



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260417-0104]

RIN 0648-BN73

**Pacific Island Fisheries; Annual Catch Limit and
Accountability Measures for Guam Bottomfish Management Unit
Species**

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to modify the annual catch limit (ACL) and accountability measures (AM) for Mariana bottomfish management unit species (MUS) in Guam. The proposed rule would increase the ACL from 31,000 pounds (lb) (14,061 kilograms (kg)) to 34,500 lb (15,649 kg), replace the in-season AM with a post-season overage adjustment if average catch from the most recent 3 years exceeds the ACL, and remove the higher performance standard that closes the fishery in Federal waters for any overage. The proposed rule considers the best available scientific, commercial, and other information about the fishery, and supports rebuilding of the fishery.

DATES: NMFS must receive comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0504>. You may submit comments on the proposed rule, identified by NOAA-NMFS-2025-0504, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA-NMFS-2025-0504 in the Search box. Click the "Comment" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Sarah Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

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).

NMFS prepared a draft environmental assessment (EA) that describes the potential impacts on the human environment that could result from the proposed action. The EA, a regulatory impact review, and other supporting documents are available at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Keith Kamikawa, NMFS PIRO Sustainable Fisheries, 808-725-5177.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage bottomfish fishing in Federal waters around Guam in accordance with the Fishery Ecosystem Plan for the Mariana Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Guam bottomfish fishery targets 13 species of emperors, snappers, groupers, and jacks that are classified as MUS. The fishery has been subject to a rebuilding plan since 2022 (87 FR 9271, February 18, 2022). Regulations at 50 CFR 600.310(j)(3)(iv) require the Secretary of Commerce to review rebuilding plans at least every two years to determine whether the plan has resulted in adequate progress towards ending overfishing and rebuilding the affected fish stock. An updated stock assessment completed in 2024 by the NMFS Pacific Islands Fisheries Science Center found that the Guam bottomfish stock, which had been

determined to be overfished but not experiencing overfishing in 2020, was no longer overfished and continued to not experience overfishing. However, while stock biomass had increased above the "minimum stock size threshold" for the overfished condition, it had not increased to the biomass that would produce maximum sustainable yield. This means the stock is not yet fully rebuilt, so NMFS and the Council continue to manage the fishery under a rebuilding plan, with a target time to rebuild of 2031.

The stock assessment update also found the stock was more productive than previously estimated, and new projections showed the stock could support moderately larger catches and still rebuild by 2031. The Council recommended the proposed action at its 201st meeting in December 2024, based on the 2024 stock assessment update for Guam bottomfish; in consideration of the best scientific, commercial and other information about the fishery; review from the Council's Scientific and Statistical Committee (SSC); and input from the public. Accordingly, NMFS proposes this action under section 303(c) and section 304(b) of the Magnuson-Stevens Act.

The proposed ACL of 34,500 lb (15,649 kg) is 3,500 lb (1,588 kg) (~11 percent) higher than the ACL set when the rebuilding plan was originally implemented in 2022. As the stock is currently rebuilding, but not yet rebuilt, this increase in ACL would still allow the stock to rebuild by

2031. The proposed action will remove the in-season AM that would close the fishery in Federal waters if NMFS projects catch will reach the ACL, because NMFS and the Council found that available data systems do not allow for accurate in-season tracking and projections. The proposed rule would implement a post-season AM in place of the in-season AM. Under the post-season AM, if the average catch from the most recent 3-year period exceeds the ACL, the ACL will be reduced in the subsequent fishing year by the amount of the overage to mitigate potential effects to the stock. NMFS would conduct a subsequent rulemaking action to implement the overage adjustment, if necessary. Also, the Council and its SSC would review rebuilding progress to determine if other action is needed. The proposed rule would also remove the higher performance standard that requires NMFS to close the fishery in Federal waters indefinitely in response to any exceedance of the ACL. Fishery management would revert to the performance standard described in the FEP, which requires the Council to re-evaluate AMs if the ACL is exceeded twice in a 4-year period. In reviewing fishery performance, the Council and SSC determined that the higher performance standard was not necessary or effective in ensuring the fishery rebuilds by 2031.

As described in the draft EA, NMFS does not expect this proposed rule to result in a change in fishing

operations, or other changes to the conduct of the fishery that would result in significant environmental impacts.

NMFS will consider public comments on this proposed rule and will announce the final rule in the **Federal Register**. The comment period will extend for 30 days from the publication date in the **Federal Register**, pursuant to section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)(1)(A)). NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

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

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

The Chief Counsel for Regulation of the Department of Commerce has 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.

This rule would affect commercial and non-commercial fishermen who catch Guam bottomfish management unit species (BMUS). NMFS estimates approximately 63 fishermen fish in the Guam bottomfish fishery (89 FR 12257, February 16, 2024). For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial finfish fishing (NAICS code 114111) is classified as a small entity if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. Based on available information, NMFS has determined that all affected entities—vessels in the commercial and non-commercial fisheries for Guam BMUS—are small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of \$11 million. Therefore, there would be no

disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

In 2024, fishermen caught an estimated 36,130 lb (16,388 kg) of BMUS, and the annual average from 2022-2024 was 31,426 lb (14,255 kg). No commercial catch data are publicly available for those years because fewer than three dealers and/or vendors reported sales, so commercial sales data is summarized over longer and earlier time frames. The most recent year for which price per pound is available is 2021, when the inflation-adjusted price was \$6.73/lb (\$14.84/kg). Because no available information indicates that commercial sales would change, these figures are used to evaluate outcomes of the proposed management action. Bottomfish sales revenue was publicly reported for only 4 years between 2015 and 2024. Over those 4 years, the average percentage of catch sold was 19.2 percent, ranging from 9.7 percent (2021) to 50.5 percent (2020). Assuming the fishery attains the full proposed ACL of 34,500 lb (15,649 kg) and 19.2 percent of bottomfish are sold at \$6.73/lb (\$14.84/kg), NMFS expects the potential fleet-wide revenue to be approximately \$44,580, averaging \$1,115 per vessel each year. With regard to the modified AM, the fishery has exceeded 34,500 lb (15,649 kg) twice in the past 10 years (2021 and 2024). Had this ACL been in place

during those years, a post-season AM could have been triggered. With the removal of the requirement to close Federal waters under the AMs, BMUS fishermen should not expect any loss in revenue as a result of this proposed action.

This proposed rule would not apply to a substantial number of vessels and NMFS does not expect this rule to have a significantly adverse economic impact on individuals. The proposed rule would not impose additional reporting or record-keeping requirements on small entities. The proposed rule does not duplicate, overlap, or conflict with other Federal rules, and it is not expected to have a significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR Part 665

Accountability measure, Annual catch limit, Bottomfish, Fishing, Guam, Pacific Islands, Western Pacific.

Dated: April 20, 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 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. Amend § 665.405 by removing paragraphs (g) and (h).

3. Amend § 665.409 by revising paragraphs (a) and (b) and removing paragraphs (c) through (e) to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 34,500 lb.

(b) If the average catch of Mariana bottomfish MUS in the Guam Management Subarea from the most recent 3-year period exceeds the specified ACL, the Regional Administrator will reduce the ACL for the subsequent fishing year by the amount of the overage in a separate rulemaking.