



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648-BN67

Fisheries of the Caribbean, Gulf of America, and South

Atlantic; Puerto Rico Fishery Management Plan; Amendment 4

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

ACTION: Announcement of availability of fishery management plan amendment; request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) submitted Amendment 4 to the Puerto Rico Fishery Management Plan (Puerto Rico FMP) for review, approval, and implementation by NMFS. If approved, Amendment 4 would reclassify rainbow runner from a reef fish to a pelagic fish under the Puerto Rico FMP. Amendment 4 would result in revised management measures for rainbow runner based on the pelagic fish classification, including sector annual catch targets (ACTs) and accountability measures (AMs). The sector-specific annual catch limits (ACLs) would be retained after the reclassification. The purpose of Amendment 4 is to ensure that rainbow runner is managed consistent with its life history characteristics, fishing patterns, and the Council's management of other pelagic species.

DATES: Written comments on Amendment 4 must be received by July 20, 2026.

ADDRESSES: You may submit comments on Amendment 4, identified by "NOAA-NMFS-2025-0471," 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 enter "NOAA-NMFS-2025-0471" in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit all written comments to Maria Lopez-Mercer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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, etc.), 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).

Electronic copies of Amendment 4, which includes a

fishery impact statement, a regulatory impact review, and a Regulatory Flexibility Act analysis, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/amendment-4-puerto-rico-fishery-management-plan-reclassification-rainbow-runner-pelagic-fish>.

FOR FURTHER INFORMATION CONTACT: Maria Lopez-Mercer, 727-824-5305, maria.lopez@noaa.gov.

SUPPLEMENTARY INFORMATION: Rainbow runner is currently managed under the Puerto Rico FMP as a reef fish. The FMP was prepared by the Council and NMFS, approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary of Commerce for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

Background

The Magnuson-Stevens Act requires NMFS and the regional fishery management councils to prevent overfishing and to achieve, on a continuing basis, the optimum yield

from federally managed fish stocks to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

During development of the Puerto Rico FMP, the finfish stocks were classified into three descriptive categories: reef fish, pelagic fish, and rays. At that time, the rainbow runner, along with two other jack species that were new to Federal management under the Puerto Rico FMP (crevalle jack and African pompano) were classified as reef fish. Under the Puerto Rico FMP, each jack species is managed as an individual stock rather than in a stock complex because of differences in the primary location where they are caught. As described in the Puerto Rico FMP, rainbow runner is commonly caught in open water, while crevalle jack is commonly harvested closer to shore and around mangrove channels, and African pompano is commonly caught off the beach. With the implementation of the Puerto Rico FMP in October 2022, rainbow runner became subject to management measures applicable to reef fish in Federal waters around Puerto Rico. Federal waters around Puerto Rico extend seaward from 9 nautical miles (nmi) or 16.7 kilometers (km) from shore to the offshore boundary of the U.S. Caribbean exclusive economic zone (EEZ).

Under the Puerto Rico FMP, regulations that apply to all reef fish, including rainbow runner as currently classified, include anchoring restrictions, prohibited fishing gear types, seasonal closures, and a combined recreational bag and possession limit. Also, as a reef fish species, rainbow runner is subject to commercial and recreational ACLs, a total ACL, and sector-specific AMs.

Unless otherwise noted, all weights in this document are described in pounds (lb) round weight. Under the Puerto Rico FMP, commercial and recreational data were available to establish sector-specific ACLs for rainbow runner, which were equal to 10.14 percent for commercial and 89.86 percent for recreational of the total ACL. For rainbow runner, the commercial ACL is 913 lb (414.1 kg), the recreational ACL is 8,091 lb (3,670 kg), and the total ACL is 9,004 lb (4,084.1 kg).

Under the Puerto Rico FMP, at or near the beginning of the fishing year landings for each stock, stock complex, or indicator stock of reef fish are evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP (50 CFR 622.440(a)(4)). When landings for one sector are not available for comparison to that sector's ACL, the ACL for the sector with available landings is the applicable ACL for the stock or stock complex. At this time, recreational landings for rainbow runner are not available; therefore, commercial landings

are evaluated relative to the commercial ACL to determine if the AM specified in 50 CFR 622.440(a)(7) applies. If NMFS estimates that available commercial landings for rainbow runner have exceeded the commercial ACL for rainbow runner, the Assistant Administrator for NMFS will file a notification with the Office of the Federal Register to reduce the length of the commercial and recreational fishing seasons for rainbow runner within that fishing year by the amount necessary to prevent commercial landings from exceeding the commercial ACL, unless NMFS determines that a reduction is not necessary based on the best scientific information available, or unless the ACL was exceeded because data collection or monitoring improved rather than because landings increased (50 CFR 622.440(a)(7)).

The status of the Puerto Rico rainbow runner stock has not been assessed. Since implementation of the Puerto Rico FMP in 2022, rainbow runner is not undergoing overfishing and its overfished status is unknown. As described in Amendment 4, there have been not been any AM-based fishing season reductions for rainbow runner. In 2024, the most recent commercial landings of rainbow runner (1,177 lb [534 kg] in 2022) exceeded the commercial ACL (913 lb [414.1 kg]) by 264 lb (120 kg). However, the AM was not implemented (*i.e.*, the length of the commercial and recreational fishing seasons were not reduced) because NMFS determined that the commercial ACL was exceeded because of

improved data collection and monitoring, rather than an increase in landings.

At the April 2023 Council meeting, the Council began to discuss reclassifying rainbow runner as a pelagic fish under the Puerto Rico FMP instead of as a reef fish to better reflect the way the species is fished. The methods and techniques used to harvest rainbow runner are consistent with those used for pelagic fishing in Federal waters around Puerto Rico. Around Puerto Rico, rainbow runner are caught in the water column, while reef fish are usually caught off the bottom. The Council requested their Scientific and Statistical Committee (SSC) to evaluate life history information and landings data available for rainbow runner and provide a recommendation on the classification of rainbow runner. The SSC determined that there was sufficient information to support the reclassification of the species as a pelagic fish and recommended the Council reclassify rainbow runner as a pelagic fish under the Puerto Rico FMP. At the August 2023 Council meeting, the Council accepted the SSC's recommendation, and began to develop Amendment 4.

Actions Contained in Amendment 4

Amendment 4 would reclassify rainbow runner from a reef fish to a pelagic fish under the Puerto Rico FMP definitions. The reclassification would subject rainbow runner to Federal regulations under the FMP applicable to

pelagic fish and exclude the species from Federal regulations applicable to reef fish. The current sector ACLs for rainbow runner would not change as a result of the reclassification. Amendment 4 would also establish sector ACTs and subject rainbow runner to AMs consistent with management of pelagic fish.

Reclassification of Rainbow Runner as a Pelagic Fish

Rainbow runner is currently defined as a reef fish under the Puerto Rico FMP (50 CFR 622.431 "Reef fish"). As such, regulations that pertain to managed reef fish apply to rainbow runner. Reef fish-specific regulations include anchoring restrictions, prohibited fishing gear types, seasonal closures, a combined recreational bag and possession limit, a total ACL (*i.e.*, combined commercial and recreational ACLs), and sector-specific AMs. Amendment 4 would remove rainbow runner from the definition of "reef fish" in table 3 to 50 CFR 622.431 and add it to the definition of "pelagic fish" in table 1 to 50 CFR 622.431.

As a result of the changes to the definitions, reef fish-specific regulations under the FMP would no longer apply to rainbow runner. Specifically, restrictions designed to protect reef fish populations, including a recreational bag and possession limit (50 CFR 622.444(a)(2)) and a seasonal closure in the Bajo de Sico area off western Puerto Rico (50 CFR 622.439(a)(3)), would not apply to rainbow runner as a pelagic fish.

As described in Amendment 4, rainbow runner behaves as a pelagic species and has been historically targeted by Puerto Rico commercial and recreational fishermen consistent with other pelagic species, although catches are infrequent and variable. Reclassifying rainbow runner as a pelagic fish is not expected to change how the species is currently fished in Federal waters around Puerto Rico or increase the risk of overfishing of the stock. Under the Puerto Rico FMP, crevalle jack and African pompano would continue to be classified and managed as reef fish, which is consistent with their life history characteristics and fishing patterns in Federal waters around Puerto Rico.

ACLs and ACTs

Reclassifying rainbow runner from a reef fish to a pelagic fish under the Puerto Rico FMP would not change the commercial ACL (913 lb [414 kg]) or the recreational ACL (8,091 lb [3,670 kg]). Rather, the reclassification would remove rainbow runner commercial, recreational, and total ACLs from the tables in 50 CFR 622.440(a) and would add the commercial and recreational ACLs to 50 CFR 622.440(b) for pelagic fish. The sector allocations of 10.14 percent commercial and 89.86 percent recreational that were established under the Puerto Rico FMP would remain unchanged. Because AMs for pelagic fish do not evaluate landings relative to total ACLs (*i.e.*, combined commercial and recreational ACLs), the total ACL value of 9,004 lb

(4,084.1 kg) for rainbow runner would be removed from regulations.

Additionally, the reclassification as a pelagic fish would require the establishment of sector-specific ACTs as part of the AMs applicable to pelagic fish. Consistent with management of the other pelagic fish under the Puerto Rico FMP, the sector ACTs would be set at 90 percent of their respective sector ACLs.

Managing pelagic species with sector ACTs and ACLs is intended to serve as a precautionary measure to address harvest uncertainty for pelagic species that are new to Federal management. Amendment 4 would set the commercial ACT of rainbow runner at 822 lb (373 kg) and the recreational ACT at 7,282 lb (3,303 kg).

AMs

Amendment 4 would also change the AM applicable to rainbow runner from the AMs described in 50 CFR 622.440(a)(4) through (7) for reef fish and apply the pelagic fish AM described in 50 CFR 622.440(b)(7). Under the pelagic fish AM, if NMFS estimates that landings have exceeded the applicable ACT for a stock or stock complex, NMFS will determine the appropriate corrective action in consultation with the Council. Unlike a fixed seasonal closure, these measures are adaptive and could involve the future development and implementation of new management

measures, such as seasonal or area closures, commercial trip limits, or recreational bag and possession limits.

By applying the pelagic AM to rainbow runner, the corrective action includes a consultation process to ensure the long-term sustainability of the resource, rather than an automatic season reduction.

Proposed Rule for Amendment 4

A proposed rule to implement Amendment 4 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with Amendment 4, the Puerto Rico FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted Amendment 4 for Secretarial review, approval, and implementation. Comments on Amendment 4 must be received by July 20, 2026. Comments received during the respective comment period on Amendment 4 or the proposed rule, whether specifically directed to Amendment 4 or the proposed rule will be considered by NMFS in the decision to approve, disapprove, or partially approve Amendment 4. Comments received after the comment periods will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 4 or the proposed

rule during their respective comment periods will be addressed in the final rule.

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

Dated: May 19, 2026.

David R. Blankinship,

*Acting Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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