

because NMFS and the Council found that available data systems do not allow for accurate in-season tracking and projections. The rule would implement a post-season AM in place of the in-season AM. Under the post-season AM, if the average catch from the most recent 3-year period exceeds the ACL, the ACL will be reduced in the subsequent fishing year by the amount of the overage to mitigate potential effects to the stock. NMFS would conduct a subsequent rulemaking action to implement the overage adjustment, if necessary. The rule would also remove the higher performance standard that requires NMFS to close the fishery in Federal waters indefinitely in response to any exceedance of the ACL. Fishery management would revert to the performance standard described in the FEP, which requires the Council to re-evaluate AMs if the ACL is exceeded twice in a 4-year period.

As described in the Environmental Assessment (EA), NMFS does not expect this rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts. Additional background information on this action can be found in the preamble to the proposed rule published on April 23, 2026 (91 FR 21782) (the proposed rule).

Comments and Responses

On April 23, 2026, NMFS published the proposed rule, draft EA, and Regulatory Impact Review for public comment (91 FR 21782). The comment period ended on May 26, 2026, and NMFS received comments from two individuals. NMFS did not receive any comments from fishery management agencies, nongovernmental organizations, or from individuals who identified themselves as fishery participants.

Comment 1: One commenter generally expressed concern regarding the welfare of fish, stating that fishing causes pain, and requested a stop to fishing activities.

Response 1: The comment did not identify a conservation, sustainability, or legal rationale to alter the rule under consideration. NMFS acknowledges the need to balance various fisheries issues, and is mandated under the Magnuson-Stevens Act to prevent overfishing while providing resources to consumers. Catch limits, accountability measures, monitoring, and EAs ensure the long-term sustainability of the fishery and resource availability for the communities that depend on seafood in the Pacific Islands region.

Comment 2: One commenter suggested that NMFS had not considered or documented consideration of the Magnuson-Stevens Act and other applicable laws appropriately in the proposed rule.

Response 2: NMFS disagrees. In developing the proposed rule and this final rule, we appropriately considered the Magnuson-Stevens Act and applicable laws, regulations and policies. During the rule development process, NMFS thoroughly reviewed the proposed action with respect to all applicable legal authorities. Prior to publication of the proposed rule and this final rule, the NOAA Assistant Administrator for Fisheries determined that they are consistent with the national standards and other provisions of the Magnuson-Stevens Act and other applicable laws. The Classification sections of the proposed and final rules documented compliance with all applicable statutes and regulations as required by law.

Changes From the Proposed Rule

This final rule does not make any substantive changes from the proposed rule.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This final rule is expected to be an E.O. 14192 deregulatory action.

A tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2) of E.O. 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian tribal governments. A tribal summary impact statement is not required and has not been prepared.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

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

List of Subjects in 50 CFR Part 665

Accountability measure, Annual catch limit, Bottomfish, Fishing, Guam, Pacific Islands, Western Pacific.

Dated: September 28, 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 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

§ 665.405 [Amended]

■ 2. Amend § 665.405 by removing paragraphs (g) and (h).

■ 3. Revise § 665.409 to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 34,500 lb (15,649 kg).

(b) If the average catch of Mariana bottomfish MUS in the Guam Management Subarea from the most recent 3-year period exceeds the specified ACL, the Regional Administrator will reduce the ACL for the subsequent fishing year by the amount of the overage in a separate rulemaking.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066; RTID 0648–XG085]

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused yellowfin sole and flathead sole Community Development Quota (CDQ) for rock sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands (BSAI) management area. This action is necessary to allow the CDQ fishery to optimize their total rock sole harvest in the BSAI.

DATES: Effective October 1, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the BSAI Management Area (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S.

vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2026 flathead sole, rock sole, and yellowfin sole CDQ allocations of the TACs specified for these species in the BSAI are 3,852 metric tons (mt), 8,025 mt, and 15,515 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). The 2026 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 5,532 mt, 8,905 mt, and 13,122 mt, respectively, as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The Norton Sound Economic Development Corporation (NSEDC) has requested that NMFS exchange 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves pursuant to §§ 679.31(d) and 679.4(p). NMFS approves the completed

Flatfish Exchange Application submitted by NSEDC, which meets all the criteria specified at § 679.4(p)(3). Specifically, NSEDC has sufficient CDQ ABC reserves of rock sole and is exchanging an equal amount of unused flathead sole and yellowfin sole TACs allocated to the CDQ sector. Approval will not cause harvest to exceed an ABC or ABC reserve for any of these species, NSEDC has not received at least three approved flatfish exchanges, and NMFS can approve the exchange before the end of the calendar year in which it would be effective. Therefore, NMFS exchanges 200 mt of flathead sole TAC and 700 mt of yellowfin sole TAC allocated to the CDQ sector for 900 mt of rock sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 13 and 15 of the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) are revised as follows:

TABLE 13—FINAL 2026 CDQ RESERVES, ICAs, AND AMENDMENT 80 SECTOR AND BSAI TRAWL LIMITED ACCESS SECTOR ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Values are rounded to the nearest metric ton]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	EAI	CAI	WAI	BSAI	BSAI	BSAI
TAC	6144	5,441	12,000	35,800	75,900	144,300
CDQ	657	582	1,284	3,652	8,925	14,815
ICA	100	60	10	2,000	3,000	2,000
BSAI trawl limited access	539	480	214	n/a	n/a	15,936
Amendment 80	4,848	4,319	10,492	30,148	63,975	111,549

Note: Sector apportionments may not total precisely due to rounding. The 2026 CDQ reserves, ICAs, and allocations for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026.

TABLE 15—FINAL 2026 AND 2027 ABC SURPLUS, ABC RESERVES, CDQ ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Values are rounded to the nearest metric ton]

Sector	2026 Flathead sole	2026 Rock sole	2026 Yellowfin sole	2027 Flathead sole ¹	2027 Rock sole ¹	2027 Yellowfin sole ¹
ABC	87,700	158,225	267,639	87,700	158,225	267,639
TAC	35,800	75,900	144,300	36,000	75,000	145,000
ABC surplus	51,900	82,325	123,339	51,700	83,225	122,639
ABC reserve	51,900	82,325	123,339	51,700	83,225	122,639
CDQ ABC reserve	5,732	8,005	13,822	5,532	8,905	13,122
Amendment 80 ABC reserve	46,168	74,320	109,517	46,168	74,320	109,517

Note: Sector apportionments may not total precisely due to rounding.
¹ The 2026 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 1200 hours, A.l.t., March 18, 2026, through 2400 hours, A.l.t., December 31, 2026. The 2027 ABC surpluses and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 18, 2027. The 2027 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2026.

Fishermen are reminded that all actions and closures remain in full force and effect. This reallocation does not rescind or modify closures to directed

fishing or actions prohibiting retention of a groundfish species.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to

section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

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 impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would not allow for the ongoing harvest of rock sole in the BSAI by the CDQ sector. NMFS was unable to publish a notice providing time for public comment because the NSEDC Flatfish Exchange Application was received on September 18, 2026, and this is the most recent, relevant data on flathead sole, rock sole, and yellowfin. Without this inseason adjustment, NMFS could not allow the CDQ fishery for rock sole in the BSAI to be harvested in an expedient manner.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in the effective date of this action. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 29, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066, RTID 0648–XG026]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Fishing in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the Bering Sea and Aleutian Islands management area (BSAI). This

action is required by regulation and is necessary to prevent herring prohibited species catch (bycatch) in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. This action includes prohibiting directed fishing for pollock in the Winter Herring Savings Area by vessels using trawl gear participating in the Community Development Quota Program.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 30, 2026, through 1200 hours, A.l.t., March 1, 2027.

FOR FURTHER INFORMATION CONTACT: Andrew Olson, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2026 herring bycatch limit specified for the midwater pollock fishery in the BSAI is 2,359 metric tons as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026). When a trawl fishery category will catch its herring bycatch allowance, NMFS will close that fishery category to directed fishing for the areas and time periods defined in regulation as Herring Savings Areas, except when the midwater pollock fishery category reaches its specified herring bycatch allowance, the applicable Herring Savings Areas are closed to directed fishing for pollock with trawl gear (§ 679.21(e)(7)(vi)).

The Regional Administrator, Alaska Region, NMFS has determined that the 2026 herring bycatch allowance specified for the midwater pollock fishery in the BSAI has been caught. Consequently, in accordance with § 679.21(e)(7)(vi)(B)(1), NMFS is closing directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI from 1200 hours, A.l.t., September 30, 2026, through 1200 hours, A.l.t., March 1, 2027. This includes prohibiting directed fishing for pollock in the Winter Herring

Savings Area of the BSAI by vessels using trawl gear participating in the Community Development Quota Program. The Winter Herring Savings Area is that part of the Bering Sea subarea that is between latitudes 58° and 60° North and longitudes 172° and 175° West from 1200 hours, A.l.t., September 1 of the current fishing year through 1200 hours, A.l.t., March 1 of the succeeding fishing year (figure 4 to 50 CFR part 679). This action is required by regulation and is necessary to prevent herring bycatch in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

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 impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on herring bycatch in a timely fashion and would delay the closure of directed fishing for pollock by vessels using trawl gear in the Winter Herring Savings Area of the BSAI. Any delay in publishing this directed fishing closure could result in further bycatch of herring in the Winter Herring Savings Area by vessels directing fishing for pollock using trawl gear. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on herring bycatch by vessels using trawl gear directed fishing for pollock only became available as of August 29, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: September 29, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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