 2003.

Status of the South Atlantic Swordfish Stock

The latest SCRS stock assessment indicates that the status of South Atlantic swordfish is overfished with overfishing occurring. In 2022, two stock assessment platforms were used to assess the South Atlantic swordfish stock. Both models were consistent and suggested a decline in stock biomass as the fishing mortality increased in the 1990s. The model used for management advice estimated that biomass in 2020 (B_{2020}) was below biomass at maximum sustainable yield (B_{MSY}) (median = 0.77, 95% CIs = 0.53-1.13) while fishing mortality in 2020 (F_{2020}) was marginally above fishing mortality at maximum sustainable yield (F_{MSY}) (median = 1.03, 95% CIs = 0.67-1.51). The MSY_{2020} was estimated to be 11,481 t.

Status of the Northern Albacore Stock

The latest SCRS stock assessment in 2023 indicates that the status of northern albacore is not overfished and overfishing is not occurring. In 2023 a thorough revision of North Atlantic Task 1 size and age data was conducted, and catch rates were updated with new information for the northern albacore fisheries up to and including data to 2021. In the stock assessment two model formulations

with different degrees of complexity were used. Both models provided similar results. The five catch-per-unit-effort indices (four longline and one baitboat) specified in the management procedure were used and showed an overall increasing trend during the last decades. Relative to MSY benchmarks, the base case scenario estimates that the stock remained slightly overfished with B below B_{MSY} between the late 1970s and the 2000s, but has now recovered to levels well above B_{MSY}. Peak relative fishing mortality levels in the order of 1.66 times F_{MSY} were observed in the early 1980s but overfishing stopped in the early 2000s, with the current F_{2021}/F_{MSY} ratio being 0.45.

Status of the Bluefin Tuna Stock

The SCRS conducted a western Atlantic bluefin tuna stock assessment in 2021. For various reasons, SCRS does not determine the bluefin tuna stock status based on MSY and instead presents total biomass information. *See* Section 1.2 discussion of bluefin tuna management procedure under ICCAT Recommendation 22-09. The 2021 stock assessment estimated that the total biomass increased by nine percent over 2017 through 2020. The 2021 assessment also indicated that the TAC in place for 2018 through 2021 likely did not lead to overfishing, and that the stock showed clear signs of several strong subsequent recruitment years. In 2022, ICCAT adopted and applied a management procedure to set a TAC for 2023-2025, which represented the same TAC adopted for 2018-2022. Consistent with this information, NMFS has determined that the overfished status for bluefin tuna is unknown and that the stock is not subject to overfishing. In 2025, the SCRS evaluated and incorporated the results of newly available information related to western bluefin tuna close-kin mark-recapture (CKMR) in a variation on the existing management procedure, which accounts for the presence of eastern Atlantic and Mediterranean bluefin tuna in western Atlantic waters (SCRS 2025). CKMR addresses the major uncertainties in the stock assessment and management strategy evaluation by providing a spawner abundance estimate and rates of stock mixing in the western Atlantic. It does this through genetic mark-recapture, using larvae to "mark" spawning fish and then genetically screening a subsample of the adult fish caught in U.S. and Canadian fisheries for parents of those larvae. The proportion of stock mixing in the fisheries is also obtained in the analysis. Further, research has found that more than 50 percent of commercial-sized bluefin tuna caught in U.S. fisheries are of eastern Atlantic and Mediterranean origin (Kerr et al. 2020; Lauretta et al., in review). Bluefin tuna of eastern Atlantic and Mediterranean origin are found in all waters of the U.S. Atlantic, excluding the Gulf of America (Aalto et al. 2021; Dedman et al. 2023). Incorporation of the CKMR estimate in the management procedure resulted in a higher biomass and more positive stock status for the western Atlantic bluefin tuna stock than previously estimated. Based on CKMR, Lauretta et al. (2025) estimated the 2018 western Atlantic bluefin tuna spawning stock biomass to be 21,000 mt. Ultimately, the SCRS could not reach consensus on whether the new information warranted a declaration of exceptional circumstances, thus the SCRS advice included both the existing management procedure and the variation that takes into account CKMR results. *See* Section 1.2 describing bluefin tuna management procedure's exceptional circumstances protocol under Recommendation 23-07. Following consideration of the positive stock status, CKMR results, management procedure outputs, and the exceptional circumstances protocol, at its November 2025 meeting, ICCAT adopted Recommendation 25-05. Recommendation 25-05 established a TAC of 3,081.6 mt for the 2026-2028 management period, which is 20% higher than the TAC derived from

the management procedure and 118 mt higher than the CKMR variation. In recognition of the exceptional circumstances protocol, Recommendation 25-05 specifies that if the total catch in the western management area exceeds the TAC in any year, it will be an exceptional circumstance and the protocol will be triggered. The resulting annual U.S. bluefin tuna baseline quota adopted by ICCAT increased by 14.7% from 1316.14 mt to 1,509.98 mt. In addition, the U.S. allocation for bycatch related to longline fisheries increased from 25 mt to 62.5 mt. This allocation was previously part of the western Atlantic bluefin tuna TAC, but is now derived from the eastern Atlantic and Mediterranean bluefin tuna TAC.

3.2 Description of the Fishery

There are over 30,000 permitted vessels that may participate in U.S. Atlantic swordfish and tunas fisheries, although not all permitted vessels are active. Commercial tuna and swordfish vessel permits are issued as limited access or open access permits (Table 3). Recreational permits for swordfish and tunas are the HMS angling and charter/headboat permits, though charter/headboat permits can be used to fish commercially in some instances on not-for-hire trips and provided they hold a commercial sales endorsement. A complete description of participation rates in the swordfish, bluefin tuna, and northern albacore fisheries is provided in Chapter 4 of the HMS SAFE Report and is not repeated here.

Table 2. 2025 Atlantic HMS permits in the swordfish and tuna fisheries as of October 2025.

Permit	Number of Permits
Swordfish Directed	150
Swordfish Incidental	56
Swordfish Handgear	73
Swordfish General Commercial	616
Incidental HMS Squid Trawl Permit	65
Atlantic Tunas General	2,420
Atlantic Tunas Harpoon	37
Atlantic Tunas Longline	205
Atlantic Tunas Trap	0
Commercial Caribbean Small Boat	109
HMS Angling (Recreational)	25,390
HMS Charter/Headboat (Recreational and Commercial)	4,409

Permit	Number of Permits
Total	33,530

Data Source: Atlantic HMS Permit Database, as reported in HMS SAFE Report

U.S. landings of North Atlantic swordfish for 2020 through 2024 are provided in Table 4. There were no landings of South Atlantic swordfish in that time period.

Table 3. U.S. catches and landings (mt ww) of North Atlantic swordfish by area and gear, 2020-2024.

Area	Gear	2020	2021	2022	2023	2024
Northwest Atlantic	Longline*	1,039.2	789.1	788.3	539.8	510.7
	Handline	207.5	224.5	199.8	159.5	149.8
	Trawl	19.3	7.3	2.6	2.8	2.4
	Harpoon	0.0	0.0	0.0	0.0	0.1
	Rod and reel**	43.6	29.8	29.9	21.9	17.2
	Unclassified	<0.1	0.0	0.7	<0.1	0.3
Gulf of America	Longline*	132.3	197.5	242.2	217.1	190.7
	Handline	11.0	15.2	4.9	3.9	4.6
	Rod and reel**	8.9	10.4	12.1	11.8	9.5
Caribbean	Longline*	12.1	3.5	3.6	3.9	5.0
	Rod and reel**	0.0	0.0	0.1	<0.1	0.0
	Handline	0.1	0.0	0.0	0.0	0.0
North Central	Longline*	1.2	5.4	54.3	47.8	<0.1
Southwest Atlantic	Longline*	<0.1	0.0	0.0	0.0	0.0
All areas	All gears	1,476.4	1,226.0	1,339.3	1,008.8	890.4

*Includes landings and estimated dead discards from scientific observer and logbook sampling programs. **Rod and reel catches and represent estimates of recreational landings when available based on statistical surveys of the U.S. recreational harvesting sector. Source: HMS SAFE Report.

U.S. landings of northern albacore for 2020 through 2024 are provided in Table 5.

Table 4. U.S. landings (mt ww) of northern albacore by area and gear, 2020–2024.

Area	Gear	2020	2021	2022	2023	2024
Northwest Atlantic	Longline	195.6	150.0	101.5	108.3	113.3
	Handline	2.4	1.5	0.7	0.1	0.2
	Trawl	0.3	0.0	0.0	0.0	0.0
	Troll	<0.1	<0.1	0.0	0.0	0.0
	Rod and reel*	45.0	54.7	150.1	8.8	37.3
Gulf of America and Caribbean	Longline	84.9	89.6	58.7	89.6	58.7
	Rod and reel*	0.0	0.0	0.0	0.0	0.0
	Handline	0.0	0.0	0.0	0.0	0.0
All areas	All gears	328.3	295.9	310.6	295.9	310.6

*Rod and reel catches represent estimates of recreational landings based on statistical surveys of the U.S. recreational harvesting sector. Source: HMS SAFE Report.

U.S. landings of bluefin tuna for 2020 through 2024 are provided in Table 6. The historical level of landings has generally been determined by quotas since 1982 (i.e., landings have been higher when the quota is higher). Generally, commercial fisheries are focused on large medium (73 inches to less than 81 inches) and giant (81 inches or greater) bluefin tuna, while recreational fisheries are focused on large school/small medium bluefin tuna (47 inches to less than 73 inches), with allowances for school (27 inches to less than 47 inches), large medium, and giant bluefin tuna. Commercial categories are monitored through mandatory reporting, whereas the recreational catch is monitored primarily by survey.

Table 5. U.S. landings (mt ww) of Atlantic bluefin tuna by area and gear, 2020-2024.

Area	Gear	2020	2021	2022	2023	2024
Northwest Atlantic	Longline**	51.2	90.0	152.8	125.7	172.3
	Handline	0.0	0.0	0.0	0.0	0.0
	Trap	0.8	0.0	0.2	0.0	0.0
	Harpoon	85.0	64.1	84.4	80.0	79.9
	Commercial rod and reel	848.8	853.6	885.6	835.9	902.8
	Recreational rod and reel*	192.6	182.2	226.4	197.2	451.7
Gulf of America	Longline	4.8	13.6	9.4	24.1	8.3

	Recreational rod and reel	0.0	1.7	2.2	3.8	2.3
	Commercial rod and reel††	0.0	0.0	0.0	0.0	0.0
North Central Atlantic	Longline	0.2	0.4	0.8	1.1	0.0
Caribbean	Longline	0.4	0.0	0.0	0.6	1.3
All areas	All gears	1,183.5	1,205.7	1,361.9	1,311.3	1,616.4

*Rod and reel catches and landings represent estimates of recreational landings and dead discards based on statistical surveys of the U.S. recreational harvesting sector. **Includes landings and estimated discards from scientific observer and logbook sampling programs. Source: HMS SAFE Report.

Prices, Markets, and Ex-Vessel Revenues

Table 7 gives the annual average ex-vessel price of swordfish, northern albacore, and bluefin tuna for 2020 through 2024.

Table 6. Estimates of the total ex-vessel annual revenues of swordfish, northern albacore, and bluefin tuna, 2020-2024.

Species	Values	2020	2021	2022	2023	2024
Swordfish	Ex-vessel*	$4.65	$5.26	$5.25	$5.15	$4.48
	Weight**	2,098,240	1,801,542	2,045,410	1,411,973	1,308,884
	Fishery revenue	$9,248,741	$9,477,075	$10,728,852	$7,268,029	$7,175,730
Northern Albacore	Ex-vessel*	$1.57	$2.02	$2.74	$2.83	$2.12
	Weight**	522,062	426,511	256,903	290,178	352,549
	Fishery revenue	$967,736	$1,049,357	$704,721	$820,398	$747,940
Bluefin Tuna	Ex-vessel*	$5.08	$6.77	$6.58	$6.19	$6.12
	Weight**	1,734,230	1,744,740	1,890,456	1,890,216	2,000,385
	Fishery revenue	$8,415,905	$11,814,847	$12,436,295	$11,694,630	$12,234,301

*Dollars per pound dressed weight. **Pounds dressed weight. Source: HMS SAFE Report.

Ex-vessel gross revenues (nominal values) from recorded sales of swordfish, northern albacore, and bluefin tuna are presented in the table above. Swordfish revenues were slightly up in 2020 through 2022 and highest in the terminal year of the dataset. Northern albacore revenues were 23 percent lower in 2024 than in 2020. Bluefin tuna revenues were 45 percent higher in 2022 than in 2020. Note that this discussion focuses on gross revenues only, and not net revenues.

Processing and Export

Section 3.7 of the HMS FMP and Section 8.4 of the HMS SAFE Report include detailed

discussion of the export, import, and re-export trade program and market for bluefin tuna, and that information is not repeated here.

4.0 ENVIRONMENTAL ASSESSMENT

As described in section 1.4, this chapter should be considered the EA required under NEPA. In developing this EA, NMFS adhered to the procedural requirements of NEPA, as amended, and the NAO 216-6A with its Companion Manual. Consistent with the procedures laid out in the Companion Manual, this document focuses on whether the environmental effects of the proposed action are significant.

For tracking purposes, the unique identification number for this EA is: EAXX-006-48-1HQ-1752700896.

4.1 Purpose and Need for the Proposed Agency Action

As described in section 1.3 of this document, 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. This action is needed to update impact analyses for the quotas, transfers, and carryforward provisions included in the most recent ICCAT recommendations on management of North and South Atlantic swordfish, northern albacore, and bluefin tuna. This action is also needed to implement the management procedures adopted for North Atlantic swordfish and to increase the baseline annual bluefin tuna.

4.2 Alternatives Considered

As described in Chapter 2, NMFS developed various alternatives regarding North and South Atlantic swordfish, northern albacore, and bluefin tuna quotas. These alternatives meet the screening criteria presented in Chapter 2 and, for the purposes of NEPA, are considered to be a reasonable range of alternatives for this proposed action and include an analysis of a no action alternative, alternatives that are technically and economically feasible, and meet the purpose and need of the proposal. The effects of implementing these alternatives are described below. While the alternatives are briefly described below, more information on the specifics regarding what each alternative entails can be found in Chapter 2.

4.3 Impacts of Alternatives

NMFS is considering two alternatives regarding North and South Atlantic swordfish quotas, two alternatives regarding northern albacore quotas, two alternatives regarding bluefin tuna quotas, and three alternatives regarding the bluefin tuna longline bycatch area. Chapter 2 fully describes each alternative; those descriptions are summarized here. Chapter 3 describes the affected environment, including the status of the stocks, fishery participants, and gear types, that NMFS considered in evaluating these alternatives.

4.3.1 Ecological Evaluation

4.3.1.1 North and South Atlantic Swordfish – A Alternatives

Alternative A1: No Action. Do not implement the ICCAT North Atlantic swordfish management procedure. Maintain implementation of relevant South Atlantic swordfish quota measures.

North Atlantic Swordfish

Under Alternative A1, direct ecological impacts to the North Atlantic swordfish stock would be neutral in the short and long term. This No Action alternative would maintain the regulations established in 2012 (see Section 1.2) and would not implement the management procedure under Recommendation 25-10. Thus, Alternative A1 would be inconsistent with ICCAT Recommendation 25-10 and provisions of ATCA and it would not meet the purpose for the action (i.e., to implement the new ICCAT recommendation concerning North Atlantic swordfish).

As in previous years, NMFS anticipates that the United States would not harvest its entire maximum North Atlantic swordfish adjusted quota of 3,378.2 mt dw. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota for purposes of analysis here.

North Atlantic swordfish TACs adopted at ICCAT through 2023 are based on scientifically derived stock assessments (see Section 3.1) that determine sustainable levels of harvest. Thus, as long as catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 3,378.2 mt dw adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term.

South Atlantic Swordfish

Under Alternative A1, direct ecological impacts to the South Atlantic swordfish stock would be neutral in the short and long term. This No Action alternative would maintain the current U.S. baseline quota, underharvest carryover limit, and international quota transfers resulting in a maximum adjusted quota of 75.2 mt dw. International quota transfers are generally adopted at ICCAT to help other countries joining the fishery or creating new fisheries and/or to assist with scientific research.

As in previous years, NMFS anticipates that the United States would not harvest its entire South Atlantic swordfish adjusted quota of 75.2 mt dw. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota for purposes of analysis here.

South Atlantic swordfish TACs are based on scientifically derived stock assessments (see Section 3.1) that determine sustainable levels of harvest. Thus, as long as overall catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with international quota transfers and other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 75.2 mt dw adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term.

Indirect Impacts

Under Alternative A1, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Fishing effort in North Atlantic swordfish fisheries is typically responsive to market conditions and is unlikely to change due to small fluctuations in baseline and adjusted quotas, particularly since landings are so far below those quotas, and this alternative is unlikely to change fishing effort. There has been no fishing effort targeting the South Atlantic swordfish stock in over 10 years and this alternative is unlikely to increase effort. Thus, indirect impacts associated with fishing effort are unlikely to be affected.

Alternative A2: Implement the ICCAT North Atlantic swordfish management procedure. No changes to implementation of relevant South Atlantic swordfish quota measures. - *Preferred Alternative*

North Atlantic Swordfish

Under Alternative A2, direct ecological impacts to the North Atlantic swordfish stock would be neutral in the short and long term. Alternative A2 would implement Recommendation 25-10, which describes the management procedure for North Atlantic swordfish and maintains the baseline U.S. quota allocation and underharvest carryover limit, as detailed in Chapter 2. This alternative would maintain the U.S. baseline quota of 2,937.6 mt dw through 2027 and would allow for streamlined implementation of future three-year baseline quotas of up to 3,446.1 mt dw and a corresponding maximum adjusted quota of 3,963.0 mt dw, when adopted by ICCAT consistent with the management procedure and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. The analyses in this document would support future quota changes up to the maximum analyzed adjusted quota consistent with the current management procedure, where no new management measures are adopted and environmental conditions or relevant circumstances have not changed.

In the short term, the North Atlantic swordfish baseline quota would be 2,937.6 mt dw and the adjusted quota would be 3,378.2 mt dw. In the long term, the management procedure provides for a maximum U.S. baseline quota allocation of 3,446.1 mt dw and a maximum adjusted U.S. quota of 3,963.0 mt dw. At either the lower short-term baseline and adjusted quotas or the long-term hypothetical maximum baseline and adjusted quotas, Alternative A2 is unlikely to have direct ecological impacts on the North Atlantic swordfish stock. As in previous years, NMFS anticipates

that the United States would not harvest its entire maximum North Atlantic swordfish adjusted quota of 3,963.0 mt dw. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota under the management procedure for purposes of analysis here. While there are currently no current international quota transfers for this stock, note that international quota transfers are adopted in some years and are generally adopted at ICCAT to help other Parties joining the fishery or create new fisheries and/or to assist with scientific research. ICCAT may adopt future transfers from the United States to other ICCAT Parties. Beginning in 2025 under Recommendation 24-10, North Atlantic swordfish TACs are based on the scientifically derived management procedure, including inputs from stock assessments (see Section 3.1), that determines sustainable levels of harvest. Thus, as long as overall catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with international quota transfers and other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 3,963.0 mt dw adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term.

South Atlantic Swordfish

Under Alternative A2, direct ecological impacts to the South Atlantic swordfish stock would be neutral in the short and long term. Given there are no changes to the management measures, impacts to South Atlantic swordfish are the same as under Alterative A1.

As in previous years, NMFS anticipates that the United States would not harvest its entire South Atlantic swordfish adjusted quota of 75.2 mt dw. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota for purposes of analysis here. South Atlantic swordfish TACs are based on scientifically derived stock assessments (see Section 3.1) that determine sustainable levels of harvest. Thus, as long as catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with international quota transfers and other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 75.2 mt dw adjusted quota or some level below that direct ecological impacts would be neutral in the short and long term.

Indirect Impacts

Under Alternative A2, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Fishing effort in North Atlantic swordfish fisheries is typically responsive to market conditions and is unlikely to change due to small fluctuations in baseline and adjusted quotas, particularly since landings are so far below those quotas. There has been no fishing effort targeting the South Atlantic swordfish stock in over 10 years. Since Alternative A2 is unlikely to change fishing effort, indirect impacts associated with fishing effort are unlikely to be affected.

4.3.1.2 Northern Albacore – B Alternatives

Alternative B1: No Action. Maintain implementation of the ICCAT northern albacore management procedure.

Under Alternative B1, direct ecological impacts to the northern albacore stock would be neutral in the short and long term. Under this no action alternative, NMFS would maintain the regulations implemented in 2022 and 2024. As in previous years, NMFS anticipates that the United States would not harvest its entire maximum northern albacore adjusted quota of 1,111.8 mt. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota for purposes of analysis here.

Beginning in 2021, northern albacore TACs have been based on the scientifically derived management procedure, including inputs from stock assessments (see Section 3.1), that determine sustainable levels of harvest. Thus, as long as catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 1,111.8 mt adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term.

Under Alternative B1, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Fishing effort in northern albacore fisheries is typically responsive to market conditions and is unlikely to change due to small fluctuations in baseline and adjusted quotas, particularly since landings are so far below those quotas. Since Alternative B1 is unlikely to change fishing effort, indirect impacts associated with fishing effort are unlikely to be affected.

Alternative B2: Maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. – *Preferred Alternative*

Under Alternative B2, direct ecological impacts to the northern albacore stock would be neutral in the short and long term. This alternative would maintain the U.S. baseline quota of 889.4 mt through 2026 and would allow for streamlined implementation of future three-year baseline quotas of up to 950 mt and a corresponding maximum adjusted quota of 1,187.5 mt, when adopted by ICCAT consistent with the management procedure and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. The analyses in this document would support future quota changes up to the maximum analyzed adjusted quota consistent with the current management procedure, where no new management measures are adopted and environmental conditions or relevant circumstances have not changed.

In the short term, the northern albacore baseline quota would be 889.4 mt and the adjusted quota would be 1,111.8 mt. In the long term, the management procedure provides for a maximum U.S. baseline quota of 950 mt and a maximum adjusted U.S. quota of 1,187.5 mt. At either the lower short-term baseline and adjusted quotas or the long-term hypothetical maximum baseline and adjusted quotas, Alternative B2 is unlikely to have direct ecological impacts on the northern albacore stock. As in previous years, NMFS anticipates that the United States would not harvest its entire maximum northern albacore adjusted quota of 1,187.5 mt. Because the fisheries would be authorized to catch the entire adjusted quota, however, NMFS is presuming catch of the full maximum adjusted quota for purposes of analysis here. Beginning in 2021, northern albacore TACs are based on the scientifically derived management procedure, including inputs from stock assessments (see Section 3.1), that determine sustainable levels of harvest. Thus, as long as catches (landings plus dead discards) remain within the scientifically derived TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with other provisions in ICCAT recommendations, are designed to keep catches within the scientifically derived TAC. Presuming that the United States were to catch all of the maximum 1,187.5 mt adjusted quota or some level below that direct ecological impacts would be neutral in the short and long term.

Under Alternative B2, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Fishing effort in northern albacore fisheries is typically responsive to market conditions and is unlikely to change due to small fluctuations in baseline and adjusted quotas, particularly since landings are so far below those quotas. Since Alternative B2 is unlikely to change fishing effort, indirect impacts associated with fishing effort are unlikely to be affected.

4.3.1.3 Bluefin Tuna Quota – C Alternatives

Alternative C1: No Action. Do not implement the increased bluefin tuna quota adopted under Recommendation 25-05.

Under Alternative C1, direct ecological impacts to bluefin tuna would be neutral in the short and long term. This No Action alternative would maintain the regulations established in 2022 under Recommendation 21-07 (see Section 1.2) and would not implement the increased quota or baseline quota or pelagic longline bycatch set-aside quota adopted under Recommendation 25-05. Thus, Alternative C1 would be inconsistent with the current ICCAT Recommendation 25-05 and provisions of ATCA and it would not meet the purpose of the action (i.e., to implement the new ICCAT recommendation concerning bluefin tuna).

The baseline quota and maximum adjusted quota under the current regulations are 1,316.1 mt and 1,475.2 mt, respectively. The current baseline and maximum adjusted quotas would be lower than the currently adopted TAC and U.S. quota under Recommendation 25-05. As described in Section 3.1, ICCAT adopted an increased TAC under Recommendation 25-05 considering the positive status of the bluefin tuna stock and CKMR results, among other things. Thus, as long as catches (landings plus dead discards) remain within the TAC, there should be no impact to the stock.

Quota allocations to ICCAT Parties, along with other provisions in ICCAT recommendations, are designed to keep catches within the TAC. Presuming that the United States were to catch all of the maximum 1,475.2 mt adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term. Any quota overharvest would be resolved within the quota provisions of the ICCAT recommendation by reducing the adjusted quota in the following year via temporary final rule, consistent with current regulations.

As discussed under Alternative C1 in Chapter 2, NMFS implements the U.S. quota recommended by ICCAT, consistent with ATCA, and further divides the quota among U.S. quota categories in accordance with an established subquota category allocation formula, with the current allocations codified under Amendment 13 (see Section 4.6 of the FEIS). For bluefin tuna, the quota would be used by several fishing categories and gear types. In addition to allocating quota to specific subquota categories, the existing regulatory formula for quota distribution to domestic categories includes a provision that holds in reserve specific amounts of quota for inseason adjustments and authorized research activities, applying established regulatory determination criteria before effecting an inseason adjustment to any quota category.

Alternative C1 would maintain the status quo for the pelagic longline bycatch set-aside quota of 25 mt, as specified first in the 2002 ICCAT recommendation (Recommendation 02-07) and then in each subsequent bluefin tuna management recommendation. Continuing this 25-mt allocation would not result in impacts beyond those that occur under the status quo to bluefin tuna or other species, as this alternative would not alter existing fishing patterns or effort of pelagic longline vessels and environmental conditions have not changed in a way that would result in new impacts. NMFS would monitor and manage the pelagic longline fishery, and account for the 25 mt, in concert with the reporting and monitoring mechanisms that are already in place.

Furthermore, Alternative C1 would maintain the ICCAT-recommended 10-percent limit on the harvest of school bluefin tuna (measuring 27 to less than 47 inches curved fork length), NMFS expects that harvesting 134.1 mt of school bluefin tuna per year (i.e., 10 percent of the total U.S. bluefin tuna quota) would result in neutral impacts to the stock. Because several bluefin tuna year classes contribute to the spawning stock biomass (SSB), continuing to harvest approximately 4 percent (i.e., 134.1 mt / 3,081.6 mt) of the total expected annual mortality as school bluefin tuna should not result in negative impacts. NMFS would continue to manage the bluefin tuna fishery as appropriate to not exceed 134.1 mt. Compliance by other nations harvesting the bluefin tuna stock under the ICCAT recommendation would also influence overall stock conditions.

In the event of an overharvest, ICCAT Recommendation 21-07 and the domestic regulations specify measures that must be taken in subsequent years. Alternative C1 in Chapter 2 details these requirements. An adjusted quota in any given year that is lower than the maximum adjusted quota analyzed here, due to a lower amount of available underharvest to carry forward, or due to overharvest, would likewise have no impact to the bluefin tuna stock.

Under Alternative C1, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Since there would be no change to quotas, fishing effort would not change either. Thus, indirect impacts associated with fishing effort are unlikely to be affected.

Alternative C2: Implement U.S. bluefin tuna quota and distribute to domestic categories in accordance with ICCAT Recommendation 25-05 and currently codified quota regulations. – *Preferred Alternative*

Under Alternative C2, direct ecological impacts to bluefin tuna would be neutral in the short and long term. Alternative C2 would implement Recommendation 25-05, including the adopted TAC, and the new resulting U.S. bluefin tuna quota. This alternative would increase the U.S. baseline quota of 1,316.14 mt to 1,509.98 mt, with a resulting maximum adjusted quota of 1,729.68 mt.

As described in Section 3.1, ICCAT adopted an increased TAC under Recommendation 25-05 considering the positive status of the bluefin tuna stock and CKMR results, among other things. Thus, as long as catches (landings plus dead discards) remain within the TAC, there should be no impact to the stock. Quota allocations to ICCAT Parties, along with other provisions in ICCAT recommendations, are designed to keep catches within the TAC established based on scientific advice. Presuming that the United States were to catch all of the maximum 1,729.68-mt adjusted quota or some level below that, direct ecological impacts would be neutral in the short and long term. Any quota overharvest, would be resolved within the quota provisions of the ICCAT recommendation by reducing the adjusted quota in the following year via temporary final rule, consistent with current regulations.

As discussed under Alternative C2 in Chapter 2, NMFS implements the U.S. quota recommended by ICCAT, consistent with ATCA, and further divides the quota among U.S. quota categories in accordance with an established subquota category allocation percentages, with the current percentages codified under Amendment 13 (see Section 4.6 of the FEIS). For bluefin tuna, the quota would be used by several fishing categories and gear types. In addition to allocating quota to specific subquota categories, the existing regulatory formula for quota distribution to domestic categories includes a provision that holds in reserve specific amounts of quota for inseason adjustments and authorized research activities, applying established regulatory determination criteria before effecting an inseason adjustment to any quota category.

Under Alternative C2, NMFS would increase the pelagic longline bycatch set-aside quota to 62.5 mt, consistent with Recommendation 25-05 and as derived from the eastern Atlantic and Mediterranean bluefin tuna TAC. Increasing the allocation from 25 mt to 62.5 mt would result in neutral impacts as bluefin tuna catches would be accounted for the under the U.S. bluefin tuna set-aside quota. NMFS would monitor and manage the pelagic longline fishery, and account for the 62.5 mt, as described under the D alternatives below.

Alternative C2 also would maintain the ICCAT-recommended 10-percent limit on school bluefin tuna, resulting in a quota of 157.2 mt of school bluefin tuna per year (i.e., 10 percent of the total U.S. bluefin tuna quota). NMFS expects that harvesting 157.2 mt of school bluefin tuna per year would result in neutral impacts to the stock. Because several bluefin tuna year classes contribute to the SSB, continuing to harvest approximately 5 percent (i.e., 157.2 mt / 3,081.6 mt) of the total expected annual mortality as school bluefin tuna should not result in negative impacts. NMFS would continue to implement the ICCAT-recommended limit on the harvest of school bluefin tuna (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed 157.2 mt (consistent with Recommendation 25-05).

Under Alternative C2, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Although Alternative C2 would increase the overall U.S. bluefin tuna quota and category subquotas, and the pelagic longline bycatch set-aside quota, NMFS does not expect the increase to change the scale of fishing effort in directed bluefin tuna fisheries (i.e., handgear fisheries) to a degree that would impact bycatch and non-target species. Specific to the pelagic longline fishery, bluefin tuna is caught incidentally to the target species of swordfish, yellowfin tuna, and bigeye tuna and an increase to the Longline category subquota is not expected to increase fishing effort. Thus, indirect impacts associated with fishing effort are unlikely to be affected.

4.3.1.4 Bluefin Tuna Longline Bycatch Area – D Alternatives

Alternative D1: Maintain the pelagic longline bycatch set-aside quota specific to the status quo area of the NED.

Under Alternative D1, direct ecological impacts to bluefin tuna would be neutral in the short and long term. Alternative D1 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. 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. This alternative would not affect the overall level of bluefin tuna catch as catches would be within the U.S. bluefin tuna quota. Furthermore, few pelagic longline vessels fish in the NED, and the associated catch of bluefin tuna within the NED is well below the bycatch set-aside quota of 62.5 mt. Bluefin tuna catches have not occurred in the NED since 2019. As such, NMFS does not expect fishing effort would change under this alternative. Thus, direct impacts associated with fishing effort are unlikely to be affected.

Under Alternative D1, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Although the pelagic longline bycatch set-aside quota would increase under Alternative C2, NMFS does not anticipate that fishing effort would change as few vessels fish in the NED. Furthermore, the existing gear and bait requirements inside and outside of the NED would remain in place. Thus, indirect impacts associated with fishing effort are unlikely to be affected.

Alternative D2: Allocate the pelagic longline bycatch set-aside quota to include the NED and the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR.

Under Alternative D2, direct ecological impacts to bluefin tuna would be neutral in the short and long term. Alternative D2 would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the existing NED area, as well as the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR as shown in Figure 1 in Section 2.4. 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. The current IBQ catch accounting rules for pelagic longline vessels fishing in the NED would also apply in the NEC, NCA, and SAR. Similar to Alternative D1, pelagic longline vessels fishing in these areas 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. This alternative may result in derby-style fishing for bluefin tuna since individual accounting for bluefin tuna under the IBQ program would not be enforced until the bycatch set-aside quota of 62.5 mt is reached. Some pelagic longline fishermen may be incentivized to target and quickly catch bluefin tuna before the bycatch set-aside is reached and IBQ shares begin to be debited. As such, there may be a change from current fishing practices and could potentially lead to an increase in dead discards of bluefin tuna under derby-style fishing, direct impacts associated with fishing effort could occur. This alternative would not affect the overall level of bluefin tuna catch as catches would be within the U.S. bluefin tuna quota specified in the ICCAT recommendation.

Under Alternative D2, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Although the pelagic longline bycatch set-aside quota would increase under Alternative C2, NMFS anticipates that there would not be a significant change in fishing effort in these areas. Furthermore, the existing gear and bait requirements inside and outside of the NED would remain in place.

Alternative D3: Allocate the pelagic longline bycatch set-aside quota to IBQ shareholders with IBQ shares designated for the Atlantic region. – *Preferred Alternative*

Under Alternative D3, direct ecological impacts to bluefin tuna would be neutral in the short and long term. Alternative D3 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). 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. 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. This alternative would not affect the overall level of bluefin tuna catch as

catches would be within the U.S. bluefin bycatch quota specified in the ICCAT recommendation. Furthermore, the associated quota would be accounted for under the existing IBQ allocation requirements at §635.15(f)(3). Since this alternative would not change current fishing practices and would continue to meet the goals of the IBQ program (reduce dead discards of bluefin tuna), direct impacts associated with fishing effort are unlikely to be affected. Since the bycatch set-aside quota could not be used in the Gulf of America, this alternative would maintain protections for those spawning bluefin tuna as laid out in Amendments 7 and 13 on the IBQ program.

Under Alternative D3, indirect ecological impacts to bycatch, non-target species, and EFH would be neutral in the short and long term. Although the pelagic longline bycatch set-aside quota would increase under Alternative C2, NMFS anticipates that fishing effort would likely not change significantly, as each IBQ shareholder would receive a small amount of additional Atlantic allocation. Furthermore, the existing gear and bait requirements inside and outside of the NED would remain in place.

4.3.1.5 Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), and Display Permits

Discussion of EFPs, SRPs, and Display permits under the No Action quota alternatives

Under the No Action alternatives (A1, B1, and C1), NMFS would continue implementation of EFPs, display permits, and SRPs per the regulations, as discussed in Section 1.2. In all cases, bluefin tuna mortality associated with an EFP, SRP, or display permit, is counted against the bluefin tuna Reserve category quota, school reserve subquota, or the quota applicable to the authorized vessels (e.g., if the fish were collected during regular commercial fishing operations and were sold). The impacts on the human environment from utilization of available bluefin tuna quota, including the Reserve and school reserve quotas for research and public display, were initially analyzed in the Amendment 7 FEIS. Subsequently, the Reserve quota increased by 8.7 mt to its current level under the 2022 quota rule and Amendment 13 in 2023. Since the changes to the Reserve quota under those two actions were small, the Amendment 7 analyses are incorporated by reference. See the description of the alternatives in Chapter 2 of Amendment 7, page 28; description of the ecological impacts of the preferred alternative in Chapter 4, pages 240-241 and 382; and economic impacts of the preferred alternative in Chapter 5, page 419.

Northern albacore mortality during permitted research activity would be counted against the U.S. northern albacore quota and would not have an ecological impact at the current quota level or at the maximum quota level analyzed. Swordfish mortality during permitted research activity would be counted against the swordfish reserve quota or against the quota applicable to the authorized vessels (e.g., if the fish were collected during regular commercial fishing operations and were sold). Therefore, there would be no change in ecological impacts as a result of this action from the impacts analyzed under the 2012 quota rule. NMFS issued a total of 21 EFPs, SRPs, and display permits in 2024 for the collection of HMS. NMFS authorized collection of 96 bluefin tuna (mostly young-of-the-year and school fish), 5 swordfish, and 0 northern albacore.

As noted above, the bluefin tuna Reserve and school reserve categories and the North Atlantic swordfish reserve quota have been used to account for mortality under EFPs, SRPs, and display permits as these reserve categories were specifically set up to account for inseason adjustments and authorized research activities. Under the no action alternatives, NMFS would continue to use the Reserve and school reserve categories to account for mortality associated with these types of permits. Mortality associated with these types of permits is usually a small percentage of the amount authorized for research activities. However, mortality associated with these types of permits would not exceed the Reserve or school reserve quotas. Therefore, since the reserve quotas would not change under the no action alternatives, and recognizing that these stocks are managed under TACs adopted at ICCAT, the ecological impacts associated with mortality authorized under these permits would be consistent with the analyses conducted under Amendment 7 and the 2012 swordfish quota rule and no further analysis is needed here.

Discussion of EFPs, SRPs, and Display permits under the preferred quota alternatives

Under the preferred quota alternatives (A2, B2, and C2), NMFS would make no changes to the implementation of EFPs, SRPs, and display permits per the regulations, as discussed in Section 1.2. As described above, NMFS uses some quota from the Reserve (and other categories) to issue EFPs, SRPs, and display permits for research activities involving the collection of biological samples, live animals, and tagging bluefin tuna, albacore, swordfish, and other HMS. The bluefin tuna Reserve and school reserve categories and the North Atlantic swordfish reserve quota have been used to account for mortality under EFPs, SRPs, and display permits as these reserve categories were specifically set up to account for inseason adjustments and authorized research activities. Under the preferred alternatives, NMFS would continue to use the Reserve and school reserve categories to account for mortality associated with these types of permits. Mortality associated with these types of permits is usually a small percentage of the amount authorized for research activities. However, mortality associated with these types of permits would not exceed the Reserve or school reserve quotas. Therefore, and since any potential change to the bluefin tuna Reserve quota and school reserve quota under Alternative C2 would be relatively small (increase of 5.6 mt and 4.3 mt, respectively), and the swordfish reserve quota would not change under Alternative A2, and recognizing that these stocks are managed under TACs adopted at ICCAT, the ecological impacts associated with mortality authorized under these permits would be consistent with the analyses conducted under Amendment 7 and the 2012 swordfish quota rule and no further analysis is needed here.

4.3.2 Economic and Social Impacts

4.3.2.1 North and South Atlantic Swordfish – A Alternatives

Alternative A1: No Action. Do not implement the ICCAT North Atlantic swordfish management procedure. Maintain implementation of relevant South Atlantic swordfish quota

measures.

North Atlantic Swordfish

Under Alternative A1, direct economic and social impacts to the North Atlantic swordfish fishery would be neutral in the short term and minor beneficial in the long term. This No Action alternative would maintain the regulations established in 2012 (see Section 1.2) and would not implement the management procedure under Recommendation 25-10. Thus, Alternative A1 would be inconsistent with ICCAT Recommendation 25-10 and provisions of ATCA and it would not meet the purpose for the action (i.e., to implement the new ICCAT recommendation concerning North Atlantic swordfish). However, the U.S. baseline quota specified in ICCAT Recommendation 25-10 is unchanged from previous years; therefore, the baseline quota would not be affected. Similarly, the underharvest carryover limit is unchanged and so the baseline quota would continue to be adjusted under existing underharvest carryover procedures.

As in previous years, NMFS anticipates that the United States would not harvest its entire North Atlantic swordfish adjusted quota of 3,378.2 mt dw in the short term. Fishing effort targeting swordfish is largely driven by market conditions and, since landings are far below the quota (see Section 3.2), changes in the maximum adjusted quota are unlikely to affect fishing effort. Thus, Alternative A1 would not have any economic or social impacts in the North Atlantic swordfish fishery in the short term. However, if capacity in the North Atlantic swordfish fishery builds and/or efficiency increases through, for example, new techniques and reduced regulatory burden, landings may approach or achieve the quota in the long term. Thus, providing the opportunity to fish up to the full current adjusted quota level, which is the same level allowed under Recommendation 25-10, may have minor beneficial economic and social impacts in the long term.

South Atlantic Swordfish

Under Alternative A1, direct economic and social impacts to the South Atlantic swordfish fishery would be neutral in the short and long term. This alternative would maintain the current U.S. baseline quota, underharvest carryover limit, and international quota transfers, resulting in a maximum adjusted quota of 75.2 mt dw.

As in previous years, NMFS anticipates that the United States would not harvest its entire South Atlantic swordfish adjusted quota of 75.2 mt dw. There has been no fishing effort targeting the South Atlantic swordfish stock in over 10 years and Alternative A1 is unlikely to increase effort. Catch is counted toward the South Atlantic swordfish stock when it occurs below the 5° N. latitude line, which is a long distance from U.S. exclusive economic zone (EEZ) waters. Changes to the quota would not alter the practical impediments to fishing the South Atlantic swordfish stock, though the availability of some quota does provide U.S. fishermen the opportunity to retain some swordfish if they fish in the area. For this reason, Alternative A1 is unlikely to have any economic and social impacts to the South Atlantic swordfish fishery.

Indirect Impacts

Under Alternative A1, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. As noted above, fishing effort targeting swordfish is largely driven by market conditions and, since landings are far below the quota, the adjusted quota level is unlikely to affect fishing effort. Additionally, there has been no fishing effort targeting South Atlantic swordfish in over 10 years so changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative A1 would not have any indirect economic or social impacts.

Alternative A2: Implement the ICCAT North Atlantic swordfish management procedure. No changes to implementation of relevant South Atlantic swordfish quota measures. - *Preferred Alternative*

North Atlantic Swordfish

Under Alternative A2, direct economic and social impacts to the North Atlantic swordfish fishery would be neutral in the short term and neutral to minor beneficial in the long term. Alternative A2 would implement Recommendation 25-10, which describes the management procedure for North Atlantic swordfish, baseline U.S. quota allocation, and underharvest carryover limit, as detailed in Chapter 2. This alternative would maintain the U.S. baseline quota of 2,937.6 mt dw through 2027 and would allow for streamlined implementation of future three-year baseline quotas of up to 3,446.1 mt dw and a corresponding maximum adjusted quota of 3,963.0 mt dw, when adopted by ICCAT consistent with the management procedure and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment. The analyses in this document would support future quota changes up to the maximum analyzed quota consistent with the current management procedure, where no new management measures are adopted or and environmental conditions or relevant circumstances have not changed.

In the short term, the North Atlantic swordfish baseline quota would be 2,937.6 mt dw and the adjusted quota would be 3,378.2 mt dw. In the long term, the management procedure provides for a maximum U.S. baseline quota of 3,446.1 mt dw and a maximum adjusted U.S. quota of 3,963.0 mt dw. As in previous years, NMFS anticipates that the United States would not harvest its entire North Atlantic swordfish adjusted quota in the short term. Fishing effort targeting swordfish is largely driven by market conditions and, since landings are far below the quota (see Section 3.2), changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative A2 would not have any economic or social impacts on the North Atlantic swordfish fishery in the short term. However, if capacity in the North Atlantic swordfish fishery builds and/or efficiency increases through, for example, new techniques and reduced regulatory burden, landings may approach or achieve the quota in the long term. Thus, providing the opportunity to fish up to the full adjusted quota allowed under ICCAT recommendations and allocation may have minor beneficial economic and social impacts in the long term. If the entire North Atlantic swordfish adjusted quota were to be harvested, total possible gross revenues are estimated to be $39.1 million (3,963.0 mt dw at an average 2024 ex-vessel price of $4.48/lb). Since the potential future maximum adjusted quota under this alternative is

higher than the adjusted quota under Alternative A1, the long-term economic and social impacts of providing the opportunity to fish up to that higher adjusted quota may be slightly more beneficial compared to Alternative A1. NMFS notes, Alternative A2, may result in potential economic costs in the long term due to the possibility of decreased North Atlantic swordfish quota.

South Atlantic Swordfish

Under Alternative A2, direct economic and social impacts to the South Atlantic swordfish fishery would be neutral in the short and long term. Given there are no changes to the management measures, impacts to South Atlantic swordfish are the same as under Alterative A1.

As in previous years, NMFS anticipates that the United States would not harvest its entire South Atlantic swordfish adjusted quota of 75.2 mt dw. There has been no fishing effort targeting the South Atlantic swordfish stock in over 10 years and Alternative A2 is unlikely to increase effort. Catch is counted toward the South Atlantic swordfish stock when it occurs below the 5° N. latitude line, which is a long distance from U.S. EEZ waters. Changes to the quota would not alter the practical impediments to fishing the South Atlantic swordfish stock, though the availability of some quota does provide U.S. fishermen the opportunity to retain some swordfish if they fish in the area. For this reason, Alternative A2 is unlikely to have any economic and social impacts to the South Atlantic swordfish fishery. Although unlikely, if the entire South Atlantic swordfish baseline quota were to be harvested, total possible gross revenues are estimated to be $743,000 (75.2 mt dw at an average ex-vessel price of $4.48/lb).

Indirect Impacts

Under Alternative A2, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. As noted above, fishing effort targeting swordfish is largely driven by market conditions and, since landings are far below the quota, changes in the adjusted quota are unlikely to affect fishing effort. Additionally, there has been no fishing effort targeting South Atlantic swordfish in over 10 years so changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative A2 would not have any indirect economic or social impacts.

4.3.2.2 Northern Albacore – B Alternatives

Alternative B1: No Action. Maintain implementation of the ICCAT northern albacore management procedure.

Under Alternative B1, direct economic and social impacts to the northern albacore fishery would be neutral in the short term and neutral to minor beneficial in the long term. Under this no action alternative, NMFS would maintain the regulations implemented in 2022 and 2024.

As in previous years, NMFS anticipates that the United States would not harvest its entire northern albacore adjusted quota of 1,111.8 mt in the short term. Fishing effort targeting northern

albacore is largely driven by market conditions and, since landings are below the quota (see Section 3.2), changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative B1 would not have any economic or social impacts on the northern albacore fishery in the short term. However, if capacity in the northern albacore fishery builds and/or efficiency increases through, for example, new techniques and reduced regulatory burden, landings may approach or achieve the quota in the long term. Thus, providing the opportunity to fish up to the full current adjusted quota level, which is the same level allowed under the current ICCAT recommendation, may have minor beneficial economic and social impacts in the long term. NMFS notes, Alternative B1, may result in potential economic costs in the long term due to the possibility of decreased quota.

Under Alternative B1, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. As noted above, fishing effort targeting northern albacore is largely driven by market conditions and, since landings are far below the quota, the adjusted quota level is unlikely to affect fishing effort. Thus, Alternative B1 would not have any indirect economic or social impacts.

Alternative B2: Maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. – *Preferred Alternative*

Under Alternative B2, direct economic and social impacts to the northern albacore fishery would be neutral in the short term and neutral to minor beneficial in the long term. As detailed in Chapter 2, this alternative would maintain the U.S. baseline quota of 889.4 mt through 2026 and would allow for streamlined implementation of future three-year baseline quotas of up to 950 mt and a corresponding maximum adjusted quota of 1,187.5 mt (950 mt baseline quota plus the 25-percent underharvest carryover limit), when adopted by ICCAT consistent with the management procedure and when no new circumstances are present or management measures introduced that require additional analysis or opportunity for comment.

In the short term, the northern albacore baseline quota would be 889.4 mt and the adjusted quota would be 1,111.8 mt. In the long term, the management procedure provides for a maximum U.S. baseline quota of 950 mt and a maximum adjusted U.S. quota of 1,187.5 mt. As in previous years, NMFS anticipates that the United States would not harvest its entire maximum northern albacore adjusted quota in the short term. Fishing effort targeting northern albacore is largely driven by market conditions and, since landings are below the quota (see Section 3.2), changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative B2 would not have any economic or social impacts in the northern albacore fishery in the short term. However, if capacity in the northern albacore fishery builds and/or efficiency increases through, for example, new techniques and reduced regulatory burden, landings may approach or achieve the quota in the long term. If the entire northern albacore adjusted quota were to be harvested, total possible gross revenues are estimated to be $4.8 million (1,187.5 mt at an average 2024 ex-vessel price of $2.12/lb). Thus, providing the opportunity to fish up to the full adjusted quota allowed under ICCAT recommendations and allocation may have minor beneficial economic and social impacts in the long term. Since the potential future maximum adjusted quota under this alternative is higher than the adjusted quota under Alternative B1, the long-term economic and social impacts of providing the

opportunity to fish up to that higher adjusted quota may be slightly more beneficial compared to Alternative B1. NMFS notes, similar to Alternative B1, this alternative may result in potential economic costs in the long term due to the possibility of decreased quota.

Under Alternative B2, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. As noted above, fishing effort targeting northern albacore is largely driven by market conditions and, since landings are far below the quota, changes in the adjusted quota are unlikely to affect fishing effort. Thus, Alternative B2 would not have any indirect economic or social impacts.

4.3.2.3 Bluefin Tuna Quota – C Alternatives

Alternative C1: No Action. Do not implement the increased bluefin tuna quota adopted under Recommendation 25-05.

Under Alternative C1, direct economic and social impacts to the bluefin tuna fishery would be neutral in the short and long term. This No Action alternative would maintain the regulations established in 2022 under Recommendation 21-07 (see Section 1.2) and would not implement the increased quota baseline quota or pelagic longline bycatch set-aside quota under Recommendation 25-05. Thus, Alternative C1 would be inconsistent with current ICCAT Recommendation 25-05 and provisions of ATCA and it would not meet the purpose of the action (i.e., to implement the new ICCAT recommendation concerning bluefin tuna).

The baseline quota and maximum adjusted quota under the current regulations are 1,316.1 mt and 1,475.2 mt, respectively. Since quotas would not change relative to the status quo, there would be no economic or social impacts in the bluefin tuna fishery.

Under Alternative C1, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. Since quotas would not change relative to the status quo, fishing effort would not change either. Thus, Alternative C1 would not have any indirect economic or social impacts.

Alternative C2: Implement U.S. bluefin tuna quota and distribute to domestic categories in accordance with the ICCAT Recommendation 25-05 and currently codified quota regulations. – *Preferred Alternative*

Under Alternative C2, direct economic and social impacts to the bluefin tuna fishery would be minor beneficial in the short and long term. Under Alternative C2, NMFS would implement the U.S. baseline quota of 1,509.98 mt and the pelagic longline bycatch set-aside quota of 62.5 mt. This would result in a maximum adjusted quota of 1,729.68 mt. NMFS would continue to annually adjust the baseline bluefin tuna quota for over- and underharvests as appropriate via a temporary rule in the Federal Register, with carryforward of underharvest applied to the Reserve category, as established under Amendment 7.

Alternative C2 would increase the overall U.S. baseline quota by approximately 194 mt, depending on the quota category and fish availability and actual landings. As discussed under Alternative C2 in Chapter 2, NMFS implements the U.S. quota recommended by ICCAT, consistent with ATCA, and further divides the quota among U.S. quota categories in accordance with an established subquota category allocation percentages, with the current percentages codified under Amendment 13. Increases to category subquotas are shown in Table 2 in Chapter 2. These additional beneficial impacts would accrue to both the recreational and commercial sectors. For categories other than the Trap category, the increase in quotas relative to the baseline is approximately 14 percent. For example, the General category baseline quota would increase from 710.7 mt to 815.4 mt under preferred Alternative C2. The extent to which the minor beneficial social and economic impacts are realized in the short and long term are dependent upon the ability of the bluefin tuna fishery to fully harvest the quota in a single year. With the increased baseline quota under Alternative C2, a fully harvested baseline quota could result in estimated gross revenues of $16.5 million annually, broken out by quota category. Estimated revenues in each category are as follows (based on 2024 ex-vessel average price per pound information for each commercial quota category): 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); 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). Thus, this action could result in an additional $2.6 million in annual revenues in the commercial bluefin tuna fisheries relative to the current baseline quota. Additionally, the recreational quota would increase, providing additional economic benefits that are more difficult to quantify. The recreational quota would increase by approximately 15 percent. NMFS notes that U.S. catches of the full quota rarely happen, with the exception of 2024.

Under Alternative C2, 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. As discussed above, Alternative C2 would result in an increase in the bluefin tuna quota. This increase of quota would lead to an increase of fishing opportunities for U.S. fishermen which may also lead to an increase in sales for seafood dealers and bait/tackle suppliers in some areas. Thus, Alternative C2 would have neutral to minor beneficial indirect economic or social impacts.

4.3.2.4 Bluefin Tuna Longline Bycatch Area – D Alternatives

Alternative D1: Maintain the pelagic longline bycatch set-aside quota specific to the status quo area of the NED.

Under Alternative D1, direct economic and social impacts would be neutral in the short term and long term. Alternative D1 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. 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. This alternative would not

affect the overall level of bluefin tuna catch. As described above, few pelagic longline vessels fish in the NED and bluefin tuna catches have not occurred in this area since 2019. As such, NMFS does not expect fishing effort would change under this alternative even though the pelagic longline bycatch set-aside quota would increase. Thus, Alternative D1 would not have any economic or social impacts in the short term or long term.

Under Alternative D1, indirect economic and social impacts to supporting businesses such as seafood dealers and bait/tackle suppliers are expected to be neutral in the short and long term. As noted above, catches of bluefin tuna in the NED have not occurred since 2019, and changes to fishing effort are unlikely. Thus, Alternative D1 would not have any indirect economic or social impacts.

Alternative D2: Allocate the pelagic longline bycatch set-aside quota to include the NED and the adjacent pelagic longline statistical reporting areas of the of the NEC, NCA, and SAR.

Under Alternative D2, direct economic and social impacts would be neutral to minor beneficial in the short term and long term. Alternative D2 would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the existing NED area, as well as the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR as shown in Figure 1 in Section 2.4. 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. 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 due to 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.

Alternative D3: Allocate the pelagic longline bycatch set-aside quota to IBQ shareholders with IBQ shares designated for the Atlantic region. **–** ***Preferred Alternative***

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. Alternative D3 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). 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.

4.3.2.5 Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), and Display Permits

As noted above, the bluefin tuna Reserve and school reserve categories and the North Atlantic swordfish reserve quota have been used to account for mortality under EFPs, SRPs, and display permits as these reserve categories were specifically set up to account for inseason adjustments and authorized research activities. No economic or social impacts are expected from EFPs, SRPs, and display permits.

4.3.3 Comparison of National Environmental Policy Act Alternatives

Table 8 provides a qualitative comparison of the impacts associated with the various alternatives considered in this rulemaking. This table summarizes the impacts that were discussed in detail in Sections 4.3.1 and 4.3.2.

Table 7. Comparison of NEPA alternatives considered.

Alternative	Ecological	Social and Economic
Alternative A1	Neutral	Neutral to minor beneficial
Alternative A2 (*Preferred Alternative*)	Neutral	Neutral to minor beneficial
Alternative B1	Neutral	Neutral to minor beneficial
Alternative B2 (*Preferred Alternative*)	Neutral	Neutral to minor beneficial
Alterative C1	Neutral	Neutral
Alternative C2 (*Preferred Alternative*)	Neutral	Neutral to minor beneficial
Alternative D1	Neutral	Neutral
Alternative D2	Neutral	Neutral to minor beneficial
Alternative D3 (*Preferred Alternative*)	Neutral	Neutral to minor beneficial

4.4 The Reasonably Foreseeable Effects of the Proposed Action

The determination of "significance" is central to establishing what level of NEPA review is required for a proposed activity or decision. NEPA requires agencies to prepare an environmental impact statement for any proposed activity or decision "significantly affecting the quality of the human environment." For the purpose of making a determination regarding whether the proposed action significantly affects the quality of the human environment, NMFS considers only adverse effects to be significant. In other words, if a proposed action had only beneficial effects, NMFS would determine that the proposed action does not significantly affect the quality of the human environment, and would not, therefore, produce an environmental impact statement. NMFS would, however, consider beneficial effects when conducting the appropriate level of environmental review.

When considering whether the reasonably foreseeable effects of the proposed activity or decision are significant, NMFS analyzes the potentially affected environment and degree of the effects of the activity or decision. In considering the potentially affected environment, NMFS considers, as appropriate to the specific action, the affected geographic area, and the national, regional, and local contexts. NMFS also identifies the resources in the geographic area that they reasonably foresee being adversely impacted by the proposed activity or decision and considers the following impacts: ecological, aesthetic, historic, cultural, economic, social, and public health and safety. The goal of this section is to describe those impacts and reasonably foreseeable future actions with regard to the management measures presented in this document.

Overall, the preferred alternatives in this EA would have neutral ecological impacts on North and South Atlantic swordfish, northern albacore, and bluefin tuna. The preferred alternatives would maintain U.S. catches within ICCAT-adopted TACs and U.S. quotas. The preferred alternatives would have neutral to minor beneficial social and economic impacts for HMS fishermen, since these alternatives would maintain or increase available quotas for North and South Atlantic swordfish, northern albacore, and bluefin tuna.

The status quo alternatives would have neutral ecological and social and economic impacts, as they would maintain quotas for North and South Atlantic swordfish, northern albacore, and bluefin tuna at current levels.

The other alternative considered related to the pelagic longline bycatch set-aside quota for bluefin tuna (D2) would have neutral ecological impacts for bluefin tuna, and neutral to minor beneficial social and economic impacts on HMS fishermen.

The preferred alternatives regarding North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna are not anticipated to affect ESA-listed species or critical habitat in any way not previously analyzed and are not likely to increase effort in a way that increases interactions with leatherback turtles or other protected resources, given that operations will remain consistent with the current restrictions on the pelagic longline and the commercial and recreational handgear fisheries in the relevant Biological Opinions. Specifically, the swordfish and northern

albacore quotas are not being changed in this action. Rather, this action anticipates potential increases in the future. However, because the current quotas are not currently being fully harvested and because current fishing effort is low compared to the fishing effort analyzed in the 2020 Biological Opinions, those potential future increases in quota are not expected to affect endangered or threatened species or critical habitat in any manner not considered for these fisheries. Similarly, while this action would increase the overall U.S. bluefin tuna quota and category subquotas, and the pelagic longline bycatch set-aside quota, NMFS does not expect the increase to change or increase fishing effort beyond the levels that were considered in the 2020 Biological Opinions. Specific to the pelagic longline fishery, bluefin tuna is caught incidentally to the target species of swordfish, yellowfin tuna, and bigeye tuna. As such, an increase in the bluefin tuna Longline category subquota is not expected to increase fishing effort. NMFS will continue to closely monitor the fisheries and will ensure compliance with the requirements of the Biological Opinions. The preferred alternative would not be expected to change endangered species or marine mammal interaction rates or magnitudes beyond those that occurred in recent years, substantially alter current fishing practices, or bycatch mortality rates.

None of the alternatives considered would have any aesthetic, historic, or cultural impacts.

Reasonably foreseeable future actions include additional changes to quotas for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna based on future ICCAT recommendations. Other future actions may include actions in response to updated stock assessment information for target or bycatch species or new ESA Biological Opinion requirements. If updated stock assessment information for target or bycatch species indicate that additional protections for either species group is warranted, NMFS may explore additional effort controls or gear modifications in these fisheries.

Reasonably foreseeable conditions include changes to domestic and international market conditions and imports. Effort in HMS fisheries is largely driven by market conditions, specifically the price fishermen can obtain for landed product. For products that mostly remain in the U.S. market, such as swordfish, prices are affected by consumer demand and the availability and price of imported swordfish. For products that both remain in the United States and are exported, domestic demand and imports affect price, but international market conditions such as foreign demand and U.S. currency values also affect price. Changes to domestic and international market conditions will impact domestic fishing effort.

On March 4, 2026, NMFS published the final rule (91 FR 10696) for Amendment 15 to the HMS FMP (Amendment 15). The final rule was effective on April 3, 2026. Amendment 15 considered modification, data collection, and analysis of four current spatial management areas that restrict or prohibit commercial fishing (Mid-Atlantic shark, Charleston Bump, East Florida Coast, and DeSoto Canyon closed areas). These closed areas had been in place for approximately 20 years, and the prohibition on fishing in those areas during all or part of the year led to a commensurate decrease in fishery-dependent data, complicating efforts to assess the effectiveness of the areas in meeting conservation and management needs. To address the lack of fishery-dependent data inside the closed areas and to assess their effectiveness, Amendment 15 modifies the timing of the Mid-Atlantic shark

closed area, modifies the boundaries of the Charleston Bump and East Florida Coast closed areas to create low- and/or high-bycatch-risk areas, and maintains the current boundaries and timing of the DeSoto Canyon closed area. This action also establishes a process to collect data from all the spatial management areas and review that data as needed and on a regular basis, while also renaming the closed areas to more closely reflect their intended uses. This rule does not implement a fleet-wide requirement for vessel owners to pay for electronic monitoring sampling costs as proposed but requires pelagic longline vessel owners to pay for the electronic monitoring sampling costs if their vessels choose to fish within the low-bycatch-risk areas of the Charleston Bump and East Florida Coast spatial management areas.

On May 3, 2024, NMFS announced the availability of a scoping document (89 FR 36763) to consider potential changes to the gear regulations in HMS. While management measures implemented since 1999 have helped achieve fishery management and conservation goals, the combination of over two decades of gear-specific measures may have had unanticipated consequences. Changes in species distribution, fishing gears, fishing techniques, market conditions, and fishing interests warrant a reexamination of some gear-specific management measures to see if they are still meeting applicable goals. NMFS is currently considering the public comments received and developing the proposed rule.

On September 6, 2024, NMFS published a proposed rule (89 FR 72796) on electronic reporting requirements for HMS fisheries. This proposed action would require vessel owners, who currently report in existing paper commercial logbooks (i.e., Atlantic HMS logbook and the Southeast Coastal Fisheries Logbook Program), to report electronically. NMFS is also proposing to implement new logbook requirements for vessel owners holding HMS Charter/Headboat permits or Atlantic Tunas General category permits, Atlantic Tunas Harpoon category permits, and/or Swordfish General Commercial permits. This proposed action would modify reporting options for private recreational vessel owners holding HMS Angling permits. Additionally, HMS dealers would be required to report individual fish weights for additional species (i.e., Atlantic bigeye, albacore, yellowfin, and skipjack tunas, swordfish, and pelagic sharks). All HMS reporting would become electronic, using systems or applications approved by NMFS for Atlantic HMS. NMFS is currently considering the public comments received and developing the final rule.

On August 22, 2025, NMFS published a proposed rule on mobulid rays in Atlantic HMS fisheries (90 FR 41024). That action proposed to prohibit retention of mobulid rays in HMS fisheries, to require mobulid rays to be released unharmed in HMS fisheries, and to implement mobulid ray handling practices for vessels fishing with pelagic longline gear. NMFS is currently considering the public comments received and developing the final rule.

After considering these impacts and reasonably foreseeable effects, NMFS has determined, pending public comment, that the action does not have a reasonably foreseeable significant effect on the quality of the human environment and therefore an environmental assessment is the appropriate level of environmental review for this action.

4.5 List of Agencies and Persons Consulted

This draft document was developed with input from many people including NMFS staff, NMFS contractors, the public, constituent groups, and the HMS Advisory Panel. More information including a list of the specific NMFS staff and contractors responsible for drafting this document is included in Chapter 8.

4.6 Draft Certification of Page Limit

NMFS has considered the factors mandated by NEPA and, pending public comment, this draft EA represents NMFS' good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits. This prioritization reflects NMFS' expert judgment and any considerations addressed briefly or left unaddressed were, in NMFS' judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed.

4.7 Draft Certification of Deadline

This draft EA represents NMFS' good-faith effort to fulfill NEPA's requirements within the congressionally mandated timeline. Once this EA is finalized, this effort will be substantially complete. At that time, NMFS will have thoroughly considered the factors mandated by NEPA and in NMFS' judgment, the analysis contained in the, at that time, final EA will be adequate to inform and reasonably explain NOAA's decision regarding this proposed activity.

5.0 REGULATORY IMPACT REVIEW

NMFS conducts a Regulatory Impact Review for all regulatory actions that are of public interest in order to comply with E.O. 12866. The Regulatory Impact Review provides, for each alternative, an analysis of the economic benefits and costs to the applicable fishery(ies) and the nation as a whole. The information contained in this chapter, taken together with the data and analyses incorporated by reference, comprise the complete Regulatory Impact Review for this proposed action.

The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the order:

> *In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits should be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nonetheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.*

E.O. 12866 further requires Office of Management and Budget to review proposed regulations that are considered to be "significant." A significant regulatory action is one that is likely to:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, local or tribal governments of communities;
- Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the president's priorities, or the principles set forth in this Executive Order.

5.1 Description of the Management Objectives

As described in Chapter 1 of this document, 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.

5.2 Description of the Fishery

The measures in this action would apply in all HMS fisheries catching swordfish, northern albacore, or bluefin tuna. Please see Chapter 3 for more information on these fisheries.

5.3 Statement of the Problem

As described in Chapter 1, this action is needed to update impact analyses for the quotas, transfers, and carryforward provisions included in the most recent ICCAT recommendations on management of North and South Atlantic swordfish, northern albacore, and bluefin tuna. This action is also needed to implement the management procedures adopted for North Atlantic swordfish and to increase the baseline annual bluefin tuna.

5.4 Description of Each Alternative

As described in Chapter 2, NMFS developed various alternatives regarding quotas for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna. While the alternatives are briefly described below, more information on the specifics regarding what each alternative entails can be found in Chapter 2.

5.5 Economic Analysis of Expected Effects of Each Alternative Relative to the Baseline

Table 9 below summarizes the net economic benefits and costs of each of the alternatives analyzed in this EA. Additional details and more complete analyses are provided in Chapter 4.

Table 8. Summary of expected net economic benefits and costs of analyzed alternatives

Alternative	Net Economic Benefits	Net Economic Costs
Alternative A1: No Action. Do not implement the ICCAT North Atlantic swordfish management procedure. Maintain implementation of relevant South Atlantic swordfish quota measures.	Neutral economic benefit in the short term; minor economic benefit in the long term due to the possibility of increased effort and utilization of North Atlantic swordfish quota. Neutral economic benefits in the South Atlantic swordfish fishery due to the cost of accessing the distant South Atlantic stock area.	Opportunity cost of revenue foregone from not implementing the flexibility to adjust quotas under latest ICCAT quota recommendation.

Alternative	Net Economic Benefits	Net Economic Costs
Alternative A2: Implement the recent management procedure recommendations from ICCAT for North Atlantic swordfish, northern albacore, and bluefin tuna. No changes to implementation of relevant South Atlantic swordfish quota measures. - *Preferred Alternative*	Neutral economic benefit in the short term; economic benefit in the long term is higher than the adjusted quota under Alternative A1 due to the possibility of increased North Atlantic swordfish quota. Neutral economic benefits in the South Atlantic swordfish fishery due to difficulty of accessing the South Atlantic stock area.	Potential economic costs in the long term due to the possibility of decreased North Atlantic swordfish quota.
Alternative B1: No Action. Maintain implementation of the ICCAT northern albacore management procedure.	Neutral economic benefit in the short term; minor economic benefit in the long term due to the possibility of increased quota.	Potential economic costs in the long term due to the possibility of decreased quota.
Alternative B2: Maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. – *Preferred Alternative*	Neutral economic benefit in the short term; economic benefit in the long term is higher than the adjusted quota under Alternative B1 due to the possibility of increased quota.	Potential economic costs in the long term due to the possibility of decreased quota.
Alternative C1: No Action. Do not implement the increased bluefin tuna quota adopted under Recommendation 25-05.	Neutral economic benefit	Opportunity cost of revenue foregone from not implementing the latest ICCAT quota recommendation
Alternative C2: Implement U.S. bluefin tuna quota and distribute to domestic categories in accordance with the ICCAT Recommendation 25-05 and currently codified quota regulations. - *Preferred Alternative*	Economic benefit in the short term and long term due to the additional quota and additional fishing opportunities. This action could result in an additional $2.6 million in annual revenues in the commercial bluefin tuna fisheries relative to the current baseline quota. Additionally, the recreational quota would increase, providing additional economic benefits that are more difficult to quantify. The recreational quota would increase by approximately 15 percent.	None.

Alternative	Net Economic Benefits	Net Economic Costs
Alternative D1: Maintain the pelagic longline bycatch set-aside quota specific to the status quo area of the NED.	Neutral economic benefit in the short term and long term. Although this area would have an increase in quota, few pelagic longline vessels fish and catch bluefin tuna in the NED area.	Potential economic costs to operate pelagic longline vessels that may fish in the NED if effort were to increase at this more distant and higher cost area.
Alternative D2: Allocate the pelagic longline bycatch set-aside quota to include the NED and the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR.	Economic benefit in the short term and long term as some vessels would potentially have lower operating expenses to access the areas where the set-aside quota could be used, as these areas are closer than the NED. Alternative D2 allows pelagic longline vessels greater flexibility to catch bluefin tuna incidentally without using IBQ allocation in areas with more frequent fishing effort and lower transit costs.	Potential economic costs to implementing areas in a way that could undermine the objectives and benefits of the IBQ program. Implementation of Alternative D2 would create an additional cost and administrative burden to NMFS. 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. There could be some potential for derby fishing for this set-aside quota if this quota is frequently reached early in the season. Derby fishing could result in reduced profitability and safety at sea concerns if fishing occurs at suboptimal times and at increased intensity in a shorter period.

Alternative	Net Economic Benefits	Net Economic Costs
Alternative D3: Allocate the pelagic longline bycatch set-aside quota to IBQ shareholder vessels with IBQ shares designated for the Atlantic region. - *Preferred Alternative*	Minor economic benefit in the short term and long term for Atlantic and Gulf vessels with Atlantic IBQ shares as these vessels would have additional fishing opportunities due to the additional bycatch set-aside quota distributed as Atlantic IBQ allocation. However, vessels with only Gulf IBQ shares would experience neutral economic benefits as they would not receive bycatch-set aside quota (these vessels could get Atlantic IBQ shares the following year if they decide to use their Gulf shares in the Atlantic). Potential economic benefits to maintaining the objectives and benefits of the IBQ program.	Potential economic costs for the few pelagic longline vessel owners that currently fish in the NED and freely utilize the 25-mt set-aside quota without impacting their IBQ account balances.

5.6 Conclusion

As noted above, under E.O. 12866, a regulation is a "significant regulatory action" if it is likely to: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the procedures established to implement section 6 of E.O. 12866, the Office of Management and Budget has determined that this action is not significant. A summary of the expected net economic benefits and costs of each alternative, which are based on supporting text in Chapter 4, can be found in Table 9.

6.0 INITIAL REGULATORY FLEXIBILITY ANALYSIS

This IRFA is conducted to comply with the Regulatory Flexibility Act (5 U.S.C. §§ 601 et seq.) (RFA). The goal of the RFA is to minimize the economic burden of Federal regulations on small entities. To that end, the RFA directs Federal agencies to assess whether a proposed regulation is likely to result in significant economic impacts to a substantial number of small entities, and identify and analyze any significant alternatives to the proposed rule that accomplish the objectives of applicable statutes and minimize any significant effects on small entities.

6.1 Description of the Reasons Why Action is Being Considered

Per section 603(b)(1) of the RFA, 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. Please see Chapter 1 for a full description of the reasons why this action is being considered.

6.2 Statement of the Objectives of, and Legal Basis for, the Proposed Rule

Section 603(b)(2) of the RFA requires agencies to state the objective of, and legal basis for the proposed action. Please see Chapter 1 for a full description of the objectives of, and legal basis for this action.

6.3 Description and Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

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.

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 recently analyzed.

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.

6.4 Description of the Projected Reporting, Record-Keeping, and other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities which will be Subject to the Requirements of the Report or Record

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.

6.5 Identification of all Relevant Federal Rules which may Duplicate, Overlap, or Conflict with the Proposed Rule

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 MMPA, the ESA, the National Environmental Policy Act, the Paperwork Reduction Act, and the CZMA. This proposed action has been determined not to duplicate, overlap, or conflict with any relevant regulations, Federal or otherwise.

6.6 Description of any Significant Alternatives to the Proposed Rule that Accomplish the Stated Objectives of Applicable Statutes and that Minimize any Significant Economic Impact of the Proposed Rule on Small Entities

One of the requirements of an IRFA is to describe any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which 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, and 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.

North and South Atlantic Swordfish – A Alternatives

Alternative A1: No Action. Do not implement the ICCAT North Atlantic swordfish management procedure. 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. 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.

Alternative A2: Implement the ICCAT North Atlantic swordfish management procedure. No changes to implementation of relevant South Atlantic swordfish quota measures. - *Preferred Alternative*

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.

Northern Albacore – B Alternatives

Alternative B1: No Action. 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.

Alternative B2: Maintain implementation of the ICCAT northern albacore management procedure, including a maximum adjusted quota. – *Preferred Alternative*

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.

Bluefin Tuna Quota – C Alternatives

Alternative C1: No Action. Do 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.

Alternative C2: Implement U.S. bluefin tuna quota and distribute to domestic categories in accordance with the ICCAT Recommendation 25-05 and currently codified quota regulations. – *Preferred Alternative*

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 $16.5 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); 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 (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, 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).

Bluefin Tuna Longline Bycatch Area – D Alternatives

Alternative D1: Maintain the pelagic longline bycatch set-aside quota specific to the status quo area of the NED.

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.

Alternative D2: Allocate the pelagic longline bycatch set-aside quota to include the NED and the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR.

Under Alternative D2, NMFS would allocate the pelagic longline bycatch set-aside quota for use by pelagic longline vessels fishing in the existing NED area, as well as the adjacent pelagic longline statistical reporting areas of the NEC, NCA, and SAR. 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 fishing effort and lower transit costs. NMFS expects this alternative would have neutral to minor beneficial economic impacts dependent on fishing activities. For instance, 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 due to 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. There could be some potential for derby fishing for this set-aside quota if this quota is frequently reached early in the season. Derby fishing could result in reduced profitability and safety at sea concerns if fishing occurs at suboptimal times and at increased intensity in a shorter period.

Alternative D3: Allocate the pelagic longline bycatch set-aside quota to IBQ shareholder vessels with IBQ shares designated for the Atlantic region. **–** ***Preferred Alternative***

Under 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 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. Atlantic and Gulf pelagic longline vessels with

Atlantic IBQ shares may be more willing to fish for target species and catch additional bluefin tuna incidentally compared to current levels. Furthermore, these vessels may be more willing to lease IBQ to other vessels through the IBQ system. Thus, NMFS expects minor beneficial economic impacts for those vessels in the short term and long term. Pelagic longline vessels that only fish in the Gulf of America are expected to have neutral economic impacts as they would not receive an increase to their IBQ shares designated for the Gulf region. However, these vessels may see a minor beneficial economic impact in future years if they fish in the Atlantic region as they would then qualify to receive a share of the 62.5 mt pelagic longline bycatch set-aside quota. The use of individual quotas to allocate this set-aside quota would eliminate the risk of potential derby fishing (and the associated profitability and safety at sea impacts) that might arise under Alternative D2.

7.0 APPLICABLE LAWS

This chapter provides summaries of how this action complies with various requirements that were not discussed in earlier chapters. These include parts of the Magnuson-Stevens Act, CZMA, ESA, and MMPA.

7.1 Magnuson-Stevens Act: The National Standards

Section 301(a) of the Magnuson-Stevens Act notes that any fishery management plan prepared and any regulation promulgated to implement any such plan needs to be consistent with 10 National Standards (NSs) (see 16 U.S.C. 1851(a)). As described below, the analyses in this document are consistent with those NSs and the NS Guidelines (see 50 CFR Part 600, Subpart D for National Standard Guidelines), subject to further consideration after public comment.

NS 1 requires NMFS to prevent overfishing while achieving, on a continuing basis, optimum yield from each fishery for the U.S. fishing industry. The preferred alternatives would manage the U.S. fisheries for these stocks consistently with the measures recommended by ICCAT and are consistent with NS 1 in that it would prevent overfishing of North Atlantic swordfish, South Atlantic swordfish, western Atlantic bluefin tuna, and northern albacore. Specific to bluefin tuna, in 2025, the SCRS evaluated and incorporated the results of newly available information related to western bluefin tuna CKMR in a variation on the existing management procedure, which accounts for the presence of eastern Atlantic and Mediterranean bluefin tuna in western Atlantic waters. Incorporation of the CKMR estimate in the management procedure resulted in a higher biomass and more positive stock status for the western Atlantic bluefin tuna stock than previously estimated; ultimately, the SCRS could not reach consensus on whether the new information warranted a declaration of exceptional circumstances, thus the SCRS advice included both the existing management procedure and the variation that takes into account CKMR results. Following consideration of the positive stock status, CKMR results, management procedure outputs, and the exceptional circumstances protocol, at its November 2025 meeting, ICCAT adopted an increased bluefin tuna TAC and resulting annual U.S. bluefin tuna quota in Recommendation 25-05. In doing so, ICCAT acknowledged in the Recommendation that the adopted TAC fell within a range of catch that would not trigger exceptional circumstances under the management procedure's exceptional circumstances protocol. ICCAT further specified in the Recommendation that if total catch in the western management area exceeds the adopted TAC, it will be an exceptional circumstance and the protocol will definitively be triggered. As discussed in Section 1.2, the protocol serves as a regular check for ICCAT regarding the status of the stock, and helps inform whether management objectives such as preventing overfishing are being met. Given that, the positive stock status, and additional research on CKMR which indicates an even higher biomass of western Atlantic bluefin tuna, as detailed in Chapter 3, NMFS determines the ICCAT TAC and resulting U.S. quota will prevent overfishing while achieving optimum yield NMFS continues to limit North Atlantic swordfish, South Atlantic swordfish, bluefin tuna, and northern albacore mortality by U.S. fishermen in accordance with the quotas set by ICCAT and measures established under the HMS FMP and its amendments, consistent with NS 1.

NS 2 requires that conservation and management measures be based on the best scientific information available. The preferred alternatives would implement ICCAT recommendations that are based on ICCAT SCRS advice, e.g., from results of research, stock assessments, and management procedures. The SCRS is composed of scientists from numerous ICCAT Parties, including the United States, and their stock assessments and other research are subject to rigorous analysis and review by a panel of experts from participating ICCAT Parties. For western Atlantic bluefin tuna, in 2025, the SCRS evaluated the results of newly available information related to CKMR, stating that it was "breakthrough" in scientific understanding of the western stock (SCRS 2025). The SCRS incorporated these results by developing a variation on the existing management procedure, which accounts for the presence of eastern Atlantic and Mediterranean bluefin tuna in western Atlantic waters. Incorporation of the CKMR estimate in the management procedure resulted in a higher biomass and more positive stock status for the western Atlantic bluefin tuna stock than previously estimated; ultimately, the SCRS could not reach consensus on whether the new information warranted a declaration of exceptional circumstances, thus the SCRS advice regarding what TACs would meet the management objective of preventing overfishing with a probability of 60% or more included TACs derived from both the existing management procedure and the variation that takes into account CKMR results. Following consideration of the positive stock status, CKMR results, management procedure outputs, and the exceptional circumstances protocol, at its November 2025 meeting, ICCAT adopted an increased bluefin tuna TAC and resulting annual U.S. bluefin tuna quota. Additionally, research has found that more than 50 percent of commercial-sized bluefin tuna caught in U.S. fisheries are of eastern Atlantic and Mediterranean origin (Kerr et al. 2020; Lauretta et al., in review). Bluefin tuna of eastern Atlantic and Mediterranean origin are found in all waters of the U.S. Atlantic, excluding the Gulf of America (Aalto et al. 2021; Dedman et al. 2023). NMFS has determined the SCRS advice and the referenced additional scientific research on bluefin biomass and abundance to be the best scientific information available. While the scientific information on bluefin tuna biomass and abundance in the western Atlantic is still growing, NMFS notes that the ICCAT bluefin tuna management procedure's exceptional circumstances protocol (see Section 1.2) is designed to check the status of the stock and fishery dynamics annually. Therefore, any new information can be evaluated on an annual basis to address uncertainty.

NS 3 requires that, to the extent practicable, an individual stock of fish be managed as a unit throughout its range and interrelated stocks of fish be managed as a unit or in close coordination. The preferred alternatives reflect management of the North Atlantic swordfish, South Atlantic swordfish, western Atlantic bluefin tuna, and northern albacore stocks as units, throughout their range in the U.S. Exclusive Economic Zone (EEZ), or, in the case of South Atlantic swordfish, outside the U.S. EEZ. The fact that the ranges of these Atlantic HMS stocks extend beyond the U.S. EEZ is reflected in the development, implementation, and enforcement of conservation and management measures with ICCAT Parties throughout the Atlantic Ocean and the adjacent seas.

NS 4 requires that conservation and management measures not discriminate between residents of different states. Furthermore, if it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation should be fair and equitable to all fishermen; should be reasonably calculated to promote conservation; and should be carried out in such a manner that no

particular individual, corporation, or other entity acquires an excessive share of such privileges. The preferred alternatives are not expected to discriminate between residents of different states. The measures considered in this action would subject all fishermen to the same rules regardless of their state of residence. Specific to fishing allocations and fishing privileges assumed under preferred Alternative D3, the pelagic longline bycatch set-aside quota would be distributed to pelagic longline IBQ shareholders with IBQ shares designated for the Atlantic region. IBQ shareholders with shares designated for the Gulf region would not receive allocation from the set-aside quota, however Gulf IBQ shareholders that use Gulf shares to fish in the Atlantic region may be eligible the following year to receive allocation from the set-aside quota. As with the overall IBQ Program, IBQ allocations are calculated annually, including allocation of the set-aside quota under the preferred alternative. The ability to lease IBQ allocation on an annual basis would continue. Alternative D3 would only distribute the set-aside quota to those with Atlantic IBQ shares because stock mixing of bluefin tuna occurs throughout the Atlantic Ocean but evidence has not been found that mixing of stocks occur in the Gulf of America. This action does not allocate or assign fishing privileges (i.e., limited access privilege programs) among various fishermen.

NS 5 requires that conservation and management measures should, where practicable, consider efficiency in the utilization of fishery resources, with the exception that no such measure has economic allocations as its sole purpose. The preferred alternatives would distribute quotas and manage consistent with existing conservation and management measures, which appropriately considered efficiency in the utilization of fishery resources through the rulemaking processes that adopted those measures. No additional efficiency considerations are presented with this proposed rulemaking.

NS 6 states that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches. The preferred alternatives would implement the latest ICCAT quota recommendations for North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna. The bluefin tuna quota would be distributed and managed consistent with existing conservation and management measures, which appropriately considered variations among, and contingencies in, fisheries, fishery resources, and catches through the rulemaking processes that adopted those measures. The preferred alternatives for swordfish and northern albacore only implement consideration of relevant ICCAT management procedures and adjusted quotas based on existing regulatory processes and do not further impact their distribution or management. Accordingly, additional considerations regarding variations among, and contingencies in, fisheries, fishery resources, and catches are not presented with this proposed rulemaking.

NS 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication. The preferred alternatives in this document would not implement new requirements that would increase costs for fishermen nor duplicate any current requirements.

NS 8 states that conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and

rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to provide for the sustained participation of such communities, and to the extent practicable, minimize adverse economic impacts on such communities. The preferred alternatives are consistent with NS 8. The economic and social impacts of the alternative are expected to be neutral to minor beneficial in the short term. For North Atlantic swordfish and northern albacore, they may be slightly adverse or slightly beneficial in the long term, due to the potential for quota decreases or increases in the future under the application of the relevant ICCAT management procedure.

NS 9 states that conservation and management measures shall, to the extent practicable, minimize bycatch, and to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. The preferred alternatives are consistent with NS 9. Specific to preferred alternative C2 and D3, NMFS does not expect the increase in quota to cause significant changes in the scale of fishing effort to a degree that would impact fishing areas, or practices, and thus are not expected to lead to increases in potential bycatch or increased interactions with non-target, incidentally caught species, including protected species. Goals of the HMS FMP, as amended, include implementing rebuilding plans, minimizing bycatch and bycatch mortality for overfished stocks, and managing healthy stocks for optimum yield. Bycatch reduction measures are in place under the HMS Bycatch Reduction Implementation Plan, and the preferred alternative would not change any of the bycatch measures in place under the HMS FMP, as amended, or the effectiveness of those measures. Chapter 6 of the HMS SAFE Report lists and discusses the 22 marine mammal species that are, or could be, of concern with respect to potential interactions with HMS fisheries, and discusses how NMFS addresses bycatch reduction, incidental catch, and protected species in HMS fisheries, including within the fisheries that are the subject of this proposed rulemaking. Table 6.2 summarizes the bycatch species, MMPA categories, ESA requirements, data collection, and management measures for HMS fisheries by fishery/gear type. Section 6.3.1 addresses interactions and the MMPA and ESA. Interactions with non-listed marine mammals are managed in accordance with the MMPA "List of Fisheries" categories for each appropriate sector (including pelagic longline incidental catch of bluefin tuna and northern albacore), and the preferred alternatives are not anticipated to change effort in these fishery sectors in any manner that would increase the potential for interaction with non-listed marine mammals as previously analyzed in the HMS FMP as amended. Specifically, the swordfish and northern albacore quotas are not being changed in this action. Rather, this action anticipates potential increases in the future. However, because the current quotas are not currently being fully harvested and because current fishing effort is low compared to the fishing effort analyzed in the 2020 Biological Opinions, those potential future increases in quota are not expected to affect endangered or threatened species or critical habitat in any manner not considered for these fisheries. Similarly, while this action would increase the overall U.S. bluefin tuna quota and category subquotas, and the pelagic longline bycatch set-aside quota, NMFS does not expect the increase to change or increase fishing effort at a scale beyond the levels that were considered in the 2020 Biological Opinions. Specific to the pelagic longline fishery, bluefin tuna is caught incidentally to the target species of swordfish, yellowfin tuna, and bigeye tuna. As such, an increase in the bluefin tuna Longline category subquota is not expected to increase fishing effort. The preferred alternatives would not alter the measures undertaken to ensure MMPA or ESA compliance in those fisheries.

NS 10 states that conservation and management measures shall, to the extent practicable,

promote the safety of human life at sea. The preferred alternatives are consistent with NS 10 because no impact to safety of life at sea is anticipated to result from the preferred alternatives. Of note, Alternative D3, promotes safety of human life at sea by reducing the likelihood of a derby-style fishery for pelagic longline vessels. The management measures in the preferred alternatives would not require fishermen to travel greater distances, fish in bad weather, or otherwise fish in an unsafe manner.

7.2 Magnuson-Stevens Act: Essential Fish Habitat

Pursuant to section 303(a)(7) of the Magnuson-Stevens Act (16 U.S.C. 1853(a)(7)), and as implemented at 50 CFR 600.815, the Magnuson-Stevens Act requires NMFS to identify and describe EFH for each life stage of managed species and to evaluate the potential adverse effects of fishing activities on EFH, including the cumulative effects of multiple fisheries activities. If NMFS determines that fishing gears are having an adverse effect on HMS EFH, or other species' EFH, then NMFS must include management measures that minimize adverse effects to the extent practicable.

NMFS originally described and identified EFH and related EFH regulatory elements for all HMS in the management unit in the 1999 FMP. Since then, NMFS has reviewed available data and modified HMS EFH numerous times. Specific to the actions in this document, in the HMS FMP and Amendment 1 to the HMS FMP (finalized in 2009), NMFS reviewed the various HMS gear types to determine whether those gear types had the potential to affect EFH. Based on the best scientific information available at that time, NMFS determined that there was no evidence that physical effects caused by any authorized HMS gears were affecting EFH for targeted or non-targeted species, to the extent that physical effects can be identified on the habitat or the fisheries. In 2015, NMFS completed an HMS EFH 5-year review to investigate additional effects of HMS fishing gears on HMS EFH since Amendment 1. NMFS did not find any significant changes in effects to HMS EFH from HMS and non-HMS fishing gear types and no new information that any authorized HMS gear would have adverse effects on EFH. Based on findings from the 2015 HMS EFH 5-year review, updates were made to HMS EFH in Amendment 10 (82 FR 42329, September 7, 2017).

NMFS recently completed an HMS EFH 5-year review (89 FR 27716, April 18, 2024) to gather all new information and determine whether modifications to existing EFH descriptions and designations are warranted. The information used in the 5-year review did not indicate that any gears authorized in HMS fisheries would have an adverse effect on EFH.

The preferred alternatives in this action are not expected to change the fishing gear types authorized relative to the status quo. Additionally, the gears being considered in this action are pelagic gears that are fished within the water column and do not come in contact with any particular habitat or habitat structure (e.g., coral). Therefore, the preferred alternatives in the context of the fishery as a whole would not have an adverse effect on EFH and an EFH consultation is not required.

7.3 Magnuson-Stevens Act: Cumulative Impacts and Mitigation

Section 303(a)(9) of the Magnuson-Stevens Act requires that FMPs and FMP amendments include a fishery impact statement that analyzes the likely cumulative impacts of conservation and management measures and possible mitigation measures. While this rulemaking is not an FMP or FMP amendment, providing this information can provide a more full understanding of the possible effects of the rulemaking.

For the purpose of this rulemaking, NMFS is defining a cumulative impact to be an impact on the environment that results from the incremental impact of the preferred alternatives when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Cumulative impacts may also include the effects of natural processes and events, depending on the specific resource in question. Cumulative impacts include the total of all impacts to a particular resource that have occurred, are occurring, and would likely occur as a result of any action or influence, including the direct and reasonably foreseeable indirect impacts of a federal activity. The goal of this section is to describe the cumulative ecological, economic, and social impacts of past, present, and reasonably foreseeable future actions on HMS fishermen and the environment, with regard to the management measures presented in this document.

Overall, the preferred alternatives in this action would have neutral ecological impacts on North and South Atlantic swordfish, northern albacore, and bluefin tuna. The preferred alternatives would maintain U.S. catches within ICCAT-adopted TACs and U.S. quotas. The preferred alternatives would have neutral to minor beneficial social and economic impacts for HMS fishermen, since these alternatives would maintain or increase available quotas for North and South Atlantic swordfish, northern albacore, and bluefin tuna.

The status quo alternatives would have neutral ecological and social and economic impacts, as they would maintain quotas for North and South Atlantic swordfish, northern albacore, and bluefin tuna at current levels.

The other alternative considered (D2) would have neutral ecological impacts for bluefin tuna, and neutral to minor beneficial social and economic impacts on HMS fishermen.

Mitigation is an important mechanism that federal agencies can use to minimize, prevent, or eliminate damage to the human and natural environments associated with their actions. Mitigation efforts may include one or more of the following: avoiding the impact by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments. If needed, NMFS may consider mitigation, provided that the mitigation efforts do not circumvent the goals and objectives of the rulemaking or the mandate to

rebuild fisheries under the Magnuson-Stevens Act. None of the alternatives, preferred or not, would damage the human or natural environments. As such, no mitigation measures are needed and none were considered.

7.4 Protected Species

The ESA is the primary federal legislation governing interactions between fisheries and species listed as threatened or endangered and effects on ESA-listed critical habitat. Through a consultation process, the ESA requires federal agencies to evaluate actions they authorize, fund, or carry out that may affect a listed species. In the case of marine fisheries, NMFS Office of Sustainable Fisheries consults with the Office of Protected Resources to determine what effects fishery management actions could have on threatened or endangered marine species and what actions can be taken to reduce or eliminate negative effects. Under the ESA Section 7 consultation process, if a federal agency determines its action is likely to adversely affect a species, or destroy or adversely modify critical habitat, the agency engages in formal consultation with NMFS. At the conclusion of formal consultation, NMFS issues a Biological Opinion that analyzes the effects of the action. If NMFS concludes that the action will jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat, NMFS specifies Reasonable and Prudent Alternatives to the proposed action. If NMFS concludes that the action will not jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat, NMFS specifies Reasonable and Prudent Measures and Terms and Conditions to mitigate the effects of the action and authorizes any allowable “incidental take” of the species.

In May 2020, NMFS issued Biological Opinions for the HMS pelagic longline and non-pelagic longline fisheries (NMFS 2020a, 2020b). These Biological Opinions stated that the continued operation of HMS fisheries is not likely to jeopardize the continued existence of sea turtles, sawfish, Atlantic sturgeon, scalloped hammerhead sharks (Central and Southwest Atlantic Distinct Population Segment), oceanic whitetip sharks, and giant manta ray. In July 2022, the HMS Management Division requested reinitiation of formal Section 7 consultation on the HMS pelagic longline fishery due to new information regarding giant manta rays. During this reinitiated formal consultation, NMFS continues the operation of the HMS fisheries under the 2020 Biological Opinion, including continued implementation of the Reasonable and Prudent Measures and Terms and Conditions to minimize the amount or extent of incidental take until the issuance of an amendment to the 2020 Biological Opinion, or a new Biological Opinion. This action is not anticipated to affect the above-referenced ESA-listed species in any way not previously analyzed for existing regulations, including the provision for exempted fishing activities, and there is no new information that would alter this conclusion.

The MMPA established a national policy to prevent marine mammal species and population stocks from declining beyond the point where they ceased to be significant functioning elements of the ecosystems of which they are a part. The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine

mammals and marine mammal products into the United States. Hook-and-line and harpoon are considered Category III fisheries, those with remote likelihood of serious injury or mortality to marine mammals. HMS handgear fisheries are considered Category II fisheries because there is occasional serious injury or mortality to marine mammals. Commercial vessel owners or operators, or fishermen, in Category I, II, or III fisheries must report all incidental mortalities and injuries of marine mammals during the course of commercial fishing operations to NMFS. Although the pelagic longline fishery is considered a Category I fishery, with the high likelihood of serious injury or mortality to marine mammals, this action is not likely to produce additional adverse impacts to marine mammals that were not analyzed in the HMS FMP or its amendments and existing regulations. There are currently no regulations requiring recreational fishermen to report takes, nor are they authorized to have incidental takes (i.e., they are illegal). NMFS does require reporting and authorizes takes by charter/headboat fishermen (considered "commercial" by MMPA).

Please refer to Sections 3.8 and 3.9.9 of the HMS FMP and Chapter 6 of the HMS SAFE Report for additional information on the protected species and marine mammals in the area of HMS fisheries.

The preferred alternatives would not be expected to change endangered species or marine mammal interaction rates or magnitudes beyond those that occurred in recent years, substantially alter current fishing practices, or bycatch mortality rates. The North Atlantic swordfish, South Atlantic swordfish, northern albacore, and bluefin tuna quota measures in the preferred alternatives are not anticipated to affect ESA-listed species or critical habitat in any way not previously analyzed and are not likely to increase effort in a way that increases interactions with leatherback turtles or other protected resources, given that operations will remain consistent with the current restrictions on the pelagic longline and the commercial and recreational handgear fisheries in the relevant Biological Opinions. Specifically, the swordfish and northern albacore quotas are not being changed in this action. Rather, this action anticipates potential increases in the future. However, because the current quotas are not currently being fully harvested and because current fishing effort is low compared to the fishing effort analyzed in the 2020 Biological Opinions, those potential future increases in quota are not expected to affect endangered or threatened species or critical habitat in any manner not considered for these fisheries. Similarly, while this action would increase the overall U.S. bluefin tuna quota and category subquotas, and the pelagic longline bycatch set-aside quota, NMFS does not expect the increase to change or increase fishing effort beyond the levels that were considered in the 2020 Biological Opinions. Specific to the pelagic longline fishery, bluefin tuna is caught incidentally to the target species of swordfish, yellowfin tuna, and bigeye tuna. As such, an increase in the bluefin tuna Longline category subquota is not expected to increase fishing effort. NMFS will continue to closely monitor the fisheries and will ensure compliance with the requirements of the Biological Opinions.

7.5 Coastal Zone Management Act

The CZMA (1972; reauthorized in 1996) requires that federal actions be consistent, to the

extent practicable, with the enforceable policies of all state coastal zone management programs. NMFS finds the alternatives analyzed in this action to be consistent to the maximum extent practicable with the enforceable policies of states that have approved coastal zone management programs. NMFS is seeking concurrence with respect to the preferred alternatives and will ask for states' agreement with this determination during the proposed rule stage.

7.6 Paperwork Reduction Act

This action contains no new collection-of-information requirements subject to the Paperwork Reduction Act.

8.0 List of Agencies and Persons Consulted

The development of this rulemaking involved input from many people including NMFS staff, NMFS contractors, the public, constituent groups, and the HMS Advisory Panel. Staff and contractors from the HMS Management Division, in alphabetical order, who worked on this document include:

- Randy Blankinship, Division Chief
- Karyl Brewster-Geisz, Branch Chief
- Peter Cooper, Branch Chief
- Steve Durkee, Fishery Management Specialist
- Brad McHale, Branch Chief
- Sarah McLaughlin, Management and Program Analyst
- Larry Redd, Jr., Fishery Management Specialist
- George Silva, Economist
- Carrie Soltanoff, Fishery Management Specialist

The development of this document also involved considerable input from other staff members and Offices throughout NOAA including, but not limited to, the Office of the General Counsel, Southeast Fisheries Science Center, Southeast Regional Office, and Northeast Fisheries Science Center.

Highly Migratory Species Management Division (F/SF1)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Phone: (301) 427-8503

9.0 REFERENCES

Aalto, E. A., F. Ferretti, M. V. Lauretta, J. F. Walter, M. J. W. Stokesbury, R. J. Schallert, and B. A. Block. 2021. Stock-of-origin catch estimation of Atlantic bluefin tuna (*Thunnus thynnus*) based on observed spatial distributions. Can. J. Fish. Aquat. Sci. 78: 1193–1204.

Cramer, J. and H. Adams. 2001. Large pelagic logbook newsletter, 2000.

Dedman, S., E. A. Aalto, M. J. W. Stokesbury, R. J. Schallert, M. R. Castleton, and B. A. Block. 2023. Assignment of tracks from tagged Atlantic bluefin tuna *Thunnus thynnus* to potential stocks using behavioural differences and habitat partitioning. Front. Mar. Sci. 10:1165910.

Kerr, L. A., Z. T. Whitener, S. X. Cadrin, M. R. Morse, D. H. Secor, and W. Golet. 2020. Mixed stock origin of Atlantic bluefin tuna in the U.S. rod and reel fishery (Gulf of Maine) and implications for fisheries management. Fisheries Research 224: 105461.

Lauretta, M., P. Grewe, M. Bravington, J. Walter, S. Baylis, R. Thomson, W. Golet, G. Zapfe, K. Walter, A. Hanke, D. Busawan, J. Aulich, N. Potter, E. Orbesen, D. Snodgrass, P. Reglero, D. Alvarez-Berestegui, T. Gerard, E. Malca, A. Pacicco, C. Porch, and C. Davies. 2025. Close-Kin Mark-Recapture Spawning Stock Abundance Estimates of Western Atlantic Bluefin Tuna (*Thunnus thynnus*). SCRS/2025/070.

Lauretta, M. V., P. M. Grewe, M. V. Bravington, J. F. Walter, S. M. Baylis, R. B. Thomson, W. J. Golet, A. R. Hanke, D. S. Busawan, G. A. Zapfe, K. D. Walter, J. Aulich, N. Potter, E. S. Orbesen, D. J. G. Snodgrass, J. R. McDowell, P. Reglero, D. Alvarez-Berestegui, T. Gerard, E. Malca, R. J. Allman, A. E. Pacicco, C. E. Porch, and C. R. Davies. In review. Close-Kin Mark-Recapture: A Foundational Approach for Atlantic Bluefin Tuna Stock Assessment and Conservation.

NMFS. 2023. 2023 Stock Assessment and Fishery Evaluation (SAFE) Report for Atlantic HMS Species. https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-stock-assessment-and-fisheries-evaluation-reports

SCRS. 2025. Report of the Standing Committee on Research and Statistics (SCRS). https://www.iccat.int/Documents/Meetings/Docs/2025/Reports/2025_SCRS_ENG.pdf