



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260304-0064; RTID 0648-XF634]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Common Pool, Accountability Measures, and Regular B Days at Sea Measures Under Regional Administrator Authority for Fishing Year 2026

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

ACTION: Temporary rule.

SUMMARY: This action implements measures for the Northeast multispecies fishery under Regional Administrator authority for the 2026 fishing year. This action is necessary to ensure that the Northeast multispecies fishery may achieve the optimum yield for the relevant stocks, while controlling catch to help prevent in-season closures or quota overages. These measures are the allocation of zero trips into the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) for common pool vessels to target yellowtail flounder and the closure of the Regular B Days-at-Sea (DAS) Program.

DATES: Effective May 5, 2026, through April 30, 2027.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, 978-281-9232.

SUPPLEMENTARY INFORMATION: Section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act authorizes the Regional Administrator to implement measures that are necessary to carry out a fishery management plan (FMP). Consistent with this authority, Northeast multispecies regulations provide the means by which the Regional Administrator may implement the measures included in this action

for the 2026 fishing year that began on May 1, 2026, consistent with the Northeast Multispecies FMP's goals and objectives. These measures are the allocation of trips for common pool vessels into the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) and the closure of the Regular B DAS Program.

Closed Area II Yellowtail Flounder/Haddock Special Access Program

The regulations at § 648.85(b)(3)(vii) allow common pool trips that may be declared into the Closed Area II Yellowtail Flounder/Haddock SAP to target yellowtail flounder only if the Regional Administrator authorizes such trips for the fishing year, after consultation with the New England Fishery Management Council. This action allocates zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2026. As a result, this SAP is only open to target haddock, from August 1, 2026, through January 31, 2027. Northeast multispecies vessels fishing in the SAP must fish with a haddock separator trawl, a Ruhle trawl, or hook gear.

The Regional Administrator determines the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on: the available yellowtail flounder total allowable catch (TAC) under the U.S./Canada Resource Sharing Understanding; the potential catch of Georges Bank (GB) yellowtail flounder by all vessels fishing outside of the SAP; recent discard estimates in all fisheries that catch yellowtail flounder; the expected number of SAP participants; and any other available information. Allocating trips to target yellowtail flounder in the Closed Area II Yellowtail Flounder/Haddock SAP is discretionary if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit, for a total catch of 2,250,000 lb (1,020,600 kg). The commercial groundfish sub-ACL for yellowtail flounder for the 2026 fishing year is 167,551 lb (76,000 kg), which equals 11 trips landing a 15,000-lb (6,804-kg) limit. Given the low GB yellowtail

flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2026 GB yellowtail flounder allocation. Because the available GB yellowtail flounder catch cannot support at least 150 trips into the SAP with a 15,000-lb trip limit and catch rates outside the SAP are adequate to harvest available GB yellowtail flounder, there is insufficient GB yellowtail flounder to allocate any trips to the SAP.

If approved, Framework Adjustment 72 would reduce the 2026 GB yellowtail flounder sub-ACL. As a result, NMFS does not expect the final rule implementing Framework 72, if approved, would change the determination to allocate no trips to the SAP to target yellowtail flounder.

Regular B DAS Program

The regulations at § 648.85(b)(6)(vi) authorize the Regional Administrator to close the Regular B DAS program by prohibiting the use of Regular B DAS when the Regional Administrator determines that the continuation of the program would undermine the achievement of the objectives of the FMP or the Regular B DAS Program. One reason for terminating the program is an inability to constrain common pool catches to the Incidental Catch TACs.

On March 9, 2026, Framework Adjustment 69 (91 FR 11141) implemented Common Pool Incidental Catch TACs for the Regular B DAS Program for the 2026 fishing year (table 1). These TACs are further divided into Quarterly Incidental Catch TACs to be monitored and managed during each quarter of the fishing year.

Table 1 -- Fishing year Total and Quarterly Incidental Catch TACs for the Regular B DAS Program (mt, live weight)

Stock	Total Incidental Catch TAC (mt)	Quarterly Incidental Catch TAC (mt)			
	2026	1st Quarter (13 percent)	2nd Quarter (29 percent)	3rd Quarter (29 percent)	4th Quarter (29 percent)
GB Cod*	0.04	0.005	0.01	0.01	0.01
GOM Cod*	0.05	0.01	0.02	0.02	0.02

GB Yellowtail Flounder†	0.05	0.01	0.01	0.01	0.01
CC/GOM Yellowtail Flounder*	0.36	0.05	0.10	0.10	0.10
American Plaice†	10.22	1.33	2.96	2.96	2.96
Witch Flounder†	2.69	0.35	0.78	0.78	0.78
SNE/MA Winter Flounder#	0.49	0.06	0.14	0.14	0.14

* These catch limits are based on default specifications and would be replaced when the final rule for Amendment 25 becomes effective, if approved.

† These catch limits are based on Framework 69

These catch limits are based on default specifications and would be replaced when the final rule for Framework 72 becomes effective, if approved.

With the exception of American plaice, the Incidental Catch TACs allocated to the Regular B DAS Program are very small, and in-season management of the Regular B DAS Program would be extremely difficult and impractical. Even if vessels target American plaice, bycatch of other stocks with an Incidental Catch TAC is likely. Implementation of an in-season action to close the Regular B DAS Program when a Quarterly Incidental Catch TAC has been reached would not be possible to prevent further catch of that stock.

As a result, it is unlikely that catch can be effectively limited to the Incidental Catch TACs during fishing year 2026, and NMFS projects that continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies FMP and the Regular B DAS Program. The Regular B DAS Program will be closed and use of Regular B DAS is prohibited for the 2026 fishing year, through April 30, 2027. This applies to all vessels issued a limited access Northeast multispecies permit. The Regular B DAS Program has been closed in this manner annually since

fishing year 2019.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be contrary to the public interest and is unnecessary.

The Regional Administrator is authorized by the regulations implementing the Northeast Multispecies FMP to prevent overfishing and achieve the management objectives of the FMP. The regulations at § 648.85(b)(3)(vii) for the Closed Area II Yellowtail Flounder/Haddock SAP require that the Regional Administrator implement the measures within this action for the upcoming fishing year. There is no alternative action that could be taken with respect to these measures, nor could public comment provide new information that would change these requirements.

The closure of the Regular B DAS Program and prohibition of Regular B DAS is the result of determination that continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies FMP or the Regular B DAS program. The Regular B DAS program closure implemented through this action will prevent an overage of the Incidental Catch TACs. Delay of this action would provide vessel owners an opportunity to participate in the Regular B DAS Program, but participation and catch in the program may likely exceed the allocation. Exceeding the allocation is against the public's interest of achieving optimum yield.

For each of the measures included in this in-season action, delay for prior notice and opportunity for comment is unnecessary. These processes and criteria for determinations were established with prior notice and opportunity for comment. These

actions are regular occurrences to which participants have become accustomed, and timely implementation and notice is expected to facilitate planning for the new fishing year. This action must be implemented as soon as possible to avoid adverse impacts on fishery stocks and participants by ensuring that the fishery's catch limits are not exceeded.

For the reasons above, delay of this action for additional prior notice and the opportunity for public comment and the 30-day delayed effectiveness period are unnecessary and against the public interest because they would undermine management objectives of the FMP and cause unnecessary negative economic impacts to the Northeast Multispecies fishery.

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

Dated: May 4, 2026.

Kelly Denit,

Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2026-09071 Filed: 5/5/2026 4:15 pm; Publication Date: 5/7/2026]