



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260910-0004]

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: Final rule.

SUMMARY: This final rule implements a framework for specifying 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 the requirements of Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measure (CMM) 2024-06. If the retention limit is reached, NMFS will prohibit 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 will specify the updated catch and longline retention limits by notice in the **FEDERAL REGISTER** early each calendar year. For fishing year 2026, NMFS specifies 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: The final rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808–522–8220, fax 808–522–8226, or <https://www.wpcouncil.org>. Copies of the environmental analyses and other supporting documents for this action are available from <https://www.regulations.gov/docket/NOAA-NMFS-2025-0045>, or from Sarah J. Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

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 Western Pacific pelagic management unit species, including striped marlin, under the FEP and implementing Federal regulations.

In addition, 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 under domestic status determination criteria. This most recent stock assessment indicates improvement in the status of the stock from the previous 2019 stock assessment, when the stock was both experiencing overfishing and overfished. Negotiations at the WCPFC resulted in the 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. Consistent with CMM 2024-06, the U.S. catch limit under the framework depends on three factors: a base catch limit for the United States set at 228.4 mt (503,500 lb); the availability of unused quota relative to the overall international catch limit for the stock 2 years prior; and any overages of the U.S. limit that occurred 2 years prior.

Hawaii-based longline fisheries catch approximately 97 percent or more of the total U.S. striped marlin catch annually and report catch to NMFS on a daily basis. U.S. troll and handline fisheries account for the remaining catch and report catch on a monthly basis. Therefore, near-real-time catch monitoring by this sector is not possible. To ensure that the catch limit is not exceeded, the Council recommended and NMFS is implementing 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 determined after the season ends, the total U.S. catch of WCNPO striped marlin will not exceed the catch limit.

Pursuant to this framework, NMFS will annually specify the WCNPO striped marlin limit and longline retention limit through a **Federal Register** notice. For 2026, the U.S. WCNPO striped marlin catch limit is 393.4 mt (867,300 lb) and is comprised of the base limit of 228.4 mt (503,500 lb) and unused quota relative to the overall international

catch limit for the stock 2 years prior, which CMM 2024-06 determined to be 165 mt (363,800 lb). The U.S. longline retention limit is 381.6 mt (841,300 lb).

If NMFS projects, based on vessel logbook, landing and other available information, that the retention limit will be reached, we will prohibit for the remainder of the year 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. This retention prohibition will 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** and continue until the end of the calendar year. The Regional Administrator will also update owners and operators of longline vessels affected by the retention prohibition using other means. You may find additional background information on this action in the preamble to the proposed rule.

Comments and Responses

On May 1, 2026, NMFS published a proposed rule, Environmental Assessment (EA), and Regulatory Impact Review for public comment (91 FR 23387). The comment period ended June 1, 2026. NMFS received three comments on the proposed rule; two from individuals and one jointly submitted by two non-governmental organizations (NGOs). NMFS did not receive any comments from fishery management agencies or from individuals who identified themselves as fishery participants. We summarize the comments and respond below.

Comment 1: A commentor supported the proposed rule, with an interest in maintaining a sustainable striped marlin population to protect biodiversity, strengthen ecosystem resilience, and ensure resources for future generations.

Response: For the reasons set out in the proposed rule (91 FR 23387; May 1, 2026), we agree with the commentor.

Comment 2: A commentor did not support the proposed rule and advocated for an end to fisheries for striped marlin and other highly migratory species based on animal welfare arguments.

Response: NMFS is charged with natural resource management under applicable statutes and, for WCNPO striped marlin, international agreements. NMFS's role is to evaluate management recommendations from the Council relative to the National Standards (50 CFR 600 Subpart D) of the Magnuson-Stevens Act, international requirements, and other applicable laws and implement those that are consistent with these requirements. Closing the fishery based solely on animal welfare concerns is inconsistent with the statutory objectives of sustainable fisheries management.

Comment 3: Two NGOs jointly objected to the proposed rule and the analysis in the EA on several points and recommended NMFS: (1) include all retained catch and discarded catch in the TAC calculation and (2) fully analyze other alternatives that will reduce the U.S. catch per unit effort of striped marlin including (a) gear restrictions; (b) mandatory release of live striped marlin; (c) a minimum size limit; (d) area-based management; (e) protection of spawning and nursery grounds; and (f) maintaining the closure of the Papahānaumokuākea marine national monument (PMNM) to longline fishing.

In addition, the commenters further recommended NMFS consider positive economic impacts any additional mitigation measures would have on small boat fishermen and recommended NMFS adopt Alternative 4 (no retention of WCNPO striped marlin) if the agency is unable to incorporate changes to the proposed rule that would reduce catch per unit effort of the stock in U.S. fisheries.

Response: CMM 2024-06 requires the United States to implement a catch limit for WCNPO striped marlin, which the WCPFC determined was necessary to achieve the requirements of the rebuilding plan for WCNPO striped marlin. This final rule

implements a framework for specifying the U.S. catch limit for WCNPO striped marlin and ensures that the catch of WCNPO striped marlin by the United States will not exceed the international limit for the United States established by the WCPFC in CMM 2024-06.

Regarding recommendation 1 to include all retained catch and discarded catch in the TAC calculation, the calculations and catch information presented in the EA are based on the best scientific information available. Because there has not been a prohibition on retention of WCNPO striped marlin in the past, we assume that there have been no significant discards of striped marlin in this fishery due to their economic value. Internationally, catch reports provided to and available from the WCPFC have consisted of only retained catch and past assessments have been based on these retained-catch estimates. CMM 2024-06 specifically requires all WCPFC member countries, including the United States, to provide “catch, effort, and estimates of total live and dead discards . . . as soon as possible, but no later than 2027” (paragraph 13). The provision of discard estimates is a new requirement, and differs from the reporting requirements for any other targeted highly migratory species managed through the WCPFC. CMM 2024-06 specifically differentiates between catch and estimates of discards in paragraph 13 and does not mention discards in paragraphs related to overall or country specific catch limits (paragraphs 5 & 6). Consistent with WCPFC management for other species, and plain reading of CMM 2024-06, catch limits apply to retained catch, and not to the combination of catch and discards. Our analysis in the EA and application of only retained catch to catch and retention limits in this rule are consistent with CMM 2024-06, and thus we did not accept the actions recommended in the comment. Doing so would be inconsistent with the CMM and would exceed its requirements.

Regarding recommendation 2a to fully analyze alternatives that will reduce the U.S. catch per unit effort of striped marlin, as described in the EA and noted in the comment, we considered several alternatives. We did not analyze them in detail because

they did not meet the purpose and need for the action, are inconsistent with CMM 2024-06, and would exceed its requirements. The alternatives raised by the comment specifically included alternatives involving gear modification such as removal of the shallowest hooks as evaluated by Bigelow and Mourato (2012; as cited in the comment). As noted by Bigelow and Mourato, although removal of the shallowest hooks resulted in reduced catch per unit effort (CPUE) for striped marlin, it also resulted in “operational difficulties as more mainline will need to be deployed, thus increasing both the setting and retrieval times” (Bigelow and Mourato 2012). Increases in both setting and retrieval times would have negative economic impacts to the longline fleet, counter to the purpose and need for the action. Bigelow and Mourato also examined the use of circle hooks and found a 42 percent reduction in striped marlin CPUE. This gear modification was previously adopted in the Hawaii longline fisheries (50 CFR 665.813(f) and 50 CFR 229.37(c)). For these reasons, we did not modify the alternatives considered in the analysis associated with this final rule.

Regarding recommendation 2b on mandatory release of live striped marlin, the analysis in the EA specifically considered mandatory release of live striped marlin. As described in the EA and illustrated in Figure 4 of the EA, an analysis by Brodziak (2020) found that given 48 percent of striped marlin are alive at the vessel and, assuming post release survival was 100 percent, even if live-release was universally adopted across all international fleets catching this stock, it would not achieve stock rebuilding goals. Therefore, adopting live releases in U.S. fisheries alone would not be sufficient to achieve stock rebuilding goals and would exceed the requirements of CMM 2024-06. Requiring live releases in U.S. fisheries without concurrent requirements for other international fleets would result in U.S. fishermen assuming a disproportionate burden of the costs associated with international conservation efforts and be contrary to the purpose and need for the action given economic impacts to U.S. fisheries. Given recent catches of

striped marlin and the catch and longline retention limits for U.S. fisheries under the framework finalized with this rule, it is likely that we will reach the longline retention limit and retention will be prohibited in the future. For these reasons, NMFS did not adopt this recommendation in this final rule.

Regarding recommendation 2c on minimum size limits, the EA did not explicitly consider a minimum size limit for U.S. fisheries, and such limits have not previously been considered for commercial fisheries on this WCNPO stock. The impact of a minimum size limit on the dynamics of the WCNPO striped marlin stock and economics of the fishery are not obvious and would require considerable analysis. In addition, such a measure would likely introduce disproportionate burdens on U.S. fishermen that would not be equally applied to other international fleets.

Like recommendation 2b on mandatory release of live striped marlin (above), consideration of a minimum size limit measure does not meet the purpose and need for the action and is inconsistent with and would exceed the requirements of CMM 2024-06. For all the reasons noted above, NMFS did not adopt this recommendation in this final rule.

Regarding recommendation 2d on area-based management, NMFS is unaware of published work that suggests that longline catch rates of striped marlin in PMNM were higher than other locations open to fishing, and commercial fishing has been prohibited within the current PMNM boundary since 2011 (50 CFR 404.10). Bigelow and Mourato (2012) specifically analyzed catch rates to determine if there were catch hotspots for striped marlin. If they existed, striped marlin catch rate hotspots could be considered as candidates for spatial management as a method of reducing catch. Bigelow and Mourato concluded that across years “there were no hot-spots identified that were spatially persistent in the area fished by the Hawaii-based tuna fishery” (Bigelow and Mourato 2012). Like recommendations 2b and 2c, consideration of area-based management does

not meet the purpose and need for the action and is inconsistent with and would exceed the requirements of CMM 2024-06. For all the reason noted above, NMFS did not adopt this recommendation in this final rule.

Regarding recommendation 2e protection of spawning and nursery grounds, although there is rare evidence of WCNPO striped marlin spawning in waters around Hawaii, scientific consensus is that the primary spawning grounds for this stock are in the far western Pacific outside the jurisdiction of the United States. As summarized by Martinez et al. (2025; as cited in the comment), “the CNP [central north Pacific Ocean] likely serves as a dynamic juvenile nursery and feeding ground for sub-adult Striped Marlin, characterized by juvenile-sized fish and relatively limited spawning activity compared to other regions of the Pacific” (Martinez et al. 2025). Combined with a lack of catch hotspots as noted in our response for recommendation 2d, above, this relatively low spawning activity in the waters around Hawaii argues against specific time or area-based management measures for WCNPO striped marlin to protect spawning or rearing fish. Like recommendations 2b, 2c, and 2d, consideration of spawning ground protection does not meet the purpose and need for the action, and is inconsistent with and would exceed the requirements of CMM 2024-06. For all the reasons noted above, NMFS did not adopt this recommendation in this final rule.

Regarding recommendation 2f to maintain the closure of the PMNM, this final rule does not modify regulations affecting fishing access in the PMNM.

Regarding the potential positive economic impacts these additional mitigation measures would have on small boat fishermen, NMFS responds as follows. Although we appreciate that studies of some fish species, including striped marlin, have shown CPUE in recreational fisheries is correlated with angler participation, trip frequency, and regional expenditures, these findings are the result of extensive directed socio-economic research. NMFS currently has not conducted, and is not aware of, specific socio-

economic research evaluating how striped marlin CPUE in the Hawaii longline fishery affects the economic performance of non-commercial fisheries in Hawaii. Although dated, the value of the charter fishery in Hawaii was estimated at close to \$50 million dollars in gross sales and it supported nearly 900 jobs statewide in 2011, but current values or understanding of the effect of striped marlin CPUE on fishery values is unclear. In the absence of existing Hawaii-specific economic information of this type, NMFS is unable to provide a rigorous analysis of the potential economic impacts of variable striped marlin CPUE on non-commercial or charter fisheries associated with this action. We did not implement this recommendation, as there are no data to understand what, if any, benefits would accrue to non-commercial or charter fisheries with the recommended additional measures to reduce CPUE; which all exceed the requirements of CMM 2024-06.

NMFS declines to adopt the commenters' recommendation to select Alternative 4 (no retention of WCNPO striped marlin) as it fails to meet the purpose and need for the action, is inconsistent with and would exceed the requirements of the CMM, and would maximize the disproportionate burden of costs for international conservation efforts of this stock to U.S. fishermen.

Ultimately, the United States is obligated under international agreements to have regulations in place that implement the requirements of WCPFC CMM 2024-06. Based on catches to date in 2026, it is likely that the retention limit will be reached before the end of the year. Without this rule in place and effective, we will be unable to prohibit retention and prevent the U.S. catch limit under CMM 2024-06 from being exceeded.

Changes from the Proposed Rule

The final rule changes the organization of 50 CFR 665.813(l) from the proposed rule to improve readability with minor changes to the proposed rule text. We modified the text in paragraph (l)(2) "is based on" to "is composed of" to improve readability.

We removed the text “, for which there are no in-season catch estimates,” from paragraph (l)(3) because there are in-season estimates for troll and handline fisheries, but the data are not available to support in-season management. This clarification would not affect the rule’s purpose of avoiding exceedance of the catch limit. We also added paragraph titles to key rule paragraphs to further clarify interpretation of the regulatory text.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is exempt from the requirements of Executive Order 14192 because it is a routine fishing action.

A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2) of E.O. 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian Tribal Governments and this action does not preempt Tribal law. A Tribal summary impact statement is not required and has not been prepared.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

This final 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: September 10, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 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.

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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(l).

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

§ 665.813 Western Pacific longline fishing restrictions.

* * * * *

(1) *Striped marlin catch and longline retention limits--(1) Specification.* 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) *Catch limit.* 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. The international limit is composed of 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.

(3) *Longline retention limit.* The longline retention limit will be 97 percent of the U.S. catch limit. Catches in troll and handline fisheries 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.

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

(i) When the longline retention limit is projected to be reached based on analyses of available information, 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.

(ii) Once the non-retention date is noticed in the **Federal Register** pursuant to paragraph (l)(4)(i) 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.

(iii) 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 (l)(4)(i) 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.

(iv) 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 (l)(4)(i) of this section shall be immediately released.