



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260323-0088]

RIN 0648-BO35

Fisheries of the Northeastern United States; Northeast Skate Complex; 2026-2028

Specifications

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes 2026 through 2028 specifications for the Northeast skate fishery. This action would set skate catch limits for fishing year 2026, project catch limits for fishing years 2027 through 2028, and increase per trip possession limits for the wing and bait fisheries. This proposed action is necessary to establish skate specifications consistent with the most recent scientific information. The intent of this action is to establish appropriate catch limits for the skate fishery while providing additional operational flexibility to fishery participants.

DATES: Comments must be received by **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. As explained further below, NMFS finds that a 15-day comment period for this action provides a reasonable opportunity for public participation in this action pursuant to Administrative Procedure Act section 553(c) (5 U.S.C. 553(c)), while also ensuring that the final specifications and possession limits are in place as close as possible to the start of the 2026 skate fishing season on May 1.

ADDRESSES: The New England Fishery Management Council (Council) has prepared a supplemental information report (SIR) that describes the proposed action and compares it to the alternatives and analyses presented in the environmental assessment (EA) that was prepared for Framework Adjustment 12 to the Northeast Skate Complex Fishery Management Plan (FMP). The SIR considers whether there are any substantial changes or significant new circumstances or information that are relevant to environmental concerns and could affect the proposed action or its impacts. Based on the analysis presented in the SIR, NMFS has determined that the Framework Adjustment 12 EA does not require supplementation. The SIR also includes a Regulatory Impact Review (RIR) and economic analysis. Copies of the proposed skate fishery specifications for fishing years 2026–2028, SIR, and other supporting documents are available on the Council website at <https://www.nefmc.org/library/2026-2027-skate-specifications> and upon request from Dr. Cate O’Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-1593>. You may submit comments on this document, identified by NOAA-NMFS-2025-1593, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA-NMFS-2025-1593 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal

identifying information (*e.g.*, name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Caroline Potter, Fishery Resource Management Specialist, (978) 281-9325.

SUPPLEMENTARY INFORMATION:

Background

The FMP sets management parameters for a complex of seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter) off the New England and mid-Atlantic coasts. Skates support two different targeted fisheries, one for food (the wing fishery) and one for bait in other fisheries (the bait fishery). The FMP requires that annual catch and possession limits for the skate fishery be reviewed and established through the specifications process. Framework Adjustment 12 to the Northeast Skate Complex FMP (Framework 12) (89 FR 58076, July 17, 2024) set management measures and specifications for the skate fishery for fishing year 2024 and projected specifications for fishing year 2025. A subsequent final rule (90 FR 16467, April 18, 2025) finalized the projected specifications for fishing year 2025.

Proposed Measures

Consistent with the Council’s recommendations, this action proposes increasing the 2026 and 2027 acceptable biological catch (ABC) and annual catch limit (ACL) to 41,282 metric tons (mt) (compared to 32,155 mt in 2025). The total allowable landings (TAL) would be 20,966 mt (compared to 15,718 mt in 2025); based on the proportional allocations prescribed in the FMP, the wing TAL would be 13,943 mt (compared to 10,453 mt in 2025), and the bait TAL would be 7,024 mt (compared to 5,266 mt in 2025). For fishing years 2026 and 2027, the ABC would be a 28-percent increase over the ABC

for years 2024 and 2025. This action would decrease the ABC for fishing year 2028 by 10 percent from fishing years 2026 and 2027 in order to account for uncertainty in the future biomass trend. Thus, for 2028, this action proposes an ABC and an ACL of 37,154 mt. The 2028 TAL would be 18,800 mt; the wing TAL would be 12,502 mt; and the bait TAL would be 6,298 mt. A comparison of the current 2024–2025 and the proposed 2026–2028 specifications is provided below in table 1.

The Council will review the projected 2027 and 2028 specifications to determine if any changes need to be recommended prior to fishing years 2027 and 2028, respectively. NMFS will publish a notice prior to each fishing year to confirm these limits as projected or, if changes are necessary, NMFS may publish a proposed rule.

Skate regulations (50 CFR 648.320(a)(4)) indicate that specifications can be set for a period of up to two fishing years. However, in November 2025, the Council submitted a concurrent omnibus management flexibility amendment that, in part, would allow extending the time period for setting skate specifications for up to five years. Thus, setting projected specifications through 2028 as provided in this proposed rule is contingent on the implementation of the management flexibility amendment. If at the time NMFS prepares the final rule, the amendment is not yet approved and effective, the final rule for this action would not set projected 2028 specifications.

Table 1. Comparison of Current 2024–2025 and Proposed 2026–2028 Skate Fishery Specifications, in Metric Tons and Whole Weight.

	2024–2025 (Current)	2026–2027 (Proposed)	2028 (Proposed)
ABC/ACL	32,155	41,282	37,154
ACT (90% of ACL)	28,940	37,154	33,439
Overall Fishery TAL	15,718	20,966	18,800
Wing TAL (66.5% of Overall TAL)	10,453	13,943	12,502
Wing Season 1 TAL (57% of Wing TAL)	5,958	7,948	7,126
Wing Season 2 TAL	4,495	5,995	5,376

Bait TAL (33.5% of Overall TAL)	5,266	7,024	6,298
Bait Season 1 TAL (30.8% of Bait TAL)	1,622	2,163	1,940
Bait Season 2 TAL (37.1% of Bait TAL)	1,954	2,606	2,337
Bait Season 3 TAL	1,690	2,255	2,021

In addition, this action proposes changes to the skate per trip possession limits. It would increase the skate wing possession limits (in wing weight) for trips fishing on a Monkfish, Scallop, or Northeast Multispecies Day-At-Sea (DAS) by 500 pounds (lb; 226.8 kg) for each season, which would result in a trip limit of 4,500 lb (2,041.2 kg) for Season 1 (May 1–August 31) and a trip limit of 6,500 lb (2,948.4 kg) for Season 2 (September 1–April 30). This proposed action would also increase the skate bait whole weight possession limit from 25,000 lb (11,339.8 kg) to 30,000 lb (13,607.8 kg) for trips fishing on a Bait Letter of Authorization (LOA) for all three bait seasons.

The proposed changes to trip limits are intended to provide additional flexibility to fishery participants. The increased skate wing possession limit is intended to allow for additional yield on trips where skates have been a constraining factor, such as for the monkfish fishery. The increased skate bait possession limit is intended to offset any increased costs for skate bait trips that have experienced longer steam times, as distance to productive fishing grounds has increased in recent years. The scale of the possession limit increases are intended to accommodate these constraints and costs while not being large enough to incentivize substantial increased fishing effort.

Indices of relative abundance (stratified mean weight/tow) for each of the seven species in the skate complex have been developed from Northeast Fisheries Science Center (NEFSC) bottom trawl surveys. These indices and their rates of change form the basis for the conclusions about the status of the complex. The spring NEFSC survey data are used for little skate and the fall NEFSC survey data are used for the other managed

skate species. Based on the 2025 NEFSC data update, overfishing is not occurring for any of the seven skate species, and only thorny skate is considered overfished.

It is estimated that the proposed bait possession limit increase could lead to bait landings of about 7.59 million lb (3.44 million kg) per year, as compared to the average bait landings of 7.20 million lb (3.27 million kg) from fishing years 2021–2024. These landings levels would equate to a bait TAL utilization of about 49 percent for fishing years 2026–2027 (15.5 M lb; 7.03 million kg) and 55 percent for fishing year 2028 (13.9 million lb; 6.30 million kg). These rates fall well within the range of bait TAL utilization rates of 45 to 62 percent in fishing years 2021–2024. While increasing skate possession limits could increase TAL utilization by increasing landings, the proposed increase is small enough to provide some operational flexibility and enough below the high end of the utilization rate range to avoid a substantial change in fishing effort. In addition, a substantial increase in fishing effort is not expected considering that, from 2021–2024, 91 percent of Bait LOA trips landed less than 75 percent of the current 25,000 lb (11,339.8 kg) possession limit. Catch is expected to remain within the ABC, and accountability measures would be triggered if a TAL or ACL is exceeded. Thus, these measures are not anticipated to increase the risk of overfishing for skate species or result in skate species becoming overfished. In addition, while skate mortality could increase with increased possession limits, some of the skates that are discarded dead under current possession limits would be landed instead, decreasing bycatch and mitigating increases in total mortality.

Data from observed trips in the Bait LOA fishery suggest that skate landings are largely comprised of little skate. Little skate survey biomass has been decreasing in recent years. The moving average of the survey biomass index for little skate (the 2024–2025 2-year average is 4.03) is close to its biomass threshold (3.38). If the moving average of the survey biomass index falls to less than the biomass threshold, the stock

would be considered overfished. On average, it is estimated that about 7.06 million lb (3.20 million kg) of little skate have been landed annually since fishing year 2021. It is anticipated that increasing the bait possession limit, as proposed by this action, could lead to an increase in little skate landings of 381,228 lb (172,922 kg) per year and that total little skate landings could increase to 7,437,382 lb (3,373,540 kg) per year. Thus, this action could lead to an approximately 5.4-percent increase in little skate landings on average. However, this landing estimate is below the 8.28 million lb (3.76 million kg) of landings that occurred in 2021, and annual landings since then have remained below this level. Because the anticipated landings increase of 5.4 percent is relatively small and the landings estimate is below the landings in 2021, it is unlikely that the anticipated increase in mortality under the proposed action would cause little skate to become overfished. In addition, as described above, the increases in possession limits are expected to provide operational flexibility without resulting in an increase in fishing effort. Considering all of the above, no substantial changes in impacts to little skate are expected as a result of this proposed action.

Classification

NMFS is issuing this rule pursuant to sections 303(c), 304(b), and 305(d) of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which provides specific authority and procedure for implementing this action. The Council reviewed the proposed regulations for this action and deemed them necessary and appropriate to implement this action, consistent with section 303(c) of the Magnuson-Stevens Act. The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Northeast Skate Complex FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. *See* 16 U.S.C. 304(b)(1)(A). In addition, in a previous action under

section 304(b), the regulations at 50 CFR 648.320(a)(7) authorize NMFS to take this action under section 305(d).

Section 304(b) of the Magnuson-Stevens Act (16 U.S.C. § 1854(b)) requires publication of proposed regulations in the Federal Register with a public comment period of 15 to 60 days. NMFS finds that a 15-day comment period for this action provides a reasonable opportunity for public participation in this action pursuant to Administrative Procedure Act section 553(c) (5 U.S.C. 553(c)), while also ensuring that the final specifications and possession limits are in place as close as possible to the start of the 2026 skate fishing season on May 1. This is a routine action and stakeholders have been involved with the development of this action and have participated in public meetings throughout its development. A longer comment period would be contrary to the public interest as it could extend this rulemaking beyond the start of the 2026 fishing season, resulting in confusion for fishery participants, disadvantage for Federal permit holders, and enforcement challenges.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is not an Executive Order 14176 regulatory action because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

The Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures. The increases in skate ACL and possession limits would impact vessels or affiliate groups that hold Federal skate permits and affect both bait and wing fisheries. For RFA purposes only, NMFS has established a small business size standard

for businesses, including their affiliates, whose primary industry is commercial fishing (North American Industry Classification System code 114111) (see 50 CFR 200.2). A business that primarily engages in commercial fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and has combined annual receipts not more than \$11 million for all its affiliated operations worldwide. Following the Small Business Administration guidelines, a five-year trailing average is used to determine which entities are classified as small business entities under the NMFS guidelines, as well as to measure total revenues for affiliate groups. During the most recent fishing year (2024), there were 1,929 Federal skate permits issued. These permits are affiliated with 1,304 unique entities. Regarding affiliate groups, there are 9 groups that classify as “large entities,” all of which are in the commercial fishing sector, which includes 124 permits. The remaining affiliate groups are classified as small entities, of which 837 (1,273 unique permits) are in the commercial fishing sector, 158 (195 unique permits) are in the for-hire sector, and 300 had no skate revenue (337 unique permits). Thus, the majority of entities affiliated with federal skate permits in 2024 were small entities. The large commercial affiliates averaged \$16 million in revenue. Average gross revenues for the small commercial fishing entities were \$636,987 and \$192,648 for the for-hire affiliates.

Skate revenues comprise a relatively low percentage of total revenues for any federal vessel landing skate. Specifically, from 2022 through 2024, skate revenues for wing vessels only contributed an average of 9.8 percent of total vessel revenue. Skate revenue from vessels landing bait and vessels landing both wing and bait contributed slightly more to average total revenues (14.7 percent and 17.3, respectively). However, from 2022 through 2024, the average number of wing vessels (250) constitutes a much higher percentage of the skate fishery compared to the average number of bait vessels (17) and both wing and bait vessels (23).

From 2022 through 2024, average fishing year revenue from skate wing and bait is \$4.6 million and \$2 million, respectively. This action and the proposed increase in the wing possession limit is predicted to increase gross revenues in 2026 by \$98,802 in Season 1 and \$176,426 in Season 2 (\$275,228 total). The increase in the bait possession limit is predicted to increase the gross revenues in 2026 of trips fishing on a Bait Letter of Authorization by \$43,363 as compared to the previous possession limits. In total, the increase in possession limits is expected to yield up \$900,908 in additional gross revenues for the combined bait and wing skate fishery over fishing years 2026 through 2028.

A description of this action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and are not repeated here. There are no additional record keeping or reporting requirements associated with this action. No relevant Federal rules have been identified that would duplicate, overlap, or conflict with the proposed rule. The proposed action is unlikely to disproportionately impact small businesses. It is expected that the increase in possession limits will positively impact small businesses, similarly to large businesses, with potential opportunities for increased landings, revenue, and trip efficiency gains. Considering all of the above, including recent skate revenues for small entities, the expected additional revenues from this proposed action, and the fact that skate revenues contribute a relatively small proportion to total annual revenues at the vessel level, this action is unlikely to have substantial impacts on vessels operating in the fishery. Thus, this proposed rule, if finalized, is not expected to have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 23, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.322, revise paragraphs (b)(1) and (c)(3), to read as follows:

§ 648.322 Skate allocation, possession, and landing provisions.

* * * * *

(b) * * *

(1) *Vessels fishing under an Atlantic sea scallop, NE multispecies, or monkfish DAS.*

(i) A vessel or operator of a vessel that has been issued a valid Federal skate permit under this part, and fishes under an Atlantic sea scallop, NE multispecies, or monkfish DAS as specified at §§ 648.53, 648.82, and 648.92, respectively, unless otherwise exempted under § 648.80 or paragraph (c) of this section, may fish for, possess, and/or land up to the allowable trip limits specified as follows: Up to 4,500 lb (2,041 kg) of skate wings (10,215 lb (4,633 kg) whole weight) per trip in Season 1 (May 1 through August 31), and 6,500 lb (2,948 kg) of skate wings (14,755 lb (6,693 kg) whole weight) per trip in Season 2 (September 1 through April 30), or any prorated

combination of the allowable landing forms defined at paragraph (b)(5) of this section.

(ii) [Reserved]

* * * * *

(c) * * *

(3) The vessel owner or operator possesses or lands no more than 30,000 lb (13,608 kg) of whole skates per trip.

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[FR Doc. 2026-05860 Filed: 3/25/2026 8:45 am; Publication Date: 3/26/2026]