''available for immediate use'' outside the exemption area.

(iii) *Evaluation and Termination.* If data indicate that vessels fishing under the Small-Mesh Exemption Program are discarding more than an average of 25 percent, by weight, of their entire catch of summer flounder per Small-Mesh Exemption Program trip, the Monitoring Committee shall coordinate or conduct a review of the exemption program. The review shall be completed no later than the next series of specifications setting or review meetings and presented to the ASMFC Summer Flounder, Scup and Black Sea Bass Management Board and MAFMC. After considering the Monitoring Committee's review and the recommendations of the Board and Council, the Regional Administrator may terminate the exemption for the remainder of the season or for the following exemption season. If the Regional Administrator makes such a determination, he/she shall publish notification of the termination in the **Federal Register**, in compliance with the requirements of the Administrative Procedure Act.

(2) A vessel fishing with an otter trawl fly net with the following configuration is exempt from the summer flounder minimum mesh size requirements, provided the vessel documents use of a flynet on its Vessel Trip Report (VTR) and has no other nets or netting with mesh smaller than 5.5 inches (14.0 cm) on board:

(i) *Configuration.*

(A) The net has large mesh in the wings that measures 8 inches (20.3 cm) or greater.

(B) The first body section (belly) of the net has at least 280 inches (711.2 cm) of mesh behind the sweep where the mesh size is at least 8 inches (20.3 cm).

(C) The mesh decreases in size throughout the body of the net toward the codend.

(ii) *Evaluation and Termination.* The Regional Administrator may terminate this exemption if he/she determines, after a review of relevant data, that the annual average summer flounder catch exceeds 1 percent of the annual average total catch from all vessels fishing under the exemption. If the Regional Administrator makes such a determination, he/she shall publish notification in the **Federal Register**, in compliance with the requirements of the Administrative Procedure Act, terminating the exemption for the remainder of the calendar year.

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[FR Doc. 2026–08206 Filed 4–27–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260422–0109]

RIN 0648–BN59

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Framework Adjustment 19 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and Framework Adjustment 7 to the Bluefish 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 is implementing Framework Adjustment 19 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and Framework Adjustment 7 to the Bluefish FMP (together the ''Recreational Measures Setting Process Framework'') that make limited revisions to the process for setting recreational management measures and recreational accountability measures for summer flounder, scup, black sea bass, and bluefish.

DATES: Effective April 28, 2026. Comments must be received by May 28, 2026.

ADDRESSES: A plain language summary of this rule is available at: *https://www.regulations.gov/docket/NOAA-NMFS-2025-0076.* You may submit comments on this document, identified by NOAA–NMFS–2025–0076, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2025–0076 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 *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 19 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and Framework Adjustment 7 to the Bluefish Fishery Management Plan, including the Environmental Assessment, the Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared in support of this action are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. The supporting documents are also accessible via the internet at: *https://www.mafmc.org/actions/rec-measures-framework-addenda.*

FOR FURTHER INFORMATION CONTACT: Savannah Lewis, Fishery Management Specialist, (978) 281–9348, or *savannah.lewis@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

NOAA's National Marine Fisheries Service (NMFS) is implementing the Recreational Measures Setting (RMS) Process Framework via this interim final rule (IFR) and request for comments. Together with NMFS, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively manage the summer flounder, scup, black sea bass, and bluefish fisheries. Updates to the FMPs are made with framework adjustments, and this action outlines and modifies the process for setting recreational management measures for all four stocks. The Council, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), provides its recommendations to NMFS. Under the provisions of the Magnuson-Stevens Act, on behalf of the Secretary of Commerce, the Greater Atlantic Regional Fisheries Office's Regional Administrator reviews proposed measures for consistency with the FMP, plan amendments, the Magnuson-Stevens Act, and other applicable law. The Council submitted this action, the RMS Process Framework, to NMFS for consideration of approval. NMFS reviewed the submitted frameworks for consistency with the goals and objectives of the FMPs and is approving and implementing Framework 19 and Framework 7.

The current Harvest Control Rule (88 FR 14499), which pioneered the Percent Change Approach, sunsetted on December 31, 2025. As explained in greater detail below, this action implements a revised replacement process for setting recreational measures (*i.e.,* bag, size, and season limits) called the RMS Process and revisions to the recreational accountability measures. This IFR outlines two phases of modification to the RMS Process Framework: Phase 1 would use a modified Percent Change Approach using the recreational harvest limit (RHL) and harvest; Phase 2 would use the same approach but will use the recreational annual catch target (ACT) and dead catch. In other words, RMS Process Phase 1 develops the Recreational Harvest Target (RHT) (which recreational measures are set to accomplish) using predicted harvest (*i.e.,* landed fish), and Phase 2 would shift to developing a recreational catch target (RCT), catch-based approach based on both harvest and dead discards. The use of the RMS Process for bluefish is delayed until the 2028–2029 specifications cycle. Bluefish is still under a rebuilding plan, and a supporting analytical model needs to be developed; further discussion of bluefish is provided below. Revisions to accountability measures for all four species are included to align with the RMS Process and give greater consideration to whether overfishing resulted from a recreational ACL overage.

This action revises and improves upon the process for setting recreational measures that continues to prevent overfishing, reflect stock status, account for uncertainty in recreational data, take into consideration angler preferences, consider discard information, and provide sufficient stability and predictability. While it is impossible to put an exact number on the total economic impact of the specific affected recreational fisheries, they comprise a large component of the $3.6 billion recreational fishing industry in the Mid-Atlantic region. This action allows for these recreational fisheries to maintain flexibility and continue to be a major economic driver in the region.

Key Terms

- *Annual Catch Target (ACT):* An amount of annual catch that is a management target for a fishery that accounts for management uncertainty and is set at or below the annual catch limit (ACL). The ACT includes both landings and dead discards (*i.e.,* total dead catch or catch), and the RHL is derived from the recreational ACT by subtracting dead discards.
- *Biomass (B):* The size of a stock of fish measured in weight. For summer flounder, scup, black sea bass, and bluefish, the biomass levels and biomass targets used in management are based on spawning stock biomass (SSB).
- *Biomass target (B_{MSY}):* The stock size (B) associated with maximum sustainable yield (MSY) as defined by a stock assessment. MSY is the largest average catch that can be taken from a stock at B_{MSY} over time under existing environmental conditions without negatively impacting the reproductive capacity of the stock.
- *Catch:* The total amount of fish caught by the fishery, including landed fish and dead discards.
- *Confidence Interval (CI):* The upper and lower bound around a point estimate to indicate the range of possible values given the uncertainties around the estimate.
- *Harvest:* The total amount of fish landed by the fishery.
- *Recreational Harvest Limit (RHL):* The total allowable annual recreational fishery harvest limit set based on information from the stock assessment, considerations about scientific and management uncertainty, allocations between the commercial and recreational sectors, and assumptions about dead discards from the recreational fishery.
- *Recreational Catch Target (RCT):* The amount of catch that recreational management measures aim to achieve but not exceed.
- *Recreational Harvest Target (RHT):* The amount of harvest that the recreational management measures aim to achieve but not exceed.

Recreational Management Challenges

Prior to 2023, recreational management measures were set annually to allow harvest to achieve but not exceed the RHL. Analysis to determine the measures relied heavily on data from the Marine Recreational Information Program (MRIP), NMFS's state-regional-Federal partnership that uses a national network of recreational fishing surveys to estimate total recreational catch and effort. While the program has been peer-reviewed multiple times and the agency continues to explore improvements, there are inherent uncertainties within the MRIP data because they rely on angler feedback and estimation calculations to provide managers and scientists with recreational information. The estimates have been shown to be highly variable and uncertain in some years, creating a situation in which correct and consistent estimates of recreational harvest can be difficult to obtain. In 2018, MRIP transitioned to the Fishing Effort Survey (FES) from the Coastal Household Telephone Survey (CHTS) due to a decline in landline telephones. This transition required historical catch estimates to be recalibrated to align with the new FES, resulting in significant increases in estimates of past catch for several species; for example, estimates of black sea bass average historical catch increased 73 percent. These increases broadly impacted the management process through stock assessments, reference points, catch limits, and management measures.

The underlying uncertainty and high variability of MRIP data, reactively setting measures annually, and lack of consideration for stock status led to frequent changes in bag, size, and season limits. For abundant stocks of black sea bass and scup, stock assessments repeatedly underestimated stock size and overestimated fishing mortality, resulting in the stock size subsequently being revealed as higher, and fishing mortality lower, in subsequent assessments. The outcome of this pattern was catch limits that were set lower than what was actually available to the fishery and years where even restrictive management measures resulted in higher-than-anticipated harvest, often with increasing levels of discards, even without overfishing occurring. For example, in 2022, black sea bass recreational measures were set to achieve but not exceed the 2022 RHL of 6.74 million lb (3,055 metric tons (mt)); this was equal to a 20.7-percent reduction in harvest from the prior year. At that time, however, the stock was not experiencing overfishing, and the biomass was estimated to be at 210 percent of the target (87 FR 35112; June 9, 2022). This dynamic was frustrating for participants in the recreational fisheries and related businesses and led to enforcement issues along the mid-Atlantic coast. It was also apparent that the process was not adequately balancing the need to prevent overfishing while trying to achieve optimal yield (OY).

Scup and black sea bass also tended to meet or exceed their RHLs frequently and, at times, exceeded even the recreational ACL, acceptable biological catch (ABC), and/or the overfishing limit (OFL). Often, these high catch levels would require restrictions on fishing in an attempt to bring harvest down—regardless of high stock status. Alternatively, for a stock such as summer flounder with a much lower biomass than scup and black sea bass, liberalization in management measures

that were implemented to try and achieve the RHL may not have been appropriate due to a low biomass. Termed ''chasing the RHL,'' the required changes in measures appeared to be more in response to variability and uncertainty in recreational harvest data than a conservation need.

Overview of the Percent Change Approach

The Percent Change Approach, implemented in 2023, aimed to address these issues by considering recreational harvest data, accounting for the uncertainty in the recreational harvest data through the use of confidence intervals around predicted recreational harvest, and taking into account stock biomass when determining if and how management measures should be changed. As described below, the approach considered these factors to establish a recreational target that measures are set to achieve. The overall goal of the Percent Change Approach was to iteratively adjust management measures to eventually achieve the RHL while avoiding unnecessarily severe restrictions or inappropriate liberalizations on fishing that could result from annual variability in harvest estimates rather than conservation need. Given the significant shift in the process for setting recreational management measures, the Percent Change Approach included a sunset provision of 3 years. After accepting public comment on Framework 17 and Framework 6, which initiated the Percent Change Approach, (87 FR 76600; December 15, 2022), NMFS finalized the framework in 2023 (88 FR 14499; March 9, 2023). The U.S. District Court for the District of Columbia held that Framework 17 complied with the MSA and the Administrative Procedure Act (APA) in *Natural Resources Defense Council* v. *Raimondo,* No. 23–982 (BAH), 2024 WL 4056653 (D.D.C. Sept. 5, 2024). In 2024, both scup and black sea bass harvest were under the respective RHLs and recreational ACLs, suggesting that the Percent Change Approach is likely more appropriately setting recreational management measures than the earlier approach. The Percent Change Approach sunsetted in December 2025.

In light of the positive results obtained using the Percent Change Approach, the Council and Commission recommended to NMFS that it be extended with relatively minor changes as effectuated in this interim final rule. NMFS agrees, as the approach has proven to be successful in achieving management goals, and the minor changes represent improvements to the process gained through application and feedback.

This action modifies the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish, including how to determine if and when management measures need to be changed, the amount of change that would be allowed/required, and the timing of the overall process. As provided in this interim final rule, the RMS Process will continue to utilize the Percent Change Approach methodology with some revisions. The revised process will have two phases. Operationally, Phase 1 and Phase 2 of the process function the same way; the difference between the two is that Phase 1 uses recreational *harvest* compared to the RHL to set measures, whereas Phase 2 uses *total dead catch* compared to the recreational ACT. An overview of the methodology used for both is provided below.

Step 1: Estimating Recreational Harvest or Total Dead Catch

Step one of the RMS Process involves estimating the recreational harvest (in Phase 1) or total dead catch (in Phase 2) that would result if current management measures continued in force in the next fishing year. The amount of expected recreational harvest and total dead catch are difficult to predict, as they are influenced by many factors beyond just the management measures, including fishing effort, availability of various target species, economic factors, and weather. Harvest and discard estimates can vary notably from year to year even under the same set of management measures. The Recreational Demand Model, which has been used for setting recreational summer flounder, scup, and black sea bass measures since 2023, produces estimates of discarded fish as well as harvest. While bluefish currently does not have a similar model, work is ongoing to develop one in time for management use in 2028.

In addition to estimating harvest or dead catch, the confidence interval (CI) around the recreational harvest or dead catch estimate will also be generated. When developing a CI, the Commission's Plan Development Team and Council's Fishery Management Action Team (the technical teams involved in the development of the action) recommended the use of a joint distribution, 80-percent confidence interval that takes into consideration the percent standard error (PSE) of each individual year's MRIP estimate and the variability of the estimates between years. While 80-percent confidence intervals were recommended during development of both the original Percent Change Approach and the new RMS Process, the Council's Technical Committee and Commission's Monitoring Committee will periodically review the confidence intervals to ensure they are appropriate for the current model as improvements are made and data updated. Once the estimated harvest or dead catch and confidence intervals are developed and produce a range of anticipated harvest or dead catch, that estimate is compared to the future RHL or recreational ACT to determine whether the estimate will likely be below, at, or above the RHL or recreational ACT. Step 1 corresponds to the first column in the two tables presented below.

Step 2: Biomass Comparison

The second step in the process is the evaluation of the stock biomass; for both Phase 1 and Phase 2, this step remains the same. The most recent stock assessment will be used to determine the biomass relative to the biomass target (B_{MSY} or the relevant proxy). If the biomass is at least 150 percent of the target, the stock will be considered very high; if the stock is between 150 and 110 percent of the target, it will be considered high; stocks that have a biomass between 110 percent and 90 percent will be considered around the target; and stocks with a biomass below 90 percent of the target size will be categorized as low. Step 2 corresponds to the second columns of the two tables below.

Step 3: Determining the Percent Change

Considered together, the harvest (during Phase 1) or dead catch (during Phase 2) and current biomass compared to the target biomass determine the appropriate degree of change in the following measures setting cycle. Specifically, comparing the anticipated harvest (in Phase 1) or dead catch (in Phase 2) and the estimated biomass determines a percentage change in the harvest or total dead catch target, which may be a liberalization, a reduction, or no change. The percentage change is then applied to the expected recreational harvest established in Step 1 to calculate the RHT during Phase 1 or applied to the recreational catch to calculate the RCT during Phase 2. Recreational management measures are then set to target the RHT or RCT rather than the RHL or recreational ACT. The maximum potential liberalization or reduction are capped for each biomass status as represented in the third column of the two tables below.

Recreational Measures Setting Process

Phase 1: Modified Percent Change Approach Using the RHL and Harvest

The first phase of this action modifies the existing Percent Change Approach process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. The revision adds the following:

- an additional biomass category of around the target and revising the biomass percentages for each category;
- treating overfished stocks separately with a new classification category (last two rows); and
- three opportunities for status quo recreational management measures compared to just one in the previous process.

The process will continue to use two factors to determine whether management measures could remain status quo, could be liberalized, or must be restricted. These two factors are:

- Comparison of a confidence interval around an estimate of expected harvest under status quo measures to the average RHL for the upcoming 2 years; and
- Biomass compared to the target level as defined by the most recent stock assessment.

These two factors will also determine the appropriate degree of change to recreational management measures, defined as a percentage change in expected harvest. Table 1 shows the revised process.

TABLE 1—PHASE 1 MANAGEMENT RESPONSE TABLE (RHL AND HARVEST)

Factors to determine recommended change		Change in Expected Harvest
(1) Future RHL vs Harvest Estimate	(2) Stock biomass compared to the target stock size (B/BMSY)	
Future 2-year average RHL is greater than the upper bound of the harvest estimate confidence interval (catch is expected to be lower than the RHL).	Very high (at least 150% of the target stock size).	Liberalization: percentage change based on the difference between the harvest estimate and the 2-year average RHL, not to exceed 40%.
	High (greater than or equal to 110% and less than 150%).	Liberalization: percentage change based on the difference between the harvest estimate and the 2-year average RHL, not to exceed 20%.
	Around the Target (greater than or equal to 90% and less than 110%).	Liberalization: 10%.
	Low (greater than or equal to 50% and less than 90%).	No Liberalization or Reduction: 0%.
Future 2-year average RHL is within the confidence interval of the harvest estimate (harvest is expected to be close to the RHL).	Very high to Low (greater than 50%).	No Liberalization or Reduction: 0%.
Future 2-year average RHL is less than the lower bound of the harvest estimate confidence interval (harvest is expected to exceed the RHL).	Very high (at least 150% of the target stock size).	No Liberalization or Reduction: 0% unless an accountability measure is triggered.
	High (greater than or equal to 110% and less than 150%).	Reduction: 10%.
	Around the Target (greater than or equal to 90% and less than 110%).	Reduction: percentage change based on the difference between harvest estimate and 2-year average RHL, not to exceed 20%.
	Low (greater than or equal to 50% and less than 90%).	Reduction: percentage change based on the difference between the harvest estimate and the 2-year average RHL, not to exceed 40%.
	Biomass compared to target (SSB/SSB_{MSY}).	Change in Harvest.
No comparison made	Overfished (less than 50% of target).	No liberalizations allowed. Reduction % = difference between catch estimate and 2-year avg. RHL. To be replaced with rebuilding plan measures as soon as possible.

Phase 2: Modified Percent Change Approach Using the Recreational ACT and Catch

The second phase of this action, effective for the 2030 specifications cycle and beyond, will continue the modified Percent Change Approach using the recreational ACT and total dead catch instead of the RHL and harvest to determine if recreational management measures should change. Using the recreational ACT means that adjustments to management measures would consider all predicted recreational dead catch rather than harvest alone.

The revised process would use two factors to determine if management measures could remain status quo, could be liberalized, or must be restricted. These two factors are:

- Comparison of a confidence interval around an estimate of expected catch under status quo measures to the average recreational ACT for the upcoming 2 years; and
- Biomass compared to the target level as defined by the most recent stock assessment.

These two factors also determine the appropriate degree of change to recreational management measures, defined as a percentage change in expected catch. Table 2 shows the management response table with recreational ACT and catch replacing RHL and harvest.

TABLE 2—PHASE 2 MANAGEMENT RESPONSE TABLE (RECREATIONAL ACT AND CATCH)

Factors to determine recommended change		Change in Expected Catch
(3) Future ACT vs Catch Estimate	(4) Stock biomass compared to the target stock size (B/BMSY)	
Future 2-year average ACT is greater than the upper bound of the catch estimate confidence interval (catch is expected to be lower than the ACT).	Very high (at least 150% of the target stock size).	Liberalization: percent based on the difference between the catch estimate and the 2-year average ACT, not to exceed 40%.
	High (greater than or equal to 110% and less than 150%).	Liberalization: percent based on the difference between the catch estimate and the 2-year average ACT, not to exceed 20%.
	Around the Target (greater than or equal to 90% and less than 110%).	Liberalization: 10%.
	Low (greater than or equal to 50% and less than 90%).	No Liberalization or Reduction: 0%.
Future 2-year average ACT is within the confidence interval of the catch estimate (catch is expected to be close to the ACT).	Very high to Low (greater than 50%).	No Liberalization or Reduction: 0%.
Future 2-year average ACT is less than the lower bound of the catch estimate confidence interval (catch is expected to exceed the ACT).	Very high (at least 150% of the target stock size).	No Liberalization or Reduction: 0% unless an accountability measure is triggered.
	High (greater than or equal to 110% and less than 150%).	Reduction: 10%.
	Around the Target (greater than or equal to 90% and less than 110%).	Reduction: percent change based on the difference between catch estimate and 2-year average ACT, not to exceed 20%.
	Low (greater than or equal to 50% and less than 90%).	Reduction: percent based on the difference between the catch estimate and the 2-year average ACT, not to exceed 40%.
	Biomass compared to target (SSB/SSB_{MSY}).	Change in Catch.
No comparison made	Overfished (less than 50% of target).	No liberalizations allowed. Reduction % = difference between catch estimate and 2-year avg. ACT. To be replaced with rebuilding plan measures as soon as possible.

Measure Setting Timing

As with Framework 17 and Framework 6, the RMS Process will adjust measures in conjunction with the setting of catch and landings limits in response to updated stock assessment information, which is currently a 2-year cycle. Updated stock assessments are anticipated to be available biennially for all four species. In the interim year (or years, if stock assessment frequency changes), measures will be reviewed and may be modified if new data suggest a major change in the expected impacts of those measures on the stock or the fishery.

Phase Shift

Phase 1 of the RMS Process functions similar to the previous version of the Percent Change Approach. The Council and Commission will rely on the modified Percent Change Approach using the RHL and harvest estimates while additional years of data are collected to understand how using total dead catch will impact management measures. For the 2030 specifications, the RMS Process will shift to Phase 2 and begin using the recreational ACT and dead catch estimates to set the RCT, which management measures are designed to achieve but not exceed. The transition to Phase 2 is not contingent on the outcome of additional analysis nor will it require another rulemaking process; if the Council and Commission want to use a different process, they would need to complete a new recommendation for management action.

Bluefish

Bluefish has been under a rebuilding plan since 2022, and because the rebuilding plan overlaps with the timeline for the Percent Change Approach and RMS Process development, bluefish will continue to have measures set based on the rebuilding plan until the stock is rebuilt, which is estimated to be in 2028. The Council and Commission recommended, and NMFS agreed, to delay implementation of Phase 1 of the RMS Process and corresponding accountability measure changes for bluefish until 2028. This delay is to allow time for the stock to complete rebuilding and for the development of an appropriate methodology for evaluating the impacts of measures on bluefish harvest and discards in the RMS Process. Bluefish will transition to Phase 2 in 2030 with the other three species.

Recreational Accountability Measures

This interim final rule makes minimal to no changes to how recreational accountability measures are triggered compared to current requirements. Recreational accountability measures are still triggered if the most recent three-year average recreational catch exceeds the most recent three-year average recreational ACL for summer flounder, scup, and black sea bass. If triggered, accountability measures apply under all outcomes illustrated in tables 1 and 2.

The changes to the recreational accountability measures give greater consideration to whether overfishing occurred as a result of a recreational ACL overage when determining the appropriate response. A pound-for-pound payback is still required when any stock is overfished or under a rebuilding plan or the biomass is below 50 percent of B_{MSY}. When the stock is above 50 percent of B_{MSY}, not overfished, and/or not under a rebuilding plan, either a scaled payback is required or measures may be modified, depending on the biomass level. The accountability measures also

include wording to better explain how they would work under different combinations of fishing mortality and stock status. These changes incorporate stock status when applying accountability measures and also provide a consideration of stability in measures and to achieve optimum yield.

While revisions to the bluefish accountability measures will not be effective until 2028, they are included in this rule. Until January 1, 2028, the current bluefish accountability measure regulations at 50 CFR 648.163(d) continue to be in effect, and after that the new measures will take effect. The revised bluefish accountability measures compare total catch (landings and dead discards) with the most recent 3-year average recreational ACL, unless there has been a transfer between the recreational and commercial sectors; if there has been a transfer, then the most recent single-year recreational catch to recreational ACL comparison is used.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Assistant Administrator has determined that this interim final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass, and Bluefish FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This interim final rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity for public comment on this action because the time necessary to provide such prior notice and opportunity for public comment would be contrary to the public interest.

Framework 17 and Framework 6 sunsetted in December 2025. As set forth above, the Percent Change Approach established by these frameworks and used in the development of recreational management measures from 2023 to 2025 has provided better management results than the prior approach; for example, in 2024 black sea bass recreational harvest and dead catch were under the RHL and recreational ACL, respectively, for the first time in 5 years. Framework 17 was challenged in litigation, and the court held that the Percent Change Approach and the implementing regulations satisfied applicable MSA and APA requirements. (*Natural Resources Defense Council* v. *Raimondo,* No. 23–982 (BAH), 2024 WL 4056653 (D.D.C. Sept. 5, 2024)).

Framework 19 and Framework 7 make relatively minor changes to Framework 17 and Framework 6, both of which were themselves subject to notice and comment. NMFS is making changes to Frameworks 17 and 6 based on public and industry feedback after a few years of using those frameworks with the goal of improving efficiency while providing additional stability for fishery participants. As discussed above, the changes include an additional biomass category, an increase in ''no change'' opportunities, and consideration of overfished stocks separately. The public is now familiar with how the system operates because the process outlined in Framework 17 was used to manage the summer flounder, scup, and black sea bass fisheries during the 2023 to 2025 fishing years. Managers, commercial industry representatives, and recreational fishing participants have expressed broad support for the timely continuation of this process with the changes included in this action. The continuation of the RMS Process with slight revisions via this interim final rule is highly anticipated.

If Framework 19 for summer flounder, scup, and black sea bass is not effective immediately, measures for 2026 will remain the 2025 Federal coastwide measures. Making Framework 19 effective immediately will allow for NMFS to instead set 2026–2027 recreational management measures (established via a separate interim final rule to be published as soon as possible) that are consistent with Framework 19 by the beginning of the applicable 2026 recreational fishing seasons. Because the 2026–2027 recreational management measures must be implemented under the process and methodology established by Framework 19, this interim final rule must be effective before those recreational management measures can be promulgated.

Delaying the implementation of this rule while accepting public comment would result in significant negative economic impacts on fishing communities and for-hire business owners, as well limitations on the fishing experience of anglers, without providing concomitant conservation benefits. By default, Federal for-hire permit holders must comply with more restrictive coastwide measures (50 CFR 648.4(b)). Routinely, the recreational management measures rulemaking applicable to a given year or years waives Federal coastwide measures for summer flounder and black sea bass in favor of state regulations through conservation equivalency, which allows states to set measures tailored to their fishing communities' needs while resulting in the same conservation benefit as would accrue from the coastwide measures. The recreational fishing seasons for black sea bass in the southern states within the Greater Atlantic Region, such as Maryland and Delaware, open on May 1, 2026. The current coastwide measures, which cannot be waived in favor of state measures until the 2026–2027 recreational management measures rulemaking is effective, do not open the season until May 15, 2026.

Additionally, the minimum size for black sea bass in Federal waters would be 2.5 inches (6.35 cm) longer with a bag limit of 10 fewer fish than what would be in place for some states' waters. Undertaking notice and comment on this rulemaking would prevent Federal for-hire permit holders from undertaking fishing trips they have already booked for the first 15 days in May and impose more restrictive size and bag limits on all anglers for no conservation purpose.

Moreover, because of differences in how and when black sea bass become available to anglers along the coast, the application of the default coastwide measures that would be required to allow for notice and comment would impact the various states differently, resulting in inequity largely between northern and southern anglers. For example, the opening date for black sea bass in Massachusetts is anticipated to be May 17, 2026, compared to May 1, 2026, for Maryland, where black sea bass are available earlier than in waters farther north. Leaving in place the coastwide measures, which open the fishing season on May 15, 2026, would have less of an impact on states that open their fisheries later. Thus, delaying implementation of this interim final rule would have inequitable impacts along the eastern seaboard.

Immediate implementation of this rule would enable NMFS (via the related 2026–2027 recreational management measures rulemaking that will follow this one) to approve conservation equivalency after review of the Commission-certified conservationally equivalent state measures, as described above, for the mid-Atlantic states of Massachusetts through North Carolina. Conservation equivalency allows for consistent recreational measures in state and Federal waters, clarifying requirements for anglers, increasing compliance, and avoiding enforcement issues while allowing measures tailored to the needs of each state.

We are inviting public comment on this interim final rule, and we will consider responding to any comments received in a subsequent final rule addressing both this interim final rule and the interim final rule establishing the 2026 and 2027 summer flounder, scup, and black sea bass recreational management measures (RIN 0648–BO39) if warranted. In the meantime, it is contrary to the public interest to provide the opportunity for public comment prior to making Framework 19 and Framework 7 effective. For the same reasons, there is good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). In addition, the regulated community is anticipating the implementation of 2026–2027 recreational management measures consistent with the frameworks approved via this interim final rule and thus does not require 30 days to come into compliance with this rule.

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) of E.O. 13175 is not required and has not been prepared.

Because prior notice and opportunity for public comment are not required for this 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.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 23, 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 § 648.102 by revising paragraph (d)(2)(ii) to read as follows:

§ 648.102 Summer flounder specifications.

* * * * *

(d) * * *

(2) * * * (ii) The ASMFC will review conservation equivalency proposals and determine whether or not they achieve the necessary recreational target. The ASMFC will provide the Regional Administrator with the individual State and/or multi-State region conservation measures for the approved State and/or multi-State region proposals and, in the case of disapproved State and/or multi-State region proposals, the precautionary default measures that should be applied to a State or region. At the request of the ASMFC, precautionary default measures would apply to federally permitted party/charter vessels and other recreational fishing vessels harvesting summer flounder in or from the EEZ when landing in a State that implements measures not approved by the ASMFC.

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■ 3. Amend § 648.103 by revising paragraph (d) to read as follows:

§ 648.103 Summer flounder accountability measures.

* * * * *

(d) *Recreational AMs.* If the most recent 3-year average recreational ACL is exceeded, then the following procedure will be followed:

(1) *If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown and the most recent 3-year average recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent 3-year average recreational catch estimate exceeded the most recent 3-year average recreational ACL will be deducted, in the following fishing year, or as soon as possible, thereafter, once catch data are available, from the recreational ACT. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(2) *If biomass is above the threshold, but below 90% of the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below 90 percent of the biomass target (B/B_{MSY} is less than 0.9), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no Accountability Measure response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible, once catch data are available, as described in paragraph (d)(2)(ii)(A) of this section. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(A) *Adjustment to Recreational ACT.* If an adjustment to the following year's Recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the most recent 3-year average recreational catch and the most recent 3-year recreational ACL, and the payback coefficient, as specified in paragraph (d)(2)(ii)(B) of this section. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(B) *Payback coefficient.* The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}. (3) *If biomass is greater than or equal to 90 percent of B_{MSY} (B/B_{MSY} is 0.9 or greater).* If the most recent estimate of biomass is greater than or equal to 90 percent of the target B_{MSY} (*i.e.,* B/B_{MSY} is 0.9 or greater), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no AM response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded the F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or

the proxy), then an adjustment to recreational measures may be made for the following year, or as soon as possible once catch data are available. Adjustments should take into account the performance of the measures and conditions that precipitated the overage. If recreational measures would otherwise be liberalized following the process as prescribed in the FMP, then the scale of the liberalization may be reduced, or status quo measures may be used, to account for the AM. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

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■ 4. Amend § 648.123 by revising paragraph (d) to read as follows:

§ 648.123 Scup accountability measures.

* * * * *

(d) *Recreational AMs.* If the most recent 3-year average recreational ACL is exceeded, then the following procedure will be followed:

(1) *If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the most recent 3-year average recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent 3-year average recreational catch estimate exceeded the most recent 3-year average recreational ACL will be deducted in the following fishing year, or as soon as possible, thereafter, once catch data are available, from the recreational ACT. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(2) *If biomass is above the threshold, but below 90 percent of the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below 90 percent of the biomass target (B/B_{MSY} is less than 0.9), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no AM response is required. If an estimate of total fishing mortality for the most recent complete year of catch data is not available, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible once catch data are available, as described in paragraph (d)(2)(ii)(A) of this section. If an estimate of total fishing mortality for the most recent complete year of catch data is not available, then a comparison of total catch relative to the ABC will be used.

(A) Adjustment to Recreational ACT. If an adjustment to the following year's Recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the most recent 3-year average recreational catch and the most recent 3-year recreational ACL, and the payback coefficient, as specified in paragraph (d)(2)(ii)(B) of this section. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(B) *Payback coefficient.* The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}. (3) *If biomass is greater than or equal to 90 percent of the biomass target (B/B_{MSY} is 0.9 or greater).* If the most recent estimate of biomass is greater than or equal to 90 percent of the target B_{MSY} (*i.e.,* B/B_{MSY} is 0.9 or greater), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no AM response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded the F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to recreational measures may be made for the following year, or as soon as possible once catch data are available. Adjustments should take into account the performance of the measures and conditions that precipitated the overage. If recreational measures would otherwise be liberalized following the process as prescribed in the FMP, then the scale of the liberalization may be reduced, or status quo measures may be used, to account for the AM. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

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■ 5. Amend § 648.143 by revising paragraph (d) to read as follows:

§ 648.143 Black sea bass accountability measures.

* * * * *

(d) *Recreational AMs.* If the most recent 3-year average recreational ACL is exceeded, then the following procedure will be followed:

(1) *If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the most recent 3-year average recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent 3-year average recreational catch estimate exceeded the most recent 3-year average recreational ACL will be deducted in the following fishing year, or as soon as possible thereafter, once catch data are available, from the recreational ACT. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(2) *If biomass is above the threshold, but below 90 percent of the biomass target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below 90 percent of the biomass target (B/B_{MSY} is less than 0.9), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no Accountability Measure response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible once catch data are available, as described in paragraph

(d)(2)(ii)(A) of this section. If an estimate of total fishing mortality for the most recent complete year of catch data is not available, then a comparison of total catch relative to the ABC will be used.

(A) Adjustment to Recreational ACT. If an adjustment to the following year's Recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the most recent 3-year average recreational catch and the most recent 3-year recreational ACL, and the payback coefficient, as specified in paragraph (d)(2)(ii)(B) of this section. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(B) *Payback coefficient.* The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}. (3) *If biomass is greater than or equal to 90 percent of the biomass target (B/B_{MSY} is 0.9 or greater).* If the most recent estimate of biomass is greater than or equal to 90 percent of the target B_{MSY} (*i.e.,* B/B_{MSY} is 0.9 or greater), the stock is not under a rebuilding plan, and the most recent 3-year average recreational ACL has been exceeded, then the following AMs will apply:

(i) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no AM response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(ii) *If F has exceeded the F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to recreational measures may be made for the following year, or as soon as possible once catch data are available. Adjustments should take into account the performance of the measures and conditions that precipitated the overage. If recreational measures would otherwise be liberalized following the process as prescribed in the FMP, then the scale of the liberalization may be reduced, or status quo measures may be used, to account for the AM. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

* * * * *

■ 6. Revise § 648.163 to read as follows:

§ 648.163 Bluefish Accountability Measures (AMs).

(a) *ACL overage evaluation.* The ACLs will be evaluated based on a single-year examination of total catch (landings and dead discards). Both landings and dead discards will be evaluated in determining if the ACLs have been exceeded. Effective January 1, 2028, for the recreational fishery, this comparison will be based on the most recent 3-year average recreational ACL if there were no commercial/recreational transfers as outlined in § 648.162(b)(2) during those years. If a transfer occurred in those years, the recreational ACL overage evaluation will be based on the single most recent year.

(b) *Commercial sector EEZ closure.* NMFS shall close the EEZ to fishing for bluefish by commercial vessels for the remainder of the calendar year by publishing notification in the **Federal Register** if the Regional Administrator determines that the inaction of one or more states will cause the ACL specified in § 648.160(a) to be exceeded, or if the commercial fisheries in all states have been closed. NMFS may reopen the EEZ if earlier inaction by a state has been remedied by that state, or if commercial fisheries in one or more states have been reopened without causing the ACL to be exceeded.

(c) *State commercial landing quotas.* The Regional Administrator will monitor state commercial quotas based on dealer reports and other available information and shall determine the date when a state commercial quota will be harvested. NMFS shall publish notification in the **Federal Register** advising a state that, effective upon a specific date, its commercial quota has been harvested and notifying vessel and dealer permit holders that no commercial quota is available for landing bluefish in that state.

(1) *Commercial landings overage repayment.* All bluefish landed for sale in a state shall be applied against that state's annual commercial quota, regardless of where the bluefish were harvested. Any overages of the commercial quota landed in any state will be deducted from that state's annual quota for the following year, irrespective of whether the fishery-level ACL is exceeded. If a state has increased or reduced quota through the transfer process described in *§ 648.162,* then any overage will be measured against that state's final adjusted quota.

(2) *Combined quota overage.* If there is a quota overage at the end of the fishing year among states involved in the combination of quotas, the overage will be deducted from the following year's quota for each of the states involved in the combined quota, irrespective of whether the fishery-level ACL is exceeded. The deduction will be proportional, based on each state's relative share of the combined quota for the previous year. A transfer of quota or combination of quotas does not alter any state's percentage share of the overall quota specified in *§ 648.162(d)(1).*

(d) *Recreational AM when the recreational ACL is exceeded and no sector-to-sector transfer of allowable landings has occurred.* Through December 31, 2027, the accountability measures under paragraphs (d)(1) to (d)(3) of this section will apply if the recreational ACL is exceeded and no transfer between the commercial and recreational sector was made for the fishing year, as outlined in § 648.162(b)(2), and the following procedure will be followed:

(1) *If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the recreational ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's recreational catch estimate exceeded the most recent year's recreational ACL will be deducted from the following year's recreational ACT, or as soon as possible thereafter, once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(2) *If biomass is above the threshold, but below the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(i) *If the recreational ACL has been exceeded.* If the recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

(ii) *If the fishing mortality (F) has exceeded FMSY (or the proxy).* If the most recent estimate of total fishing mortality exceeds FMSY (or the proxy) then an adjustment to the recreational ACT will be made as soon as possible

once catch data are available. If an estimate of total fishing mortality for the most recent complete year of catch data is not available, then a comparison of total catch relative to the ABC will be used.

(A) *Adjustment to Recreational ACT.* If an adjustment to the following year's Recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the recreational ACL overage and the payback coefficient, as specified in *paragraph (d)(2)(ii)(B)* of this section. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(B) *Payback coefficient.* The payback coefficient is the difference between the most recent estimates of B_{MSY} and biomass (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(3) *If biomass is above BMSY.* If the most recent estimate of biomass is above BMSY (*i.e.,* B/BMSY is greater than 1.0), then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

(e) *Effective January 1, 2028.* For the recreational fishery, revised Recreational Accountability Measures and ACL overage evaluations will be effective January 1, 2028. The ACL comparison, and any associated payback amounts, will be based on the most recent 3-year average recreational ACL if there were no commercial/recreational transfers as outlined in § 648.162(b)(2) during those years. If a transfer occurred in those years, the recreational ACL overage evaluation, and any associated payback amounts, will be based on the single most recent year.

(1) *Recreational AM when the recreational ACL is exceeded.* If it has been determined that the recreational ACL is exceeded as described in § 648.163(e) then the following procedure will be followed:

(i) *If biomass is below the threshold, the stock is under rebuilding, or biological reference points are unknown.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the recreational ACL has been exceeded, then the exact amount, in pounds, by which the recreational catch estimate exceeded the recreational ACL will be deducted from the following year's recreational ACT, or as soon as possible thereafter, once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(ii) *If biomass is above the threshold, but below 90 percent of the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below 90 percent of the biomass target (B/B_{MSY} is less than 0.9), the stock is not under a rebuilding plan, and the recreational ACL has been exceeded, then the following AMs will apply:

(A) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality has not exceeded F_{MSY} (or the proxy), then no Accountability Measure response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(B) *If F has exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy) then an adjustment to the recreational ACT will be made as soon as possible once catch data are available. If an estimate of total fishing mortality for the most recent complete year of catch data is not available, then a comparison of total catch relative to the ABC will be used.

(*1*) *Adjustment to Recreational ACT.* If an adjustment to the following year's recreational ACT is required, then the ACT will be reduced by the exact amount, in pounds, of the product of the recreational ACL overage and the payback coefficient, as specified in paragraph (e)(1)(ii)(B)(*2*) of this section. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational management measures across the upcoming 2 years.

(*2*) *Payback coefficient.* The payback coefficient is the difference between the most recent estimates of B_{MSY} and biomass (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(iii) *If biomass is greater than or equal to 90 percent of the biomass target (B_{MSY} is 0.9 or greater).* If the most recent estimate of biomass is greater than or equal to 90 percent of the target B_{MSY} (*i.e.,* B/B_{MSY} is 0.9 or greater), the stock is not under a rebuilding plan, and recreational ACL has been exceeded, then the following AMs will apply:

(A) *If fishing mortality (F) has not exceeded F_{MSY} (or the proxy).* If the most recent total F estimate has not exceeded F_{MSY} (or the proxy), then no AM response is required. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(B) *If F has exceeded F_{MSY} (or the proxy).* If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then adjustments to recreational measures may be made for the following year, or as soon as possible once catch data are available. Adjustments should take into account the performance of the measures and conditions that precipitated the overage. If recreational management measures would otherwise be liberalized following the process as prescribed in the FMP, then the scale of the liberalization may be reduced, or status quo measures may be used, to account for the AM. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

(2) [Reserved]

(f) *AM for when the ACL is exceeded and a sector-to-sector transfer of allowable landings has occurred.* If the fishery-level ACL is exceeded and landings from the recreational fishery and/or the commercial fishery are determined to have caused the overage, and a transfer between the commercial and recreational sector has occurred for the fishing year, as outlined in § 648.162(b)(2), then the amount transferred between the recreational and commercial sectors may be reduced by the ACL overage amount (pound-for-pound repayment) in a subsequent, single fishing year if the Bluefish Monitoring Committee determines that the ACL overage was the result of too liberal a landings transfer between the two sectors. If the Bluefish Monitoring Committee determines that the ACL overage was not the result of the landings transfer, the recreational AMs described in paragraphs (d) and (e) of this section will be implemented.

(g) *Non-landing AMs.* In the event that the fishery-level ACL has been exceeded and the overage has not been accommodated through the AM measures in paragraphs (a) through (e) of this section, then the exact amount, in pounds, by which the fishery-level ACL was exceeded shall be deducted, as soon as possible, from subsequent, single fishing year ACTs. The payback will be applied to each sector's ACT in proportion to each sector's contribution to the overage.

(h) *State/Federal disconnect AM.* If the total catch, allowable landings, commercial quotas, and/or recreational harvest limit measures adopted by the

ASMFC Bluefish Management Board and the MAFMC differ for a given fishing year, administrative action will be taken as soon as is practicable to revisit the respective recommendations of the two groups. The intent of this action shall be to achieve alignment through consistent state and Federal measures so no differential effects occur to Federal permit holders.

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