Supplemental Environmental Assessment,
Regulatory Impact Review,

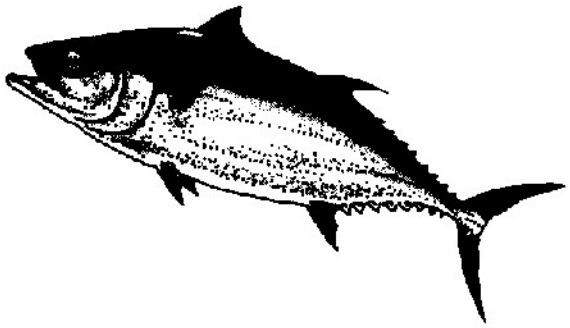
and

Final Regulatory Flexibility Analysis

for the

Final 2010 Atlantic Bluefin Tuna Quota Specifications

(Supplements the Environmental Assessment, Regulatory Impact Review, and Final Regulatory Flexibility Analysis for a Final Rule to Establish Atlantic Bluefin Tuna Quota Specifications and Effort Controls for the 2009 Fishing Year)



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

April 2010

ABSTRACT

Final Action: Establish 2010 Atlantic bluefin tuna (BFT) quotas for all domestic fishing categories

Type of statement: Supplemental Environmental Assessment (SEA), Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA)

Lead Agency: National Marine Fisheries Service (NMFS): Office of Sustainable Fisheries

For further information:
Highly Migratory Species Management Division (F/SF1)
NMFS - Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930
Phone: (978) 281-9260; Fax: (978) 281-9340

Abstract:
In October 2006, NMFS finalized the Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) and issued implementing regulations, including regulations for the Atlantic bluefin tuna fishery, to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) pursuant to the Atlantic Tunas Convention Act (ATCA) and to achieve domestic management objectives under the Magnuson-Stevens Act. This action would adjust the total U.S. BFT quota and subquotas for 2010 based on the 2008 ICCAT recommendation for the western Atlantic bluefin tuna stock for 2010 (part of a two-year recommendation) and adjust the 2010 quotas for each category as necessary based on landings from 2009 (consistent with the ICCAT recommendation to cap carryover of underharvest at 50 percent of the overall quota). These measures would be consistent with the Consolidated HMS FMP, including the BFT rebuilding program. This document is a *supplemental* EA/RIR/FRFA as the action would implement minor changes (a reduction of 57.5 mt) to the quotas implemented in the 2009 BFT Quota Specifications and Effort Controls (74 FR 26110, June 1, 2009) and analyzed in the EA/RIR/FRFA for that action.

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Supplemental Environmental Assessment/Regulatory Impact Review/
Final Regulatory Flexibility Analysis
for the 2010 Atlantic Bluefin Tuna Quota Specifications

Section 1 Introduction

The 2010 Atlantic bluefin tuna quota (BFT) specifications would adjust quotas for 2010 based on (1) the 2008 quota recommendation for the western Atlantic bluefin tuna stock for 2009 and 2010 by the International Commission for the Conservation of Atlantic Tunas, and (2) allocation of quota underharvest allowed to be carried forward from 2009 to 2010. This rulemaking would make minor adjustments to U.S. BFT quota and subcategory base quotas established in the 2009 BFT quota specifications and effort controls (74 FR 26110, June 1, 2009) and analyzed in its accompanying Environmental Analysis/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) (hereafter referred to as the "2009 parent EA").

Purpose and Need for the Action

Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and of the Atlantic Tuna Conventions Act (ATCA), which authorizes the Secretary of Commerce (Secretary) to promulgate regulations as may be necessary and appropriate to implement recommendations of International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA. On May 28, 1999, NMFS published in the Federal Register (64 FR 29090) final regulations, effective July 1, 1999, implementing the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (1999 HMS FMP). The 1999 HMS FMP included framework provisions to promulgate annual specifications for the BFT fishery, in accordance with ATCA and the Magnuson-Stevens Act, and to implement the annual recommendations of ICCAT. On October 2, 2006, NMFS published in the Federal Register (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP), which included slightly modified framework provisions.

This action is necessary to implement the 2008 ICCAT recommendation as necessary and appropriate pursuant to ATCA and to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. The objective of this action is to implement the 2008 ICCAT recommendation and distribute the U.S. BFT quota (adjusted for underharvest) among domestic fishing categories.

At its 2008 meeting, ICCAT adopted a recommendation to reduce the 2,100-mt western Atlantic BFT Total Allowable Catch (TAC) to 1,900 mt for 2009 and 1,800 mt for 2010 (including dead discards) (ICCAT Recommendation 08-04). These TACs are intended to end overfishing, as defined by the Magnuson-Stevens Act. From these TACs, the following allocations were made: 4 mt for the United Kingdom (in respect of Bermuda), 4 mt for France (in respect of St. Pierre and Miquelon), 95 mt for Mexico (to allow incidental catch in the longline

fishery in the Gulf of Mexico), and, for bycatch related to directed longline fisheries in the Northeast Distant gear restricted area (NED), 15 mt for Canada and 25 mt for the United States. These allocations are subtracted from the TAC (resulting in an "adjusted TAC"); the adjusted TAC is allocated to certain ICCAT contracting parties. The resulting U.S. share of the adjusted TAC is 57.48 percent, or 1,009.9 mt for 2009 and 952.4 mt for 2010; the latter is the *baseline* annual U.S. BFT quota analyzed in this Supplemental EA. Accounting for the 25-mt NED allocation, the *total* U.S. quota was 1,034.9 mt for 2009 and is 977.4 mt for 2010 (i.e., a decrease of 57.5 mt or 5.6 percent from the 2009 total U.S. quota).

The current ICCAT recommendation also maintains a provision allowing a contracting party with an ICCAT allocation (i.e., a quota) to make a one-time transfer within a fishing year of up to 15 percent of its TAC allocation to other contracting parties with TAC allocations, consistent with domestic obligations and conservation considerations. Further, as a method for limiting fishing mortality on juvenile BFT, ICCAT has recommended a tolerance limit on the annual harvest of BFT measuring less than 115 cm to no more than 10 percent of the total bluefin quota per contracting party over the 2009-2010 period. The United States implements this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches) as appropriate to not exceed the 10-percent limit over the 2-year period.

Because BFT quotas and allocations are codified in the HMS regulations at § 635.27, a regulatory amendment is necessary to modify the baseline U.S. quota from 1,009.9 mt to 952.4 mt and the allocations (in mt) to the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories, per the percentage allocation shares set forth in the Consolidated HMS FMP.

Note that the Consolidated FMP is an integrated document that included a Final Environmental Impact Statement (FEIS). That FEIS evaluated the management program structure for annual BFT quota management, and as one of the preferred alternatives (later selected as part of NMFS decision implemented on October 2, 2006 (71 FR 58058), analyzed the range of impacts of the annual BFT quota specification process in the Consolidated HMS FMP as opposed to a separate annual NEPA analysis). The final action specifies that analytical documents would accompany the annual BFT quota specifications only if the analyses associated with the Consolidated HMS FMP no longer applied (i.e., if ICCAT were to amend its recommendation regarding the total U.S. BFT quota). NMFS has determined that this action described below falls within the purpose and need of the 2006 Consolidated HMS FMP, as well as the scope and effect of activities analyzed in the 2009 parent EA, except for the small change in impacts associated with a slightly reduced 2010 quota of 57.5 mt. Therefore, NMFS prepared a Supplemental Environmental Assessment (SEA)/RIR/FRFA to analyze those specific impacts related to this action that are outside the scope of those analyzed in the 2009 parent EA.

NMFS plans to make daily retention limit adjustments, if and as needed for 2010, via Federal Register notices separate from the final specifications. Federal regulations at 50 CFR 635.23 allow the establishment and adjustment of General and Angling category retention limits via inseason actions, and NMFS has used inseason actions in the past for this purpose.

Public Involvement

NMFS conducted public outreach on this action, including public hearings held in Silver Spring, MD and Gloucester, MA on December 14 and 15, 2010, respectively. The draft of this SEA was released with the proposed rule for public comment on December 2, 2009, and the comment period remained open for 33 days, closing on January 4, 2010. NMFS received seven comment letters or emails regarding the actions, as well as comments from individuals and fishing organization representatives at the public hearings, and these comments were considered in refining the analyses in this Final EA. A summary of the key issues raised during the comment period is provided in Chapter 9, and any final rule issued for this action also would present comments and Agency response to comments received during the rulemaking process.

Section 2 Preferred Alternative: Description of Action

Consistent with how NMFS implemented the 2009 BFT quota specifications, NMFS would establish the 2010 U.S. baseline quota at the ICCAT-recommended level (Table 1) and carry over the full amount of available BFT underharvest allowed by ICCAT from 2009 to 2010, and distribute that underharvest to: (1) provide the Longline category sufficient quota to operate during 2010 after the required accounting for BFT dead discards; (2) maintain up to 15 percent of the 2010 U.S. quota in Reserve for potential transfer to other ICCAT contracting parties and other domestic management objectives, if warranted; and (3) provide the non-Longline quota categories a share of the remainder of the underharvest consistent with the allocation scheme established in the Consolidated HMS FMP.

ICCAT Recommendation 08-04 limits the amount of unused quota a contracting party may carry over for 2010 to 50 percent of its total quota (488.7 mt for the United States). One provision of Recommendation 08-04 that is specific for 2010 involves an agreement between Canada, Mexico, and the United States. This portion of the recommendation states that Mexico would transfer a portion of its BFT underharvest to Canada such that Canada's initial allocation is 480 mt, and that if such a transfer results in an initial Canadian allocation of less than 480 mt, then a transfer of underharvest from the United States would be used to bring Canada's initial 2010 allocation to 480 mt. At this time there is no indication that Mexico would not be able to fulfill this agreement with Canada (i.e., no U.S. quota transfer is currently under consideration).

When NMFS prepared the draft SEA, landings information was incomplete, and NMFS anticipated the full amount of 2009 underharvest allowed under ICCAT Recommendation 08-04 (i.e., 50 percent of the U.S. quota, or 488.7 mt) would be available and carried forward to 2010. Complete information on 2009 landings is now available and indicates a total 2009 underharvest of 388.6 mt (see Table 2). Under the preferred alternative, NMFS would carry forward 388.6 mt of 2009 underharvest to 2010, for a total adjusted 2010 BFT quota of 1,168.2 mt (see Table 3).

The United States must report dead discard estimates to ICCAT annually and account for this mortality as part of the domestic specification calculation process. To be consistent with U.S. reports to the ICCAT Standing Committee on Research and Statistics for stock assessment purposes, NMFS reports dead discards as the estimate generated via extrapolation of pelagic longline vessel logbook tallies by pooled observer data, as warranted. Estimates of dead discards from other gear types and fishing sectors that do not use the pelagic longline vessel logbook are

unavailable at this time and thus are not included in this calculation. NMFS is applying the 2008 dead discard estimate (172.8 mt) as a proxy for the 2009 level as it is the best available and most complete information NMFS currently has regarding dead discards, and because no significant change to dead discards is expected for 2009.

Calculations to determine the BFT specifications for 2010, including baseline and final category quotas, are presented in Table 3. Per the ICCAT recommendation, which specifies a U.S. quota that is inclusive of dead discards, and consistent with the BFT quota regulations at 50 CFR 635.27(a), NMFS would subtract the 172.8 mt of estimated dead discards from the amount of quota available for the Longline category for 2010. NMFS would apply 170.7 mt of the total underharvest to the pelagic longline fishery in anticipation of both landings (approximately 75 mt) and projected discards. This is intended to allow the fishery to operate for the entire 2010 fishing year, i.e. to avoid potential closure of the pelagic longline fishery prior to the end of the year while the fleet is conducting directed operations for swordfish and other Atlantic tunas.

Further, the proposed action also would place 46.5 mt of 2009 underharvest in the Reserve and distribute the remainder of the potential quota carryover (171.4 mt) to the Angling, General, Harpoon, Purse Seine, and Trap categories consistent with the allocation percentage shares in the Consolidated HMS FMP. The amount NMFS would place in the Reserve is 100.1 mt less than in the proposed action. This reduction in the amount of underharvest NMFS places in the 2010 Reserve would allow NMFS to maintain the proposed amounts of underharvest to be allocated to the Longline fishery and to the directed fishing categories for 2010, as well as their respective adjusted quotas. Because the Reserve is not a specific fishing category but rather serves as a pool from which NMFS may allocate quota for inseason or annual adjustments to any category quota in the BFT fishery, the smaller amount of Reserve in the final action would have no direct impact on any particular fishing category. The 2010 adjusted quota under this alternative would be 1,168.2 mt. Accounting for the 25-mt NED allocation, the *total* U.S. quota in 2010 would be 1,193.2 mt.

No Action Alternative

Under this alternative, NMFS would not allocate the ICCAT-recommended 2010 quota among domestic fishing categories, defaulting to the 2009 quotas established in June 2009 (74 FR 26110, June 1, 2009). The preferred BFT quota alternative for the 2009 quota specifications serves as the "No Action" alternative in this decision. The 2009 quotas and fishing levels serve as baseline conditions for comparison and analytical purposes with the preferred alternative. This approach satisfies the NEPA requirement to consider alternatives to an action, including a "No Action" alternative.

This alternative would set the baseline quota for 2010 at the 2009 level of 1,034.9 mt. Dead discards would be deducted and the full amount of allowed underharvest from 2009, i.e., 50 percent of the 2009 U.S. quota (517.5 mt) would be added. From the quota rolled forward, 15 percent of the U.S. total BFT quota (155.2 mt) would be added to the baseline amount of Reserve. The total adjusted quota for 2010 under this alternative would be 1,462.4 mt. This alternative would be inconsistent with ATCA, the Consolidated HMS FMP, and implementing regulations, which require that quotas be set consistent with ICCAT recommendations.

Section 3 Affected Environment

Chapter 3 of the 2009 parent EA provides a summary of the status of the western Atlantic BFT stock, commercial and recreational fishery participants and gear types, and affected area including habitat and protected species (sea turtles) and marine mammals. Fishery permits issued for 2009 are summarized in this SEA in Table 8.

Section 4 Impacts of the Preferred Alternative

Ecological Impacts

The preferred alternative would reduce the baseline quota by 57.5 mt from 2009 to 2010 in accordance with the Consolidated HMS FMP and the 2008 ICCAT recommendation. Overall, ecological impacts are expected to be minimal. The reduction in quota could have a slightly more positive ecological impact on BFT than the "No Action" alternative. The preferred alternative would be more consistent with the rebuilding plan and could be more likely to end overfishing within 2 years. Likewise, the reduction in quota might result in a slight decrease in negative impacts to other nontarget species (including protected species) as a result of a potential slight decrease in fishing effort. However, the amount of quota decrease is not expected to significantly alter existing fishing patterns. Section 4.1 in the 2009 parent EA qualitatively describes the potential ecological impacts for a larger, but still relatively small, reduction in BFT quota allocation. The preferred alternative resulted in a baseline quota reduction of 155 mt compared to the "No Action" alternative in the 2009 parent EA. In the current action, the reduction in BFT quota allocation (57.5 mt) is smaller than that analyzed in the 2009 parent EA, and the impacts of a reduced quota would be expected to be less than those described in the 2009 parent EA, which were classified as "slight". Impacts to habitat for the preferred alternative are expected to be negligible since there is little habitat impact from the fishing gears used in this fishery. For further information on habitat, please see Section 4.3 in the 2009 parent EA and Chapter 10 in the Consolidated HMS FMP. For further information on protected species impacts, please see Section 4.4 of the 2009 parent EA and Chapter 4.5 of the Consolidated HMS FMP.

Social and Economic Impacts

Depending on the overall harvest, average ex-vessel value and average size of the fish caught per category, gross revenues may be reduced as a result of this quota decrease. Comparison of expected economic impacts under the preferred alternative action against those realized in recent years is complicated by low landings and availability of fish in the New England region in recent years (as discussed in Section 3.2 of the 2009 parent EA).

The effect of allocations based on the new ICCAT-recommended baseline quota of 952.4 mt (the total U.S. quota minus the 25-mt NED allocation), i.e., the expected change in ex-vessel gross revenues, was estimated for each category. The General category is allocated 47.1 percent of the annual baseline BFT quota. Based on the 2008 ICCAT recommendation, the General category baseline allocation would decrease from the 2009 level by 27.1 mt for 2010. Using the average ex-vessel price-per-pound in round weight for 2009 of $7.60 (Table 4), this would result

in a decrease of $454,059 to the ex-vessel gross revenues for the category as a whole (Table 5). Similar calculations show reductions for the other categories as follows: A reduction of 2.3 mt for the Harpoon category, which is allocated 3.9 percent of the annual baseline quota, and for which the average ex-vessel price-per-pound in round weight for 2009 was $5.50, would result in a decrease of $27,888 to the ex-vessel gross revenues for the category as a whole. A reduction of 4.7 mt for the Longline category, which is allocated 8.1 percent of the annual baseline quota, and for which the average ex-vessel price-per-pound in round weight for 2009 was $4.48, would result in a decrease of $46,420 to the ex-vessel gross revenues for the category as a whole. However, the additional allocation of 25 mt to account for incidental BFT catch in the NED, would provide potential ex-vessel gross revenues of $246,915. A reduction of 10.6 mt for the Purse Seine category, which is allocated 18.6 percent of the annual BFT baseline quota, and for which the average ex-vessel price-per-pound in round weight for 2009 was $5.96, would result in a decrease of $139,278 to the ex-vessel gross revenues for the category as a whole. The preferred alternative would not result in any change to the Trap category quota of 1.0 mt. Because the directed commercial categories have underharvested their subquotas in recent years, the potential decreases in ex-vessel revenue above overestimate the probable economic impacts to those categories relative to recent conditions. Additionally, there has been substantial interannual variability in ex-vessel revenues per category in recent years due to recent changes in BFT availability and other factors. Generally, the interannual differences in ex-vessel revenues per category have been larger than the potential impacts described above. Total ex-vessel gross revenues for fishing years since implementation of the previous (2006) ICCAT recommended U.S. quota, were $3.7 million in 2007, $5.0 million in 2008, and $6.9 million in 2009 (see Table 5).

The recreational Angling category quota, which is allocated 19.7 percent of the annual baseline quota, would decrease from 2009 to 2010 by 11.4 mt, and the school BFT subquota (which may be no more than 10 percent of the total U.S. quota) would decrease by 5.8 mt. Although NMFS believes that recreational fisheries have a large influence on the economies of coastal communities, NMFS has little current information on the costs and expenditures of anglers or the businesses that rely on them. The region spanning from New York through Maryland relies heavily on the school size class of BFT. In prior years, impacts of a reduced school BFT quota could be mitigated by shifting effort to large school and small medium size classes, if available. In 2007, 2008, and 2009 however, the full Angling category quota was exceeded, largely due to increased availability and weight of large school/small medium BFT. In regions dependent upon school BFT, shifting effort to other pelagic species (e.g., striped bass, bluefish) may be possible; however, the degree to which shifting effort might mitigate negative economic impacts is unknown.

Mitigation

Under the preferred alternative, NMFS would implement the 2008 ICCAT recommendation for 2010 in accordance with domestic legislation and the Consolidated HMS FMP and implementing regulations. Using its inseason management authority, NMFS would be able to monitor and make adjustments to the commercial fishery close to "real time." Since NMFS will continue to monitor the commercial fishery, any unpredicted increase in effort and landings of BFT, should they occur, could be addressed within a fishing season. NMFS also may adjust recreational effort controls inseason based on the best information available, but

landings data are not available with the timing and frequency of commercial data (submitted within 24 hours to NMFS through required landings reports for each fish).

The ICCAT-recommended decrease in TAC is intended to have long-term positive ecological benefits and rebuild the fishery by 2019, the end of the 20-year BFT rebuilding period.

Through a final rule that published on May 19, 2009 (74 FR 23349) and became effective on June 18, 2009, (i.e., since publication of the parent EA), NMFS established additional management measures to reduce serious injury and mortality of long-finned and short-finned pilot whales, and Risso's dolphins in the U.S. East Coast Atlantic pelagic longline (PLL) fishery. These measures include a requirement to post a marine mammal handling placard, restricting PLL mainline length to 20 nautical miles in the Mid-Atlantic Bight area, and developing observer and research participation requirements to operate in the Cape Hatteras Special Research Area.

Impacts of the No Action Alternative

Ecological Impacts

The no action alternative in the current action is the same as the preferred alternative, also called Alternative A2, in the 2009 parent EA. Section 4.1 of the 2009 parent EA describes the ecological impacts of the no action alternative for the current action and is herein incorporated by reference. In summary, the no action alternative for the 2010 quota would allow for continued rebuilding of the stock and could be expected to end overfishing, but over a longer timeframe than the preferred alternative for 2010, which ICCAT recommended as part of the ongoing ICCAT BFT rebuilding program, which is intended to rebuild the stock by 2019.

Social and Economic Impacts

Under the no action alternative, fishery participants would experience positive economic impacts on a scale similar to 2009 if all other factors remain constant (e.g., number of participants, ex-vessel values, catch rates, etc.). Availability of BFT to the fisheries in 2010 also would influence realized revenues. The alternative would not significantly alter ex-vessel prices or costs or change economic benefits accrued at the 2007 through 2009 levels.

Comparison of Alternatives

Based on the analyses here, the No Action alternative would not have any ecological, social or economic impacts other than those already analyzed in the 2009 parent EA. The preferred alternative could have slightly positive ecological impacts because of the slight reduction in quota and potential slightly positive impacts to BFT rebuilding and nontarget species. The preferred alternative could have slightly negative economic impacts in the short term relative to the No Action alternative due to decreased opportunities, but the impacts would depend on the ability of vessels to harvest the quota, which in turn depends on BFT availability to the fisheries among other factors. Because the overall quota has been underharvested in recent years, a slight reduction in quota for 2010 should have little or no effect. Social impacts of the

preferred alternative would be positive overall as rebuilding the BFT fishery would provide additional long-term fishing opportunities. This information is summarized in Table 6. The preferred alternative also would also be consistent with ATCA, the 2008 ICCAT BFT Recommendation, and the Consolidated HMS FMP.

Section 5 Cumulative Impacts

Cumulative impacts are the impacts on the environment, which result from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions. A cumulative impact includes the total effect on a natural resource, ecosystem, or human community due to past, present, and reasonably foreseeable future activities or actions of federal, non–federal, public, and private entities. Cumulative impacts may also include the effects of natural processes and events, depending on the specific resource. 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 with regard to the management measures presented in this document.

A full cumulative impacts analysis was included in the 2009 parent EA (Section 4.8). In general, the analysis determined that the BFT specifications would be consistent with the Consolidated HMS FMP, with various final rules regarding: target catch requirements for pelagic longline vessels to retain incidentally caught BFT; extension of the General category fishery through January; measures to reduce bycatch and bycatch mortality of Atlantic sea turtles in the Atlantic pelagic longline fishery; and the addition of green-stick gear, which is used primarily to catch Atlantic yellowfin tuna, to the list of authorized fishing gears for use in the Atlantic tuna fisheries. Subsections particularly relevant to the 2010 quota specifications follow.

In October 2009, Monoco submitted a proposal to list Atlantic bluefin tuna in Appendix I of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), which would prohibit international trade of the species. At the March 2010 CITES 15th Conference of Parties meeting in Doha, Qatar, the proposal was not adopted. The U.S. Department of the Interior, which is the lead Federal agency on CITES issues, subsequently issued a press release indicating that the United States will continue to work with ICCAT parties to conserve and recover BFT.

ICCAT is scheduled to review the status of Atlantic BFT stocks during the first half of 2010 and to renegotiate the western Atlantic BFT TAC at the November 2010 ICCAT meeting. The 2010 stock assessment may result in recommended changes to the ICCAT BFT rebuilding plan in the foreseeable future, which may require a future domestic rulemaking. Any future domestic actions taken in regard to the BFT fishery would remain within the scope of ICCAT recommendations as well as established BFT TACs.

The action considered in this SEA/RIR/FRFA, regarding implementation of the 2008 ICCAT quota recommendation, is expected to have slightly negative social and economic impacts (due to the baseline quota reduction from the 2009 level). The measures in this action

are not expected to change current fishing practices or increase fishing effort, and therefore should not cause biological impacts not previously considered in the 2001 and 2004 Biological Opinions (BiOps) and addressed in the Consolidated HMS FMP FEIS. Therefore, the cumulative effects analyses presented in the HMS FMP EIS, as supported by the cumulative effects analysis in the 2001 and 2004 BiOps, is hereby incorporated by reference.

NMFS' goal for HMS management has been to provide sustainable harvests that would provide the greatest economic benefits to the largest number of individuals. While certain actions have resulted in negative socio-economic impacts, all of the past, present, and reasonably foreseeable future actions are expected to ensure the long-term sustainability and continued economic viability of U.S. Atlantic HMS fisheries consistent with applicable law. Thus, NMFS considers that this action is consistent with past and current actions, and anticipates that it also would be consistent with future actions with no substantial adverse, cumulative impacts on the environment from the proposed measures. Table 6 summarizes the determinations made above regarding impacts of the alternatives considered in this action.

A proposed rule to provide a modest increase in fishing opportunities within the existing U.S. BFT quota and specifically the General and Harpoon category subquotas was published on November 4, 2009 (74 FR 57128). These categories have been underharvesting their allocated sub-quota of large medium and giant BFT for several years. Specifically, the proposed rule, if finalized, would increase the General category maximum daily retention limit (from three to five large medium or giant BFT); allow the full January General category subquota to be reached (i.e., allow the General category season to remain open until the January subquota is reached), and to increase the Harpoon category daily incidental retention limit of large medium BFT from two to four fish. The purpose of the action is to enable more thorough utilization of the available U.S. quota, while ending BFT overfishing, rebuilding the BFT stock by 2019, and minimizing bycatch and bycatch mortality to the extent practicable. The original comment period end date for the proposed rule was December 21, 2009. During the comment period, NMFS received several comments requesting a 90-day comment period extension. Subsequently, NMFS extended the comment period to allow additional opportunities for public comment until March 31, 2010 (74 FR 68414, December 24, 2009). There would not be any cumulative significant impacts from this proposed action and the action covered by this FONSI. NMFS regulations provide tools for the agency to manage quota attainment during the season. Further, any quota overages or underages that might occur during 2010 could be addressed in the BFT quota specifications for 2011.

Section 6 Regulatory Impact Review

The Regulatory Impact Review (RIR) is conducted to comply with Executive Order 12866 (E.O. 12866) and provides analyses of the economic benefits and costs of each alternative to the nation and the fishery as a whole. The information contained in Section 5, taken together with the data and analysis incorporated by reference, comprise the complete RIR.

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 review of 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.

Description of Management Objectives

Please see Section 1 for a full description of the purpose and need for the proposed rule and SEA/RIR/FRFA for the 2010 BFT quota specifications. This action is necessary to implement the 2008 ICCAT recommendation as necessary and appropriate pursuant to ATCA and to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. The objective of this action is to implement the 2008 ICCAT recommendation and distribute the U.S. BFT quota (adjusted for underharvest) among domestic fishing categories.

Description of Fishery

Please see Section 3 of this SEA/RIR/FRFA and Section 3 of the 2009 parent EA for a description of fishery and environment that could be affected by this rulemaking.

Statement of the Problem

Please see Section 1 for a full discussion of the problem and need for this management action. The management measures in this action are designed to implement the 2008 ICCAT BFT recommendation for 2010, as necessary and appropriate pursuant to ATCA and to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. Because BFT quotas and allocations are codified in the HMS regulations at § 635.27, a regulatory amendment is necessary to modify the baseline U.S. quota

from 1,009.9 mt (recommended for 2009) to 952.4 mt (recommended for 2010) and the allocations (in mt) to the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories, per the percentage allocation shares set forth in the Consolidated HMS FMP.

Description of Each Alternative

Please see Sections 2 and 4 for a summary of the preferred and No Action alternatives and Section 6 for a complete description of each alternative and its expected impacts.

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

NMFS does not foresee that the national net benefits and costs would change significantly in the long term as a result of implementation of this action. The total amount of BFT landed and available for sale under the action is expected to provide slight net positive economic impacts, particularly over the long-term, from fishing at a level that is expected to allow for rebuilding of the stock by 2018. Table 7 indicates the possible net economic benefits and costs of each alternative. The Western Atlantic BFT fishery TAC will be renegotiated in 2010.

Conclusion

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 obligation 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 the Executive Order. The action described in this SEA/RIR/FRFA does not meet the above criteria. For example, the economic impacts as reflected in this proposed rule are under the $100 million threshold. This action raises no novel or legal policy issues as it sets BFT quotas for all domestic fishing categories consistent with international and domestic law and policy in accordance with the processes previously established in the Consolidated HMS FMP, and is not expected to result in any inconsistency with other agency actions. Therefore, under E.O. 12866, the final action described in this document has been determined to be not significant for the purposes of E.O. 12866.

Section 7 Final Regulatory Flexibility Analysis

The Final Regulatory Flexibility Analysis (FRFA) is conducted to comply with the Regulatory Flexibility Act (5 USC 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 the 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.

Statement of the Need for and Objectives of this Final Rule

Please see Section 1 for a full discussion of the need for, objectives of, and legal basis for, the proposed rule and SEA/RIR/FRFA for the 2010 BFT quota specifications. The action is necessary and appropriate pursuant to ATCA and to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. This action is needed specifically to implement the 2008 ICCAT BFT recommendation for 2010. Because BFT quotas and allocations are codified in the HMS regulations at § 635.27, a regulatory amendment is necessary to modify the baseline U.S. quota from 1,009.9 mt (recommended for 2009) to 952.4 mt (recommended for 2010) and the allocations (in mt) to the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories, per the percentage allocation shares set forth in the Consolidated HMS FMP.

A Summary of the Significant Issues Raised By the Public Comments in Response to the Initial Regulatory Flexibility Analysis, a Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made in the Rule as a Result of Such Comments

A summary of the comments NMFS received proposed 2010 BFT quota specifications (74 FR 63095, December 2, 2009) during the comment period and the Agency's responses are included in Section 9 and are included in the final rule. NMFS did not receive any comments specifically on the IRFA.

Description and Estimate of the Number of Small Entities to Which the Final Rule Would Apply

This action would apply to all participants in the Atlantic BFT fishery. As shown in Table 8, approximately 34,000 vessels that held a 2009 Atlantic HMS Charter/Headboat, Atlantic HMS Angling, or an Atlantic tunas permit. These permitted vessels consist of commercial, recreational, and charter vessels as well as headboats. Of these, 8,318 permit holders (the combined number of commercial category permit holders, including charter/headboat vessels) are considered small business entities according to the Small Business Administration's standard for defining a small entity.

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

This action does not contain any new collection of information, reporting, record keeping, or other compliance requirements.

Description of the Steps the Agency Has Taken to Minimize the Significant Economic Impact on Small Entities Consistent with the Stated Objectives of Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and the Reason That Each one of the Other Significant Alternatives to the Rule Considered by the Agency Which Affect Small Entities Was Rejected

One of the requirements of a FRFA is to describe any alternatives to the final rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below and in Sections 4, 5, and 6 of this document. Additionally, the Regulatory Flexibility Act (5 U.S.C. § 603 (c) (1)-(4)) lists four general categories of "significant" alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are:

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 for small entities.

In order to meet the objectives of this final rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. In addition, none of the alternatives considered would result in additional reporting or compliance requirements (category two above). NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act.

The FRFA assesses the impacts of the alternatives on the vessels that participate in the BFT fisheries, many of which are considered small entities. In order to do this, NMFS has estimated the average impact that the alternative to establish the 2010 BFT quota for all domestic fishing categories would have on individual categories and the vessels within those categories. As mentioned above, the 2008 ICCAT recommendation reduces the U.S. BFT quota for 2010 to 977.4 mt. This quota allocation includes 25 mt to account for incidental catch of BFT related to directed longline fisheries in the NED. This action would distribute the adjusted (baseline) quota of 952.4 mt to the domestic fishing categories based on the allocation percentages established in the Consolidated HMS FMP.

In 2009, the annual gross revenues from the commercial BFT fishery were approximately $6.9 million. As described above, 8,318 vessels are permitted to land and sell BFT under four commercial BFT quota categories (including charter/headboat vessels). The commercial categories and their 2009 gross revenues are General ($5,040,772), Harpoon ($498,877), Purse Seine ($149,934), and Longline ($1,247,600). The FRFA assumes that each vessel within a category would have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

For the allocation of BFT quota among domestic fishing categories, NMFS analyzed a no action alternative and a preferred alternative that would implement the 2008 ICCAT recommendation. Implementation of the preferred alternative would be in accordance with the Consolidated HMS FMP and consistent with ATCA under which the United States is obligated to implement ICCAT-approved quota recommendations as necessary and appropriate. The preferred alternative would implement this quota and have slightly positive impacts for fishermen in the long-run as the stock rebuilds. The no action alternative would keep the quota at the 2009 levels (approximately 58 mt more) and would not be consistent with the purpose and need for this action and the Consolidated HMS FMP. It would maintain economic impacts to the United States and to local economies at a distribution and scale similar to 2009 or recent prior years, and would provide fishermen additional fishing opportunities, subject to the availability of BFT to the fishery, in the short term. In the long term, however, as stock rebuilding is delayed, negative impacts would result.

It is difficult to estimate average potential ex-vessel revenues to commercial participants, largely because revenues depend heavily on the availability of large medium and giant BFT to the fishery. Section 4 describes potential revenue losses per commercial quota category based on each category's proposed base quota reduction and price-per-pound information from 2009 (i.e., $454,059 for the General category, $27,888 for the Harpoon category, $46,420 for the Longline category, $0 for the Trap category, and $139,278 for the Purse Seine category). As described in Section 4, because the directed commercial categories have underharvested their subquotas in recent years, the potential decreases in ex-revenue above overestimate the probable economic impacts to those categories relative to recent conditions. Additionally, there has been substantial interannual variability in ex-vessel revenues per category in recent years due to recent changes in BFT availability and other factors. Generally, the interannual differences in ex-vessel revenues per category have been larger than the potential impacts described above.

Data on net revenues of individual fishermen are lacking, so the economic impact of the alternatives is averaged across each category. NMFS considers this a reasonable approach for BFT fisheries. More specifically, 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 fishery participant on a successful trip. The available data 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 participant cannot be calculated. As a result, NMFS analyzes the average impact of the proposed alternatives among all participants in each category.

Success rates vary widely across participants in each category (due to extent of vessel effort and availability of commercial-sized BFT to participants where they fish) but for the sake of estimating *potential* revenue loss *per vessel*, category-wide revenue losses can be divided by the number of permitted vessels in each category (see Table 8). Because HMS Charter/Headboat vessels may fish commercially under the General category quota and retention limits, Charter/Headboat permitted vessels are considered along with General category vessels when estimating potential General category ex-vessel revenue changes. Potential ex-vessel revenue losses are estimated as follows: General category (including Charter/Headboat vessels): $57; Harpoon category: $1,213; Longline category (incidental): $171; Trap category (incidental): $0;

and Purse Seine category: $46,426. These values likely overestimate potential revenue losses for vessels that actively fish and are successful in landing at least one BFT.

Section 8 List of Preparers and Agencies Consulted

This SEA/RIR/FRFA was prepared by Sarah McLaughlin, Brad McHale, Mark Murray-Brown, and Margo Schulze-Haugen from the HMS Management Division, Office of Sustainable Fisheries. No other agencies were consulted during the preparation of this supplemental EA/ RIR/FRFA.

Please contact the HMS Management Division, Northeast Regional Office, for a complete copy of current regulations for the Atlantic tunas fisheries.

Highly Migratory Species Management Division
NMFS -Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930
phone: (978) 281-9260 fax: (978) 281-9340

Section 9 Public Comment and Agency Responses

NMFS received seven written comments on the proposed rule, and received oral comments from most of the 15 participants who attended public hearings in Gloucester, MA, and Silver Spring, MD. In addition to the comments received specifically on the proposed quota specifications, as summarized below, NMFS received comments on additional issues that are beyond the scope of the rulemaking for this action. These comments are summarized under "Other Issues" below.

A. BFT Quotas

Comment 1: A few commenters support a total closure of the BFT fishery or substantial cuts to the U.S. BFT quota and stricter domestic management measures for the sustainability of the stock. One stated that the BFT stock is a natural resource belonging to all, not only those who profit from its use.

Response: These specifications are promulgated in accordance with ICCAT Recommendation 08-04, domestic legislation including the Magnuson-Stevens Act and the Atlantic Tunas Convention Act, the 2006 Consolidated HMS FMP, implementing regulations. ICCAT adopted a western Atlantic BFT Total Allowable Catch (TAC) of 1,800 mt for 2010 based on scientific advice and projections that the stock would rebuild by the end of the rebuilding period under the low recruitment scenario. NMFS allocates the U.S. quota to ensure that available fishing opportunities are distributed over as wide a range as possible with regard to time of year, geographic area, and type of participation while maintaining consistency with measures taken to rebuild the BFT fishery.

Comment 2: One commenter is concerned that the fishery for BFT measuring less than 73 inches is insufficiently regulated and monitored. The commenter suggested that NMFS enforce a hard Angling category quota or stop the recreational BFT fishery on September 1 to prevent Angling category quota excesses.

Response: To monitor the recreational BFT fishery, NMFS depends primarily on the Large Pelagics Survey (LPS) for landings estimation, and uses information from catch card reporting in North Carolina and Maryland as well as the Automated Landings Reporting System to verify or supplement landings estimates. Although NMFS also may adjust recreational effort controls inseason based on the best information available, landings data generally are not available until the end of the calendar year. Using the data sets above and retrospective analysis, NMFS is able to estimate approximate landings following the end of the year and make adjustments to recreational daily retention limits for the upcoming year to maintain overall landings within the ICCAT-recommended quotas.

Comment 3: A representative from a commercial handgear organization states that the General category BFT allocation scheme, which allocates 89.5 percent of the General category quota to the summer and fall fishery, which traditionally take place in New England, is inequitable and violates National Standard 4 of the Magnuson-Stevens Act (i.e., discriminates against residents of different states). The industry group seeks reallocation generally, and requests that NMFS allocate quota from the 2010 adjusted Reserve to the January and December 2010 subquotas.

Response: The current General category quota allocation scheme was established in the 2006 Consolidated HMS FMP. During the development of the previous HMS FMP, in 1999, the emergence of a General category BFT fishery in the southern Atlantic region was extensively discussed by the HMS Advisory Panel (AP) and the public. At the time, the majority of General category fishing activity took place in the summer and fall off the New England and Mid-Atlantic coasts. However, the HMS AP did not agree on how the HMS FMP should address the scope of a southern area late season General category BFT fishery. In the early 2000s, NMFS performed a number of inseason quota transfers of BFT, consistent with the transfer criteria established in the 1999 HMS FMP, which allowed the General category BFT fishery to extend into the winter months (i.e., late November - December). In 2002, NMFS received a Petition for Rulemaking from the North Carolina Division of Marine Fisheries to formalize this winter fishery and extend fishing opportunities for the General category into January (67 FR 69502, November 18, 2002). In December 2003, NMFS extended the General category end date from December 31 to January 31 (68 FR 74504, December 24, 2003) to address some of the concerns raised in the Petition, as well as to increase fishing opportunities and optimum yield for the fishery overall. In 2006, NMFS modified the General category time period subquotas to allow for a formalized winter fishery via the Consolidated HMS FMP. These subquotas remain in effect. Further changes to the BFT General category subquota allocation scheme would require a separate rulemaking.

In November 2009, NMFS published a proposed rule that, if finalized, could, among other things, allow the General category season to remain open past January 31 until the entire subquota is utilized (74 FR 57128, November 4, 2009). The proposed action was initiated with

the intent to more thoroughly utilize available U.S. BFT quota and, in particular, extend fishing opportunities beyond the end of January if quota is still available. The comment period for this proposed rule was extended through March 31, 2010.

Comment 4: A representative from a commercial handgear organization objects to the allocation of underharvest carried forward from 2009 to the Longline category and would prefer allocation of this underharvest to the directed fishing categories that use live-release methods and do not result in discards.

Response: NMFS is applying 170.7 mt of the 2009 underharvest to the Longline category quota to provide the Longline category sufficient quota to operate during the entire 2010 fishing year after the required accounting for BFT dead discards. The regulations regarding determination criteria and annual adjustment of the BFT quota at §§ 635.27(a)(8) and 635.27(a)(10) allow NMFS to transfer quotas among categories based on several criteria (such as a review of landing trends, the projected ability of the vessels fishing under a particular category quota to harvest the additional amount of BFT before the end of the fishing year, the estimated amounts by which quotas for other categories might be exceeded, the effects of the adjustment on accomplishing the objectives of the fishery management plan, etc.). This provides NMFS the flexibility to apply the underharvest to the overall quota for the following fishing year, and distribute the underharvest as needed, provided that the total of the adjusted category quotas and the Reserve is consistent with the ICCAT recommendation.

Distribution of the available underharvest solely to the directed fishing categories potentially could result in a needed closure of the pelagic longline fishery prior to the end of the year while the longline fleet is conducting directed operations for swordfish and other Atlantic tunas. NMFS acknowledges that high landings and discards are a growing issue for the pelagic longline fleet given the limited quota for incidental retention of BFT, and continues to work with stakeholders and the HMS AP to more fully understand the scope of the problem and possible solutions.

Comment 5: A BFT dealer asks if NMFS can transfer quota from the Purse Seine category, which has not made full use of its quota in recent years, to the Longline category for 2010.

Response: As described in the response to Comment 4, NMFS may conduct annual adjustments or year-end quota transfers among any of the categories based on the determination criteria listed in the BFT quota regulations.

Comment 6: A representative of the longline industry opposes the BFT longline dead discard methodology in place since the 2006 ICCAT Annual Meeting and is concerned about the potential for BFT quota shortages in the near term combined with potential increased longline interactions with BFT as the stock recovers.

Response: The United States applies the ICCAT Standing Committee on Research and Statistics (SCRS) approved methodology to calculate dead discards. The United States must report dead discard estimates to ICCAT annually and account for this mortality as part of the

domestic specification calculation process. Changes to the approved method would require consideration and approval by the SCRS prior to U.S. implementation. As described in the response to Comment 4, NMFS will continue to seek solutions to the issue of BFT bycatch in the pelagic longline fishery.

Comment 7: A commercial handgear fisherman requests that NMFS manage the BFT fishery based on what the science shows to be available to the U.S fishery, i.e., allow greater access to small medium BFT since they have moved to grounds off New England.

Response: The current quota allocation scheme and minimum sizes are as established in the Consolidated HMS FMP. Increased availability of small medium BFT (measuring 59 to less than 73 inches) has presented increased fishing opportunities for recreational fishery participants at this time. However, there is little certainty that this availability will continue for the long-term. Furthermore, changes to the commercial minimum size need to be carefully considered in the context of impacts to the stock and rebuilding program as well as socio-economic impacts for the commercial and recreational BFT fisheries. In addition, because the United States landed its 2009 base quota and because ICCAT Recommendation 08-04 limits the amount of quota that can be carried forward to 10 percent starting in 2011, providing additional access to small medium BFT potentially could result in U.S. overharvest and U.S. non-compliance with the ICCAT Recommendation.

B. Other Issues

Extension of the General and Harpoon category seasons

Some of the Gloucester public hearing participants sought clarification of the Harpoon category fishery start date and some requested that NMFS allow General and Harpoon category fishing to commence May 1 rather than June 1, particularly given recent underharvests of those categories.

ICCAT negotiations

A few industry representatives request that the U.S. delegation to ICCAT renegotiate the amount that western Atlantic ICCAT contracting parties may carry forward to the next year (from 10% to at least 25%), as U.S. landings are variable from year to year and may increase as a result of eastern Atlantic and Mediterranean TAC reductions and mixing.

Response to Comments on Other Issues:

The suggestions listed above are beyond the scope of the rulemaking and its NEPA analysis. However, in the regulatory text of the final rule, NMFS will clarify that the Harpoon category fishery commences June 1 each year. NMFS is clarifying that the Harpoon category fishery commences June 1 each year. NMFS is also clarifying that the Purse Seine fishery closes on December 31 of each year. This information has been presented in numerous HMS documents, including the Consolidated HMS FMP, the annual Commercial Compliance Guides,

and the annual Atlantic Tunas Regulations brochures, but addressing it in the regulatory text will provide needed clarity within the fishery that is the subject of this rule.

In considering any change to the ICCAT recommendation on allowed carryforward of underharvest, NMFS must consider carefully the potential effects on the stock rebuilding, particularly when they result in potential total catches that are greater than the scientifically recommended TAC.

Section 10 FINDING OF NO SIGNIFICANT IMPACT

Finding of No Significant Impact for the
2010 Atlantic bluefin tuna (BFT) quota specifications

The Highly Migratory Species (HMS) Management Division of the Office of Sustainable Fisheries submits the attached Supplemental Environmental Assessment (SEA) for the Atlantic bluefin tuna fisheries for Secretarial review under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This document is a *supplemental* environmental assessment (EA) as the action would implement minor changes (a reduction of 57.5 mt) to the quotas implemented in the 2009 BFT Quota Specifications and Effort Controls (74 FR 26110, June 1, 2009) and analyzed in the Environmental Analysis/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) for that action (hereafter referred to as the "2009 parent EA"). This SEA considers information contained in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP), and was developed as an integrated document that includes a Regulatory Impact Review and Initial Regulatory Flexibility Analysis. The responses in the Finding of No Significant Impact statement are supported by the analyses in the SEA as well as in the other NEPA documents referenced. Copies of the SEA/Regulatory Impact Review/Final Regulatory Flexibility Analysis are available at the following address:

Highly Migratory Species Management Division, F/SF1
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9260

or

http://www.nmfs.noaa.gov/sfa/hms

This action would adjust quotas for 2010 based on:

1) the 2009 and 2010 quotas included in the 2008 recommendation by the International Commission for the Conservation of Atlantic Tunas for the western Atlantic bluefin tuna stock; and
2) allocation of quota underharvest allowed to be carried forward from 2009 to 2010.

The National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of an action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of context and intensity. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1. Can the action be reasonably expected to jeopardize the sustainability of any target species that may be affected by the action?

No. The action is not expected to jeopardize the sustainability of BFT, which is the primary target species of fishing operations affected by this action. This action also affects incidental harvest of BFT in the pelagic longline fishery. Fishing patterns and behavior in these fisheries are not expected to change as a result of this action.

In this action, NMFS would implement the annual U.S. BFT quota in the western Atlantic management area of 977.4 mt for 2010, a decrease of 57.5 mt from the previous quota of 1,034.9 mt, which was analyzed in the 2009 parent EA). The action includes an annual allocation of 25 mt to account for incidental catch of BFT by pelagic longline vessels fishing in the Northeast Distant Area (NED), and would adjust the 2010 fishing category quotas consistent with the 2008 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (ICCAT Recommendation 08-04) and the 2006 Consolidated HMS FMP. Because the recommended quota is consistent with ICCAT's western BFT rebuilding plan that is intended to end overfishing, the action is not expected to jeopardize the sustainability of BFT. Further, the action implements a reduction in quota of 57.5 mt from the action analyzed in the 2009 parent EA, which was determined by NMFS to have no significant impact on the human environment, and not to jeopardize the sustainability of BFT.

The 2009 parent EA was prepared for the June 1, 2009 final rule (74 FR 26110) implementing 2009 BFT quota specifications and General and Angling category effort controls. As stated in the FONSI for the 2009 parent EA, this SEA also incorporates the analyses and conclusions contained in the Final Environmental Impact Statement (FEIS) associated with the 1999 HMS FMP (64 FR 29090, May 28, 1999), and the Consolidated HMS FMP (71 FR 58058, November 1, 2006), which outlines the analytical and regulatory process for establishment of quota specifications via annual framework actions.

2. Can the action be reasonably expected to jeopardize the sustainability of any non-target species?

No. The action is not expected to jeopardize the sustainability of any non-target fish species or bycatch because it is expected to result in a decrease in fishing effort compared to 2009 levels. The impact of the effort for 2009, as analyzed in the 2009 parent EA, was not expected to jeopardize the sustainability of any non-target species. The overall base quota for 2010 would be 5.6 percent less than implemented for 2009, and each of the subquotas would be slightly less than 2009 levels; therefore, a slight reduction in overall effort relative to the 2009 level could be expected. Additionally, in the last several years, commercial effort and landings have greatly declined from historic levels because of decreased availability of BFT and other factors.

The primary fishing gears used to target BFT (i.e., rod and reel and purse seine) allow for the live release of non-target species to a great degree. The quotas for these sectors of the fishery account for more than 85 percent of the total U.S. annual quota. Primary non-target fish species caught by vessels targeting BFT include yellowfin tuna, bigeye tuna, and other large pelagic

species. NMFS has already implemented rebuilding plans, as appropriate, and fishing controls for the primary non-target species.

Handgear and purse seine gear fisheries actions, consulted on under the Endangered Species Act and covered under the June 2001 Biological Opinion (BiOp) for HMS fisheries, were determined not likely to jeopardize the continued existence of endangered or threatened species, including sea turtles. A June 2004 BiOp determined that the continued operation of the pelagic longline fishery (for which direct BFT fishing is not permitted but for which incidental BFT retention is permitted) is not likely to jeopardize the continued existence of loggerhead, green, hawksbill, Kemp's ridley, or olive ridley seas turtles, but is likely to jeopardize the continued existence of leatherback sea turtles. NMFS has implemented the Reasonable and Prudent Alternatives required under the 2004 BiOp. The analyses in the 2001 and 2004 BiOps were relevant for the Consolidated HMS FMP, which serves as the baseline FEIS for annual BFT specifications. The 2009 parent EA analyzed a reduction in quota that was not expected to significantly alter fishing patterns and/or behavior, and therefore was within the scope of the previous BiOps. Likewise, the small reduction in quota from this action is not expected to significantly alter fishing patterns and/or behavior, and therefore should not have adverse impacts on non-target species beyond those considered in the 2009 parent EA, the 2001 and 2004 BiOps, and the Consolidated HMS FMP.

Through a final rule that published on May 19, 2009 (74 FR 23349) and became effective on June 18, 2009, (i.e., since publication of the 2009 parent EA), NMFS established additional management measures to reduce serious injury and mortality of long-finned and short-finned pilot whales, and Risso's dolphins in the U.S. East Coast Atlantic pelagic longline (PLL) fishery. These measures include a requirement to post a marine mammal handling placard, restricting PLL mainline length to 20 nautical miles in the Mid-Atlantic Bight area, and developing observer and research participation requirements to operate in the Cape Hatteras Special Research Area.

Goals of the Consolidated HMS FMP 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 (discussed in Section 3.8 of the Consolidated HMS FMP), and this action would not change any of the bycatch measures in place under the Consolidated HMS FMP, or the effectiveness of those measures. Section 3.9.9.1 of the Consolidated HMS FMP lists the 22 marine mammal species that are or could be of concern with respect to potential interactions with HMS fisheries. Section 3.9.9.2 discusses interactions and the Endangered Species Act, including six endangered whale species. The response to Question 5, below, summarizes the finding that marine mammals and ESA-listed species' sustainability would not be jeopardized by this action.

3. Can the action be reasonably expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?

No, this action is not expected to cause substantial damage to the ocean and coastal habitats and/or EFH, as defined under the Magnuson-Stevens Act. The 2009 parent EA

concluded that there would not be any substantial damage to the ocean, coastal habitats, or EFH from implementation of the 2009 BFT quota specifications and effort controls. Although EFH is present in the action area, because this action implements a 57.5 mt reduction in annual quota for the BFT fishery, it is not expected to change BFT fishing patterns or impacts on EFH from those analyzed in the 2009 parent EA, or to allow substantial damage to ocean and coastal habitats and/or EFH. As discussed in Chapter 10 of the Consolidated HMS FMP, the primary fishing gears used to harvest BFT (hook and line and purse seine) are fished in the water column and have little impact on coastal resources or bottom substrate. Water column features also are identified as EFH; as supported by the 2009 parent EA, there is no evidence that physical effects caused by fishing for HMS are adversely affecting EFH to the extent that detrimental effects can be identified, and this action would not have adverse impacts to EFH.

4. Can the action be reasonably expected to have a substantial adverse impact on public health and safety?

No. The 2009 parent EA concluded that the 2009 action was unlikely to have substantial adverse impacts on public health and safety. The small reduction in quota implemented by this action would not change this conclusion. Fishing practices or behavior would not change significantly, although the amount of fishing effort may decrease slightly as a result of this action in combination with recent evidence of an overall decrease in BFT availability on the historical fishing grounds. Because the action would not change the current fishery practices, no significant effects to public health and safety are anticipated from its implementation.

5. Can the action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

See response to Question 2 regarding findings of the 2001 and 2004 BiOps. As supported by the 2009 parent EA, implementation of reasonable and prudent alternatives, reasonable and prudent measures and terms and conditions of those BiOps is underway, and this action is covered by the scope of those BiOps. The 2009 parent EA concluded that the 2009 BFT quota specifications and effort controls would not be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat. This action would implement an overall BFT quota 5.6 percent less than the 2009 level, and 34 percent less than the 2004 level (1,489.6 mt). Therefore, a reduction in overall effort relative to the level at the most recent consultation could be expected, with the potential for a slight decrease in endangered or threatened species, marine mammals, and habitat interactions. The measures in these 2010 quota specifications are not expected to significantly alter current fishing practices or bycatch mortality rates from the level analyzed in the 2009 parent EA, and therefore should not have adverse impacts on protected species, or have any further impacts on endangered species, listed marine mammals, or critical habitat beyond those considered in the 2001 and 2004 BiOps. In addition, the 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 BFT), and this action is not anticipated to change the 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 Consolidated HMS FMP and 2009 parent EA.

6. Can the final action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g. benthic productivity, predator-prey relationships, etc.)?

No. The 2009 parent EA concluded that the 2009 quota specifications and effort controls were not expected to have a significant impact on biodiversity and ecosystem function within the affected area, because the action was not expected to change fishing practices, and/or interactions with non-target and endangered or threatened species. The 2009 parent EA also concluded that the action would not likely affect unique geographic areas or introduce or spread non-indigenous species. The same conclusions and reasons apply in this action since it would implement a small reduction in quota compared to the 2009 action.

7. Are significant social or economic impacts interrelated with significant natural or physical environmental effects?

No. There are no significant natural or physical environmental effects associated with the action and no significant social or economic impacts interrelated with natural or physical environmental effects that would result from the action. The action is expected to have some short-term negative socio-economic impacts due to the decrease in quota and subquotas for 2010 relative to 2009 although actual impacts would depend on BFT availability to the various fishing gears. In the long-term, positive social and economic impacts can be expected as the fishery rebuilds. Further, the action is necessary to implement the ICCAT-recommended U.S. quota and is consistent with the ICCAT recommendation regarding the 10-percent tolerance of BFT measuring less than 115 cm (45 inches) and other management measures. See Section 6 (the Regulatory Impact Review for this action) for an analysis of the predicted economic impacts to the BFT fishery and small business entities.

8. To what degree are the effects on the quality of the human environment expected to be highly controversial?

The effects of this action on the human environment are not expected to be highly controversial. The 2009 parent EA concluded that implementation of the 2009 BFT quota specifications and effort controls was not likely to be highly controversial. The action covered by this SEA would slightly decrease the BFT quota for 2010 compared to 2009, which is also not expected to be highly controversial. The purpose of the quota specifications is to allocate the annual quota recommended by ICCAT to U.S. quota categories, and allocate overages or underages from previous years, which is usually not a highly controversial issue. The percentage shares assigned to each quota category which established the basis for this action were determined in the 1999 HMS FMP and associated FEIS.

9. Can the action be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

No. This action would not result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or

ecologically critical areas because fishing effort would occur in open areas of the ocean. In addition, there is no park land, prime farmlands, wetlands, or wild and scenic rivers within the action area so there would be no adverse impacts on these areas.

10. Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

No. Effects on the human environment would be similar to those in similar annual actions since 1999, and have been considered in the Consolidated HMS FMP FEIS and in the 2009 parent EA. None of the previous actions resulted in highly uncertain effects or unique or unknown risks. This action would allocate the 2010 ICCAT-recommended BFT quota consistent with the FMP and other ICCAT recommendations.

11. Is the action related to other actions with individually insignificant, but cumulatively significant impacts?

No. This action is not expected to have additional impacts to those analyzed in the FEIS and the 2009 parent EA. There are no significant cumulative impacts associated with this action in combination with other past, present, or reasonable foreseeable future actions. This action would implement the 2008 ICCAT recommendation for BFT (made for 2009 and 2010) for 2010, and it would adjust the 1998 ICCAT BFT rebuilding plan originally implemented by NMFS in the 1999 HMS FMP and analyzed in the associated FEIS and the FEIS for the Consolidated HMS FMP.

A proposed rule to provide a modest increase in fishing opportunities within the existing U.S. BFT quota and specifically the General and Harpoon category subquotas was published on November 4, 2009 (74 FR 57128). Because these categories have been underharvesting their allocated sub-quota of large medium and giant BFT for several years, the action proposes to increase the General category maximum daily retention limit and to allow the full January General category subquota to be reached, and to increase the Harpoon category daily incidental retention limit. The purpose of the action is to enable more thorough utilization of the available U.S. quota, while ending BFT overfishing, rebuilding the BFT stock by 2019, and minimizing bycatch and bycatch mortality to the extent practicable. The original comment period end date for the proposed rule was December 21, 2009. During the comment period, NMFS received several comments requesting a 90-day comment period extension. Subsequently, NMFS extended the comment period to allow additional opportunities for public comment until March 31, 2010 (74 FR 68414, December 24, 2009). There would not be any cumulative significant impacts from this action and the action covered by this FONSI. NMFS regulations provide tools for the agency to manage quota attainment during the season. Further, any quota overages or underages that might occur during 2010 could be addressed in the BFT quota specifications for 2011.

Other recent actions have been consistent with this rebuilding plan. Any future domestic actions taken in regard to the BFT fishery would remain within the scope of ICCAT recommendations and would be consistent with the rebuilding plan. Likewise, all actions in this

rule are consistent with those proposed and consulted over in previous Biological Opinions issued under the Endangered Species Act.

12. Is the action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No. The management measures would occur in inshore and offshore waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea and would not occur in any areas listed or eligible for listing in the National Register or Historic Places, and would not cause loss or destruction of significant scientific, cultural or historical resources because there are no significant scientific, cultural or historic resources within the action area.

13. Can the action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No. The 2009 parent EA concluded that the 2009 action would not reasonably be expected to result in the introduction or spread of non-indigenous species. The current action is also consistent with that conclusion. The current action would reduce the annual BFT quota by 56 mt and would not result in any change to fishing patterns previously analyzed in the 2009 parent EA, the FEIS for the Consolidated HMS FMP, and the FEIS for the 1999 HMS FMP. Most vessels in the directed BFT fishery are small day boats that return to port each night and do not travel between ecologically different bodies of water or exchange ballast water.

14. Is the action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

No. The issuance of BFT fishing specifications is a routine procedure which occurs on an annual basis and is consistent with ICCAT's 2008 U.S. quota recommendation and the Consolidated HMS FMP. The HMS regulations at 50 CFR 635 lay out the approach and boundaries for the action; thus, the decisions involved are limited and unlikely to set precedent or represent a decision in principle about future considerations. The management measures in this action would be in place from the effective date (expected to be in June 2010) until December 31, 2010. A separate action would be taken to establish the 2011 BFT quota specifications and would not be dependent on this action.

15. Can the action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

No. The action would be consistent with the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, and the regulations at 50 CFR 635. NMFS has preliminarily determined that the action would be implemented in a manner consistent with the enforceable policies of those coastal states on the Atlantic (including the Gulf of Mexico and Caribbean) that have approved coastal zone management programs. Letters were sent to the relevant states asking for their concurrence when the proposed rule was filed with the Federal Register. The following states have concurred: New Hampshire, Rhode Island, Connecticut, New Jersey, Delaware, Virginia,

North Carolina, Florida, Alabama, Mississippi, and Louisiana. The remaining states did not respond; therefore, consistency is inferred. This action would not violate any Federal, state, or local law or requirement imposed for the protection of the environment.

16. Can the action reasonably be expected to result in cumulative adverse effects that could have substantial effect on the target species or non-target species?

No. The action is not expected to result in cumulative adverse effects that could have a substantial effect on target species or non-target species. The action would implement the 2008 ICCAT BFT recommendation for the United States and would be consistent with ongoing implementation of ICCAT's rebuilding plan for western Atlantic BFT and the objectives of the Consolidated HMS FMP as analyzed in the HMS FMP FEIS. No increase in fishing effort or change in current fishing practices is expected relative to recent years; rather, a slight decrease is anticipated. The 2008 ICCAT recommendation was made after consideration of scientific and statistical information, including the 2008 BFT stock assessment, and to guide cumulative future management actions of member countries.

DETERMINATION

In view of the information presented in this document and the analysis contained in the attached SEA prepared for the 2010 BFT Quota Specifications (and in the FEIS for the Consolidated HMS FMP), it is hereby determined that this action (i.e., implementation of the preferred alternative) would not significantly impact the quality of the human environment as described above and in the SEA. In addition, all impacts to potentially affected areas, including national, regional and local, have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

MAY 0 5 2010

Emily H Menashes

Emily H Menashes
Acting Director, Office of Sustainable Fisheries, NOAA

Date

Table 1. Baseline ICCAT-recommended U.S. quotas from 2007-2010

2007	2008	2009	2010
1,165.12 mt	1,165.12 mt	1,009.0 mt	952.4 mt

Table 2. Atlantic bluefin tuna adjusted quotas and landings (metric tons) by category for the 2009 fishing year (January 1- December 31, 2009)

Category	2009 Adjusted Quota*	2009 Landings	Underharvest (-) or Overharvest (+)	% of Quota Allocation
Angling	260.6	565.9	**+305.3**	**217%**
General	623.1	325.4	-297.7	52%
Harpoon	76.6	41.4	-35.2	54%
Purse Seine	246	11.4	-234.6	5%
Longline	99.3	129.6	**+30.3**	**131%**
Trap	1.3	0	-1.3	0%
Reserve	155.4	0	-155.4	0%
TOTAL	1,462.3	1,073.7	-388.6	73%

*after inseason action (25 mt from Reserve to Harpoon category)

Commercial landings information is from the NERO dealer report database.
For the Angling category, landings were estimated using LPS information, NC catch card data, and reported trophy BFT landings.

Table 3. Atlantic bluefin tuna final quota specifications (in metric tons) for the 2010 fishing year (January 1-December 31, 2010)

Category (% share of baseline quota)	Baseline Allocation	Dead Discard Deduction	Adjustment to Baseline Quota[1]	Final 2010 Fishing Year Quota
Angling (19.7)	187.6 SUBQUOTAS: School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 85.6 North 40.4 South 45.2 Trophy 4.3 North 1.4 South 2.9		37.8	225.4 SUBQUOTAS: School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 122.5 North 57.8 South 64.7 Trophy 5.2 North 1.7 South 3.5
General (47.1)	Total: 448.6 SUBQUOTAS: Jan 23.8 Jun-Aug 224.3 Sept 118.9 Oct-Nov 58.3 Dec 23.3		90.3	538.9 SUBQUOTAS: Jan 28.6 Jun-Aug 269.4 Sept 142.8 Oct-Nov 70.1 Dec 28.0
Harpoon (3.9)	37.1		7.5	44.6
Purse Seine (18.6)	177.2		35.6	212.8
Longline (8.1)	77.1 SUBQUOTAS: North (-NED) 30.9 NED 25.0[3] South 46.2	-172.8	170.7[2]	75.0 SUBQUOTAS: North (-NED) 30.0 NED 25.0[3] South 45.0
Trap (0.1)	1.0		0.2	1.1
Reserve (2.5)	23.8		46.5[4]	70.3
Total (100)[5]	952.4	-172.8	388.6	1,168.2

(1) The distribution of 388.6 mt of underharvest (per ICCAT recommendation) to the quota categories is consistent with FMP allocations, after considerations as calculated below for the Longline category and the Reserve.
(2) Adjustment to Longline category quota is intended to provide sufficient quota for the 2010 fishing year. Longline category quota=77.1-172.8+170.7=75 mt. Dead discard deduction consistent with § 635.27(a)(10).
(3) 25 mt to account for bycatch of BFT in pelagic longline fisheries in the NED. Not included in total baseline allocation, which is allocated according to the category percentages contained in the Consolidated HMS FMP.
(4) Allocation of 46.5 mt to the Reserve for potential ICCAT transfer and other domestic management objectives.
(5) Totals are subject to rounding error.

Table 4. Ex-vessel average price (per lb, round weight) for BFT by commercial fishing category, 1996-2009

Category	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
General	8.71	7.13	5.01	6.53	8.62	6.78	6.12	5.17	6.77	7.40	7.60	7.82	8.44	7.60
Harpoon	7.69	8.06	5.70	8.57	6.42	6.57	5.97	5.88	6.04	5.51	5.45	5.98	6.36	5.50
Incidental (Longline/Trap)	4.62	4.90	4.85	5.15	5.36	5.08	4.40	4.52	4.27	3.80	4.84	4.98	4.78	4.48
Purse Seine	8.61	8.33	5.78	6.36	6.58	6.17	5.79	4.01	4.73	2.73	4.28	7.31	n/a	5.96

Prices contained in the table reflect calendar year averages. The BFT fishery was managed on an offset fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 HMS FMP in 2000 until January 2008, when management reverted to a calendar year basis. Prices are presented on a calendar year (versus offset fishing year) basis for 1996 through 1999, and for 2008 and 2009. The 2007 fishing year was June 1, 2007-December 31, 2007.

Prior to the 2007 BFT specifications, NMFS reported values as converted to 1996 dollars (using the Consumer Price Index Conversion Factors). In this table, all prices are presented as nominal dollars, consistent with methods used in the Consolidated HMS FMP.

Data Source: BFT Dealer Report Database

Table 5. Ex-vessel gross revenues in the U.S. Atlantic bluefin tuna fishery by commercial fishing category, 1996-2008

Year	General	Harpoon	Incidental (Longline/Trap)	Purse Seine	Total
2009	$5,040,772	$498,877	$1,247,600	$149,934	$6,937,183
2008	$3,975,244	$313,781	$722,016	$0	$5,011,041
2007	$2,259,194	$160,845	$807,954	$451,390	$3,679,383
2006	$2,526,052	$265,951	$558,022	$33,819	$3,383,844
2005	$3,815,068	$268,815	$675,297	$1,124,305	$5,883,484
2004	$5,444,735	$381,593	$998,201	$333,066	$7,157,595
2003	$6,027,760	$658,832	$691,496	$2,346,137	$9,724,224
2002	$12,199,803	$518,822	$486,793	$2,673,090	$15,878,508
2001	$14,070,209	$964,945	$398,401	$2,667,004	$18,100,558
2000	$13,686,456	$751,034	$731,340	$3,992,422	$19,161,253
1999	$9,858,771	$1,116,712	$758,650	$3,457,119	$15,191,252
1998	$7,462,669	$715,752	$474,631	$3,161,708	$11,814,759
1997	$10,618,105	$900,108	$458,074	$4,581,837	$16,558,123
1996	$10,781,387	$919,717	$647,634	$4,445,852	$16,794,591

Revenues contained in the table reflect calendar year summaries. The BFT fishery was managed on an offset fishing year basis (June through May) versus a calendar year basis (January through December) starting with the implementation of the 1999 HMS FMP in 2000 until January 2008, when management reverted to a calendar year basis. Revenues are presented on a calendar year (versus offset fishing year) basis for 1996 through 1999, and for 2008 and 2009. The 2007 fishing year was June 1, 2007-December 31, 2007.

Prior to the 2007 BFT specifications, NMFS reported values as converted to 1996 dollars (using the Consumer Price Index Conversion Factors). In this table, all prices are presented as nominal dollars, consistent with methods used in the Consolidated HMS FMP.

Data Source: BFT Dealer Report Database

Table 6. Comparison of impacts of the preferred alternative relative to the no action alternative

Alternative	Ecological Impacts to BFT	Other Ecological Impacts	Social Impacts	Economic Impacts
Implement the 2008 ICCAT BFT Recommendation for 2010 – Preferred Alternative	+	0	+ (long-term)	- (short-term)

(+) denotes positive impact, (-) denotes negative impact, (0) denotes neutral impact.
Other ecological impacts include EFH, non-target fish species, and protected species.
Short-term refers to impacts for the duration of this action (i.e., 2010) and long-term refers to impacts on the scale of the BFT rebuilding plan (i.e., through 2018).

Table 7. Economic Analysis of Expected Effects of Each Alternative Relative to the Baseline (No Action)

Alternatives	Net Economic Benefits	Net Economic Costs
No Action. Maintain 2009 base quotas established in 74 FR 26110 (June 1, 2009)	Positive economic impacts on a scale similar to 2009	Potential long-term cost of future reduced quota
Implement the 2008 ICCAT BFT Recommendation for 2010 – Preferred Alternative	Less positive impacts than A1, but slightly positive net economic benefit from fishing per rebuilding plan	Opportunity cost of revenue foregone due to quota lower than the quota recommended by ICCAT for 2009

Table 8. 2009 Atlantic HMS and Atlantic tunas permits

Category	Number of Permits
General	3,844
Harpoon	23
Purse Seine	3
Longline/Trap	276
HMS Angling (Recreational)	25,794
HMS Charter/Headboat	4,172
Total	34,112

Data Source: Atlantic HMS/Tunas Permit Database