



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260911-0004]

RIN 0648-BN73

**Pacific Island Fisheries; Annual Catch Limit and
Accountability Measures for Mariana Bottomfish Management
Unit Species in the Guam Management Subarea**

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

ACTION: Final rule.

SUMMARY: NMFS is modifying the annual catch limit (ACL) and accountability measures (AM) for Mariana bottomfish management unit species (MUS) in the Guam Management Subarea (the fishery). The rule increases the ACL from 31,000 pounds (lb) (14,061 kilograms (kg)) to 34,500 lb (15,649 kg), replaces the in-season AM with a post-season overage adjustment if the average catch from the most recent 3 years exceeds the ACL, and removes the higher performance standard that closes the fishery in Federal waters for any overage. The rule is based on the best available scientific, commercial, and other information about the fishery, and supports rebuilding of the fishery.

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 the Mariana Archipelago (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-2025-0504>, 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: Keith Kamikawa, NMFS PIRO Sustainable Fisheries, 808-725-5177.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage bottomfish fishing in Federal waters around Guam in accordance with the FEP, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council recommended the subject action at its 201st meeting in December 2024, based on: (1) a 2024 stock assessment update for Mariana bottomfish MUS in Guam; (2) consideration of the best scientific, commercial, and other information about the fishery; (3) a review from the Council's Scientific and Statistical Committee; and (4) input from the public. Accordingly, NMFS implements this action under section 303(c) and section 304(b) of the Magnuson-Stevens Act.

The fishery targets 13 species of bottomfish that are managed as a multi-species stock complex. Accordingly, stock status and management measures such as ACLs and AMs are applied to the stock complex rather than to individual species. NMFS determined the stock complex was overfished but not experiencing overfishing (85 FR 26940, May 6, 2020), and it has been subject to a rebuilding plan with an ACL of 31,000 lb (14,061 kg) since 2022 (87 FR 9271, February 18, 2022). An updated stock assessment completed in 2024 by the NMFS Pacific Islands Fisheries Science Center found that the stock was no longer overfished and continued to not experience overfishing. However, while stock biomass had increased above the "minimum stock size threshold" for the overfished condition, it had not increased to the biomass that would produce maximum sustainable yield. This means the stock is not yet fully rebuilt, so NMFS and the Council continue to manage the fishery under the rebuilding plan with a target time to rebuild by 2031. The stock assessment update also provided new projections showing the stock could support moderately larger catches and still rebuild by 2031.

The subject action will also remove the in-season AM that would close the fishery in Federal waters if NMFS projects catch will reach the ACL because NMFS and the Council found that available data systems do not allow for accurate in-season tracking and projections. The rule would

implement a post-season AM in place of the in-season AM. Under the post-season AM, if the average catch from the most recent 3-year period exceeds the ACL, the ACL will be reduced in the subsequent fishing year by the amount of the overage to mitigate potential effects to the stock. NMFS would conduct a subsequent rulemaking action to implement the overage adjustment, if necessary. The rule would also remove the higher performance standard that requires NMFS to close the fishery in Federal waters indefinitely in response to any exceedance of the ACL. Fishery management would revert to the performance standard described in the FEP, which requires the Council to re-evaluate AMs if the ACL is exceeded twice in a 4-year period.

As described in the Environmental Assessment (EA), NMFS does not expect this rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts. Additional background information on this action can be found in the preamble to the proposed rule published on April 23, 2026 (91 FR 21782) (the proposed rule).

Comments and Responses

On April 23, 2026, NMFS published the proposed rule, draft EA, and Regulatory Impact Review for public comment (91 FR 21782). The comment period ended on May 26, 2026, and NMFS received comments from two individuals. NMFS did not receive any comments from fishery management agencies,

nongovernmental organizations, or from individuals who identified themselves as fishery participants.

Comment 1: One commenter generally expressed concern regarding the welfare of fish, stating that fishing causes pain, and requested a stop to fishing activities.

Response 1: The comment did not identify a conservation, sustainability, or legal rationale to alter the rule under consideration. NMFS acknowledges the need to balance various fisheries issues, and is mandated under the Magnuson-Stevens Act to prevent overfishing while providing resources to consumers. Catch limits, accountability measures, monitoring, and EAs ensure the long-term sustainability of the fishery and resource availability for the communities that depend on seafood in the Pacific Islands region.

Comment 2: One commenter suggested that NMFS had not considered or documented consideration of the Magnuson-Stevens Act and other applicable laws appropriately in the proposed rule.

Response 2: NMFS disagrees. In developing the proposed rule and this final rule, we appropriately considered the Magnuson-Stevens Act and applicable laws, regulations and policies. During the rule development process, NMFS thoroughly reviewed the proposed action with respect to all applicable legal authorities. Prior to publication of the proposed rule and this final rule, the NOAA Assistant

Administrator for Fisheries determined that they are consistent with the national standards and other provisions of the Magnuson-Stevens Act and other applicable laws. The **Classification** sections of the proposed and final rules documented compliance with all applicable statutes and regulations as required by law.

Changes from the Proposed Rule

This final rule does not make any substantive changes from the proposed rule.

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 (E.O.) 12866.

This final rule is expected to be an E.O. 14192 deregulatory action.

A tribal summary impact statement under section (5)(b)(2)(B) and section (5)(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. 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

Accountability measure, Annual catch limit, Bottomfish, Fishing, Guam, Pacific Islands, Western Pacific.

Dated: September 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 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.*

§ 665.405 [Amended]

2. Amend § 665.405 by removing paragraphs (g) and (h).

3. Revise § 665.409 to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 34,500 lb (15,649 kg).

(b) If the average catch of Mariana bottomfish MUS in the Guam Management Subarea from the most recent 3-year period exceeds the specified ACL, the Regional Administrator will reduce the ACL for the subsequent fishing year by the amount of the overage in a separate rulemaking.