



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 260427-0112]

RTID 0648-XF407

#### Atlantic Highly Migratory Species; 2026 Atlantic Shark Commercial Fishing Year

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

**ACTION:** Temporary final rule.

**SUMMARY:** In this action, NMFS adjusts the base annual commercial quotas for the 2026 Atlantic shark commercial fishing year as allowable based on underharvests from the 2025 fishing year. The 2026 Atlantic shark commercial fishing year opened on January 1, 2026, under the base annual commercial quotas and default commercial retention limits. This action is necessary to provide additional fishing opportunities for commercial shark fishermen to harvest optimum yield from the Atlantic shark fisheries.

**DATES:** This temporary final rule is effective [*insert date of publication in the **Federal Register***] through December 31, 2026.

**ADDRESSES:** Electronic copies of this temporary final rule and supporting documents (including the annual Atlantic Highly Migratory Species (HMS) Stock Assessment and Fishery Evaluation Report) are available from the HMS Management Division website at: <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Guy DuBeck at [guy.dubeck@noaa.gov](mailto:guy.dubeck@noaa.gov) or 301-427-8503.

**FOR FURTHER INFORMATION CONTACT:** Guy DuBeck

([guy.dubeck@noaa.gov](mailto:guy.dubeck@noaa.gov)) or Karyl Brewster-Geisz ([karyl.brewster-geisz@noaa.gov](mailto:karyl.brewster-geisz@noaa.gov)) at 301-427-8503.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

Federal Atlantic HMS fisheries (*i.e.*, tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). HMS are defined at 16 U.S.C. 1802) and the provisions for their management are at 16 U.S.C. 1854). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas. HMS implementing regulations are at 50 CFR part 635.

For the Atlantic shark commercial fisheries, the HMS FMP and its amendments established commercial quotas for shark species and management groups (§ 635.27(b)) and adjustment procedures for underharvests and overharvests (§ 635.27(b)(2)). The Atlantic shark commercial fishing year automatically opens on January 1 of each year under base quotas (§ 635.27(b)(2)).

Since 2024, the commercial shark fisheries automatically open on January 1 of each year under the base quotas and default retention limits (88 FR 77039, November 8, 2023), and NMFS makes inseason adjustments to the base quotas, as required or allowable per existing regulations on underharvest/overharvest carryover at § 635.27(b)(2), based on complete data from the previous fishing year. Any changes to the base quotas and/or changes to the formula used to calculate any annual quota adjustments would be proposed and finalized through rulemaking, as was done in Amendment 9 to the HMS FMP (80 FR 73128, November 24, 2015). The Atlantic shark fishery inseason quota adjustment process is consistent with the inseason quota adjustment processes for other HMS fisheries with set opening dates, including those for

Atlantic bluefin tuna, North Atlantic albacore tuna, and South Atlantic swordfish (see, e.g., 89 FR 77029, September 20, 2024, and 88 FR 64831, September 20, 2023).

The 2026 Atlantic shark commercial fishing year opened on January 1, 2026, under the base annual commercial quotas. In this action, NMFS adjusts those base annual commercial quotas based on commercial landings estimates from 2025.

### **Statutory Authority**

The Magnuson-Stevens Act provides NMFS the authority to take this regulatory action, as 16 U.S.C. 1855(d) provides for the promulgation of such regulations as may be necessary to implement a fishery management plan and its amendments such as the HMS FMP. The Magnuson-Stevens Act among other things, requires FMP and FMP implementing measures necessary for the conservation and management of the fishery to be consistent with the ten National Standards set forth in 16 U.S.C. 1851(a). Though all of the National Standards are relevant, specific to the objectives of this action, the National Standards state that measures must: prevent overfishing while achieving optimum yield from the fishery (National Standard 1); be based on the best scientific information available (National Standard 2); and take into account and allow for variations among fisheries, fishery resources, and catches (National Standard 6). Furthermore, the Magnuson-Stevens Act allows NMFS to implement annual specifications at a level such that overfishing does not occur in the fishery, including measures to ensure accountability (16 U.S.C. 1853(a)(15)). The Magnuson-Stevens Act also allows management actions to establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors) (16 U.S.C. 1853(b)(3)(A)). This action is necessary to implement HMS FMP measures responsive to these Magnuson-Stevens Act requirements and provisions in relation to commercial shark quota adjustments.

## 2026 Commercial Atlantic Shark Quotas

In this action, NMFS adjusts the quotas for the various shark stocks and management groups for the 2026 Atlantic shark commercial fishing year (*i.e.*, January 1 through December 31, 2026) based on underharvests that occurred during the 2025 fishing year, consistent with existing regulations at § 635.27(b). NMFS generally accounts for over- and underharvests in the same region, sub-region, or fishery in which they occurred the following year. NMFS may only carryover unharvested quota to the next fishing year for shark species and management groups comprised of stocks that NMFS has determined are not overfished and not experiencing overfishing (§ 635.27(b)(2)(ii)). NMFS may not carry more than 50 percent of a base annual quota over from a previous fishing year. NMFS may further adjust these adjusted quotas in a future action by transferring quotas between regions or sub-regions throughout the year after considering certain criteria (§ 635.27(b)(2)(iii)).

Based on 2025 harvests (January 1, 2025, through December 31, 2025), and after considering catch rates and landings from previous years, NMFS adjusts the 2026 quotas for certain management groups as shown in Table 1.

As described above, NMFS can carry over 2025 underharvests to the 2026 fishing year for the following management groups because the stocks or management groups are not overfished and overfishing is not occurring: Gulf of America blacktip sharks, Atlantic smoothhound sharks, and Gulf of America smoothhound sharks. There were no overharvests to account for in these management groups in 2025. Thus, available underharvest (up to 50 percent of the base quota) from the 2025 fishing year for these management groups may be added to their respective 2026 base quotas. NMFS accounts for any underharvest of Gulf of America blacktip sharks by dividing underharvest between the eastern and western Gulf of America sub-regional quotas based on the sub-regional quota split percentage (§ 635.27(b)(1)(ii)(C)).

NMFS cannot carry over 2025 underharvests to the 2026 fishing year for the following management groups because the stocks or management groups are overfished, are experiencing overfishing, or have an unknown status:

- Aggregated large coastal sharks (LCS), given the unknown status of some species in the aggregated LCS complex;
- Hammerhead sharks, given the overfished status of the scalloped hammerhead shark;
- Non-blacknose small coastal sharks (SCS), given the unknown status of bonnethead sharks within Atlantic and Gulf of America non-blacknose SCS management groups;
- Blacknose shark, given the overfished status of the blacknose shark;
- Blue, porbeagle, and pelagic sharks (other than porbeagle or blue sharks), given that all of these pelagic species are overfished, have overfishing occurring, or have an unknown status; and
- Sandbar shark and research LCS, given sandbar sharks and scalloped hammerhead sharks are either overfished or overfishing is occurring.

While there was an overharvest of the eastern Gulf of America Aggregated LCS and hammerhead sharks sub-regional quotas in 2025, the full Gulf of America regional quotas for these management groups were not filled. Thus, consistent with § 635.27(b)(2)(i)(B), NMFS is not reducing the 2026 regional base quota for those management groups. Rather, the 2026 commercial regional and sub-regional quotas for those management groups reflect the codified base quotas and allocations at § 635.27(b)(1)(ii)(A) and (B).

See table 1 for the 2025 commercial quotas, landings, and quota utilization by species and management group and the 2026 base and adjusted commercial quotas by species and management group. All quotas and landings are in dressed weight (dw)

metric tons (mt) and pounds (lb). Table 1 includes landings data from January 1, 2025, through December 31, 2025.

**Table 1 -- 2026 quotas for the Atlantic shark management groups. NMFS can only apply underharvest adjustments to stocks or management groups that are declared not overfished and have no overfishing occurring. The underharvest adjustments cannot exceed 50 percent of the base quota. NMFS calculated the adjusted quotas (Column F) by adding the underharvest amount, up to the carryover limit (Column E), to the base annual commercial quota (Column D).**

Region or Sub-Region	Management Group	2025			2026		
		Adjusted Quota (A)	Landings (B)	Quota Utilization (C)	Base Annual Quota (D)	Adjustments (E)	Adjusted Quota (F)
Western Gulf of America	Blacktip Sharks	347.2 mt (765,392 lb)	77.9 mt (171,648 lb)	22%	231.5 mt (510,261 lb)	115.7 mt (225,131 lb)	347.2 mt (765,392 lb)
	Aggregate Large Coastal Sharks	72.0 mt (158,724 lb)	40.3 mt (88,769 lb)	56%	72.0 mt (158,724 lb)	-	72.0 mt (158,724 lb)
	Hammerhead Sharks	11.9 mt (26,301 lb)	0 mt (0 lb)	0%	11.9 mt (26,301 lb)	-	11.9 mt (26,301 lb)
Eastern Gulf of America	Blacktip Sharks	37.7 mt (83,158 lb)	18.4 mt (40,531 lb)	49%	25.1 mt (55,439 lb)	12.6 mt (27,719 lb)	37.7 mt (83,158 lb)
	Aggregate Large Coastal Sharks <sup>1</sup>	85.5 mt (188,593 lb)	105.2 mt (231,917 lb)	123%	85.5 mt (188,593 lb)	-	85.5 mt (188,593 lb)
	Hammerhead Sharks <sup>1</sup>	13.4 mt (29,421 lb)	18.5 mt (40,771 lb)	139%	13.4 mt (29,421 lb)	-	13.4 mt (29,421 lb)
Gulf of America	Non-Blacknose Small Coastal Sharks	112.6 mt (248,215 lb)	57.8 mt (127,320 lb)	51%	112.6 mt (248,215 lb)	-	112.6 mt (248,215 lb)
	Smoothhound Sharks	504.6 mt (1,112,441 lb)	0 mt (0 lb)	0%	336.4 mt (741,627 lb)	168.2 mt (370,814 lb)	504.6 mt (1,112,441 lb)
Atlantic	Aggregate Large Coastal Sharks	168.9 mt (372,552 lb)	61.8 mt (136,208 lb)	37%	168.9 mt (372,552 lb)	-	168.9 mt (372,552 lb)
	Hammerhead Sharks	27.1 mt (59,736 lb)	20.5 mt (45,162 lb)	76%	27.1 mt (59,736 lb)	-	27.1 mt (59,736 lb)
	Non-Blacknose Small Coastal Sharks	264.1 mt (582,333 lb)	39.1 mt (70,352 lb)	12%	264.1 mt (582,333 lb)	-	264.1 mt (582,333 lb)
	Blacknose Sharks (South of 34° N. lat. Only)	17.2 mt (37,921 lb)	2.9 mt (6,471 lb)	17%	17.2 mt (37,921 lb)	-	17.2 mt (37,921 lb)
	Smoothhound Sharks	1,802.6 mt (3,973,902 lb)	252.4 mt (556,196 lb)	14%	1,201.7 mt (2,649,268 lb)	600.9 mt (1,324,634 lb)	1,802.6 mt (3,973,902 lb)
No Regional Quotas	Non-Sandbar LCS Research	50.0 mt (110,230 lb)	<13 mt (<28,550 lb)	<26%	50.0 mt (110,230 lb)	-	50.0 mt (110,230 lb)
	Sandbar Shark Research	90.7 mt (199,943 lb)	<56 mt (<123,458 lb)	<62%	90.7 mt (199,943 lb)	-	90.7 mt (199,943 lb)
	Blue Sharks	273.0 mt (601,856 lb)	0 mt (0 lb)	0%	273.0 mt (601,856 lb)	-	273.0 mt (601,856 lb)
	Porbeagle Sharks	1.7 mt (3,748 lb)	<1 mt (<2,205 lb)	<59%	1.7 mt (3,748 lb)	-	1.7 mt (3,748 lb)

	Pelagic Sharks Other Than Porbeagle or Blue	488.0 mt (1,075,856 lb)	18.1 mt (39,887 lb)	4%	488.0 mt (1,075,856 lb)	-	488.0 mt (1,075,856 lb)
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<sup>1</sup> While there was an overharvest of the eastern Gulf of America Aggregated LCS and hammerhead sharks sub-regional quotas in 2025, the full Gulf of America regional quotas for these management groups were not filled. Thus, NMFS is not reducing the 2026 regional base quota for those management groups.

## **Classification**

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. The reason for using this regulatory authority is: in a previous action taken pursuant to section 304(c), NMFS designed the HMS FMP to authorize the Department of Commerce to take this action pursuant to the Magnuson-Stevens Act section 305(d). See 50 CFR 635.27(b). The NMFS Assistant Administrator has determined that this temporary final rule is consistent with the HMS FMP, its amendments, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. The rulemaking processes for Amendment 2 to the HMS FMP (73 FR 35778, June 24, 2008; corrected 73 FR 40658, July 15, 2008), Amendment 5a to the HMS FMP (78 FR 40318, July 3, 2013), Amendment 6 to the HMS FMP (80 FR 50074, August 18, 2015), Amendment 9 to the HMS FMP (80 FR 73128, November 24, 2015), and the 2024 Atlantic shark commercial fishing year rule (88 FR 77039, November 8, 2023) specifically provided prior notice of, and accepted public comment on, the base quotas that are being adjusted and the formulaic quota adjustment processes to carry over overharvests and underharvests for the commercial Atlantic shark fisheries. These processes have not changed, and the application of these formulas to the relevant quotas in this temporary final rule is a routine action that does not have discretionary aspects requiring additional consideration. There are no new base annual quotas for the relevant species for 2026. Additionally, similar actions to adjust the quotas based on the previous year's underharvest occur annually. NMFS has carried over underharvested quota from the previous fishing year to the maximum extent allowed since 2020. Thus, it is unnecessary to provide prior notice and an additional opportunity for public comment on this rule.

Providing for public comment is also contrary to the public interest. The 2026 Atlantic shark commercial fisheries opened on January 1, 2026. NMFS monitors Atlantic shark annual catch and uses the previous year's catch data to calculate the legally allowable quotas for the current year. However, these adjustments to the 2026 quotas could not occur earlier in the year because the final 2025 landings data were not available until early 2026. Given that these fisheries are currently open and permit holders are actively fishing, delaying this rule's quota adjustments to provide for an additional public comment period could in turn lead to premature closure of one or more affected fisheries if the unadjusted quota limit is reached. Such an event would negatively affect the regulated fisheries' reasonable opportunity to catch the available quotas, contrary to Magnuson-Stevens Act requirements and the overall purpose of sound conservation and management of fisheries—including Atlantic sharks—in a manner that achieves optimum yield.

For the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. This rule is an annual, routine action that the regulated community does not need time to prepare for. In addition, given that these fisheries are currently open and permit holders are actively fishing, delaying the effective date of this rule's quota adjustments could lead to premature closure of one or more affected fisheries if the unadjusted quota limit is reached within the next 30 days, which, again, would negatively affect the regulated fisheries' reasonable opportunity to catch the available quotas.

This temporary final rule is exempt from review under Executive Order (E.O.) 12866. This temporary final rule is not subject to E.O. 14192.

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 section (5)(b) and (c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2) of E.O. 13175 is not required and has not been prepared.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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

Dated: April 27, 2026.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs,*

*National Marine Fisheries Service.*

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