



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 260929-0005; RTID 0648-XF629]

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications; 2026–2027 Annual Specifications and Management Measures for Pacific Sardine

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

ACTION: Final rule.

SUMMARY: NMFS is implementing annual harvest specifications and management measures for the northern subpopulation of Pacific sardine (hereafter, Pacific sardine), for the fishing year from July 1, 2026, through June 30, 2027. This rule prohibits most directed commercial fishing for Pacific sardine off the coasts of Washington, Oregon, and California. Pacific sardine harvest is allowed for use only as live bait, in minor directed fisheries, as incidental catch in other fisheries, or as authorized under exempted fishing permits (EFPs). The incidental harvest of Pacific sardine will be limited to 20 percent by weight of all fish per trip when caught with other stocks managed under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), or up to 2 metric tons (mt) per trip when caught with non-CPS stocks. The harvest specifications for 2026-2027 include an overfishing limit (OFL) of 4,645 mt, an acceptable biological catch (ABC) of 3,613 mt, an annual catch limit (ACL) of 2,200 mt, and an annual catch target (ACT) of 2,100 mt. This final rule is intended to conserve, manage, and rebuild the Pacific sardine stock off the coasts of Washington, Oregon, and California.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT: Katie Davis, West Coast Region, NMFS, (323) 372-2126, *Katie.Davis@noaa.gov*.

SUPPLEMENTARY INFORMATION:

NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone off the Pacific coast (*i.e.*, off the U.S. west coast states of California, Oregon, and Washington) in accordance with the CPS FMP. The CPS FMP and its implementing regulations require NMFS to set annual reference points and management measures for the Pacific sardine fishery based on the annual specification framework and control rules in the FMP. These control rules include the harvest guideline (HG) control rule, which, in conjunction with the OFL and ABC control rules in the FMP, are used to set required reference points, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1801 *et seq.*). The ACL for Pacific sardine is set according to the framework established in the Pacific sardine rebuilding plan, approved on May 29, 2025, as Amendment 23 to the CPS FMP (90 FR 23461, June 3, 2025). Additionally, the CPS FMP requires additional management measures intended to restrict harvest for the Pacific sardine fishery (*e.g.*, incidental catch restrictions).

NMFS publishes annual specifications in the **Federal Register** to establish these annual reference points (*e.g.*, the OFL, ABC, and ACL) and management measures for each Pacific sardine fishing year. NMFS published proposed specifications and management measures on June 29, 2026 (91 FR 39054). The proposed rule for this action included additional background on the specifications and details of how they were derived and the basis for which the Pacific Fishery Management Council (Council) recommended them to NMFS for potential approval. Those details are not repeated here. For additional information on this action, please refer to the proposed rule. This final rule

adopts, without changes, the annual reference points and management measures as proposed for the 2026-2027 fishing year.

Final Reference Points and Management Measures

Based on the 2025 stock assessment for Pacific sardine, the associated estimated age 1+ biomass of 30,158 mt, the control rule formulas in the FMP, and the Pacific sardine rebuilding plan (90 FR 23461, June 3, 2025), NMFS is implementing, as proposed, an OFL of 4,645 mt, an ABC of 3,613 mt, an ACL of 2,200 mt, and an ACT of 2,100 mt.

The CPS FMP includes a prohibition of the primary directed fishery when the biomass is at or below 150,000 mt. The Pacific sardine primary directed fishery is therefore closed, and Pacific sardine catch during the 2026-2027 fishing season is prohibited unless it is harvested as part of the live bait or minor directed fisheries, as incidental catch in other fisheries, or as part of EFP activities.

The 2026-2027 fishing year specifications can be found in table 1, and management measures are listed after table 1.

Table 1 -- Harvest Specifications for the 2026-2027 Sardine Fishing Year, in Metric Tons (mt)

Biomass Estimate	OFL	ABC	HG	ACL	ACT
30,158	4,645	3,613	0	2,200	2,100

The following are the additional management measures and in-season accountability measures for the 2026-2027 Pacific sardine fishing year:

(1) An incidental per-landing limit of 20 percent (by weight) of Pacific sardine applies to other CPS primary directed fisheries (*e.g.*, Pacific mackerel);

(2) If the ACT of 2,100 mt is attained, then a per-trip limit of 1 mt of Pacific sardine applies to all CPS fisheries (*i.e.*, management measure (1) described above will no longer apply); and

(3) An incidental per-landing allowance of 2 mt of Pacific sardine applies to non-CPS fisheries until the ACL is reached.

In addition to the management measures and in-season accountability measures listed above, Pacific sardine catch in the minor directed fishery remains limited to 1 mt per trip per day, and 1 trip per day by any vessel, per regulations at 50 CFR 660.511(d)(2).

All sources of catch, including any EFP set-asides, the live bait fishery, and other minimal sources of harvest, such as incidental catch in CPS and non-CPS fisheries and minor directed fishing, will be accounted for against the ACT and ACL. Any Pacific sardine harvested between July 1, 2026, and the effective date of this final rule will count toward the 2026-2027 ACT and ACL.

At the April 2026 Council meeting, the Council recommended apportioning 520 mt of the ACL for an EFP proposal to support stock assessments for Pacific sardine. NMFS published a notice of receipt of application in the **Federal Register** and requested public comment. After these specifications are effective, NMFS will determine whether it will issue the EFP.

The NMFS West Coast Regional Administrator will publish a notice in the **Federal Register** to announce when catch reaches the incidental limits, as well as any changes to allowable incidental catch percentages or trip limits. Additionally, to ensure that the regulated community is informed of any closure, NMFS will make announcements through other means available, including emails to fishermen, processors, and state fishery management agencies.

Comments and Responses

On June 29, 2026, NMFS published a proposed rule for this action and solicited public comments through July 14, 2026 (91 FR 39054). NMFS received two public comment letters, one from the California Wetfish Producers Association (CWPA) and one from a private citizen. After considering the public comments, NMFS made no changes from the proposed rule.

Comment 1: CWPA expressed support for the annual specifications and management measures for the northern subpopulation of Pacific sardine off the west coast. However, despite its support, CWPA also expressed their belief that these specifications reflect excessive precautions and fail to consider the recent trend of assessment projections falling below the estimates of surveys and strongly urged NOAA to continue its support to revise sardine management to a single stock.

Response: CWPA's support for the approval of these annual specifications is noted and NMFS acknowledges CWPA's concern that they also reflect excessive precaution. The annual specifications being implemented by this action are based on the framework and control rules in the CPS FMP, as well as the current definition of Pacific sardine in the CPS FMP. Currently, the annual stock assessments are considered the best scientific information available for management of the northern subpopulation of Pacific sardine. The stock assessments utilize a variety of data to produce the annual estimate of biomass, and the survey estimates are one important component. From year to year, the estimates directly from the survey can be both higher and lower than the estimates from the stock assessments. The survey estimates on their own have not been reviewed for direct use in management. NMFS intends to continue to support the efforts of the Council in their development of a proposal to revise the Pacific sardine stock definition within the CPS FMP.

Comment 2: The private citizen expressed personal beliefs about fishing (*e.g.*, “do not torture and/or kill the fish anymore”) that were not directly responsive to this action.

Response: This comment is not within the scope of this action.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the CPS FMP, other provisions of the MSA, and other applicable law.

This final rule is exempt from review under Executive Order 12866. This final rule is not an Executive Order 14192 regulatory action because it is a routine fishing action.

NMFS finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the date of effectiveness of these final harvest specifications for the 2026-2027 Pacific sardine fishing season. In accordance with the FMP, this rule was recommended by the Council at its meeting in April 2026. The contents of this rule are based on the best scientific information available on the population status of Pacific sardine, which became available at that April 2026 meeting. Making these final specifications effective immediately is necessary for the conservation and management of the Pacific sardine resource because last year's restrictions on harvest ended on June 30, 2026. The FMP requires a prohibition on primary directed fishing for Pacific sardine for the 2026-2027 fishing year because the sardine biomass has dropped below the CUTOFF. The purpose of the CUTOFF in the FMP, and for prohibiting a primary directed fishery when the biomass drops below this level, is to protect the stock when biomass is low and provide a buffer of spawning stock that is protected from fishing and can contribute to rebuilding the stock. Without effective specifications, there is no prohibition on primary directed fishing, no regulations on catch, and a significant amount of sardine could theoretically be caught in a short period.

Delaying the effective date of this rule is contrary to the public interest because it would jeopardize the sustainability of the Pacific sardine stock and affected minor

fisheries. Furthermore, most affected fishermen have already been operating under a prohibition of the primary directed fishery for years, are aware that the Council recommended that primary directed commercial fishing be prohibited again for the 2026-2027 fishing year, and are fully prepared to comply with the prohibition. Further delay in the effective date creates unnecessary confusion in the Pacific sardine industry around current specifications and management measures.

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 for the purposes of the Regulatory Flexibility Act. The factual basis for the certification was published in the proposed rule (91 FR 39054, June 29, 2026) and is not repeated here. As a result, a final regulatory flexibility analysis was not required and none was prepared.

A Tribal summary impact statement under paragraphs (5)(b)(2)(B) and (5)(c)(2) of Executive Order 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 has therefore not been prepared.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act. There are no relevant Federal rules that may duplicate, overlap, or conflict with the proposed action.

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

Dated: September 29, 2026.

Samuel D. Rauch III,

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National Marine Fisheries Service.

