

#### IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

##### A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

##### B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

##### D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies

that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

##### E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination will be available in the docket.

##### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### **PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T09–0495 to read as follows:

##### **§ 165.09–0495 Safety Zone; Cheboygan River, Black River, Indian River, Crooked River, Cheboygan, MI.**

(a) *Location.* The following area is a safety zone: All waters of the Cheboygan River from the Cheboygan Lock and Dam Complex (45°38'09.8" N, 084°28'47.3" W) to the Cheboygan River's outlet from Mullett Lake (45°34'34.1" N, 084°29'18.0" W), all waters of the Black River from its confluence with the Cheboygan River (45°36'15.3" N, 084°27'52.3" W) to Alverno Dam (45°33'06.6" N, 084°23'42.5" W), all waters of the Indian River from its outlet at Burt Lake (45°24'36.2" N, 084°37'26.7" W) to its mouth at Mullett Lake (45°26'50.2" N,

084°34'51.9" W), and all waters of the Crooked River from its outlet at Crooked Lake (45°25'57.5" N, 084°47'19.2" W) to its mouth at Burt Lake (45°28'14.4" N, 084°43'37.9" W). These coordinates are based on the North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Northern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (906) 635–3237. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from April 22, 2026, to May 8, 2026.

**J.R. Bendle,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Northern Great Lakes.*

[FR Doc. 2026–08120 Filed 4–24–26; 8:45 am]

BILLING CODE 9110–04–P

#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 260421–0107]

RIN 0648–BO40

#### **Fisheries of the Northeastern United States; Framework Adjustment 17 to the Mackerel, Squid, and Butterfish Fishery Management Plan**

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

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** NMFS approves and implements Framework Adjustment 17 to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). This

action revises the Atlantic mackerel rebuilding plan, sets final 2026 and projects 2027 specifications, implements additional management measures for the mackerel fishery, and makes administrative revisions and corrections to existing regulations. This action is necessary to respond to updated scientific information from a September 2025 management track stock assessment. The management measures in this action are intended to help prevent overfishing, rebuild the overfished mackerel stock, provide additional opportunity to the fishing industry and achieve optimum yield, and ensure that management measures are based on the best scientific information available.

**DATES:** Effective April 27, 2026. Public comments must be received by May 12, 2026.

**ADDRESSES:** A plain language summary of this interim final rule is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2026-0793>. You may submit comments on this document, identified by NOAA–NMFS–2026–0793, by any of the following methods:

**Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA–NMFS–2026–0793 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).

Copies of Framework Adjustment 17 (Framework 17), including the Supplemental Information Report (SIR) and the Regulatory Impact Review prepared by the Mid-Atlantic Fishery Management Council (Council) for this action, are available from Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The supporting documents are also accessible via the internet at: <https://www.mafmc.org/>

*actions/mackerel-rebuilding-and-2026-27-specs-fw.*

**FOR FURTHER INFORMATION CONTACT:**

Maria Fenton, Fishery Policy Analyst, (978) 281–9196.

**SUPPLEMENTARY INFORMATION:** NMFS manages the Atlantic mackerel, *Illex* squid, longfin squid, butterfish, and chub mackerel fisheries pursuant to the Mackerel, Squid, and Butterfish FMP in consultation with the Council. Regulations implementing the Mackerel, Squid, and Butterfish FMP appear at 50 CFR part 648, subpart B. In 2024, the FMP supported commercial fisheries producing an overall \$42.2 million in revenues, approximately \$1 million of which was attributed to the Atlantic mackerel fishery. However, if fully harvested, the final 2026 mackerel commercial quota implemented through this action could provide additional fishing opportunities valued at approximately \$16 million.

In September 2025, the Northeast Fisheries Science Center completed an updated management track assessment for mackerel. The results of this assessment indicate that the mackerel stock is no longer overfished and overfishing is still not occurring. This change in stock status is likely due to recent reductions in U.S. catch, closures of the Canadian directed commercial fishery, and increased recruitment. Recruitment in 2024 was estimated to be higher than the time series median, with 2024 recruitment being the highest estimate since 1983. Initial projections completed for the assessment indicate that the stock would be rebuilt in 2025. However, the report noted that, because the 2024 recruitment estimate was informed by fishery age composition data from only a single year and is largely not informed by the fishery independent survey indices incorporated into the model, there is a high degree of uncertainty associated with that estimate. Therefore, the resulting short-term projections may be overly optimistic. This is consistent with previous mackerel assessments, which produced overestimated terminal year recruitment estimates that had to be adjusted downwards in subsequent assessments. During its October 2025 meeting, the Council’s Scientific and Statistical Committee (SSC) reviewed the results of the assessment and made recommendations for 2026–2027 mackerel acceptable biological catch (ABC). Due to the uncertainty associated with the 2024 recruitment estimate, the SSC recommended using an overfishing limit (OFL) coefficient of variation of 100 percent and substituting short-term (2009–2023) median recruitment for the

2024 estimate. This approach of using short-term median recruitment is consistent with the approach that the SSC used when recommending 2024–2025 mackerel ABCs. Revised projections (completed after the SSC meeting) revealed that, relative to the projections that were initially generated for the assessment, substituting short-term median recruitment reduced the 2025 spawning stock biomass estimate by approximately 60 percent.

In November 2025, the Mackerel, Squid, and Butterfish Committee and the River Herring and Shad (RH/S) Committee met jointly to review the SSC’s recommendations, Advisory Panel and staff input, and updated fishery data and to develop their recommendations for Framework 17. During its December 2025 meeting, the Council reviewed updated fishery information and the recommendations from the SSC, Committees, Advisory Panel, and staff and finalized its own recommendations for Framework 17.

The regulations at § 648.22(d)(1) provide that if annual specifications for mackerel are not published in the **Federal Register** prior to the start of the fishing year, the previous year’s annual specifications will remain in effect. Additionally, the regulations at § 648.22(e) provide the Regional Administrator with the authority to adjust mackerel specifications in-season.

The 2026 fishing year for the mackerel fishery started on January 1, 2026, and the 2025 specifications rolled over and remained in effect. Because there was not enough time to complete normal notice-and-comment rulemaking for this action between the December 2025 Council meeting and the start of the fishing year, absent some intervening action, the mackerel fishery would have continued to be constrained by low rollover specifications from 2025; notably, a commercial quota of 868 metric tons (mt). In accordance with the regulations for in-season adjustments to specifications at § 648.22(e), NMFS consulted with the Council during its December 2025 meeting on a possible in-season action to increase the rollover mackerel specifications as soon as possible at the start of fishing year 2026. The Council supported this approach, and NMFS subsequently prepared an interim final rule to adjust the rollover mackerel fishery specifications in 2026 (91 FR 8386; February 23, 2026). The final 2026 specifications implemented through this action replace the adjusted 2026 specifications that were implemented through the February 2026 interim final rule.

**Summary of Approved Measures**

This action implements the following management measures recommended by the Council in Framework 17 to the Mackerel, Squid, and Butterfish FMP pursuant to Magnuson-Stevens Act sections 303(c) and 304(b):

- Revisions to the mackerel rebuilding plan;
- Final 2026 and projected 2027 mackerel fishery specifications;
- Increased initial commercial mackerel possession limits;
- Modified process for making in-season commercial fishery possession limit adjustments; and
- Increased mode-specific (*i.e.*, private, for-hire) recreational mackerel possession limits.

This action also implements administrative revisions to existing

regulations pursuant to section 305(d) of the Magnuson-Stevens Act. Although these revisions were not initiated by the Council, they are necessary corrections and clarifications to the regulations, and the Council did not object to including them in the Framework 17 rule.

**Framework 17 Management Measures**

*Revised Mackerel Rebuilding Plan*

On February 1, 2023, NMFS implemented a 10-year rebuilding plan for mackerel through Amendment 23 (88 FR 6665). The rebuilding plan assumes a fishing mortality rate (F) of 0.12; under this plan, the mackerel stock is predicted to have a 61-percent probability of rebuilding by 2032. This action revises the rebuilding plan to assume an F of 0.15, resulting in the mackerel stock having a 51-percent

probability of rebuilding by 2032. This is consistent with the Council’s Risk Policy for stocks under a rebuilding plan. However, the September 2025 management track assessment (which includes data through 2024) indicates that the stock may have reached its rebuilding target in 2025. NMFS will confirm this during the next management track assessment in 2027.

*Final 2026 and Projected 2027 Mackerel Fishery Specifications*

This action implements final 2026 projects 2027 mackerel fishery specifications. The majority of the 2026 and projected 2027 specifications are substantially higher than the 2025 specifications (table 1).

TABLE 1—2025, FINAL 2026, AND PROJECTED 2027 MACKEREL FISHERY SPECIFICATIONS (mt)

Specification	2025	Framework 17	
		Final 2026 *	Projected 2027
ABC .....	3,200	15,134	17,107
Canadian catch deduction .....	74	500	500
U.S. ABC/ACL .....	3,126	14,634	16,607
Recreational catch deduction .....	2,143	2,500	2,500
Management uncertainty buffer .....	0	610	610
Commercial annual catch target (ACT) .....	983	11,524	13,497
Commercial discards .....	115	287	287
Domestic annual harvest (DAH)**/domestic annual processing .....	868	11,237	13,210
Research set-aside (RSA)*** .....	0	0	0
Joint venture processing .....	0	0	0
Total allowable level of foreign fishing .....	0	0	0
RH/S catch cap .....	129	129	129

\* The Framework 17 final 2026 mackerel fishery specifications replace the interim 2026 specifications that were implemented in February 2026 (91 FR 8386).

\*\* The DAH is also known as the commercial quota.

\*\*\* The Council’s RSA program has been suspended since 2014.

Relative to the 2025 mackerel fishery specifications:

- The 2026 ABC is 373 percent higher and the projected 2027 ABC is 435 percent higher;
- The 2026 ACL is 368 percent higher and the projected 2027 ACL is 431 percent higher; and
- The 2026 DAH is 1,195 percent higher and the 2027 DAH is 1,422 percent higher.

In both 2026 and 2027, the deduction to account for expected Canadian mackerel catch is increased to 500 mt. This is based on an announcement from the Department of Fisheries and Oceans, Canada, that the commercial mackerel fishery will remain closed, but there will be an annual total allowable catch of 500 mt for mackerel in 2026 (440 mt for the personal-use bait fishery, 20 mt for the bluefin tuna fishery, 20 mt for scientific sampling, and 20 mt bycatch).

The deduction to account for expected recreational mackerel catch is also increased to 2,500 mt for both years. This change reflects general variability in recreational catch and uncertainty in recreational catch estimates, as well as the fact that the Council recommended an increase to recreational possession limits as part of this framework (see details below). The 610-mt management uncertainty buffer was calculated based on one day of high-volume landings in a highly productive year for the mackerel fishery and is designed to help ensure that closures of the commercial mackerel fishery can be completed on time to prevent overages of the commercial ACT and ACL as the fishery ramps back up again in 2026–2027. Commercial discard estimates in 2026–2027 also increased to 287 mt, which was calculated based on average annual commercial discards over the most

recent two years. Finally, the 129-mt RH/S catch cap that has been in place since 2023 remains unchanged by this action.

*Initial Commercial Mackerel Possession Limits*

The commercial mackerel fishery has been operating under reduced initial possession limits since October 13, 2023, when an emergency action designed to constrain the directed mackerel fishery and prevent overfishing from occurring went into effect (88 FR 70909). This action implements new initial commercial mackerel possession limits that are higher than the current commercial possession limits (table 2).

TABLE 2—INITIAL COMMERCIAL MACKEREL POSSESSION LIMITS BY MACKEREL PERMIT CATEGORY  
[Pounds (lb) and metric tons (mt)]

Permit type	Permit category	Current possession limit	New possession limit
Limited access .....	Tier 1 .....	20,000 lb (9.07 mt) .....	200,000 lb (90.72 mt).
Limited access .....	Tier 2 .....	20,000 lb (9.07 mt) .....	135,000 lb (61.23 mt).
Limited access .....	Tier 3 .....	20,000 lb (9.07 mt) .....	100,000 lb (45.36 mt).
Open access .....	Category 4 .....	5,000 lb (2.27 mt) .....	20,000 lb (9.07 mt).

These possession limits will take effect annually at the beginning of the fishing year on January 1. With the exception of Tier 1 limited access permits (which previously started the year with unlimited mackerel possession), the new possession limits for every permit category are identical to those that were in place prior to October 2023. The 200,000-lb (90.72-mt) possession limit for Tier 1 limited access vessels is based on mackerel fishery landings from 2019–2021, during which 64 percent of total mackerel landings were attributed to trips that landed over 200,000 lb. The 200,000-lb (90.72-mt) possession limit is expected to be high enough to facilitate harvest of the increased 2026 and projected 2027 DAHs in this rule, but catch rates would not be as high as they were in previous years when Tier 1 limited access vessels could catch unlimited mackerel.

*In-Season Commercial Possession Limit Adjustment Process*

The regulations at § 648.24(b)(1)(i) require NMFS to close the directed commercial mackerel fishery for the remainder of the fishing year when the Regional Administrator projects that 80 percent of the DAH is harvested.<sup>1</sup> During such a closure, the possession limit for vessels issued a limited access mackerel permit (Tier 1, Tier 2, and Tier 3) is reduced to 10,000 lb (4.54 mt) per trip, and the possession limit for vessels issued an open access mackerel permit (Category 4) is reduced to 2,500 lb (1.13 mt) of mackerel per trip.

This action modifies the process through which NMFS makes in-season adjustments to the commercial mackerel possession limit by breaking the year into three phases. During phase 1, which starts at the beginning of the fishing year (January 1), vessels issued commercial Federal mackerel permits will be subject to the initial possession limits in table 2. Phase 2 begins when 1,100 mt of the DAH remains; during

phase 2, the commercial possession limit is reduced to 20,000 lb (9.07 mt) for limited access vessels and 5,000 lb (2.27 mt) for open access vessels. Phase 3 begins when 220 mt of the DAH remains; during phase 3, the directed mackerel fishery is effectively closed, and the commercial possession limits are reduced to 10,000 lb (4.54 mt) per trip for limited access vessels and 2,500 lb (1.13 mt) per trip for open access vessels to allow for some incidental levels of catch while vessels are engaged in other fisheries. This multi-phase possession limit adjustment process is expected to slow the commercial fishery down as catch approaches the DAH, reducing the likelihood of the ACL being exceeded.

*Recreational Mackerel Possession Limits*

In February 2023, NMFS established a 20-fish per person recreational mackerel possession limit through Amendment 23. This action implements increased mode-specific recreational mackerel possession limits (table 3).

TABLE 3—RECREATIONAL MACKEREL POSSESSION LIMITS

Mode	Current possession limit	New possession limit
Private recreational anglers .....	20 fish/person per trip .....	25 fish/person per trip.
For-hire vessels carrying customers .....	20 fish/person per trip (including captains and crew).	50 fish/person per trip (including captains and crew).
For-hire vessels without customers .....	20 fish/person per trip .....	25 fish/person per trip.

The new recreational possession limits will increase recreational fishing opportunities for mackerel, consistent with the increased specifications that are implemented through this action. The 50-fish per person possession limit for for-hire vessels carrying customers is intended to address concerns voiced by industry that people are discouraged from booking mackerel trips at lower possession limits.

**Additional Measures and Administrative Revisions and Corrections**

*Duplicative Regulatory Text*

The recordkeeping and reporting requirements regulations at § 648.7(b)(1)(ii) require the owner or operator of a vessel issued a limited access mackerel permit to report catch of mackerel daily via vessel monitoring system (VMS), unless exempted by the Regional Administrator. This regulatory text is duplicated at § 648.7(b)(3)(ii). This rule removes this language from § 648.7(b)(1)(ii) in order to streamline

the regulations and remove redundant text.

The mackerel, squid, and butterfish specifications regulations at § 648.22(a)(4)(ii) allow the longfin squid specifications to be adjusted in-season, pursuant to § 648.22(e). The regulations at § 648.22(e) allow the Regional Administrator to adjust the specifications set under the Mackerel, Squid, and Butterfish FMP in-season. Because § 648.22(e) applies to all species managed under the Mackerel, Squid, and Butterfish FMP, the longfin squid-specific regulations at § 648.22(a)(4)(ii) are not necessary. This

<sup>1</sup> NMFS has the discretion to not implement such a closure during November and December if the

Regional Administrator projects that the DAH will

not be exceeded by the end of the fishing year, and this would not change under the action here.

rule removes paragraph § 648.22(a)(4)(ii) to streamline the regulations.

#### *Errors in Existing Regulatory Text*

The mackerel, squid, and butterfish fishery closure and accountability measure (AM) regulations at § 648.24(a)(2) require NMFS to close the directed *Illex* squid fishery in Federal waters when we project that 94 percent of the DAH has been harvested. On August 9, 2022, the final rule implementing revised 2022 *Illex* squid fishery specifications increased the closure threshold from 94 percent to 96 percent (87 FR 48447). The rule explained that because recent improvements in catch reporting had enabled NMFS to more effectively monitor and close the fishery, raising the closure threshold to 96 percent was still expected to avoid ABC overages. Because that change was made through an annual specifications action, the final rule expired on December 31, 2022. When it did, all of paragraph § 648.24(a)(2) was removed from the Code of Federal Regulations. The final rule to implement 2023–2025 specifications for the Mackerel, Squid, and Butterfish FMP restored this text on July 27, 2023 (88 FR 48389); however, the closure threshold was erroneously returned to the earlier 94 percent. This rule corrects that typographical error and sets the *Illex* squid fishery closure threshold back at 96 percent.

On September 23, 2025, NMFS published a final rule that changed the minimum square mesh size for vessels possessing more than 5,000 lb (2.27 mt) of butterfish, reducing it from greater than or equal to 3 inches (7.62 centimeters (cm)) to greater than 2 5/8 inches (6.67 cm) (90 FR 45674). Through that rule, NMFS revised the butterfish gear restrictions regulations at § 648.23 to reflect the new minimum square mesh size but missed updating several other pertinent regulations. This action revises those other regulations to reflect the correct minimum square mesh size.

The black sea bass ACL regulations at § 648.140(a) erroneously reference scup instead of black sea bass. This rule corrects that typographical error.

#### *Comment Period Requirement for Mackerel, Squid, and Butterfish Specifications*

The mackerel, squid, and butterfish fishery specifications regulations at § 648.22(d)(1) require proposed specifications to be published in the **Federal Register** with a 30-day public comment period. However, section 304(b) of the Magnuson-Stevens Act allows the Secretary to publish

proposed regulations from the Council in the **Federal Register** with a public comment period of 15 to 60 days. This provision was added to the statute through the Sustainable Fisheries Act of 1996, years after the regulation requiring a 30-day comment period was developed as part of the Mackerel, Squid, and Butterfish FMP. In order to increase efficiency in the specifications-setting process, allow for consistency with other regional FMP regulations, and fully utilize the flexibility that is available in the Magnuson-Stevens Act, this rule removes the 30-day comment period requirement for mackerel, squid, and butterfish specifications from the regulations at § 648.22(d)(1). The Council supported this change at its June 2025 meeting.

#### *AM Implementation Deadlines for the Mackerel, Squid, and Butterfish FMP*

The mackerel, squid, and butterfish fishery closure and AM regulations at § 648.24 require NMFS to make determinations about whether catch in a given fishing year caused the Atlantic mackerel and/or butterfish ACLs to be exceeded, and whether AMs need to be implemented.

The regulations § 648.24 further specify that AMs to account for Atlantic mackerel or butterfish ACL overages must be implemented by May 15. This deadline is impractical given the timing of when NMFS receives the data required to evaluate whether an ACL overage occurred (e.g., Marine Recreational Information Program, state data) and how long it takes those data to be reviewed and finalized. In order to avoid making management decisions based on incomplete information and ensure that potential payback amounts are accurate and AMs are not implemented when they are not necessary, this rule removes these specific timing requirements for Atlantic mackerel and butterfish AM implementation from the regulations at § 648.24. Instead, this rule revises the regulations to state more broadly that AMs will be implemented as soon as possible in a following year. This is consistent with how NMFS handles data delays and the timing of AM implementation for other regulated fisheries, including chub mackerel and other high-volume fisheries such as Atlantic herring. The Council supported this change at its June 2025 meeting.

#### *Recreational Mackerel Specifications and AMs*

On September 29, 2011, the ACL and AM Omnibus Amendment (76 FR 60606) brought all Council-managed FMPs into compliance with the ACL

and AM requirements that were added to the Magnuson-Stevens Act in 2007. Among other measures, this action revised the way that mackerel specifications are structured and created a recreational ACT that consisted of research set-aside, dead discards, and the recreational harvest limit (RHL). Amendment 11 to the Mackerel, Squid, and Butterfish FMP (76 FR 68642; November 7, 2011) implemented the first recreational allocation for mackerel. The recreational allocation was set equal to 6.2 percent of the U.S. mackerel ABC, which was the proportion of mackerel landings that were attributed to the recreational fishery during 1997–2007, multiplied by 1.5 to buffer for uncertainty in recreational catch estimates. The final rule implementing 2012 specifications (77 FR 16472; March 21, 2012) maintained this approach for setting the mackerel allocation and set the remainder of the mackerel specifications according to the provisions of the ACL and AM Omnibus Amendment for the first time. The recreational ACT was set equal to the recreational allocation minus 10 percent to account for uncertainty, and the RHL was set equal to the recreational ACT.

Framework Adjustment 13 (84 FR 58053; October 20, 2019) modified the way that recreational mackerel specifications were structured. Under Framework 13, the recreational allocation was treated as a set-aside (rather than a hard quota) to account for expected recreational catch of mackerel. The recreational allocation was deducted from the U.S. mackerel ABC and was calculated as the median annual recreational mackerel catch during 2013–2017. No additional recreational specifications (e.g., recreational ACT, RHL) were included in this new approach.

Amendment 23 further revised management of the recreational mackerel fishery by introducing a 20-fish per-person/per-trip possession limit. The recreational allocation (now called the “recreational catch deduction”) was calculated as annual average recreational catch during 2017–2021, minus 17 percent, accounting for the effect of the new possession limit. The recreational catch deduction was still treated as a set-aside, being subtracted from the U.S. ABC before commercial specifications were calculated.

Despite these changes in the way recreational mackerel catch has been handled as part of the specifications process, the mackerel specifications regulations at § 648.22 and the mackerel AM regulations at § 648.24 still reference elements that are no longer

part of the FMP (e.g., recreational ACT, RHL). This action revises those regulations to reflect the current process for setting recreational mackerel specifications.

#### *ACL Regulations for Council-Managed Species*

The National Standard 1 guidelines at § 648.310(f)(4)(iv) state that ACLs may be set lower than the ABC to account for ecological, economic, and/or social factors. However, the ACL regulations for several Council-managed species state that ACLs shall be equal to the ABCs recommended by the SSC. This rule revises the following ACL regulations to streamline specifications-setting discussions, provide greater flexibility for the Council's Monitoring Committees, and align those species' ACL regulations with the National Standard 1 guidelines:

- Butterfish ACL regulations at § 648.22(b)(3)(ii);
- Surfclam and ocean quahog ACL regulations at § 648.70(a);
- Summer flounder ACL regulations at § 648.100;
- Scup ACL regulations at § 648.120(a);
- Black sea bass ACL regulations at § 648.140(a);
- Bluefish ACL regulations at § 648.160;
- Golden tilefish ACL regulations at § 648.290(a); and
- Blueline tilefish ACL regulations at § 648.290(b).

The Regional Administrator consulted with the Council on this topic during its December 2025 meeting, and the Council was supportive of NMFS making these administrative changes.

#### **Comments and Responses**

NMFS published an in-season interim final rule on February 23, 2026 (91 FR 8386) to increase the rollover 2025 mackerel fishery specifications in 2026, and the public comment period ended on March 25, 2026. In that rule, we indicated that any comments received during the public comment period would be addressed through the rulemaking process for Framework 17. Therefore, a summary of comments received on the February interim final rule, and NMFS' responses, is presented in this rule. We received comments from three members of the public during the comment period: Two commenters were generally opposed to commercial fishing, and one of those commenters supported the transition to farm- or lab-grown protein sources instead. Neither of these commenters specifically mentioned the specifications contained in the interim final rule. The third

commenter referenced the 2026 mackerel quota and RH/S catch cap contained in the interim final rule. NMFS' responses to the elements contained in this comment are provided below.

*Comment 1:* A member of the public urged NMFS to maintain or consider reducing the mackerel quota for 2026, stating that the mackerel stock is heavily pressured by all fisheries, especially now that the Atlantic herring population has declined.

*Response 1:* Because the best scientific information available indicates that mackerel stock status has improved over time, NMFS disagrees that mackerel specifications should be maintained or reduced in 2026. The 2025 mackerel fishery specifications were based on a 2023 management track stock assessment that found the mackerel stock had unexpectedly failed to rebuild. Initial projections generated for the assessment projected in a spawning stock biomass (SSB) in 2025 of 85,584 mt; based on advice from the SSC, this projection was later reduced to 61,060 mt. The 2026 mackerel fishery specifications that were contained in the February 2026 interim final rule (as well as the final 2026 specifications contained in Framework 17) are based on the results of an updated 2025 management track stock assessment, which found that the mackerel stock is no longer overfished and overfishing is still not occurring. Further, initial projections from the 2025 assessment indicated that the stock would be rebuilt in 2025, and SSB in 2025 was projected to be 240,626 mt. Even after substituting the SSC's recommended recruitment value to account for scientific uncertainty in the assessment, the resulting revised 2025 SSB projection (104,772 mt) was still much higher than the projections generated for the 2023 assessment.

*Comment 2:* The same member of the public asked NMFS to consider reducing the RH/S quota because the populations for these fish are at historic lows and they are frequently caught as bycatch. The commenter stated that it makes no sense to have a season at all for these critical fish.

*Response 2:* NMFS agrees that protection of RH/S is important. The Atlantic States Marine Fisheries Commission is primarily responsible for the conservation and management of RH/S species. NMFS notes that there is no Federal quota or fishing season for RH/S (i.e., vessels may not take trips targeting RH/S species in Federal waters at any point during the year). To protect RH/S species in Federal waters, NMFS limits the amount of RH/S that can be

caught incidentally by vessels participating in the mackerel fishery through the use of a catch cap. Once the Regional Administrator projects that 95 percent of the RH/S catch cap has been harvested, NMFS closes the Federal limited access commercial mackerel fishery (i.e., implements a mackerel possession limit of 20,000 lb (9.07 mt) per trip) for the remainder of the fishing year. The catch cap is intended to reduce catch of RH/S in the mackerel fishery by providing vessels with an incentive to avoid these fish. Importantly, the RH/S catch cap has not increased despite the much larger mackerel quota for 2026. The Council is able to adjust the catch cap in a future action should the need arise.

#### **Classification**

NMFS is implementing the Council's recommended Framework 17 measures pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, which provides specific authority for implementing regulations prepared under section 303(c). Pursuant to section 305(d) of the Magnuson-Stevens Act, this action is necessary to allow NMFS to implement, revise, and correct measures developed through previous management actions. The NMFS Assistant Administrator has determined that this interim final rule is consistent with the Mackerel, Squid, and Butterfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This interim final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This interim final rule is exempt from the requirements of E.O. 14192 because it is a routine fishing action.

Because prior notice and opportunity for public comment are not required for this interim final rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175

also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

The Assistant Administrator for Fisheries has determined under 5 U.S.C. 553(b)(B) that it is contrary to the public interest to provide for prior notice for this action. It is necessary to implement the measures in this rule in an expedited manner in order to achieve optimum yield in the mackerel fishery. Similarly, the need to implement these measures to relieve restrictions on the commercial, recreational, and for-hire fisheries in a timely manner constitutes good cause, under authority contained in 5 U.S.C. 553(d)(1), to waive the 30-day delay in the date of effectiveness and to make Framework 17 measures effective as soon as possible.

Without this rule, vessels issued a Federal commercial mackerel permit will continue to be constrained by low incidental possession limits (*i.e.*, 20,000 lb (9.07 mt) per trip for limited access vessels, and 5,000 lb (2.27 mt) per trip for open access vessels). These possession limits were implemented in October 13, 2023 (88 FR 70909), after a management track stock assessment showed that the mackerel stock had unexpectedly failed to rebuild, and they were designed to limit the directed mackerel and keep catch within the lower specifications that were in place during 2023–2025. Based on the best scientific information available, those commercial mackerel possession limits are too restrictive and no longer appropriate for the current condition of the stock. Initial projections from a September 2025 management track stock assessment indicated that the mackerel stock may have reached its rebuilding target in 2025 and suggested that catch in 2026 could be as high as 50,376 mt without exceeding the fishing mortality rate overfishing threshold. Additionally, in prior years when mackerel specifications were higher than they were in 2023–2025, there was substantial fishing activity early in the year. Delaying implementation of Framework 17 will result in lost commercial fishing opportunities while resource condition and availability are good. Further, feedback from vessel owners and operators with Federal squid/mackerel/butterfish charter/party permits suggests that for-hire trip bookings dropped when the 20-fish per person recreational mackerel possession limit was implemented because customers felt that it was too low. Implementing Framework 17 as soon as possible will alleviate this constraint on the recreational mackerel fishery and

ensure that the recreational possession limits are reflective of the stock's improved condition.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 22, 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 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. Amend § 648.4 by revising paragraphs (a)(5)(iii)(B) and (a)(5)(iv) to read as follows:

#### § 648.4 Vessel permits.

- (a) \* \* \*  
(5) \* \* \*  
(iii) \* \* \*

(B) *Limited access mackerel permits.* Except for vessels that fish exclusively in state waters for Atlantic mackerel, a vessel of the United States must have been issued and carry on board a Tier 1, Tier 2, or Tier 3 limited access Atlantic mackerel permit to fish for, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel per trip, provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1). This includes both vessels engaged in pair trawl operations.

(iv) *Open access mackerel permits.* Any vessel of the United States may obtain an open access Atlantic mackerel permit to fish for, possess, or land up to 20,000 lb (9.07 mt) of Atlantic mackerel as an incidental catch in another directed fishery, provided that the vessel does not exceed the size restrictions specified in paragraph (a)(5)(iii)(A) of this section, and provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1). The incidental catch allowance may be revised by the Regional Administrator based upon a recommendation by the Council following the procedure set forth in § 648.22.

\* \* \* \* \*

#### § 648.7 [Amended]

■ 3. Amend § 648.7 by removing and reserving paragraph (b)(1)(ii).

\* \* \* \* \*

■ 4. Amend § 648.14 by:

- a. Revising paragraphs (g)(1)(ii) and (g)(2)(ii)(F); and  
■ b. Removing paragraphs (g)(2)(ii)(G) and (H).

The revisions read as follows:

#### § 648.14 Prohibitions.

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \*

(ii) *Recreational possession.* Take and retain, possess, or land Atlantic mackerel in excess of the recreational limits contained in § 648.26(a)(6).

\* \* \* \* \*

(2) \* \* \*

(ii) \* \* \*

(F) Possess more than the incidental catch allowance of butterfish, unless issued a butterfish moratorium permit.

\* \* \* \* \*

■ 5. Amend § 648.22 by:

- a. Revising paragraph (a)(3);  
■ b. Removing and reserving paragraph (a)(4)(ii);  
■ c. Revising paragraphs (b)(2)(iv), (v), and (vi);  
■ d. Adding paragraph (b)(2)(vii); and  
■ e. Revising paragraphs (b)(3)(ii), (c)(1)(ii), and (d)(1).

The revisions and addition read as follows:

#### § 648.22 Mackerel, squid, and butterfish specifications.

(a) \* \* \*

(3) Atlantic mackerel—ACL; commercial ACT, including RSA, DAH, Atlantic mackerel Tier 3 landings cap (up to 7 percent of the DAH), DAP; joint venture processing (JVP) if any; TALFF, if any; and recreational catch deduction for Atlantic mackerel; which, subject to annual review, may be specified for a period of up to 3 years. The Monitoring Committee may also recommend that certain ratios of TALFF, if any, for Atlantic mackerel to purchases of domestic harvested fish and/or domestic processed fish be established in relation to the initial annual amounts.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) *Recreational catch deduction.* The recreational catch deduction is the estimated catch (landings and discards) of Atlantic mackerel by the recreational fishing sector for the upcoming fishing year.

(v) *Commercial sector ACT.* The commercial sector ACT will be set after the recreational catch deduction is

subtracted from the ACL. The Monitoring Committee shall identify and review relevant sources of management uncertainty to recommend the ACT for the commercial fishing sector as part of the specifications process. Commercial ACT is composed of RSA, DAH, Tier 3 landings cap (up to 7 percent of DAH), dead discards, and TALFF, if any. RSA will be based on requests for research quota as described in paragraph (g) of this section. DAH, Tier 3 landings cap (up to 7 of the DAH), DAP, and JVP will be set after deduction for RSA, if applicable, and must be projected by reviewing data from sources specified in paragraph (b) of this section and other relevant data, including past domestic landings, projected amounts of Atlantic mackerel necessary for domestic processing and for joint ventures during the fishing year, projected recreational landings, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH that domestic processors either cannot or will not use. Economic considerations for the establishment of JVP and TALFF include:

- (A) Total world export potential of Atlantic mackerel producing countries.
- (B) Total world import demand of Atlantic mackerel consuming countries.
- (C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers.
- (D) Increased/decreased revenues to the U.S. from foreign fees.
- (E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures).
- (F) Increased/decreased revenues to U.S. processors and exporters.
- (G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest.
- (H) Increases/decreases in U.S. processing productivity.
- (I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. products and services and U.S.-caught fish, changes in trade barriers, technology transfer, and other considerations.

(vi) *Performance review.* The Mackerel, Squid, and Butterfish Committee shall conduct a detailed review of fishery performance relative to the Atlantic mackerel ACL at least every 5 years.

(A) If the Atlantic mackerel ACL is exceeded with a frequency greater than 25 percent (*i.e.*, more than once in 4 years or any 2 consecutive years), the Mackerel, Squid, and Butterfish Monitoring Committee will review fishery performance information and

make recommendations to the MAFMC for changes in measures intended to ensure ACLs are not exceeded as frequently.

(B) The MAFMC may specify more frequent or more specific ACL performance review criteria as part of a stock rebuilding plan following a determination that a stock has become overfished.

(C) Performance reviews shall not substitute for annual reviews that occur to ascertain if prior year ACLs have been exceeded, but may be conducted in conjunction with such reviews.

(vii) *River herring and shad catch cap.* The Monitoring Committee shall provide recommendations regarding a cap on the catch of river herring (alewife and blueback) and shad (American and hickory) in the Atlantic mackerel fishery based on best available scientific information, as well as measures (seasonal or regional quotas, closure thresholds) necessary for implementation.

(3) \* \* \*  
 (ii) *ACL.* The butterfish ACL shall not exceed the butterfish ABC.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) The commercial ACT for Atlantic mackerel.

\* \* \* \* \*

(d) \* \* \*

(1) The Mackerel, Squid, and Butterfish Committee will review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment received thereon, the Mackerel, Squid, and Butterfish Committee must recommend to the MAFMC appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC will review these recommendations and, based on the recommendations and any public comment received thereon, must recommend to the Regional Administrator appropriate specifications and any measures necessary to assure that the ACL will not be exceeded. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator will review the recommendations and will publish a proposed rule in the **Federal Register** proposing specifications and any measures necessary to assure that the specifications will not be exceeded. If the proposed specifications differ from

those recommended by the MAFMC, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The MAFMC's recommendations will be available for inspection at the office of the Regional Administrator during the public comment period. If the annual specifications for *Illex* squid, longfin squid, Atlantic mackerel, Atlantic chub mackerel, or butterfish are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications, excluding specifications of TALFF, will remain in effect. The previous year's specifications will be superseded as of the effective date of the final rule implementing the current year's annual specifications.

\* \* \* \* \*

■ 6. Amend § 648.24 by revising paragraphs (a)(2), (b), (c)(1), (c)(2), (c)(4), and (e)(2) to read as follows:

**§ 648.24 Fishery closures and accountability measures.**

(a) \* \* \*

(2) *Illex.* NMFS shall close the directed *Illex* fishery in the EEZ when the Regional Administrator projects that 96 percent of the *Illex* DAH is harvested. The closure of the directed fishery shall be in effect for the remainder of that fishing period, with incidental catches allowed as specified at § 648.26.

(b) *Atlantic Mackerel AMs— Possession Limit Adjustments—(i) Possession Limit Adjustment—Phase 2.* When the Regional Administrator projects that 1,100 mt of the Atlantic mackerel DAH is remaining, NMFS will reduce the commercial Atlantic mackerel possession limits as specified in § 648.26(a)(2) for the remainder of the fishing year.

(ii) *Possession Limit Adjustment—Phase 3.* When the Regional Administrator projects that 220 mt of the Atlantic mackerel DAH is remaining, NMFS will reduce the commercial mackerel possession limits as specified in § 648.26(a)(3) for the remainder of the fishing year.

(iii) *Regional Administrator discretion.* NMFS has the discretion to not implement measures outlined in paragraph (b)(1)(ii) of this section during November and December if the Regional Administrator projects that commercial Atlantic mackerel landings will not exceed the DAH during the remainder of the fishing year.

(2) *Atlantic mackerel commercial landings overage repayment.* If the Atlantic mackerel ACL is exceeded and commercial fishery landings are responsible for the overage, then

landings in excess of the DAH will be deducted from the DAH as a single-year adjustment as soon as possible in a subsequent year.

(3) *Non-landing AMs.* In the event that the Atlantic mackerel ACL is exceeded, and that the overage has not been accommodated through the landing-based AM described in paragraph (b)(2) of this section, but is attributable to the commercial sector, then the exact amount, in pounds, by which the commercial Atlantic mackerel ACT was exceeded will be deducted from the commercial Atlantic mackerel ACT as a single-year adjustment as soon as possible in a subsequent year.

(4) *Atlantic mackerel recreational AMs.* If the Atlantic mackerel ACL is exceeded and recreational fishery catch is responsible for the overage, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made as soon as possible in a subsequent year.

(5) *Atlantic mackerel ACL overage evaluation.* The Atlantic mackerel ACL will be evaluated based on a single-year examination of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the Atlantic mackerel ACL has been exceeded. NMFS shall make determinations about overages and implement any changes to the Atlantic mackerel specifications necessary to account for the ACL overage as a single-year adjustment, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**.

(6) *River herring and shad catch cap.* The river herring and shad cap on the Atlantic mackerel fishery applies to all trips that land more than 20,000 lb (9.07 mt) of Atlantic mackerel. NMFS shall close the limited access Atlantic mackerel fishery in the EEZ when the Regional Administrator projects that 95 percent of the river herring/shad catch cap has been harvested. Following closures of the limited access Atlantic mackerel fishery, vessels must adhere to the possession restrictions specified in § 648.26.

(c) \* \* \*

(1) *Directed butterfish fishery closure.* When the butterfish catch reaches the butterfish closure threshold as determined in the annual specifications, NMFS shall implement a 5,000 lb (2,268 kg) possession limit for vessels issued a butterfish moratorium permit that are fishing with a minimum mesh size of 3-inch (7.62-cm) diamond mesh or greater than 2 5/8-inch (6.67-cm) square mesh.

When NMFS projects that the butterfish catch has reached the butterfish DAH, as determined in the annual specifications, NMFS shall implement a 600 lb (272 kg) possession limit for all vessels issued a longfin squid or butterfish moratorium permit, or a squid/butterfish incidental catch permit.

(2) *Butterfish ACL overage repayment.* If the butterfish ACL is exceeded, then catch in excess of the ACL will be deducted from the ACL as a single-year adjustment as soon as possible in a subsequent year.

\* \* \* \* \*

(4) *Butterfish ACL overage evaluation.* The ACL will be evaluated based on a single-year examination of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the ACL has been exceeded. NMFS shall make determinations about overages and implement any changes to the ACL as a single-year adjustment, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**, as soon as possible in a subsequent year.

\* \* \* \* \*

(e) \* \* \*

(2) *Overage repayment.* The Regional Administrator will evaluate both landings and dead discards in a single year to determine if the Atlantic chub mackerel ACL specified in § 648.22(b)(5) has been exceeded. If the Atlantic chub mackerel ACL has been exceeded, then catch in excess of the Atlantic chub mackerel ACT will be deducted from the Atlantic chub mackerel ACT as a single-year adjustment as soon as possible in a subsequent year. The Regional Administrator shall implement any changes to the Atlantic chub mackerel ACT, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**.

\* \* \* \* \*

■ 7. Amend § 648.26 by revising paragraph (a) and (d)(1)(i) and (ii) to read as follows:

**§ 648.26 Mackerel, squid, and butterfish possession restrictions.**

(a) *Atlantic mackerel*—(1) *Initial (Phase 1) commercial possession limits.* A vessel must be issued a valid limited access Atlantic mackerel permit to fish for, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel in or harvested from the EEZ per trip, provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1).

(i) A vessel issued a Tier 1 limited access mackerel permit is authorized to

fish for, possess, or land up to 200,000 lb (90.7 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued a Tier 2 limited access mackerel permit is authorized to fish for, possess, or land up to 135,000 lb (61.2 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(iii) A vessel issued a Tier 3 limited access mackerel permit is authorized to fish for, possess, or land up to 100,000 lb (45.4 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(iv) A vessel issued an open access Atlantic mackerel permit may fish for, possess, or land up to 20,000 lb (9.07mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(2) *Phase 2 commercial possession limits.* During Phase 2 of the Atlantic mackerel fishery pursuant to § 648.24(b)(1)(i), vessels issued a valid limited access or open access Atlantic mackerel permit are subject to the possession limits specified in paragraphs (a)(2)(i) and (ii) of this section.

(i) A vessel issued a limited access (Tier 1, Tier 2, or Tier 3) Atlantic mackerel permit is authorized to fish for, possess, or land up to 20,000 lb (9.07 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued an open access mackerel permit is authorized to fish for, possess, or land up to 5,000 lb (2.27 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(3) *Phase 3 commercial possession limits.* During Phase 3 of the Atlantic mackerel fishery pursuant to § 648.24(b)(1)(ii), vessels issued a valid limited access or open access Atlantic mackerel permit are subject to the possession limits specified in

paragraphs (a)(3)(i) and (ii) of this section.

(i) A vessel issued a limited access (Tier 1, Tier 2, or Tier 3) mackerel permit is authorized to fish for, possess, or land up to 10,000 lb (4.54 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued an open access mackerel permit is authorized to fish for, possess, or land up to 2,500 lb (1.13 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(4) *Pair trawling.* Both vessels involved in a pair trawl operation must be issued a valid Atlantic mackerel permit to fish for possess, or land Atlantic mackerel in the EEZ. Both vessels must be issued the Atlantic mackerel permit appropriate for the amount of Atlantic mackerel jointly possessed by both of the vessels participating in the pair trawl operation.

(5) *River herring/shad catch cap closure.* During a closure of the limited access commercial Atlantic mackerel fishery pursuant to § 648.24(b)(6), when 95 percent of the river herring/shad catch cap has been harvested, vessels issued an open or limited access Atlantic mackerel permit may not take and retain, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel per trip at any time, and may only land once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(6) *Recreational possession limits—(i) For-hire (charter/party) recreational possession limit.* When carrying passengers for hire, the recreational Atlantic mackerel possession limit for vessels issued a squid/mackerel/butterfish charter/party permit is 50 Atlantic mackerel per person per trip, including captains and crew. When not carrying passengers for hire, the recreational Atlantic mackerel possession limit for vessels issued a squid/mackerel/butterfish charter/party permit is 25 Atlantic mackerel per person per trip.

(ii) *Private recreational possession limit.* The recreational Atlantic mackerel possession limit for private recreational anglers is 25 Atlantic mackerel per person per trip.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(i) *Vessels fishing with larger mesh.* A vessel issued a butterfish moratorium permit fishing with a minimum mesh size of 3-inch (7.62-cm) diamond mesh or greater than 2 5/8-inch (6.67-cm) square mesh is authorized to fish for, possess, or land butterfish with no possession restriction in the EEZ per trip, provided that directed butterfish fishery has not been closed and the reduced possession limit has not been implemented, as specified in § 648.24(c)(1). When butterfish harvest is projected to reach the threshold for the butterfish fishery, as specified in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 5,000 lb (2,268 kg) of butterfish per trip at any time. When butterfish harvest is projected to reach the DAH limit, as specified in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 600 lb (272 kg) of butterfish per trip at any time.

(ii) *Vessels fishing with smaller mesh.* A vessel issued a butterfish moratorium permit fishing with mesh less than 3-inch (7.62-cm) diamond mesh or less than or equal to 2 5/8-inch (6.67-cm) square mesh may not fish for, possess, or land more than 5,000 lb (2,268 kg) of butterfish per trip at any time, provided that butterfish harvest has not reached the DAH limit and the reduced possession limit has not been implemented, as described in § 648.24(c)(1). When butterfish harvest is projected to reach the DAH limit, as described in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 600 lb (272 kg) of butterfish per trip at any time.

\* \* \* \* \*

■ 8. Amend § 648.70 by revising paragraph (a) introductory text to read as follows:

**§ 648.70 Surfclam and ocean quahog Annual Catch Limit (ACL).**

(a) The MAFMC staff shall recommend to the MAFMC ACLs for the surfclam and ocean quahog fisheries, which shall not exceed the ABCs recommended by the SSC.

\* \* \* \* \*

■ 9. Amend § 648.100 by revising paragraph (a) introductory text to read as follows:

**§ 648.100 Summer flounder Annual Catch Limit (ACL).**

(a) *Annual catch limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational summer flounder fisheries, the sum total of

which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*

■ 10. Amend § 648.120 by revising paragraph (a) introductory text to read as follows:

**§ 648.120 Scup Annual Catch Limit (ACL).**

(a) *Annual catch limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational scup fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*

■ 11. Amend § 648.140 by revising paragraph (a) introductory text to read as follows:

**§ 648.140 Black sea bass Annual Catch Limit (ACL).**

(a) *Annual Catch Limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational black sea bass fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*

■ 12. Amend § 648.160 by revising paragraph (a) introductory text to read as follows:

**§ 648.160 Bluefish Annual Catch Limit (ACL).**

(a) The Bluefish Monitoring Committee shall recommend to the MAFMC an ACL for the bluefish fishery, which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*

■ 13. Amend § 648.290 by revising paragraphs (a) introductory text and (b) to read as follows:

**§ 648.290 Tilefish Annual Catch Limits (ACL).**

(a) *Golden tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC an ACL for the commercial golden tilefish fishery, which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*

(b) *Blueline tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational blueline tilefish fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

\* \* \* \* \*