

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 260720–0175]

RIN 0648–BN76

Pacific Island Fisheries; 2026–2028 Annual Catch Limits and Accountability Measures for Deepwater Shrimp and Precious Coral Fisheries in Hawaii

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement annual catch limits (ACL) and an accountability measure (AM) for the Hawaii deepwater shrimp and precious coral fisheries for each fishing year from 2026 to 2028. As a post-season AM, NMFS proposes to determine whether the average catch of any stock from the most recent 3 years exceeds an ACL and reduce the ACL for that stock for the subsequent fishing year by the amount of any overage. The proposed ACLs and AMs are unchanged from past measures implemented for the fisheries. This proposed rule supports the long-term sustainability of Hawaii deepwater shrimp and precious coral.

DATES: NMFS must receive comments by August 24, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0537>. You may submit comments on the proposed rule,

identified by NOAA–NMFS–2025–0537, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA–NMFS–2025–0537 in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Sarah Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

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).

NMFS prepared a 2023 environmental assessment (EA) that describes the potential impacts on the human environment that could result from the proposed action. The EA, a regulatory impact review, and other supporting documents are available at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Keith Kamikawa, NMFS PIRO Sustainable Fisheries, 808–725–5177.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage fisheries in the U.S. Exclusive Economic

Zone (EEZ, or Federal waters) around Hawaii under the Fishery Ecosystem Plan for the Hawaii Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), with implementing regulations at 50 CFR part 665. The FEP describes a process for the Council and NMFS to specify ACLs and AMs, codified at 50 CFR 665.4. NMFS must specify ACLs and AMs for each stock and stock complex of management unit species (MUS) in a FEP, as recommended by the Council and considering the best available scientific, commercial, and other information about the fishery. If the average catch of any stock from the most recent 3 years exceeds an ACL, the regulations include an AM reducing the ACL for the subsequent fishing year by the amount of the overage, or other appropriate action may be taken.

NMFS proposes this action under section 303(c) and section 304(b) of the Magnuson-Stevens Act. Consistent with recommendations made by the Council at its 202nd March 2025 meeting, NMFS proposes to implement ACLs and an AM for all subject stocks. For the deepwater shrimp fishery, the fishing year begins on January 1 and ends on December 31 of the same year; for the precious coral fishery, the fishing year begins on July 1 and ends on June 30 of the following year. This proposed rule would implement ACLs for the Hawaii deepwater shrimp fishery for fishing years 2026, 2027, and 2028, and for the precious coral fishery for fishing years 2025–2026, 2026–2027, and 2027–2028 (table 1). The ACLs are unchanged from past deepwater shrimp and precious coral ACLs implemented for the fisheries since ACLs were first implemented in 2012:

Fishery	Stock	ACL (lb)	ACL (kg)
Crustacean	Deepwater shrimp	250,773	113,749
Precious Coral	Auau Channel—Black coral	5,512	2,500
Precious Coral	Makapuu Bed—Pink and red coral	2,205	1,000
Precious Coral	Makapuu Bed—Bamboo coral	551	250
Precious Coral	180 Fathom Bank—Pink and red coral	489	222
Precious Coral	180 Fathom Bank—Bamboo coral	123	56
Precious Coral	Brooks Bank—Pink and red coral	979	444
Precious Coral	Brooks Bank—Bamboo coral	245	111
Precious Coral	Kaena Point Bed—Pink and red coral	148	67
Precious Coral	Kaena Point Bed—Bamboo coral	37	17
Precious Coral	Keahole Bed—Pink and red coral	148	67
Precious Coral	Keahole Bed—Bamboo coral	37	17
Precious Coral	Hawaii Exploratory Area—precious coral	2,205	1,000

As a post-season AM for each stock, NMFS and the Council will evaluate the catch after each fishing year relative to

the ACLs. If NMFS and the Council determine the average catch of the most recent 3 years exceeds an ACL, NMFS

will reduce that ACL for the subsequent fishing year by the amount of the overage through a separate rulemaking.

The proposed AMs are unchanged from past AMs for the fisheries (88 FR 14081, March 7, 2023). However, while the AMs had been codified in the Code of Federal Regulations for deepwater shrimp, they had not been codified for precious coral due to an oversight. Accordingly, this proposed rule would make a housekeeping change in the regulations for Hawaii precious coral AMs. Specifically, this rule adds a paragraph in 50 CFR 665.269 to define the AM as recommended by the Council. The subject fisheries have not reached an ACL in any year since ACLs were first implemented in 2012. There are currently three active Federal permits for the deepwater shrimp fishery and one for precious coral, and NMFS does not anticipate that catch for any stock will reach the proposed ACL.

NMFS will consider public comments on this proposed rule and will

announce the final rule in the **Federal Register**. The comment period will extend for 30 days from the publication date in the **Federal Register**, pursuant to section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)(1)(A)). NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant impact on a substantial number of small entities. The explanation for this certification is provided below.

The proposed action would implement ACLs and AMs for Hawaii deepwater shrimp during the 2026, 2027, and 2028 fishing years and Hawaii precious coral during the 2025–2026, 2026–2027, and 2027–2028 fishing years. The proposed ACLs are:

Fishery	Stock	ACL (lb)	ACL (kg)
Crustacean	Deepwater shrimp	250,773	113,749
Precious Coral	Auau Channel—Black coral	5,512	2,500
Precious Coral	Makapuu Bed—Pink and red coral	2,205	1,000
Precious Coral	Makapuu Bed—Bamboo coral	551	250
Precious Coral	180 Fathom Bank—Pink and red coral	489	222
Precious Coral	180 Fathom Bank—Bamboo coral	123	56
Precious Coral	Brooks Bank—Pink and red coral	979	444
Precious Coral	Brooks Bank—Bamboo coral	245	111
Precious Coral	Kaena Point Bed—Pink and red coral	148	67
Precious Coral	Kaena Point Bed—Bamboo coral	37	17
Precious Coral	Keahole Bed—Pink and red coral	148	67
Precious Coral	Keahole Bed—Bamboo coral	37	17
Precious Coral	Hawaii Exploratory Area—precious coral	2,205	1,000

All catch of Hawaii deepwater shrimp and precious coral in State and Federal waters would count toward the ACLs under this action. This would include catch by anyone who is required to report catch to State or Federal agencies. In recent years, a range of one to three individuals participated in the Hawaii deepwater shrimp fishery, while no more than one or two individuals participated in the precious coral fishery. This action would likely apply to five or fewer individuals across Hawaii.

Based on the recent deepwater shrimp average annual landings of 19,287 (lb; 8,748 kg) from 2022 through 2023 and using the average price per pound over the same time-frame of \$14.54 per lb (\$32.06 per kg), the annual commercial value of the fishery is approximately \$280,433. NMFS estimates that the average revenue for three vessels could be around \$93,478.

With only one or two entities possessing precious coral permits each year in recent years, landings and revenue information cannot be

disclosed to protect confidential information. Therefore, catch and revenue data are aggregated over a larger time frame. Historical estimates of black coral values suggest weighted average price per pound from 2006 to 2025 (normalized to 2025 dollars) to be \$84.50 per lb (\$186.29 per kg). At \$84.50 per lb, the fishery could generate \$465,764 in annual revenue if the entire ACL was caught. The pink and bamboo coral fisheries have been inactive for at least 20 years, so it is not possible to provide an estimate of their current value.

For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for

all its affiliated operations worldwide. Based on available information, NMFS has determined that all affected entities are small entities under the Small Business Act definition of a small entity, *i.e.*, they are engaged in the business of fish harvesting, are independently owned or operated, are not dominant in their field of operation, and have gross receipts not in excess of \$11 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

Because the proposed ACLs are the same as those implemented in recent years, and since recent catch has not been constrained by ACLs, this proposed action is not expected to affect participants of these fisheries. Nor would this proposed action disproportionately affect vessels by gear types, areas fished, or home ports. Thus, this action would not result in significant economic impacts to fishery

participants. Furthermore, NMFS and the Council are not considering in-season closures for these fisheries because fishery management agencies are not able to track catch relative to the ACLs during the fishing year. Therefore, there is no potential for effects on fishermen from a closure of the deepwater shrimp and precious coral fisheries. A post-season review of the catch data would be required to determine whether any fishery exceeded an ACL by comparing the ACL to the most recent three-year average catch for which data is available. If an ACL is exceeded, the Council and NMFS would take action to mitigate the overage by reducing that ACL for that stock in the subsequent year. If an ACL is exceeded more than once in a 4-year period, the Council and NMFS would take action to correct the operational issue that caused the ACL overages. This AM is the same as currently exists in the fishery and would thus have no impact on small entities. NMFS and the Council would evaluate the environmental, social, and

economic impacts of future actions, such as changes to future ACLs or AMs, after the required data are available.

Therefore, participants in the deepwater shrimp and precious coral fisheries should be able to fish throughout the entire year. The ACLs, as proposed, would not change the gear type, areas fished, effort, or participation of the fisheries during the fishing years under consideration. The proposed action does not duplicate, overlap, or conflict with other Federal rules. For all of these reasons, NMFS does not expect the proposed action to have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Deepwater shrimp,

Precious coral, Fisheries, Fishing, Hawaii, Pacific Islands.

Dated: July 21, 2026.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR Part 665 continues to read as follows:

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

■ 2. In § 665.253, revise paragraph (a)(1) to read as follows:

§ 665.253 Annual Catch Limits (ACL) and Annual Catch Targets (ACT).

(a) * * *

(1) In accordance with § 665.4, the ACLs for each fishing year are as follows:

TABLE 1 TO PARAGRAPH (a)(1)

Fishing year	2026	2027	2028
ACL (lb)	250,773	250,773	250,773

* * * * *

■ 3. In § 665.269, revise paragraph (c) and add paragraph (d) to read as follows:

§ 665.269 Annual Catch Limits (ACL).

* * * * *

(c) *Annual catch limits.* In accordance with § 665.4, the ACLs for Hawaii

precious coral permit areas for each fishing year are as follows:

TABLE 1 TO PARAGRAPH (c)

Type of coral bed	Area and coral group	2025–26 ACL (lb)	2026–27 ACL (lb)	2027–28 ACL (lb)
Established bed	Auau Channel—Black coral	5,512	5,512	5,512
	Makapuu Bed—Pink and red coral	2,205	2,205	2,205
	Makapuu Bed—Bamboo coral	551	551	551
Conditional Beds	180 Fathom Bank—Pink and red coral	489	489	489
	180 Fathom Bank—Bamboo coral	123	123	123
	Brooks Bank—Pink and red coral	979	979	979
	Brooks Bank—Bamboo coral	245	245	245
	Kaena Point Bed—Pink and red coral	148	148	148
	Kaena Point Bed—Bamboo coral	37	37	37
	Keahole Bed—Pink and red coral	148	148	148
	Keahole Bed—Bamboo coral	37	37	37
Exploratory Area	Hawaii—precious coral	2,205	2,205	2,205

(d) *Accountability measure.* If the average catch of the 3 most recent years for an area and precious coral group combination exceeds the specified ACL

in a fishing year, the Regional Administrator will reduce the ACL for the subsequent year by the amount of the overage. All other ACLs for which

the 3 most recent years of catch did not exceed the ACL will remain unchanged.

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