

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. The reason for using this regulatory authority is: in a previous action taken pursuant to section 304(c), NMFS designed the HMS FMP to authorize the Department of Commerce to take this action pursuant to the Magnuson-Stevens Act section 305(d). See 50 CFR 635.27(b). The NMFS Assistant Administrator has determined that this temporary final rule is consistent with the HMS FMP, its amendments, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. The rulemaking processes for Amendment 2 to the HMS FMP (73 FR 35778, June 24, 2008; corrected 73 FR 40658, July 15, 2008), Amendment 5a to the HMS FMP (78 FR 40318, July 3, 2013), Amendment 6 to the HMS FMP (80 FR 50074, August 18, 2015), Amendment 9 to the HMS FMP (80 FR 73128, November 24, 2015), and the 2024 Atlantic shark commercial fishing year rule (88 FR 77039, November 8, 2023) specifically provided prior notice of, and accepted public comment on, the base quotas that are being adjusted and the formulaic quota adjustment processes to carry over overharvests and underharvests for the commercial Atlantic shark fisheries. These processes have not changed, and the application of these formulas to the relevant quotas in this temporary final rule is a routine action that does not have discretionary aspects requiring additional consideration. There are no new base annual quotas for the relevant species for 2026. Additionally, similar actions to adjust the quotas based on the previous year's underharvest occur annually. NMFS has carried over underharvested quota from the previous fishing year to the maximum extent allowed since 2020. Thus, it is unnecessary to provide prior notice and an additional opportunity for public comment on this rule.

Providing for public comment is also contrary to the public interest. The 2026 Atlantic shark commercial fisheries opened on January 1, 2026. NMFS monitors Atlantic shark annual catch and uses the previous year's catch data to calculate the legally allowable quotas for the current year. However, these adjustments to the 2026 quotas could not occur earlier in the year because the final 2025 landings data were not available until early 2026. Given that these fisheries are currently open and

permit holders are actively fishing, delaying this rule's quota adjustments to provide for an additional public comment period could in turn lead to premature closure of one or more affected fisheries if the unadjusted quota limit is reached. Such an event would negatively affect the regulated fisheries' reasonable opportunity to catch the available quotas, contrary to Magnuson-Stevens Act requirements and the overall purpose of sound conservation and management of fisheries—including Atlantic sharks—in a manner that achieves optimum yield.

For the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. This rule is an annual, routine action that the regulated community does not need time to prepare for. In addition, given that these fisheries are currently open and permit holders are actively fishing, delaying the effective date of this rule's quota adjustments could lead to premature closure of one or more affected fisheries if the unadjusted quota limit is reached within the next 30 days, which, again, would negatively affect the regulated fisheries' reasonable opportunity to catch the available quotas.

This temporary final rule is exempt from review under Executive Order (E.O.) 12866. This temporary final rule is not subject to E.O. 14192.

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 section (5)(b) and (c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (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 final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Dated: April 27, 2026.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260427–0113]

RIN 0648–BO39

Fisheries of the Northeastern United States; 2026 and 2027 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures

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

ACTION: Interim final rule.

SUMMARY: NMFS approves and implements Federal management measures for the 2026 and 2027 summer flounder, scup, and black sea bass recreational fisheries. This action implements management measures intended to allow these recreational fisheries to achieve, but not exceed, the recreational harvest target and thereby prevent overfishing.

DATES: Effective April 30, 2026. Comments must be received by May 15, 2026.

ADDRESSES: A plain language summary of this interim final Rule is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2026-0331>. You may submit comments on this document, identified by NOAA–NMFS–2026–0331, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA–NMFS–2026–0331 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). 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).

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

NMFS is implementing 2026 and 2027 summer flounder, scup, and black sea bass recreational management measures under the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council (Council), in cooperation with the Atlantic States Marine Fisheries Commission (Commission), recommends management measures for the summer flounder, scup, and black sea bass recreational fisheries in the Greater Atlantic Region. The Council, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), develops recommendations regarding fisheries in Federal waters seaward of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. The Commission, pursuant to the Atlantic Coastal Fisheries Cooperative Management Act, addresses fisheries in state waters from Florida to Maine.

These bodies work together in the development of complementary FMPs for summer flounder, scup, and black sea bass because they are harvested in both Federal and state waters. Each year these bodies work together to develop recreational management recommendations for these fisheries. The Council 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. Measures are generally set for 2 years to balance a need for consistency and responsiveness to changes in information. In interim years, measures are reviewed and will remain unchanged unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery. Measures are set so that

recreational harvest achieves, but does not exceed, the recreational harvest targets determined through the application of the Recreational Management Measures Setting Framework, established via Framework Adjustment 19 to the Summer Flounder, Scup, and Black Sea Bass FMP and Framework Adjustment 7 to the Bluefish FMP, also known as the Recreational Measures Setting (RMS) Process Framework (91 FR 22766; April 28, 2026).

Summary of Approved Measures

Pursuant to the regulations at 50 CFR 648.102(d) and 648.142(d), NMFS must implement coastwide measures or approve conservation-equivalent measures for summer flounder and black sea bass as soon as possible following the Council and Board's recommendation. This rule implements the following recreational management measures as recommended by the Council and Board, pursuant to Magnuson-Stevens Act sections 303(c) and 304(b):

- Conservation equivalency (*i.e.*, waiving Federal recreational management measures) in 2026 and 2027 for summer flounder, with status quo coastwide measures;
- Conservation equivalency in 2026 and 2027 for black sea bass, with 20-percent liberalization in coastwide measures; and
- Status quo measures for scup with no adjustments to the Federal recreational management measures.

This interim final rule would also implement administrative revisions and corrections to existing summer flounder, black sea bass, and bluefish regulations that, while not recommended by the Council or Commission as part of the recreational management measures setting process, were reviewed by them and would be implemented pursuant to section 305(d) of the Magnuson-Stevens Act.

Recreational Management Measures Process

The RMS Process uses a Percent Change Approach for determining when and by what magnitude recreational management measures (*i.e.*, possession limits, size limits, and season) may be changed. The RMS Process uses two factors to determine if management measures should remain status quo, could be liberalized, or must be restricted. First, the average recreational harvest limit (RHL) for the upcoming 2 years is compared to a confidence interval around an estimate of expected future harvest under the current measures (*i.e.*, status quo measures).

Expected future harvest is determined by the Recreational Demand Model (RDM), which is a bio-economic model that has been used for setting recreational summer flounder, scup, and black sea bass measures since 2023. Second, biomass is compared to the target biomass level, as defined by the most recent stock assessment. Together, these two factors determine the appropriate magnitude of change, defined as a percentage change in expected harvest. The percentage change is then applied to the preexisting recreational harvest target (RHT), expressed as weight, to produce the following year's RHT. The RHT can be less than, equal to, or greater than the RHL depending upon the expected future harvest and the biomass of the stock.

The Monitoring Committee, which consists of representatives from the Commission, the Council, state marine fishery agencies from Massachusetts to North Carolina, and NMFS, evaluates changes to recreational management measures to achieve the required percent change and RHT. The FMP allows for only three types of recreational management measures: (1) minimum and/or maximum fish size, (2) per-angler possession limit, and (3) fishing season. While the RMS Process was followed in a straightforward manner for summer flounder and scup, as explained below, the outcome for black sea bass was adjusted to account for unanticipated results from the process stemming from the use of a new assessment model.

The Council and the Commission then consider the Monitoring Committee's recommendations and any public comments in making their recommendations. The Council forwards its recommendations to NMFS for review. The Commission similarly adopts recommendations for the states. NMFS reviews the Council's recommendations to ensure that they are consistent with the FMP and all applicable laws and Executive Orders before approving and implementing measures for Federal waters. Commission measures are final at the time they are adopted. Although this interim final rule is effective upon publication, NMFS will consider public comments received during the comment period provided above and make any necessary revisions in a later rule, if warranted.

Scup Recreational Management Measures

After applying the RMS Process for scup, the Council recommended, and the Commission adopted, status quo

measures and RHT at a joint meeting in December 2025. The RDM estimated the expected 2026–2027 harvest under status quo (*i.e.*, 2025) measures, with an associated 80-percent confidence interval (table 1). The median coastwide projected harvest is 15.77 million pounds (lb; 7,153 metric ton (mt)), with an 80-percent confidence interval of 14.08–17.67 million lb (6,387–8,015 mt). The average 2026 and 2027 scup RHL of 12.38 million lb (5,615 mt) is below the lower bound of the confidence interval around projected harvest; this means

that scup harvest is estimated to exceed the RHL under status quo measures. According to the 2025 management track assessment (using data through 2024), scup is not overfished, and overfishing is not occurring. Scup biomass is 323 percent of the biomass target, which puts scup in the “very high” biomass category (*i.e.*, biomass is greater than 150 percent of the target level). The projected harvest compared to the RHL, and the biomass compared to the biomass target, places scup in a “no liberalization or reduction” category

under the RMS Process. The intent of the RMS Process is to gradually bring harvest to the RHL, while preventing large swings in the management measures, in light of the status of the stock. Therefore, we are not implementing any changes in Federal measures, consistent with the recommendation of the Council and approved by the Board. The scup measures are a 10-inch (25.4-cm) minimum fish size, a 40-fish per person possession limit, and an open season from January 1 through December 31.

TABLE 1—ESTIMATED SCUP HARVEST, ASSOCIATED CONFIDENCE INTERVAL, 2026–2027 AVERAGE RHL, STOCK SIZE CATEGORY, AND RESULTING PERCENT CHANGE RECOMMENDED

Estimated harvest under status quo measure	80-percent confidence interval	Average 2026–2028 RHL	Stock size category	Recommended percent change
15.77 million lb (7,153 mt)	14.08–17.67 million lb (6,387–8,015 mt).	12.38 million lb (5,615 mt)	Very High	None.

Summer Flounder and Black Sea Bass Conservation Equivalency Measures

The regulations at §§ 648.102(d)(2) and 648.142(d)(2) allow for conservation equivalency for summer flounder and black sea bass, under which Federal recreational measures are waived. Conservation equivalency means that the combination of state or regional measures provides the equivalent conservation as the coastwide measures. Federally permitted party/charter vessels and all recreational vessels fishing in Federal waters are subject to the recreational fishing measures implemented by the state in which they land. This approach allows for more customized measures at a state or regional level that are likely to meet the needs of anglers in each area, compared to coastwide measures that may be advantageous to anglers in some areas and unnecessarily restrictive in others. The combination of state or regional measures must achieve equivalent conservation as the coastwide measures recommended by the Council and the Commission.

The Council and the Commission meet annually or biennially to recommend either state- or region-specific recreational measures (*i.e.*, conservation equivalency) or coastwide management measures. Even if the Council and Commission recommend conservation equivalency, the Council must specify a set of non-preferred coastwide measures that would apply if conservation equivalency is not approved for use in Federal waters.

When conservation equivalency is recommended, the Commission certifies that the state or regional measures

developed through its technical and policy review processes achieve conservation equivalency. NMFS then waives for the appropriate years the permit condition found at § 648.4(b) that requires Federal permit holders to comply with the more restrictive management measures when state and Federal measures differ. In such a situation, federally permitted summer flounder and black sea bass charter/party permit holders and individuals fishing for summer flounder and black sea bass in Federal waters are subject to the recreational fishing measures implemented by the state in which they land, rather than the coastwide measures.

In addition, the Council and Commission must recommend precautionary default measures when recommending conservation equivalency. The Commission would require adoption of the precautionary default measures by any state that either does not submit a management proposal to the Commission’s Technical Committee or that submits measures that are not conservationally equivalent to the coastwide measures.

The Commission and the individual states collaborate on the development of conservationally equivalent measures. The selection of appropriate data and analytical techniques for technical review of potential state conservation-equivalent measures and the process by which the Commission evaluates and recommends proposed conservation-equivalent measures are determined by the Commission and its individual member states.

Once the states and regions select their final summer flounder and black sea bass management measures through their respective development, analytical, and review processes and submit them to the Commission, the Commission conducts further review and evaluation of the submitted proposals and then notifies NMFS as to which proposals have been approved or disapproved. NMFS has no authority over the development of state or Commission management measures but is an equal participant, along with the member states, in the review process. NMFS neither approves nor implements individual states’ measures but retains final authority to approve or disapprove the use of conservation equivalency.

On April 13, 2026, the Commission notified NMFS that it had certified that the 2026 and 2027 recreational fishing measures to be implemented in state waters for summer flounder and black sea bass are, collectively, the conservation equivalent of the fish sizes, seasons, and possession limits recommended by the Council and prescribed in §§ 648.104(b), 648.105, and 648.106(a), respectively, for summer flounder and in §§ 648.145(a), 648.146, and 648.147(b), respectively, for black sea bass. According to §§ 648.102(d)(2) and 648.142(d)(2), if conservation equivalency is adopted, vessels subject to the recreational fishing measures are not subject to Federal measures and instead are subject to the recreational fishing measures implemented by the state in which they land. Pursuant to the Commission’s certification, §§ 648.107 and 648.151 are amended through this

interim final rule to recognize state-implemented measures as the conservation equivalent of the Federal coastwide recreational management measures for 2026 and 2027.

2026 and 2027 Summer Flounder Recreational Management Measures

After applying the RMS Process for summer flounder, the Council and Board recommended status quo measures and RHT and conservation equivalency at a joint meeting in December 2025. The non-preferred coastwide measures will remain status quo and are waived for 2026 and 2027 by conservation equivalency via this interim final action. However, the coastwide measures become the default management measures the year after conservation equivalency expires (in this case, 2028) until either coastwide or new conservationally equivalent measures are established.

The non-preferred coastwide measures recommended by the Council and Commission are an 18.5-inch (46.99-cm) minimum fish size, a three-fish per person possession limit, and an

open season from May 8 through September 30. The 2026 and 2027 precautionary default measures are identical to those in place for 2024 and 2025—a 20.0-inch (50.8-cm) minimum fish size, a two-fish per person possession limit, and an open season of July 1–August 31. Precautionary default measures are required only if a state or region does not submit a conservationally equivalent proposal or submits a proposal for management measures that do not meet the required level of conservation.

The application of the RMS Process for summer flounder resulted in the status quo recommendation. The RDM was used to generate estimated 2026–2027 harvest under status quo (*i.e.*, 2025) measures, with an associated 80-percent confidence interval (table 2). The median coastwide projected harvest is 6.06 million lb (2,749 mt), with an 80-percent confidence interval of 5.18–6.89 million lb (2,350–3,125 mt). The average 2026 and 2027 summer flounder RHL of 8.19 million lb (3,715 mt) is above the upper bound of the confidence interval (6.89 million lb (3,125 mt)) (*i.e.*, the

estimated harvest of summer flounder is expected to be under the RHL).

According to the 2025 management track assessment (using data through 2024), summer flounder is not overfished, and overfishing is not occurring. However, because summer flounder biomass is 83 percent of the biomass target, this puts summer flounder in the “low” biomass category (*i.e.*, biomass is less than 90 percent of the target level).

The expected harvest compared to the RHL and the biomass compared to the biomass target place summer flounder in a “no liberalization or reduction” category within the RMS Process. Therefore, NMFS is not implementing any changes in Federal coastwide measures and is approving conservation equivalency. In its April 13, 2026 letter, the Commission certified that all states’ 2026 and 2027 summer flounder recreational management measures are collectively conservationally equivalent to the non-preferred coastwide measures and that no states are required to implement the precautionary default measures.

TABLE 2—ESTIMATED SUMMER FLOUNDER HARVEST, ASSOCIATED CONFIDENCE INTERVAL, 2026–2027 AVERAGE RHL, STOCK SIZE CATEGORY, AND RESULTING PERCENT CHANGE RECOMMENDED

Estimated harvest under status quo measure	80-percent confidence interval	Average 2026–2027 RHL	Stock size category	Recommended percent change
6.06 million lb (2,749 mt)	5.18–6.89 million lb (2,350–3,125 mt).	8.19 million lb (3,715 mt)	Low	None.

2026–2027 Black Sea Bass Recreational Management Measures

At a joint meeting in December 2025, the Council and Commission recommended an RHT, conservation equivalency, and revised, liberalized non-preferred coastwide measures to reflect the recommended RHT. The Council and Board recommended non-preferred coastwide measures of a 14-inch (35.56 cm) minimum size, a five-fish possession limit, and a May 15–September 30 open season. These coastwide measures are waived for 2026 and 2027 through conservation equivalency within this action. However, the coastwide measures become the default management measures the year after conservation equivalency expires (in this case, 2028) until new coastwide or conservationally equivalent measures are established. The precautionary default measures are only implemented in any state or region that failed to develop adequate measures to constrain landings as required by the conservation equivalency guidelines. The

precautionary default measures remain the same as those in 2025—a 16-inch (40.64-cm) minimum size, a two-fish possession limit, and a June 1–August 31 open season.

Similar to the process for summer flounder and scup, the Council and Board discussed the application of the RMS Process for setting 2026 and 2027 recreational measures for black sea bass, including consideration of the appropriate confidence interval as described in the RMS Process Framework (91 FR 22766; April 28, 2026). In 2025, for the first time, the black sea bass inputs to the RDM were based on a stock assessment prepared using the Woods Hole Assessment Model (WHAM). The transition to WHAM results in a different way to characterize assessment uncertainty from the prior model; this prior model is still used for summer flounder and scup, resulting in different uncertainty parameters for the three species. The effect of this difference is that the standard 80-percent confidence intervals around the median catch estimate are much wider for black sea

bass this year than in prior years and wider than those for summer flounder and scup. For example, the 80-percent confidence interval for the black sea bass catch estimate ranges from 28 percent below to 45 percent above the median estimate of 5.86 million lb (2,658 mt). In contrast, the 80-percent confidence interval for summer flounder ranged from only 11 percent below to just 12 percent above the median estimate of 6.06 million lb (2,749 mt). Without accounting for this change in the treatment of uncertainty, this much more expansive range of catch estimates for black sea bass would result in maintaining the current status quo measures under almost all RHL levels, including for 2026 and 2027, preventing any liberalization of the measures, despite the healthy and abundant black sea bass stock. Had the process contemplated using a narrower range of confidence intervals (*e.g.*, 70 or 75 percent), the RMS Process could have allowed a liberalization of black sea bass measures for up to 39 percent increased harvest. This substantial difference in

potential outcomes solely due to the different characterization of uncertainty in WHAM was unexpected, and the Council and Commission did not have a ready solution to address this situation.

Due in part to the 2025 lapse in appropriations and associated furlough of NMFS staff in October and November, these results were not analyzed prior to the Council and Commission joint meeting in December 2025. Recognizing that the implications on the RMS Process from the transition to WHAM had not been anticipated, and that there was no rational basis for acting solely on either the 80-percent confidence interval or choosing a different confidence interval (e.g., 70 or 75 percent), the Council and Commission agreed to recommend an interim approach for 2026 and 2027 based on a 20-percent liberalization. This is within the range of potential outcomes prescribed by the RMS Process, provides for a meaningful increase in recreational harvest during this interim period, and results in an RHT below the RHL of 8.14 million lb

(3,692 mt), thus minimizing the risk of overfishing. NMFS supports the approach recommended by the Council and Commission due to the need to balance conservation of the stock with the ability to achieve optimum yield in the face of the unanticipated challenges associated with the transition to a new stock assessment model for black sea bass.

At the December 2025 joint meeting, the Council and Commission tasked staff to plan a comprehensive review of confidence interval methods for all three species (summer flounder, scup, and black sea bass) to better inform future decision-making and ensure the RDM and RMS Process are working as intended. NMFS intends to support this review, as it will ensure that the RMS Process can continue to provide appropriate management recommendations.

The new recreational harvest target, calculated as a 20-percent increase from the projected harvest of 5.86 million lb (2,658 mt), is 7.03 million lb (3,189 mt). The Council and Commission determined that this approach is

sufficiently precautionary because the harvest target would still be expected to be below the 2026–2027 RHL of 8.14 million lb (3,692 mt), and the most recent stock assessment indicates biomass has continued to increase and has been well above the target level for more than a decade. This liberalization is not expected to pose a risk to the black sea bass stock.

NMFS is modifying the Federal non-preferred coastwide measures to reflect this 20-percent liberalization, and NMFS approves conservation equivalency for 2026 and 2027 to waive the Federal measures. In its April 13, 2026 letter, the Commission certified that all states' 2026 and 2027 black sea bass recreational management measures are collectively conservationally equivalent, and no states are required to implement the precautionary default measures. NMFS solicits public comment on the process used to set the black sea bass recreational management measures as well as the result, including conservation equivalency.

TABLE 3—ESTIMATED BLACK SEA BASS HARVEST, ASSOCIATED CONFIDENCE INTERVAL, 2026–2027 AVERAGE RHL, STOCK SIZE CATEGORY, AND RESULTING PERCENT CHANGE

Estimated harvest under status quo measure	80-percent confidence interval	Average 2026–2027 RHL	Stock size category	Recommended percent change*
5.86 million lb (2,658 mt)	4.22–8.50 million lb (1,914–3,856 mt).	8.16 million lb (3,692 mt)	Very High	None.

*While no percent change was recommended, the Council and Board recommended a 20% increase due to unanticipated impacts from the PCA.

The RDM, as well as stock assessment models and projections, will continue to be refined and improved over time. Consistent with the RMS Process, the measures in this rule would not change in 2027 unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery.

Other Regulatory Corrections

In § 648.107(a), the name of the Commission’s Board is updated to reflect the current name. In § 648.146, the sentence “Vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations regarding fishing season during that Wave 1 fishery.” was erroneously removed from the Code of Federal Regulations and is being added back in. Additionally, in § 648.147(b), the sentence “Vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations regarding size requirements during that Wave 1

fishery.” was also removed erroneously and is being added back in. In § 648.162(c), the out-of-date submission deadline of September 1 for bluefish is removed.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, which provides specific authority for implementing regulations prepared under section 303(c), the NMFS Assistant Administrator has determined that this interim final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law. 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 Summer Flounder, Scup, and Black Sea Bass 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 12866.

This interim final rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 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.

The 2026–2027 recreational management measures made effective through this action were developed using the methodology and process of RMS Process Framework. The RMS Process Framework (i.e., Framework Adjustment 19 to the Summer Flounder, Scup, and Black Sea Bass FMP and Framework Adjustment 7 to the

Bluefish FMP) (91 FR 22766; April 28, 2026) replaced the prior methodology for setting recreational measures for summer flounder, scup, and black sea bass; this prior Percent Change Approach sunsetted in December 2025 and was not available for management use. The recreational management measures implemented within this action could not be promulgated until the RMS Process Framework was effective. NMFS approved the RMS Process Framework via a recently-published interim final rule.

Until the recreational management measures are effective, measures for 2026 remain the 2025 Federal coastwide measures. Delaying the implementation of this rule while accepting public comment is contrary to the public interest because it would result in significant economic impacts on fishing communities and for-hire business owners, as well as limitations on the fishing experience, without providing concomitant conservation benefits. By default, Federal for-hire permit holders must comply with more restrictive coastwide measures (§ 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, as described earlier in this rule, 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 state 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 further 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 enables NMFS to approve conservation equivalency after review of the Commission-certified conservationally equivalent state measures, as described above, for the 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 approving the RMS Process Framework, if warranted. This is a routine action, and stakeholder and industry groups have been involved with the development of this action and have participated in public meetings throughout its development over the past year. In the meantime, it is contrary to the public interest to provide the opportunity for public comment prior to making the recreational management measures of this action 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), as was done for the RMS Process Framework. In addition, the regulated community is anticipating the implementation of 2026–2027 recreational management measures and thus does not require 30 days to come into compliance with this rule. Approving conservation equivalency through this interim final rule also relieves restrictions on recreational fishing by waiving the generally more restrictive coastwide measures in favor of regional or state-specific measures adopted by the states; this also justifies waiving the 30-day delay in the effective date. See 5 U.S.C. 553(d)(1).

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.

Dated: April 27, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

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. In § 648.107, revise paragraph (a) introductory text to read as follows:

§ 648.107 Conservation equivalent measures for the summer flounder fishery.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2026 and 2027 are the conservation equivalent of the size limits, season, and possession limit prescribed in §§ 648.104(b), 648.105, and 648.106. This determination is based on a recommendation from the Summer Flounder, Scup, and Black Sea Bass Board of the Atlantic States Marine Fisheries Commission.

* * * * *

- 3. Revise § 648.146 as follows:

§ 648.146 Black sea bass recreational fishing season.

Vessels that are not eligible for a black sea bass moratorium permit under § 648.4(a)(7), and fishermen subject to the possession limit specified in § 648.145(a), may possess black sea bass only from May 15 through September 30, unless otherwise specified in the conservation equivalent measures described in § 648.151 or unless this time period is adjusted pursuant to the procedures in § 648.142. However, possession of black sea bass harvested from state waters outside of this season is allowed for state-only permitted vessels when transiting Federal waters within the Block Island Sound Transit Area provided they follow the provisions at § 648.151 and abide by state regulations. Vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations regarding fishing season during that Wave 1 fishery.

■ 4. In § 648.147, revise paragraph (b) to read as follows:

§ 648.147 Black sea bass size requirements.

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(b) *Party/Charter permitted vessels and recreational fishery participants.* The minimum fish size for black sea bass is 14 inches (35.56 cm) total length for all vessels that do not qualify for a black sea bass moratorium permit, and for party boats holding a black sea bass moratorium permit, if fishing with passengers for hire or carrying more

than five crew members, and for charter boats holding a black sea bass moratorium permit, if fishing with more than three crew members, unless otherwise specified in the conservation equivalent measures as described in § 648.151. However, possession of smaller black sea bass harvested from state waters is allowed for state-only permitted vessels when transiting Federal waters within the Block Island Sound Transit Area provided they follow the provisions at § 648.151 and abide by state regulations. Vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations regarding size requirements during that Wave 1 fishery.

■ 5. In § 648.151, revise paragraph (a) introductory text to read as follows:

§ 648.151 Black sea bass conservation equivalency.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2026 and 2027 are the conservation equivalent of the season, size limits, and possession limit prescribed in §§ 648.146, 648.147(b), and 648.145(a). This determination is based on a recommendation from the Summer Flounder, Scup, and Black Sea Bass Board of the Atlantic States Marine Fisheries Commission.

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■ 6. In § 648.162, revise paragraph (c) to read as follows:

§ 648.162 Bluefish specifications.

* * * * *

(c) *Annual fishing measures.* The MAFMC shall review the recommendations of the Bluefish Monitoring Committee. Based on these recommendations and any public comment, the MAFMC shall recommend to the Regional Administrator measures necessary to prevent overages of the applicable specified limits or targets for each sector as prescribed in the FMP. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator shall review these recommendations and any recommendations of the ASMFC. After such review, NMFS will publish a proposed rule in the **Federal Register** as soon as practicable to implement ACLs, ACTs, research quota, a coastwide commercial quota, individual State commercial quotas, a recreational harvest limit, and additional management measures for the commercial and recreational fisheries to prevent overages of the applicable specified limits or targets for each sector as prescribed in the FMP. After considering public comment, NMFS will publish a final rule in the **Federal Register**.

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