



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260415-0102]

RIN 0648-BN20

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish for Fishing Years 2025-2026 and 2026-2027

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

ACTION: Final rule.

SUMMARY: In this final rule, NMFS implements an annual catch limit (ACL) of 493,000 pounds (lb) (223,621 kilograms (kg)) of Deep 7 bottomfish in the main Hawaiian Islands (MHI) for fishing years 2025-2026 and 2026-2027. The fishing year begins on September 1 and ends on August 31 of the following year. This rule maintains current accountability measures (AM) requiring the fishery to close for the remainder of the fishing year if the ACL is reached, and a reduction in the following year's ACL if it is exceeded. This final rule supports the long-term sustainability of the Deep 7 bottomfish fishery.

DATES: The final rule is effective [*insert date 30 days after date of publication in the FEDERAL REGISTER*].

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawai'i Archipelago (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808-522-8220, fax 808-522-8226, or <https://www.wpcouncil.org>.

Copies of the environmental analyses and other supporting documents for this action are available from <https://www.regulations.gov/docket/NOAA-NMFS-2024-0090>, or from Sarah J. Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: David O'Brien, NMFS PIRO Sustainable Fisheries, 808-725-5038.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Deep 7 bottomfish fishery in Federal waters around Hawai'i under the FEP, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Implementing regulations at 50 CFR 665.4 require NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year based on a recommendation from the Council. The fishing year for MHI Deep 7 bottomfish begins on September 1 and ends on August 31 of the following year. The Deep 7 bottomfish are lehi (*Aphareus rutilans*), ehū (*Etelis carbunculus*), onaga (*E. coruscans*), hapuupuu (*Hyporthodus quernus*), opakapaka (*Pristipomoides filamentosus*), kalekale (*P. sieboldii*), and gindai (*P. zonatus*).

NMFS implements this final rule pursuant to section 303(c) and section 304(b) of the Magnuson-Stevens Act. Consistent with a recommendation for the MHI Deep 7 bottomfish fishery made by the Council at its 200th meeting in September 2024, NMFS implements an ACL of 493,000 lb (223,621 kg) for fishing years 2025-2026 and 2026-2027 and retains the current AMs (50 CFR 665.211). The proposed rule, published on September 4, 2025 (90 FR 42734), also included an ACL of 493,000 lbs (223,621 kg) for fishing year 2024-2025; however, because that fishing year has ended, that ACL is not included in the final rule. The best information available on fishery performance indicates 154,167 lb (69,929 kg) of Deep 7 bottomfish were caught in the 2024-2025 fishing year, which is approximately 31 percent of the proposed ACL. The Council recommended the ACL based on a 2024 benchmark stock assessment, and in consideration of the risk of

overfishing, past fishery performance, and the acceptable biological catch recommendation from its Scientific and Statistical Committee, with opportunity for input from the public. Because the Deep 7 bottomfish catch for 2024-2025 was considerably less than the proposed ACL, the risk of overfishing has not increased. Therefore, the information on which the Council based its initial recommendation remains valid, so there are no other changes to the analysis or to the proposed ACLs for fishing years 2025-2026 or 2026-2027.

By setting ACLs and maintaining current AMs, this rule ensures continued sustainable management of the MHI Deep 7 bottomfish fishery through 2027. The rule revises the ACL based on updated stock assessment information, and is consistent with the FEP and regulations at 50 CFR 665.4 requiring specification of annual catch limits. NMFS is taking this action in response to Council recommendations made at their 200th meeting in September 2024. The Council made their recommendations after considering the latest stock assessment information as well as the social, ecological, economic, and management needs and uncertainties in the fishery. You may find additional background information on this action in the preamble to the proposed rule.

As with the proposed rule, although not part of the action, the regulatory text in this final rule includes the ACTs and ACLs for the uku fishery because those specifications are part of the same table that includes the ACLs for the Deep 7 bottomfish. Therefore, the uku ACTs and ACLs are included in this final rule but remain unchanged from those set by a previous final rule published on March 28, 2022 (87 FR 17195) (with a clerical correction to that final rule published on December 23, 2022 (87 FR 78876)). Updates to ACLs and ACTs for future fishing years for the uku fishery will be addressed in a separate action.

Comments and Responses

On September 4, 2025, NMFS published a proposed rule, Supplemental Environmental Assessment, and Regulatory Impact Review for public comment (90 FR 42734). The comment period ended on October 6, 2025. NMFS received ten comments on the proposed rule from members of the general public. NMFS did not receive any comments from fishery management agencies, non-governmental organizations, or from individuals who identified themselves as fishery participants. We summarize the comments that relate directly to this action, group similar comments together, and respond below.

Comment 1: Eight commenters supported the proposed rule, including the proposed ACL and AMs, and expressed support for the science-based fishery management process used to recommend the ACL through the Council. Commenters noted that the ACL system and associated AMs provide a balanced and equitable approach to support conservation and economic sustainability across fishery participants.

Response: For the reasons set out in the proposed rule (90 FR 42734), we agree with the commenters.

Comment 2: Two commenters did not support the proposed rule and suggested that a 39 percent risk of overfishing was too high or creates a greater risk of overfishing. These two commenters suggested that the ACL should be reduced to ensure a lower risk of overfishing.

Response: NMFS, in alignment with recommendations made by the Council, manages this and all federal fisheries sustainably and in accordance with the Magnuson-Stevens Act, the FEP, and implementing regulations. We disagree that a lower risk of overfishing is necessary. National Standard 1 of the Magnuson-Stevens Act directs NMFS and the fishery councils to manage stocks for “optimum yield,” which is the amount of fish that provides the greatest overall benefit to the nation. Optimum yield

takes into account food production and the protection of marine ecosystems and is based on maximum sustainable yield (MSY), as reduced by any relevant economic, social, or ecological factors. Through a public stakeholder-driven process described in the FEP, the Council and advisory bodies evaluated scientific uncertainty and relevant economic, social, or ecological factors and management needs and uncertainties, and determined that a 39 percent risk of overfishing provided an appropriate level of protection for the stock while not unduly limiting catch available to the fishery and associated communities. This is more conservative than the 50 percent OFL and is also lower than the 40 percent risk of overfishing associated with the previous ACL for this fishery. The Deep 7 stock complex is currently very healthy with a biomass more than double the overfished threshold, and there is only a 1 percent probability that the stock complex is currently overfished given the most recent stock assessment. Even if the fishery caught the entire 493,000 lb (223,621 kg) ACL through the remainder of the 2025-2026 fishing year or in the 2026-2027 fishing year, the probability that the stock would become overfished is only 4 percent. For these reasons, we did not consider adjusting the ACL based on the recommendations of these two commentors.

Changes from the Proposed Rule

This final rule contains one change from the proposed rule. The proposed rule included ACLs for fishing years 2024-2025, 2025-2026, and 2026-2027. However,

because the 2024-2025 year has ended, the ACL proposed for that year is not included in this final rule.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This rule is exempt from the requirements of E.O. 14192 because it is a routine fishing action.

A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian Tribal Governments. A Tribal summary impact statement is not required and has not been prepared.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfish, Fishing, Hawaii, Pacific Islands, Western Pacific.

Dated: April 16, 2026.

Samuel D. Rauch III,

*Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665--FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for part 665 continues to read as follows:

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

2. In § 665.211, revise paragraph (a) to read as follows:

§ 665.211 Annual Catch Limits (ACL) and Annual Catch Targets (ACT).

(a) In accordance with § 665.4, the ACLs and ACTs for MHI bottomfish fishery for each fishing year are as follows:

Table 1 to Paragraph (a)

Fishery	2025-26 ACL (lb)	2026-27 ACL (lb)
Deep 7 bottomfish	493,000	493,000

Table 2 to Paragraph (a)

Fishery	2022 ACL (lb)	2023 ACL (lb)	2024 ACL (lb)	2025 ACL (lb)
Uku	295,419	295,419	295,419	295,419

Table 3 to Paragraph (a)

Fishery	2022 ACT (lb)	2023 ACT (lb)	2024 ACT (lb)	2025 ACT (lb)
Uku	291,010	291,010	291,010	291,010

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