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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 260702-0160]

RIN 0648-BO38

**Fisheries of the Northeastern United States; Omnibus Management Flexibility
Amendment to New England Fishery Management Council Fishery Management
Plans**

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement the Omnibus Management Flexibility Amendment to the New England Fishery Management Council (Council) Fishery Management Plans (FMPs) (Amendment), as prepared by the Council. This proposed rule would allow for changes to the specifications process, in-season adjustment authority, and preparation of Council reports and reviews. The purpose of this action is to address the need for increased management flexibility and consistency across all the Council's FMPs.

DATES: Comments must be received by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2026-0067, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2026-0067 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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).

Electronic copies of the Omnibus Management Flexibility Amendment may be obtained from <https://www.regulations.gov> and the New England Fishery Management Council website at <https://www.nefmc.org/library/omnibus-management-flexibility-amendment>.

FOR FURTHER INFORMATION CONTACT: Travis Ford, 978-281-9233, travis.ford@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage fishery resources under nine separate FMPs for 27 species off the New England and Mid-Atlantic coasts. The Council prepares the FMPs and any associated amendments, and NMFS, reviews, and if approved, implements the FMPs and amendments to the FMPs

through regulations at 50 CFR Part 648 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Council developed this Amendment in response to Executive Order 14276, *Restoring American Seafood Competitiveness* to reduce regulatory burden and enhance access to fishery resources. At its September 2025 meeting, the Council voted to submit the Amendment to NMFS. Because the Monkfish FMP is jointly managed by the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, the Mid-Atlantic Council took final action on the monkfish aspects of the Amendment at its October 2025 meeting and adopted the New England Council's selected monkfish measures. If approved, NMFS proposes to implement this amendment. This proposed rule would apply across the New England Council's FMPs and would include administrative changes to specifications frequency, the specifications setting process, in-season adjustment authority, and the preparation of Council reports and reviews. The proposed action is intended to enhance consistency across all the Council's FMPs, streamline regulatory requirements, and provide the Council with increased flexibility in managing its FMPs.

Proposed Measures

Specifications Frequency

Currently, all the Council's FMPs require specifications to be set at varying frequencies (Table 1). Given the uncertainty in the availability of updated stock assessments and data updates, some FMPs may be required to set specifications even when there are no updated assessment products available. To allow for greater flexibility

in planning stock assessments, data updates, and subsequent management actions, this action would allow the Council to recommend specifications for one to up to five years, consistent with best available science, across all of its FMPs.

Table 1 -- Current Specifications Frequency for each FMP

FMP	Current Specifications Frequency
Northeast Multispecies (Groundfish)	Every 3 years for each Northeast multispecies stock
Atlantic Sea Scallop	Up to 2 years, as well as second or third-year default measures
Monkfish	Specified for each monkfish stock for multiple years as determined necessary to best align management with the stock assessment process for this fishery
Atlantic Herring	3-year specifications
Northeast Skate Complex	Up to 2 fishing years
Small-Mesh Multispecies	On at least a 3-year basis
Red Crab	No frequency specified

Specification Setting Process

A defined specifications process allows the Council to implement routine specifications (*e.g.*, annual catch and trip limits) through a more streamlined process. All the New England Council’s FMPs except the Northeast Multispecies and Monkfish FMPs have a fully defined specification setting process. Because these two FMPs lack such a process, specifications actions in these FMPs must be developed by a framework adjustment or amendment. This action would establish a consistent specification setting process for the Northeast Multispecies and Monkfish FMPs, to streamline the setting of

fishery specifications under a specification process without developing a framework adjustment action or amendment and align these FMPs with the Council's other FMPs. In addition, this action would add status determination criteria to the list of measures for the Northeast Skate Complex that could be adjusted through the specifications setting process or by framework adjustment.

Specific Measures Added to Specification Setting Process

Northeast Multispecies FMP - The measures that could be adjusted through the specification process include:

- Overfishing Limits (OFL), Acceptable Biological Catches (ABC), sub-Annual Catch Limits (ACL), sub-components;
- United States/Canada total allowable catches (TAC);
- Status determination criteria;
- Management uncertainty buffers;
- Recreational measures – adjustments to bag limits, seasons, fish size;
- Common pool trimester TAC distributions; and
- Creation of a new sector.

Monkfish FMP - The measures that could be adjusted through the specification process include:

- OFLs, ABCs, ACLs, ACTs, and Total Allowable Landings;
- Status determination criteria;
- Allocations and effort controls for the Research Set-Aside program; and
- Any other measures necessary to ensure that the specifications will not be exceeded, including but not limited to:

- Accountability measures;
- Commercial days-at-sea, minimum fish size, trip limits, seasons, blocks of time out of the fishery that a vessel must declare that it will not participate in the fishery, and landing ratios (*e.g.*, liver-to-monkfish and tail-to-whole conversions); and
- Recreational possession limits, minimum fish size, and seasons.

Northeast Skate Complex FMP – This action would add status determination criteria to the existing list of measures that could be adjusted through the specification setting process or by a framework adjustment.

In-Season Adjustment Authority

The Atlantic Herring FMP provides for “in-season adjustments,” where the established specifications and sub-ACL may be adjusted by NMFS to achieve conservation and management objectives. This process requires the NMFS Regional Administrator to consult with the Council to allow changes during the fishing year. This provision has allowed managers the flexibility to respond in a timely manner to updated scientific and fishery information. This action would provide for in-season adjustment authority across all the Council’s FMPs. Further, for all of its FMPs, this action would expand the use of in-season adjustments to established specifications and sub-ACLs beyond what the Atlantic Herring FMP would currently allow. Specifically, this action would allow for in-season adjustments to specifications and measures identified under specifications actions by FMP. These adjustments would help NMFS achieve an FMP’s conservation and management objectives, after consulting with the Council, during the fishing year. Any adjustments would be consistent with the respective FMP’s objectives

and other FMP provisions.

Annual Review/Report

The Council's Monkfish and Northeast Skate Complex FMPs and the small-mesh fishery component of the Northeast Multispecies FMP require annual plan development team reviews and, in the case of small-mesh multispecies, also a report. These annual reviews and reports can be duplicative with other products of the Council (*e.g.*, risk policy matrices and specifications actions), and from NMFS (*e.g.*, online stock assessment and fishery evaluation reports, data updates, state of the ecosystem reports, and ecosystem and socioeconomic profiles). This action would remove the requirement to prepare an annual review in the Monkfish and Northeast Skate Complex FMPs, and, in addition, this action would also remove the requirements for a report and an annual review from the small-mesh fishery component of the Northeast Multispecies FMP. This action would not prevent the Council from prioritizing the preparation of an annual review or monitoring or performance report for any of the Council's FMPs through its priority setting process should it so choose.

List of Framework Adjustment Items

This action would add all the above-listed items to the list of framework adjustment items for the Northeast Multispecies (large- and small-mesh components), Atlantic Sea Scallop, Monkfish, Atlantic Herring, Northeast Skate Complex, and Red Crab FMPs. This includes:

- Specification frequency;
- Specification setting process;
- In-season adjustment authority; and

- Annual review/report.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the FMP, 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 12866.

This proposed rule is expected to be an Executive Order 14192 deregulatory action. The changes to the New England Fishery Management Council's FMPs are expected to prevent fishery delays, improve planning of Council final actions throughout the year, increase the ability to respond to new information in a timelier way, and improve allocation of Council resources.

The Senior Lead 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.

This proposed action is administrative in nature and would not affect the current operational regulations of the fisheries. The implementing regulations under this proposed action modify administrative measures to increase management flexibility and consistency in the Northeast Multispecies (large-mesh and small-mesh), Atlantic Sea Scallop, Monkfish, Atlantic Herring, Northeast Skate Complex, and Red Crab FMPs.

These measures include changes to specifications frequency, specifications setting process, in-season adjustment authority, and preparation of Council reports/reviews.

As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 6, 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 648 as follows:

PART 648--FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.55:

- a. Revise paragraphs (a)(1), (3), (5), and (7);
- b. Add paragraph (a)(8);
- c. Revise paragraphs (f)(40) and (41); and
- d. Add paragraphs (f)(42) through (45).

The revisions and additions read as follows:

§ 648.55 Specifications and framework adjustments to management measures.

(a) * * *

(1) The Scallop Plan Development Team (PDT) shall meet at least every 2 years to assess the status of the scallop resource and, if necessary, to develop and recommend the following specifications for a period of up to 5 years, that may include default measures, for consideration by the New England Fishery Management Council's Atlantic Sea Scallop Oversight Committee and Advisory Panel: OFL, overall ABC/ACL, sub-ACLs, sub-ACTs, DAS open area allocations, possession limits, modifications to rotational area management (*e.g.*, schedule, rotational closures and openings, seasonal restrictions, modifications to boundaries), access area limited access poundage allocations and LAGC IFQ fleet-wide trip allocations, annual incidental catch target TAC, and NGOM TAL.

* * * * *

(3) The Council shall review these recommendations and, after considering public comments, shall recommend appropriate specifications for up to 5 years, that may include default measures, to NMFS. NMFS shall approve, disapprove, or partially approve the specifications recommended by the Council and publish the approved specifications in the *Federal Register* in accordance with the Administrative Procedure Act (APA).

* * * * *

(5) The PDT will meet at least once during the interim years to review the status of the stock relative to the overfishing definition if information is available to do so. If the Council determines, based on information provided by the PDT or other stock-related information, that the approved specifications should be adjusted during the interim time

period, it can do so through the same process outlined in paragraphs (a)(2) through (a)(4) of this section during the interim year.

* * * * *

(7) If the Council decides to set specifications for 1 or 2 years, the specifications action shall also include default specifications that shall be effective in the second year after 1-year specifications and the third year after the 2-year specifications expire until replaced by the measures included in the next specifications action. If the specifications action is not published in the *Federal Register* with an effective date on or before April 1, the following year's default specifications shall be effective beginning April 1 of each fishing year until any new specifications action is implemented and made effective during the second or third year, or for the entire fishing year if the specifications action is not completed or is not implemented by NMFS during the following year. The specifications action shall specify the measures necessary to address inconsistencies between specifications and default allocations for the period after April 1 but before the specifications action is implemented for that year. The default specifications, if implemented, shall remain in effect until they are revised through a subsequent specifications action.

(8) The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, in accordance with the APA. Any adjustments must be consistent with the Atlantic Sea Scallop FMP objectives and other FMP provisions.

* * * * *

(f) * * *

(40) Changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set-aside programs;

(41) Adjustments to specification frequency;

(42) Management measures in the specification setting process;

(43) Adjustments to in-season adjustment authority;

(44) Annual reports or reviews and any adjustments to their requirements; and

(45) Any other management measures currently included in the FMP.

* * * * *

3. In § 648.90:

- a. Revise paragraphs (a)(2)(iii)(R) and (S);
- b. Add paragraphs (a)(2)(iii)(T) through (W);
- c. Revise paragraphs (a)(4)(i) introductory text and (a)(4)(i)(A);
- d. Add paragraph (a)(7);
- e. Revise paragraphs (b)(1) introductory text, (b)(1)(i) and (b)(1)(iii);
- f. Remove and reserve paragraph (b)(3);
- g. Revise paragraph (b)(4)(i);
- h. Remove and reserve paragraph (b)(4)(ii);
- i. Revise paragraph (c)(1)(i); and
- j. Add paragraph (c)(5).

The revisions and additions read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(2) * * *

(iii) * * *

(R) Changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;

(S) Adjustments to specification frequency;

(T) Management measures in the specification setting process;

(U) Adjustments to in-season adjustment authority;

(V) Annual reports or reviews and any adjustments to their requirements; and

(W) Any other measures currently included in the FMP.

* * * * *

(4) * * *

(i) *ABC/ACL recommendations.* As described in this paragraph (a)(4) the PDT shall, if necessary, develop recommendations for setting an ABC, ACL, and OFL for each NE multispecies stock for up to 5 years as part of the biennial review process specified in paragraph (a)(2) of this section. ACLs can also be specified based upon updated information in the annual SAFE report, as described in paragraph (a)(1) of this section, and other available information as part of a specification package, as described in

paragraph (a)(6) of this section. For NE multispecies stocks or stock components managed under both the NE Multispecies FMP and the Understanding, the PDT shall develop recommendations for ABCs, ACLs, and OFLs for the pertinent stock or stock components for up to 5 years as part of the annual process described in this paragraph (a)(4) and § 648.85(a)(2).

(A) *ABC recommendations.* The PDT shall develop ABC recommendations based on the ABC control rule, the fishing mortality rate necessary to rebuild the stock, guidance from the SSC, and any other available information. The PDT recommendations shall be reviewed by the SSC. Guided by terms of reference developed by the Council, the SSC shall either concur with the ABC recommendations provided by the PDT, or provide alternative recommendations for each stock of regulated species or ocean pout and describe the elements of scientific uncertainty used to develop its recommendations. Should the SSC recommend an ABC that differs from that originally recommended by the PDT, the PDT shall revise its ACL recommendations if necessary to be consistent with the ABC recommendations made by the SSC. In addition to consideration of ABCs, the SSC may consider other related issues specified in the terms of reference developed by the Council, including, but not limited to, OFLs, ACLs, and management uncertainty.

(ii) [Reserved]

* * * * *

(7) *Specifications* —

(i) *NE Multispecies Oversight Committee recommendations.* If necessary, based on the review described in paragraph (a)(2) of this section, the NE Multispecies

Oversight Committee may develop specifications for the NE Multispecies FMP and recommend them to the Council.

(ii) *Council recommendations.* As described in paragraph (a)(4) of this section, the Council shall review these recommendations and, after considering public comments, shall recommend appropriate specifications for up to 5 years to NMFS. NMFS shall approve, disapprove, or partially approve the specifications recommended by the Council and publish the approved specifications in the *Federal Register* in accordance with the APA.

(iii) *Measures that may be included in specifications.* Specifications may include: OFLs, ABCs, ACLs, sub-ACLs, sub-components, trimester total allowable catches (TAC); United States/Canada TACs; adjustments to status determination criteria; management uncertainty buffers; recreational management measures, *e.g.*, adjustments to bag limits, seasons, fish size; common pool trimester TAC distributions; and creation of a new sector.

(b) * * *

(1) *Specifications process and specifications package.* The Council shall specify OFL, ABC, ACLs, and TALs for each small-mesh multispecies stock in accordance with the following process.

(i) The Whiting PDT shall recommend to the Whiting Oversight Committee and Council specifications including the OFL, ABC, ACL, and TAL for each small-mesh multispecies stock for a period of up to 5 years. The Whiting PDT and the Council shall follow the process in paragraphs (b)(2) and (b)(4) of this section for setting these specifications.

* * * * *

(iii) The Whiting PDT may also recommend to the Whiting Oversight Committee and Council changes to stock status determination criteria and associated thresholds based on the best scientific information available, including information from peer-reviewed stock assessments of small-mesh multispecies. These adjustments may be included in the Council's specifications for the small-mesh multispecies fishery.

* * * * *

(3) [Reserved]

(4) * * *

(i) The Whiting PDT shall prepare a specification package, including a SAFE Report, at least every 5 years and present to the Council recommended specifications as defined in paragraph (a) of this section for up to 5 fishing years. The specifications package shall be the primary vehicle for the presentation of all updated biological and socio-economic information regarding the small-mesh multispecies fishery. The specifications package shall provide source data for any adjustments to the management measures that may be needed to continue to meet the goals and objectives of the FMP. The specifications package may include modifications to the OFL, ABC, ACL, TAL, possession limits, and in-season possession limit triggers.

* * * * *

(c) * * *

(1) * * *

(i) After a management action has been initiated, the Council shall develop and analyze appropriate management actions over the span of at least two Council meetings.

The Council shall provide the public with advance notice of the availability of both the proposals and the analyses and opportunity to comment on them prior to and at the second Council meeting. The Council's recommendation on adjustments or additions to management measures, other than to address gear conflicts, must come from one or more of the following categories: DAS changes; effort monitoring; data reporting; possession limits; gear restrictions; closed areas; permitting restrictions; crew limits; minimum fish sizes; onboard observers; minimum hook size and hook style; the use of crucifer in the hook-gear fishery; sector requirements; recreational fishing measures; area closures and other appropriate measures to mitigate marine mammal entanglements and interactions; description and identification of EFH; fishing gear management measures to protect EFH; designation of habitat areas of particular concern within EFH; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; adjustments to specification frequency; management measures in the specification setting process; adjustments to in-season adjustment authority; any annual reports or reviews and any adjustments to their requirements; and any other management measures currently included in the FMP.

* * * * *

(5) *In-season adjustments.* The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, in accordance with the Administrative Procedure Act (APA). Any

adjustments must be consistent with the Northeast Multispecies FMP objectives and other FMP provisions.

* * * * *

4. In § 648.96:

- a. Revise paragraph (a) introductory text;
- b. Revise paragraphs (a)(2), (a)(3)(i), and (c)(1) introductory text; and
- c. Add paragraphs (f) and (g).

The revisions and additions read as follows:

§ 648.96 FMP review, specification, and framework adjustment process.

(a) *Review and adjustment process.* The NEFMC and MAFMC shall monitor the status of the monkfish fishery and resource.

* * * * *

(2) *Adjustment Process.* The PDT may meet to discuss the monkfish fishery in relation to the goals and objectives specified in the Monkfish FMP. The PDT provides guidance to the NEFMC and MAFMC regarding the need to adjust management measures to better achieve the FMP's goals and objectives. After considering the PDT's guidance, the Council may submit to NMFS its recommendations for changes to management measures, as appropriate, through the annual framework adjustment process specified in paragraph (a)(3) of this section, the in-season framework adjustment process specified in paragraph (b) of this section, or through an amendment to the FMP.

(3) * * *

(i) If necessary, the Councils may develop adjustments to management measures to achieve the annual catch target (ACT) for the upcoming fishing year, and may develop

other management options to better achieve the goals and objectives of the Monkfish FMP, which may include a preferred option. The Councils must demonstrate thorough analysis and documentation that any options they develop are expected to meet the goals and objectives of the Monkfish FMP. Additionally, if necessary, based on the recommendation of the NEFMC's Scientific and Statistical Committee (SSC), the Councils may recommend measures to revise the ABCs and ACLs for the upcoming fishing year(s) as described in paragraph (c) of this section.

* * * * *

(c) * * *

(1) The Councils or the PDT may develop options for setting ABC, ACL, and OFL for each monkfish stock, as necessary, as part of the adjustment process specified in paragraph (a) of this section, or as otherwise deemed necessary following the in-season adjustment process specified in paragraph (b) of this section. These options shall be submitted to the SSC for consideration. The Councils or the PDT may recommend to the SSC that ABC, ACL, and OFL are specified for each monkfish stock for up to 5 years.

* * * * *

(f) *Specifications.*

(1) *Monkfish Oversight Committee recommendations.* If necessary, based on the review described in paragraph (a)(2) of this section, the Monkfish Oversight Committee may develop specifications for the Monkfish FMP and recommend them to the Councils.

(2) Council recommendations. The Councils shall review these recommendations and, after considering public comments, shall recommend appropriate specifications for up to 5 years to NMFS. NMFS shall approve, disapprove, or partially approve the

specifications recommended by the Councils and publish the approved specifications in the *Federal Register* in accordance with the APA.

(3) *Measures that may be included in specifications.* Specifications may include:

(i) OFLs, ABCs, ACLs, ACTs, and TALs;

(ii) Adjustments to status determination criteria;

(iii) Any measures necessary to ensure that the specifications will not be exceeded, including but not limited to:

(A) Accountability measures,

(B) Commercial DAS, minimum fish size, trip limits, seasons, blocks of time out of the fishery that a vessel must declare that it will not participate in the fishery, and landing ratios (*e.g.*, liver-to-monkfish and tail-to-whole conversions),

(C) Recreational possession limits, minimum fish size, and seasons;

(iv) Allocations and effort controls for the RSA program.

(g) *In-season adjustments.* The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Councils, in accordance with the Administrative Procedure Act (APA). Any adjustments must be consistent with the Monkfish FMP objectives and other FMP provisions.

5. In § 648.200, revise paragraphs (a), (c), and (e) to read as follows:

§ 648.200 Specifications.

(a) The Atlantic Herring Plan Development Team (PDT) shall meet at least every 3 years, but no later than July of the year before new specifications are implemented,

with the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Technical Committee (TC) to develop and recommend, if necessary, the following specifications for a period of up to 5 years for consideration by the New England Fishery Management Council's Atlantic Herring Oversight Committee: Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limit (ACL), Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), U.S. at-sea processing (USAP), border transfer (BT), the sub-ACL for each management area, including seasonal periods as specified at § 648.201(d) and modifications to sub-ACLs as specified at § 648.201(f), the amount to be set aside for the RSA (from 0 to 3 percent of the sub-ACL from any management area), and river herring and shad catch caps, as specified in § 648.201(a)(4). Recommended specifications shall be presented to the New England Fishery Management Council.

(1) The PDT shall meet with the Commission's TC to review the status of the stock and the fishery and prepare a Stock Assessment and Fishery Evaluation (SAFE) report at least every 3 years. The Herring PDT will meet at least once during interim years to review the status of the stock relative to the overfishing definition if information is available to do so. When conducting a 3-year review and preparing a SAFE Report, the PDT/TC will recommend to the Council/Commission any necessary adjustments to the specifications for up to 5 years.

(2) If the Council determines, based on information provided by the PDT/TC or other stock-related information, that the specifications should be adjusted during the up to 5-year time period, it can do so through the same process outlined in this section during one or both of the interim years.

* * * * *

(c) The Atlantic Herring Oversight Committee shall review the recommendations of the PDT and shall consult with the Commission's Herring Board. Based on these recommendations and any public comment received, the Herring Oversight Committee shall recommend to the Council appropriate specifications for up to a 5-year period. The Council shall review these recommendations and, after considering public comment, shall recommend appropriate up to 5-year specifications to NMFS. NMFS shall review the recommendations, consider any comments received from the Commission, and publish notification in the *Federal Register* proposing up to 5-year specifications. If the proposed specifications differ from those recommended by the Council, the reasons for any differences shall be clearly stated and the revised specifications must satisfy the criteria set forth in paragraph (b) of this section.

* * * * *

(e) *In-season adjustments.* The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, in accordance with the Administrative Procedure Act (APA). Any adjustments must be consistent with the Atlantic Herring FMP objectives and other FMP provisions.

* * * * *

6. In § 648.206, revise paragraphs (b)(38) and (39), and add paragraphs (b)(40) through (43) to read as follows:

§ 648.206 Framework provisions.

* * * * *

(b) * * *

(38) Modifications to the ABC control rule, including, but not limited to, control rule parameters, if a quantitative stock assessment is not available, if the projections are producing ABCs that are not justified or consistent with available information, or if the stock requires a rebuilding program;

(39) Adjustments to specification frequency;

(40) Management measures in the specification setting process;

(41) Adjustments to in-season adjustment authority;

(42) Annual reports or reviews and any adjustments to their requirements; and

(43) Any other measure currently included in the FMP.

* * * * *

7. In § 648.260, revise paragraphs (a)(4) and (5) and add paragraph (a)(7) to read as follows:

§ 648.260 Specifications.

(a) * * *

(4) The PDT, after its review of the available information on the status of the stock and the fishery, shall recommend to the Council, every 1 to 5 years, any measures necessary to assure that the specifications will not be exceeded, as well as changes to the appropriate specifications.

(5) Taking into account the PDT review and/or SAFE Report described in paragraph (b) of this section, the advice of the SSC, and any other relevant information, the Red Crab PDT may also recommend to the Red Crab Committee and Council

changes to stock status determination criteria and associated thresholds based on the best scientific information available, including information from peer-reviewed stock assessments of red crab. These adjustments may be included in the Council's specifications for the red crab fishery.

* * * * *

(7) The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, in accordance with the Administrative Procedure Act (APA). Any adjustments must be consistent with the Red Crab FMP objectives and other FMP provisions.

8. In § 648.320:

- a. Revise paragraph (a) introductory text;
- b. Remove and reserve paragraph (a)(1);
- c. Revise paragraphs (a)(2), (4), (5), and (6);
- d. Add paragraph (a)(8); and
- e. Remove and reserve paragraph (b)(2).

The revisions and addition read as follows:

§ 648.320 Skate FMP review and monitoring.

(a) *Specifications process.* The Council shall monitor the status of the skate fishery and resource.

(1) [Reserved]

(2) The Skate PDT shall provide guidance to the Skate Committee and the Council regarding the need to adjust measures in the Skate FMP to better achieve the

FMP's objectives. After considering guidance, the Council may submit to NMFS its recommendations for changes to management measures, as appropriate, through the specifications process described in this section, the framework process specified in § 648.321, or through an amendment to the FMP.

* * * * *

(4) Based on the annual review described above and/or the Stock Assessment and Fishery Evaluation (SAFE) Report described in paragraph (b) of this section, recommendations for acceptable biological catch (ABC) from the Scientific and Statistical Committee, and any other relevant information, the Skate PDT shall recommend to the Skate Committee and Council the following annual specifications for harvest of skates: An annual catch limit (ACL) for the skate complex set less than or equal to ABC; an annual catch target (ACT) for the skate complex set less than or equal to 90 percent of the ACL; and total allowable landings (TAL) necessary to meet the objectives of the FMP in each fishing year (May 1-April 30), specified for a period of up to 5 fishing years.

(5) Specification action measures. Measures that can be included in a specifications action, may include, but are not limited to:

- (i) Possession limits in the wing and bait fisheries;
- (ii) In-season possession limit triggers for the wing and bait fisheries;
- (iii) Required adjustments to in-season possession limit trigger percentages or the ACL-ACT buffer, based on the accountability measures specified at § 648.323;
- (iv) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification,

the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; and

(v) Adjustments to status determination criteria.

(6) The Skate PDT may also recommend changes to stock status determination criteria and associated thresholds, including methods for stock status determinations based on the best scientific information available, including information from peer-reviewed stock assessments of the skate complex and its component species. These adjustments may be included in the Council's specifications for the skate fisheries.

* * * * *

(8) The specifications and management measures identified under specifications actions established pursuant to this section may be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, in accordance with the Administrative Procedure Act (APA). Any adjustments must be consistent with the NE Skate Complex FMP objectives and other FMP provisions.

(b) * * *

(1) * * *

(2) [Reserved]

9. In § 648.321:

- a. Revise paragraphs (b) introductory text, (b)(23) and (24); and
- b. Add paragraphs (b)(25) through (29).

The revisions and additions read as follows:

§ 648.321 Framework adjustment process.

* * * * *

(b) *Framework adjustment action measures.* Measures that may be changed or implemented through framework action, provided that any corresponding management adjustments can also be implemented through a framework adjustment, are:

* * * * *

(23) Changes to catch monitoring procedures;

(24) Changes, as appropriate, to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs;

(25) Adjustments to status determination criteria;

(26) Adjustments to specification frequency;

(27) Management measures in the specification setting process;

(28) Adjustments to in-season adjustment authority; and

(29) Annual reports or reviews and any adjustments to their requirements.

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