



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 260428-0117]

RIN 0648-BN81

### Pacific Island Fisheries; Catch and Retention Limits for Striped Marlin in the Western and Central Pacific Ocean North of the Equator

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes a framework to determine catch limits for all U.S. fisheries and retention limits by U.S. longline fisheries under a Hawaii longline limited entry permit for Western and Central North Pacific Ocean (WCNPO) striped marlin (*Kajikia audax*), consistent with Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measure (CMM) 2024-06. If the retention limit is reached, NMFS proposes to prohibit longline retention of WCNPO striped marlin by longline fishing vessels until the end of the year to prevent the U.S. catch limit from being exceeded. Because the U.S. limit under the framework can change each year, NMFS proposes to specify the updated catch and longline retention limits by notice in the **Federal Register** early each calendar year. For fishing year 2026, NMFS proposes to specify a U.S. WCNPO striped marlin limit of 393.4 metric tons (mt) (867,300 pounds (lb)) and a U.S. longline retention limit of 381.6 mt (841,300 lb) using the framework.

**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-2025-0045>. You may submit

comments on the proposed rule, identified by NOAA-NMFS-2025-0045, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2025-0045 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).

The Western Pacific Fishery Management Council (Council) and NMFS prepared a draft environmental assessment (EA) that describes the potential impacts on the human environment that could result from the proposed action. The draft EA is available at:

<https://www.regulations.gov>, or from the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, 808-522-8220, or <https://www.wpcouncil.org>.

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

**SUPPLEMENTARY INFORMATION:** NMFS and the Council manage U.S.

commercial fishing for Pelagic Management Unit Species (PMUS) under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (FEP) and implementing Federal regulations. Although the FEP indicates that PMUS have statutory exemptions from annual catch limits (ACL), the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Council to recommend catch limits for PMUS if such actions are deemed appropriate and consistent with the Magnuson-Stevens Act and other statutory mandates.

The WCPFC is the regional fisheries management organization that manages WCNPO striped marlin internationally. A 2023 stock assessment for WCNPO striped marlin indicates that while the stock was experiencing overfishing, it was not overfished. Subsequent negotiations at the WCPFC have resulted in adoption of a rebuilding plan for this stock that requires rebuilding to 20 percent of unfished biomass with at least 60 percent probability by 2034. In December 2024, the WCPFC adopted a new CMM for WCNPO striped marlin (CMM 2024-06; available at <https://cmm.wcpfc.int/measure/cmm-2024-06>) that includes a total allowable catch (TAC) of the stock across all WCPFC member nations as well as specific catch limits for five nations, including the United States. CMM 2024-06 indicates in paragraph 5 that the TAC of the stock annually from 2025-2027 is 2,400 mt (5,291,000 lb). The WCPFC determined this TAC was necessary to achieve the requirements of the rebuilding plan for WCNPO striped marlin.

The base U.S. catch limit specified in CMM 2024-06 is 228.4 mt (503,500 lb), or 9.5 percent of the TAC for the stock. The U.S. catch limit would apply to retained striped marlin caught by all vessels of the United States in the Pacific Ocean north of the Equator (0° latitude) and west of 150° W longitude. CMM 2024-06 allows an increase in the U.S. catch limit if there is unused TAC 2 years prior, up to a maximum of 165 mt. CMM

2024-06 also states that the United States may presume the availability of 165 mt of unused TAC from 2025-2027. The availability of unused TAC after 2027 is unknown at this time. The proposed catch limit framework will also account for any overage of the catch limit by subtracting it from the catch limit two years after the overage occurred, consistent with CMM 2024-06. The U.S. catch limit under the proposed framework thus depends on three factors: (1) a base catch limit for the United States set at 228.4 mt (503,500 lb); (2) the availability of unused quota relative to the overall international catch limit for the stock 2 years prior (set in advance by CMM 2024-06 at 165 mt for 2026 and 2027); and (3) any overages of the U.S. limit that occurred 2 years prior. CMM 2024-06 is effective through calendar 2027, at which point we anticipate an updated management measure from the WCPFC.

Hawaii-based longline fisheries catch approximately 97 percent or more of the total U.S. striped marlin landings and are monitored in-season. Other U.S. fisheries that catch striped marlin, especially the Hawaii-based troll and handline fisheries, lack real-time monitoring during the fishing season and their annual catch is only finalized post-season. Over the last 10 years (2015-2024), the total catch of troll and handline fisheries has averaged 2.6 percent of the total annual U.S. catch of WCNPO striped marlin and has never significantly exceeded 3 percent.

To ensure that the proposed catch limit is not exceeded, NMFS proposes, in alignment with the Council's recommendations, that the framework include a retention limit of 97 percent of the catch limit for any U.S. fishing vessel with a Hawaii longline limited entry permit issued under 50 CFR 665.801(b). This longline retention limit ensures that when troll and handline catches are finalized after the season ends, the total U.S. catch of WCNPO striped marlin will not exceed the catch limit.

Pursuant to this framework, NMFS would annually specify the WCNPO striped marlin limit and longline retention limit through the **Federal Register**.

If NMFS projects, based on vessel logbook, landing and other available information, that the retention limit will be reached, we will prohibit retention of striped marlin caught by U.S. longline vessels holding a Hawaii limited entry longline permit issued under 50 CFR 665.801(b) in the Pacific Ocean north of the Equator (0° latitude) and west of 150° W longitude for the remainder of the year. This retention prohibition would apply to striped marlin alive or dead when fishing gear is recovered. A retention prohibition would go into effect no earlier than 7 days after NMFS publishes a non-retention date notice in the **Federal Register**.

As the notification of a retention prohibition could occur while vessels are at sea fishing, NMFS proposes to include an exception for WCNPO striped marlin caught and retained on board longline vessels prior to the non-retention date. This exception would allow such fish to be landed within the 14 days following the non-retention date to allow time for vessels to return to port. Landing of this catch would have no impact on the projection of when the longline retention limit would be reached.

In addition to the proposed framework, NMFS proposes to specify a 2026 U.S. WCNPO striped marlin catch limit of 393.4 mt (867,300 lb) and a U.S. longline retention limit of 381.6 mt (841,300 lb). The 2026 catch limit is the U.S. base limit plus the unused TAC 2 years prior minus the catch overage 2 years prior ( $228.4 \text{ mt} + 165 \text{ mt} - 0 \text{ mt} = 393.4 \text{ mt}$ ) and the retention limit is 97 percent of the catch limit ( $393.4 \text{ mt} * 0.97 = 381.6 \text{ mt}$ ), pursuant to the framework.

NMFS will not propose to specify a U.S. WCNPO striped marlin catch or U.S. longline retention limit for fishing year 2025 because that fishing year has already ended. The NMFS Pacific Islands Regional Administrator, in consultation with the Council, will update the U.S. catch and retention limits for 2027 and subsequent years by publishing an annual specification of the limits pursuant to the framework and consistent with limits set by the WCPFC in the **Federal Register** each year. The Regional Administrator will also

update owners and operators of longline vessels affected by the updated limits using other means.

The proposed framework is consistent with international management requirements of CMM 2024-06 which expire at the end of 2027. We anticipate a new CMM will be adopted by the WCPFC that is consistent with this proposed framework and we would continue to apply it after 2027. If an updated CMM modifies the methodological basis for determination of U.S. catch limits, we would propose a new framework via rulemaking in the **Federal Register**.

NMFS will consider public comments on this proposed rule, including both the proposed framework and the proposed 2026 catch and retention limit specifications, and will announce the final rule in the **Federal Register**. NMFS must receive comments on this proposed action by the date provided in the **DATES** heading. NMFS may not consider comments postmarked or otherwise transmitted after that date. Regardless of the proposed rule, all other existing management measures would continue to apply in these fisheries.

### **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, Magnuson-Stevens Act Section 303(c) and other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

This proposed rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 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 WCNPO striped marlin stock is experiencing overfishing due to excessive international fishing pressure. NMFS proposes this framework to determine catch limits for all U.S. fisheries and retention limits by U.S. longline fisheries under a Hawaii longline limited entry permit for WCNPO striped marlin (*Kajikia audax*), consistent with international fishery management requirements. Pursuant to this framework, NMFS would annually specify the WCNPO striped marlin limit and U.S. longline retention limit through the Federal Register and by other means. When NMFS projects the U.S. longline retention limit would be reached, NMFS would prohibit longline retention of WCNPO striped marlin until the end of the year. Under this framework, the 2026 catch and retention limits would be 393.4 mt (867,300 lb) and 381.6 mt (841,300 lb), respectively. Catch and retention limits have yet to be specified for 2027 and beyond, but the catch limits would be expected to range from 228.4 mt (503,500 lb) to 393.4 mt, while the retention limit would be expected to range from 221.5 mt (488,300 lb) to 381.6 mt. NMFS would use this proposed framework to annually specify U.S. catch limits for subsequent years starting in 2027 in the **Federal Register** once the catch limits are adopted by the WCPFC. The catch limit would apply to vessels with Hawaii longline limited entry permits as well as to Hawaii troll and handline vessels catching striped marlin in the action area. The retention limit would only apply to vessels with Hawaii longline limited entry permits, including dual-permitted vessels with both American Samoa and Hawaii longline permits. Retention of WCNPO striped marlin by these vessels would be prohibited once NMFS published a notice that the longline fishery is projected to reach the retention limit and retention will be prohibited. The retention limit on Hawaii longline catch is intended to prevent all U.S. fisheries from reaching the catch limit, because the troll and handline fisheries lack in-season monitoring and generally

catch less than 3 percent of the total U.S. striped marlin catch. The proposed action is needed to comply with international management for the WCNPO striped marlin stock as specified in the WCPFC CMM 2024-06.

The proposed action would apply to the hundreds of vessels that participate in the Hawaii troll and handline fisheries as well as up to 164 vessels with Hawaii limited entry permits (149 active as of December 2025). However, handline and troll fisheries would not be directly affected by the proposed action, as neither the retention limit nor the retention prohibition would apply to them. The Hawaii longline fleet, which would be subject to the retention limit, consists of deep-set longline participants who target tuna and shallow-set longline participants who target swordfish. Both components of the longline fishery incidentally catch WCNPO striped marlin and can opt to sell those catch. In 2024, the Hawaii longline fishery earned a fleetwide revenue of \$102.9 million; the 147 longline vessels that fished in 2024 each earned \$700,000 on average that year. Landings of WCNPO striped marlin by Hawaii longline vessels ranged from 182 to 565 mt during the 2020-2024 time frame with an average of 305 mt. The landing price of striped marlin has shown high variability in recent years, ranging from an average price of \$2.78 per pound in 2023 to \$0.99 per pound in 2024. The average price for striped marlin through December 9, 2025 (average 2025 price) was \$1.49 per pound, and 2025 annual catch was projected to be 550 mt.

Under the proposed action, if U.S. longline fisheries are projected to reach the 2026 retention limit (381.6 mt), NMFS would prohibit retention of WCNPO striped marlin by the Hawaii deep-set and shallow-set longline fleet through the end of the year. This would result in a loss of potential revenue for the longline fishery participants, as well as a reduction of striped marlin supply to consumers. Given recent 5-year average longline catches are 305 mt (672,400 lb), we do not anticipate needing a retention prohibition in 2026, even though catches in 2024 and projected for 2025 exceed the

proposed 2026 longline retention limit. If 2026 catch is similar to that in 2024 (565 mt (1,246,100 lb)) and the 2026 retention limit is 381.6 mt, the fleet could potentially discard 183.4 mt (404,327 lb) of WCNPO striped marlin catch. This would represent a loss in revenue of \$400,284, based on the 2024 price of \$0.99 per pound or \$1,124,030 based on the 2023 price of \$2.78 per pound. Using 149 active longline vessels (in December 2025), this revenue loss would be an estimated \$2,686 to \$7,544 per vessel. By comparison, in 2024, the Hawaii longline fleet earned \$102.9 million from all catch, or \$700,000 per vessel on average for the 147 vessels actively fishing (two fewer than in 2025). If 149 longline vessels were to earn similar per-vessel revenues in 2026, the expected loss in revenue would be 0.4 percent to 1.1 percent of total revenue per vessel.

As for 2027 and later years, the WCPFC catch and longline retention limits have not been set yet, but they could be lower than the 2026 limits, ranging 228.4 to 393.4 mt (catch limit) and 221.5 to 381.6 mt (retention limit). The likelihood of reaching the retention limit would be higher and the associated retention prohibition date would occur earlier in the year with lower retention limits, leading to potentially higher revenue losses compared to higher retention limits. Based on the past 5 full fishing years, catch from longline fisheries could range from 182 to 565 mt with an expected catch of 305 mt. In the extreme case, with a retention limit of 221.5 t, the lowest foreseeable limit under the proposed action, the fishery would have to discard 343.5 mt of striped marlin catch if catch were to be as high as 565 mt, which would represent a loss in fleetwide revenue of \$2,105,258 and per vessel revenue loss of \$14,129 at 2023 prices or fleetwide revenue losses of \$749,714 and \$5,032 per vessel at 2024 prices. If longline vessels earned revenues at levels similar to 2024 (\$700,000 per vessel on average), the expected percentage of per vessel revenue loss due to a retention limit of 221.5 mt could range between 0.7 percent (2024 prices) and 2.0 percent (2023 prices) of total revenue per vessel. Striped marlin prices peak in February and March, and again in July-September,

which could be prior to any potential prohibition in retention. Any overage from 2025 may apply to 2027 catch and retention limits which could further reduce those limits for 2027 and lead to higher revenue losses in 2027 for the Hawaii longline fishery. If, as a combined result of WCPFC decision on catch and retention limits and 2025 overage, the 2027 retention limit were set so that WCNPO striped marlin retention was prohibited throughout the year, the percentage of revenue loss to the Hawaii longline fishery in 2027 could be as high as 3.3 percent using the higher 2023 price and the highest annual catch during 2020-2024. Using average 5 year catch and 2024 prices, NMFS expects per vessel revenue loss to be 0.6 percent. The prohibition on striped marlin retention would not apply to troll or handline fisheries and these fishery participants would be able to sell striped marlin catch throughout the year.

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 fishing (North American Industry Classification System (NAICS) code 11411) 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 in excess of \$11 million for all its affiliated operations worldwide. Based on available information, NMFS has determined that all affected entities are small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, are not dominant in their field of operation, and have annual gross receipts not in excess of \$11 million. Even though this proposed action may apply to a substantial number of entities, based on our analysis the implementation of this action would not result in significant adverse economic impacts to individual entities.

NMFS anticipates no change in fishing activity from the proposed action, independent of the retention limit being reached (*i.e.*, area fished, number of vessels and

trips, number and depth of hooks, or deployment techniques) because Hawaii longline fisheries target tuna and swordfish. The proposed action does not duplicate, overlap, or conflict with other Federal rules and is not expected to have a significant impact on small organizations or government jurisdictions. Furthermore, there would be little, if any, adverse economic impacts from the proposed action based on gear type (deep- or shallow-set longline) or relative vessel size among the affected entities. The proposed action also will not place a substantial number of small entities at a significant competitive disadvantage to large entities because the fishery participants are all small entities.

For the reasons above, NMFS does not expect the proposed action to have a significant economic impact on a substantial number of small entities.

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

#### **List of Subjects in 50 CFR Part 665**

Fisheries, Fishing, Hawaii, Longline, Limited access permit, Pacific Islands, Western Pacific.

Dated: April 28, 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 § 665.800 by adding, in alphabetical order, the definition of “Non-retention date” to read as follows:

**§ 665.800 Definitions.**

\* \* \* \* \*

*Non-retention date* means the date upon which the Regional Administrator projects that a retention limit will be met and is the date on which retention of a species identified under § 665.813 is prohibited as specified under § 665.802, until the end of the fishing year.

\* \* \* \* \*

3. Amend § 665.802 by adding paragraph (uu) to read as follows:

**§ 665.802 Prohibitions.**

\* \* \* \* \*

(uu) Fail to immediately release any striped marlin captured on or after the non-retention date in the Pacific Ocean north of the Equator (0° latitude) and west of 150° W longitude by a vessel registered for use under a longline permit issued under § 665.801(b), in violation of § 665.813(1).

\* \* \* \* \*

4. Amend § 665.813 by adding paragraph (l) to read as follows:

**§ 665.813 Western Pacific longline fishing restrictions.**

\* \* \* \* \*

(l) Specification of striped marlin catch and longline retention limits.

(1) The Regional Administrator shall by notice in the **Federal Register** specify a U.S. catch limit and longline retention limit for striped marlin for vessels registered for use under a longline permit issued under § 665.801(b) fishing in the Pacific Ocean north of the Equator (0° latitude) and west of 150° W longitude.

(2) The U.S. catch limit will be consistent with the international limit for the United States set by the Western and Central Pacific Fisheries Commission.

(i) The international limit is based on a base limit for the United States, plus available underage across all nations' catch of the stock 2 years prior minus any overage of the U.S. catch limit 2 years prior.

(ii) [Reserved]

(3) The longline retention limit will be 97 percent of the U.S. catch limit.

(i) Catches in troll and handline fisheries, for which there are no in-season catch estimates, are less than 3 percent of the total U.S. catch of striped marlin on average each year. Setting the longline retention limit at 97 percent ensures that when the catches from these other fisheries are added post-season, the total U.S. catch limit is not exceeded.

(ii) [Reserved]

(4) NMFS will monitor striped marlin landings with respect to the limits established under paragraphs (1)(2) and (1)(3) of this section using longline landings, data submitted in logbooks, and other available information.

(5) When the longline retention limit is projected to be reached based on analyses of available information in paragraph (1)(4) of this section, the Regional Administrator shall provide notice in the **Federal Register**. This notice will include an advisement of a non-retention date beginning at a specified date, which is not earlier than 7 days after the date of filing the non-retention date notice for public inspection with the Office of the **Federal Register**.

(6) Once the non-retention date is noticed in the **Federal Register** pursuant to paragraph (1)(5) of this section, a fishing vessel permitted under a Hawaii longline limited access permit issued under § 665.801(b) may not be used to retain on board, transship, or land striped marlin captured by longline gear in the Pacific Ocean north of 0° latitude and

west of 150° W longitude from the non-retention date through December 31 of that calendar year.

(i) Exception for striped marlin retained prior to the non-retention date. Any striped marlin captured by longline gear in the Pacific Ocean north of 0° latitude and west of 150° W longitude already on board a fishing vessel registered for use with a Hawaii longline limited access permit issued under § 665.801(b) before the non-retention date noticed pursuant to paragraph (1)(5) of this section may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that the striped marlin is landed within 14 days after the effective non-retention date.

(ii) [Reserved]

(7) All striped marlin captured by longline gear in the Pacific Ocean north of 0° latitude and west of 150° W longitude on or after the non-retention date noticed in the **Federal Register** pursuant to paragraph (1)(5) of this section shall be immediately released.

[FR Doc. 2026-08502 Filed: 4/30/2026 8:45 am; Publication Date: 5/1/2026]