

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 261007–0005]

RIN 0648–BO48

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Framework Adjustment 7 to the Atlantic Spiny Dogfish Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes measures included in Framework Adjustment 7 to the Spiny Dogfish Fishery Management Plan (FMP), as recommended by the Mid-Atlantic and New England Fishery Management Councils. Framework 7 proposes fishing year 2026 and projected 2027 specifications, which would establish allowable harvest levels for the spiny dogfish fishery to prevent overfishing while enabling optimum yield based on the best scientific information available. Framework 7 also proposes changes to the Atlantic spiny dogfish accountability measures intended to provide the commercial fishery with greater flexibility by no longer requiring full payback of annual catch limit (ACL) overages when the Atlantic spiny dogfish stock is considered healthy.

DATES: Comments must be received by November 12, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2026-1321>. You may submit comments on this document, identified by NOAA–NMFS–2026–1321, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA–NMFS–2026–1321 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record

and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Copies of the Environmental Assessment (EA) and other supporting documents for this action are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at <http://www.mafmc.org/supporting-documents>.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Policy Analyst, Laura.Deighan@noaa.gov or (978) 281–9184.

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic and New England Fishery Management Councils (the Councils) jointly develop recommended management measures for spiny dogfish, with the Mid-Atlantic Council acting as the administrative lead. Additionally, the Atlantic States Marine Fisheries Commission manages the Atlantic spiny dogfish fishery in State waters from Maine to North Carolina through an interstate fishery management plan. The Councils, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), develop recommendations regarding fisheries in Federal waters, and both Councils must agree on any final recommendations to modify the Federal FMP. The Councils provide their 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 the Councils’ proposed measures for consistency with the FMP, plan amendments, the Magnuson-Stevens Act, and other applicable law. The Regional Administrator is required to publish proposed regulations, consistent with the Council’s recommendations, with such technical changes as may be necessary for clarity and an explanation of those changes for public comment (section 304(b)(1)(A) of the Magnuson-Stevens Act). After public comment, the Regional Administrator may publish revisions to the proposed regulations along with an explanation of any

differences between the proposed and final regulations (section 304(b)(3) of the Magnuson-Stevens Act; 50 CFR 648.239(a)(3)(ii)).

At the Mid-Atlantic Council’s October 2025 meeting and the New England Council’s December 2025 meeting, the Councils recommended 2026 and projected 2027 Atlantic spiny dogfish catch limits. The Federal FMP requires the specification of an acceptable biological catch (ABC), ACL, annual catch target (ACT), total allowable landings (TAL), and a coastwide commercial quota. These limits and other related management measures may be set for up to 5 fishing years at a time, with each fishing year running from May 1 through April 30. This action proposes Atlantic spiny dogfish specifications for fishing year 2026 and projected specifications for fishing year 2027, as recommended by both Councils. The Commission voted to implement complementary specifications for State waters on February 3, 2026, during its winter meeting.

The NMFS Northeast Fisheries Science Center completed an Atlantic spiny dogfish management track assessment in September 2023, which included catch and survey data through 2022. The management track assessment found that the Atlantic spiny dogfish stock is not currently overfished or experiencing overfishing and remains above its biomass target. In 2025, the Science Center provided updated projections that incorporate new Atlantic spiny dogfish catch information through 2024. It also provided a data update with new survey data through 2024, which have not been incorporated into the assessment and projections model. The 2025 data update showed negative trends in multiple indicators including the female biomass indices, female spawning stock biomass, and mean length of mature females. In September 2025, the Mid-Atlantic Council’s Scientific and Statistical Committee (SSC) reviewed the 2025 data update and the 2026–2027 Atlantic spiny dogfish stock projections and noted increasing uncertainty in the projections due to the age of the data used in the projection model (i.e., terminal year 2022).

Typically, the Mid-Atlantic Council’s risk policy recommends setting the ABC with no greater than a 46-percent chance of overfishing for stocks just above the biomass target, such as Atlantic spiny dogfish. However, the industry has raised significant and ongoing concerns about the continued viability of the fishery with commercial quotas below approximately 12 million

pounds (lb; 5,444 metric tons (mt)). As a result, in recent years, the ABC has been set equal to the overfishing limit (OFL), through NMFS emergency action in 2024 (89 FR 44924, May 22, 2024), and by the Council suspending its risk policy when developing specifications for 2025 (90 FR 20128, May 12, 2025). At the request of the Council, for 2026 and 2027 the SSC provided ABCs based on the Council’s risk policy and ABCs equal to the OFLs (*i.e.*, a 50-percent chance of overfishing). The SSC also provided a constant 2026–2027 ABC equal to that of the 2025 ABC and OFL as a more precautionary alternative because of its concerns about the increased uncertainty in the projections. The Councils recommended 2026 and projected 2027 ABCs equal to that of 2025 (*i.e.*, 16.81 million lb; 7,626 mt), but below these years’ OFLs, to balance the SSC’s concerns regarding uncertainty and industry’s concerns regarding the ongoing economic viability of the fishery.

At the Mid-Atlantic Council’s October and December meetings and the New England Council’s December meeting, the Councils also recommended changes to the Federal Atlantic spiny dogfish accountability measures. Section 303 of the Magnuson-Stevens Act requires FMPs to “establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual

specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.” The National Standard 1 Guidelines at § 600.310 outline accountability measure requirements and guidance.

The current Atlantic spiny dogfish accountability measures at § 648.233 include: a coastwide closure when the commercial quota is reached; an annual, single-year evaluation of total catch to determine whether the ACL is exceeded; and a full ACL overage repayment as soon as possible in a subsequent year. While the repayment provision has not been triggered frequently in recent years, an ACL overage occurred in fishing year 2023, and, as a result, the fishing year 2024 ACL and commercial quota were reduced by 1.08 million lb (491 mt; 89 FR 79452; September 30, 2024). Given the industry’s concerns about the recent quotas’ impacts on the sustainability of the Atlantic spiny dogfish industry, the Councils recommended changes to the accountability measures to reduce the frequency and magnitude of overage paybacks. NMFS concurs with the Councils’ recommendations pending review of public comments. The proposed changes outlined below are intended to minimize year-to-year fishery disruptions to the industry while maintaining a sustainable Atlantic spiny dogfish stock.

Proposed Measures

Proposed 2026 and Projected 2027 Atlantic Spiny Dogfish Specifications

This action proposes the Mid-Atlantic and New England Councils’ recommended 2026 and projected 2027 Atlantic spiny dogfish catch specifications, which are consistent with the ABCs provided by the SSC and the best available science. The proposed 2026 and projected 2027 catch limits are based on a status quo ABC equal to that of 2025 (*i.e.*, 16.81 million lb; 7,626 mt). The specifications include deductions for estimates of other sources of catch (*i.e.*, Canadian landings, domestic discards, and domestic recreational landings). Atlantic spiny dogfish discards vary from year to year, which can create uncertainty when determining the appropriate amount to set aside within the specifications. Both Councils ultimately recommended using the average ratio of discards to catch (43.8 percent) for the most recent three fishing years (2022–2024) applied to the proposed ABC. The resulting recommended coast-wide commercial quota would be 9.2 million lb (4,172 mt), which is a 1.5-percent decrease from 2025, primarily due to an increase in the estimated discards. A comparison of the implemented 2025, proposed 2026, and projected 2027 specifications is summarized below in table 1.

TABLE 1—COMPARISON OF IMPLEMENTED 2025, PROPOSED 2026, AND PROJECTED 2027 ATLANTIC SPINY DOGFISH FISHERY SPECIFICATIONS

	2025		2026–2027 (proposed)		Percent change
	Million lb	Metric tons	Million lb	Metric tons	
OFL	16.81	7,626	17.82	8,084	+6
ABC	16.81	7,626	16.81	7,626	0
Canadian Landings	0.01	4	0.01	4	0
Domestic ABC	16.8	7,622	16.8	7,622	0
ACL = ACT	16.8	7,622	16.8	7,622	0
Domestic Discards	7.22	3,275	7.36	3,338	+1.9
TAL	9.58	4,347	9.44	4,284	–1.4
Domestic Recreational Landings	0.24	111	0.25	112	+0.9
Commercial Quota	9.34	4,236	9.2	4,172	–1.5

Proposed Accountability Measures

This action also proposes changes to the Atlantic spiny dogfish accountability measures. Under the proposed changes, ACL overages would be calculated based on the 3-year average catch and 3-year average ACL. This approach is provided for in the National Standard 1 Guidelines at § 600.310(g)(5) and is intended to provide greater stability in the commercial quota when accounting for overages. Atlantic spiny dogfish catch,

particularly discards, can vary from year to year. Calculating overage paybacks based on a multiyear average smooths out this variability, where ACL overages in one year may be balanced out by underages in others. When the 3-year average catch exceeds the 3-year average ACL, the Councils recommend paybacks would: (1) not be required when the stock is at or above its target; (2) be scaled linearly when the stock is between 75 and 100 percent of its target (regardless of the source of the overage);

and (3) be required in full when the stock is at or below 75 percent of its target. Full paybacks would always be required when the stock is in a rebuilding plan, consistent with the National Standard 1 Guidelines (50 CFR 600.310(g)(3)). This approach is intended to provide the commercial fishery with greater flexibility by no longer requiring full payback of ACL overages when the Atlantic spiny dogfish stock is considered healthy, therefore maintaining higher coastwide

commercial quotas while promoting the long-term sustainability of the stock and the fishery. This action does not propose changes to the existing in-season accountability measure that requires a coastwide Federal closure when the commercial quota is reached.

Classification

Pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Spiny Dogfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. NMFS is issuing this rule pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, which provide specific authority for implementing this action. Section 304(b) of the Magnuson-Stevens Act authorizes NMFS to implement rules and regulations deemed necessary by the Councils, and here the Councils deemed the modifications to § 648.233 necessary to implement Framework 7. In a previous action under section 304(b), the regulations at § 648.232 authorize NMFS to implement the Atlantic Spiny Dogfish specifications under section 305(d).

This proposed rule has been determined to be not significant for purposes of 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 economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

An evaluation of the potential socioeconomic impacts of the proposed measures was conducted in conjunction with the Atlantic Spiny Dogfish Framework Adjustment 7 EA.

The proposed action has the potential to impact entities that hold Federal spiny dogfish permits. Vessels may hold multiple fishing permits, and some entities own multiple vessels and/or permits. According to the Northeast Fisheries Science Center commercial ownership database, there were 1,791 spiny dogfish permits held by 1,329 entities in 2024. Of those, 1,319 qualified as small businesses (combined 2024 annual receipts not in excess of \$11 million), and 10 were classified as large businesses. Recent total spiny dogfish ex-vessel revenues have averaged approximately \$2.2 million annually (2022–2024), and 68 federally permitted vessels participated

meaningfully in the fishery (landings over 10,000 lb; 4.5 mt) in 2022–2024.

The proposed 2026 and projected 2027 specifications would set the commercial quota approximately 140,000 lb (63.5 mt) lower than the current quota. Applying the 2022–2024 average inflation-adjusted ex-vessel price of about \$0.23 per pound suggests a potential aggregate revenue reduction of approximately \$31,700 per year. Averaged across the approximately 68 federally permitted vessels that landed at least 10,000 lb (4.5 mt) annually during 2022–2024, this would be an approximately \$470 per vessel per year reduction over the short term. Actual effects would vary among vessels and would likely be smaller if the quota remains non-constraining, as recent fishery performance suggests. Over the long term, maintaining a sustainable stock supports continued fishing opportunity and future revenue, resulting in positive long-term economic impacts. Therefore, this change is not expected to have a significant economic impact on regulated entities.

The proposed changes to the accountability measures would reduce the influence of single-year variability in catch estimates and reduce future quota reductions when the stock is healthy and an overage is not expected to meaningfully affect the stock status. The proposed measures would retain full payback requirements when biomass is at or below 75 percent of the target or when the stock is under a rebuilding plan, which supports long-term stock sustainability and future fishing opportunity. The proposed changes are not expected to motivate fishery participants to change behavior in ways that would cause frequent quota overages because NMFS is required to close the commercial fishery when the quota is reached.

The proposed changes are not expected to impose new direct compliance costs on regulated entities. Overall, the short-term reductions in revenue are expected to be offset by the long-term positive impacts from maintaining a sustainable stock and the additional flexibility provided by the revised accountability measures. Therefore, the proposed changes are expected to have slightly positive economic impacts on regulated entities. There is no information indicating that the action would impact small businesses differently than large businesses or unduly inhibit the ability of small entities to compete. Therefore, this action is not expected to have a significant adverse 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 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 7, 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 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 § 648.233, revise paragraphs (b) and (c) to read as follows:

§ 648.233 Spiny dogfish Accountability Measures (AMs).

* * * * *

(b) *ACL overage evaluation.* The average of the most recent 3 years of total catch (including both landings and dead discards) compared to the average of the ACLs from the same 3 years, in pounds, will be evaluated to determine whether there was an ACL overage.

(c) *Overage repayment.* If the average catch exceeds the average ACL (see paragraph (b) of this section), the amount of payback required shall be determined based on the following procedure, using the most recent projected biomass (B) and biomass at maximum sustainable yield (B_{MSY}) from the years used to calculate the 3-year average. If such a projection is not available for the 3-year timeframe, the nearest preceding B and B_{MSY} projections shall be used.

(1) *If the stock is not under a rebuilding plan and B is at or above 100 percent of B_{MSY} .* No payback is required.

(2) *If the stock is not under a rebuilding plan and B is between 75 and 100 percent of B_{MSY} .* The percent of the overage required to be paid back scales linearly from 100 percent when B is 75 percent of B_{MSY} to 0 percent when B is equal to 100 percent of B_{MSY} . The amount of the overage to be paid back is equal to the overage (as determined in paragraph (b) of this section) multiplied by the difference between the most recent projected B_{MSY} and B (as described in paragraph (c) of this section), divided by one-quarter B_{MSY}

$((B_{MSY} - B)/(0.25 B_{MSY}))$. The payback shall be deducted as soon as possible from a subsequent single fishing year ACL.

(3) *If the stock is not under a rebuilding plan and B is at or below 75 percent of B_{MSY} or the stock is under a rebuilding plan.* The exact amount of the overage (as determined in paragraph

(b) of this section) shall be deducted as soon as possible from a subsequent single fishing year ACL.