



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[260225-0057]

RTID 0648-XF357

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; 2026 Atlantic Deep-Sea Red Crab Specifications

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

ACTION: Final rule.

SUMMARY: NMFS is finalizing specifications for the 2026 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings limit. This action is necessary to fully implement previously projected allowable red crab harvest levels that will prevent overfishing and allow harvesting of optimum yield. This action is intended to establish the allowable 2026 harvest levels, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

DATES: Effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], through February 28, 2027.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, (978) 281-9122.

SUPPLEMENTARY INFORMATION: The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council (Council). The Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) includes a specification process that requires the Council to recommend an acceptable biological catch (ABC), an annual catch limit (ACL), and total allowable landings (TAL) every 4 years. Collectively, these

are the red crab specifications. Prior to the start of fishing year 2024, the Council recommended specifications for the 2024-2027 fishing years (table 1).

Table 1 -- Council-Approved 2024-2027 Red Crab Specifications

	Metric Tons	Millions of pounds (lb)
Acceptable Biological Catch	2,000	4.41
Annual Catch Limit	2,000	4.41
Total Allowable Landings	2,000	4.41

On February 8, 2024, NMFS published a final rule implementing the Council-recommended specifications for the 2024 fishing year, effective through February 28, 2025, and projecting the fishery’s specifications for 2025 through 2027 (89 FR 8557). At the end of each fishing year, we evaluate catch information and determine if the quota has been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.262(b) require a pound-for-pound reduction in a subsequent fishing year. We have reviewed available 2024 and 2025 fishery information against the projected 2026 specifications. There have been no quota overages, nor is there any new biological information that would require altering the projected 2026 specifications published in 2024. Based on this information, we are finalizing specifications for fishing year 2026, as projected in the 2024 specifications rule, and outlined above in table 1. These specifications are not expected to result in overfishing and adequately account for scientific uncertainty.

The 2026 fishing year starts on March 1, 2026. The fishery management plan allows for the previous year’s specifications to remain in place until replaced by a subsequent specifications action (rollover provision). As a result, the 2025 specifications, also 2,000 mt, remain in effect until replaced by the 2026 specifications included in this rule. NMFS will provide notice of the final 2027 specifications, and any necessary reductions, prior to the start of the fishing year.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act (MSA), which authorizes the Secretary to implement management measures necessary to carry out an approved fishery management plan. Red crab specifications are implemented pursuant to the regulations at 50 CFR 648.260 that were approved and implemented by NMFS in Amendment 3 to the FMP (76 FR 60379, September 29, 2011). The NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab FMP, the 2024-2027 Atlantic Deep-Sea Red Crab specifications, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments, because allowing time for notice and comment would be unnecessary. The proposed rule for the 2024-2027 specifications, pursuant to the process described in the red crab regulations (§ 648.260), provided the public with the opportunity to comment on the specifications, including the projected 2025 through 2027 specifications (88 FR 83893, December 1, 2023). We received no comments on the proposed rule announcing the projected 2025-2027 specifications and this final rule contains no changes from the projected 2026 specifications that were included in both the December 1, 2023, proposed rule and the February 8, 2024, final rule (89 FR 8557, February 8, 2024). Through both the proposed rule for the 2024-2027 specifications and the final rule for the 2024 specifications, we alerted the public that we would conduct a review of the latest available catch information in each of the interim years of the multi-year specifications and announce the final quota prior to the March 1 start of the fishing year. Thus, the proposed and final rules that contained the projected 2025-2027 specifications provided a full opportunity for the public to comment on the substance and process of this action.

This final rule is exempt from review under Executive Order (E.O.) 12866.

This final rule is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the 2024-2027 red crab specifications would not have a significant economic impact on a substantial number of small entities. Implementing the 2026 specifications will not change the conclusions drawn in that previous certification to the SBA. No comments were received regarding this prior certification. As a result, no new regulatory flexibility analysis is required and none has been prepared.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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

Dated: March 9, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.