

List of Subjects

40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Incorporation by reference, Oil imports, Petroleum, Renewable fuel.

40 CFR Part 1090

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Petroleum, Renewable fuel.

Lee Zeldin,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 261013–0004]

RIN 0648–BO61

Fishery Management Plans of St. Croix and St. Thomas and St. John; Spiny Lobster Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Action 4 under both the St. Croix Fishery Management Plan (FMP) and the St. Thomas and St. John FMP, as prepared by the Caribbean Fishery Management Council (Council). The proposed rule would update annual catch limits (ACLs) for spiny lobster in St. Croix and in St. Thomas and St. John. The purpose of this proposed rule and Framework Action 4 is to update management reference points for spiny lobster consistent with the most recent stock assessments to prevent overfishing and achieve optimum yield (OY).

DATES: Written comments must be received by November 16, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2026-2146>. You may submit comments on the proposed rule, identified by NOAA–NMFS–2026–2146, 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 enter NOAA–NMFS–2026–2146 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit all written comments to Maria Lopez-Mercer, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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).

Electronic copies of Framework Action 4, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/framework-action-4-under-st-croix-and-st-thomas-and-st-john-fishery-management-plans>.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, NMFS Southeast Regional Office, 727–824–5305, sarah.stephenson@noaa.gov.

SUPPLEMENTARY INFORMATION: Spiny lobster is managed as an individual stock under both the St. Croix FMP and the St. Thomas and St. John FMP. The FMPs were prepared by the Council, approved by the Secretary of Commerce, and implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires that NMFS, with advice from the regional fishery management councils, prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

This action is proposed under the statutory authority of section 302(h)(6)

of the Magnuson-Stevens Act, which requires the Council to develop ACLs for each managed fishery, and section 303(a)(1) for the conservation and management of the fishery to prevent overfishing and to promote the long-term health and stability of the fishery.

The St. Croix FMP and the St. Thomas and St. John FMP contain status determination criteria (SDC), other management reference points, and management measures for federally managed stocks, including spiny lobster, applicable in Federal waters off the respective island management area. Federal regulations at 50 CFR part 622 subparts T and U describe management measures for St. Croix and for St. Thomas and St. John, respectively, including the current ACLs for spiny lobster. Federal waters around St. Croix, St. Thomas, and St. John extend seaward from 3 nautical miles (5.6 kilometers) from shore of each island district to the offshore boundary of the U.S. Caribbean exclusive economic zone (EEZ).

For spiny lobster, each FMP specifies SDC, such as the maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), overfishing limit (OFL), and other management reference points such as the maximum sustainable yield (MSY) proxy, and acceptable biological catch (ABC).

Unless otherwise noted, all weights in this proposed rule are described in pounds (lb) round weight. Framework Amendment 2 under the St. Croix FMP and St. Thomas and St. John FMP updated the SDC and other management reference points for each spiny lobster stock based on the 2022 Update Assessments to the Southeast Data, Assessment, and Review 57 spiny lobster stock assessments (SEDAR 57 Update) and recommendations from the Council’s Scientific and Statistical Committee (SSC). The final rule implementing Framework Amendment 2 (89 FR 34168, April 30, 2024) updated the ACLs for the St. Croix spiny lobster stock (137,254 lb; 62,257 kilograms (kg)) and the St. Thomas and St. John spiny lobster stock (133,207 lb; 60,422 kg).

In September 2025, the SEDAR spiny lobster stock assessments were completed for St. Croix and St. Thomas and St. John (SEDAR 91). The Council’s SSC reviewed the SEDAR 91 spiny lobster stock assessments at its September 2025 meeting and determined them to be useful for management advice for each stock. The SSC recommended spiny lobster ABCs for each management area that were derived from the assessment-projected OFLs using a sigma value (*i.e.*, an

estimate of scientific uncertainty) of 0.5 and a risk of overfishing value of 0.45.

The SSC Chair presented the updated spiny lobster ABC recommendations for St. Croix and for St. Thomas and St. John at the December 2025 Council meeting. The Council accepted those recommendations and initiated development of Framework Action 4 to update management reference points for spiny lobster under the St. Croix FMP and the St. Thomas and St. John FMP to prevent overfishing and achieve OY, consistent with the requirements of the Magnuson-Stevens Act.

In Framework Action 4, the Council recommended a 5 percent management uncertainty buffer for the St. Croix spiny lobster stock (*i.e.*, the ACL equals 95 percent of the ABC) and no management uncertainty buffer for the St. Thomas and St. John spiny lobster stock (*i.e.*, the ACL equals the ABC). Given the increase in the spiny lobster ABC in St. Croix, the Council recommended using 5 percent management uncertainty buffer consistent with previous management of the stock. Given the decrease in the spiny lobster ABC in St. Thomas and St. John, the Council recommended no buffer between ABC and ACL to minimize potential future economic impacts of the reduced harvest opportunity.

Because the preferred alternative for St. Thomas and St. John reflects no management uncertainty in the buffer between the ACL and the ABC, the Council requested the Southeast Fisheries Science Center (SEFSC) provide an interim assessment for SEDAR 91 by December 2027, to update OFL projections and inform catch levels using additional information (*e.g.*, a fishery-dependent abundance index), which was not used in the SEDAR 91 stock assessments.

Management Measures Contained in This Proposed Rule

If implemented, this proposed rule would revise the ACLs for spiny lobster in St. Croix and in St. Thomas and St. John based on the results of SEDAR 91. The spiny lobster ACL in St. Croix would increase from 137,254 lb (62,257 kg) to 176,760 lb (80,177 kg). The spiny lobster ACL in St. Thomas and St. John would decrease from 133,207 lb (60,422 kg) to 132,964 lb (60,311 kg).

The updated ACLs are based upon the best scientific information available (SEDAR 91) and are expected to better protect against the risk of overfishing the stock in relation to the current ACLs, thus ensuring, to the greatest extent practicable, continued access to the resource in future years.

The most recent year of St. Croix spiny lobster landings available (*i.e.*, 2024) are well below the current and proposed ACL. The most recent year of St. Thomas and St. John spiny lobster landings available (*i.e.*, 2024) are slightly below the current and proposed ACL. For St. Thomas and St. John, if future spiny lobster landings were to reach or exceed the proposed ACL, then the Council could request that the SSC reevaluate the ABC in Framework Action 4 using the SEDAR 91 interim assessment provided by the SEFSC to determine if the ABC could be increased.

Measures in Framework Action 4 not Codified in This Proposed Rule

In addition to the ACL revisions described in this proposed rule, consistent with SEDAR 91, Framework Action 4 revises the MSY proxy, MFMT, MSST, OFL, and ABC values for spiny lobster under the St. Croix FMP and the St. Thomas and St. John FMP.

For St. Croix, the MSY proxy would increase from 127,742 lb (57,943 kg) to 168,852 lb (76,590 kg), the MFMT would decrease from 0.203 to 0.197, the MSST would increase from 23 billion eggs to 30.45 billion eggs, the OFL would increase from 163,823 lb (74,309 kg) to 210,977 lb (95,968 kg), and the ABC would increase from 144,478 lb (65,534 kg) to 186,063 lb (84,398 kg).

For St. Thomas and St. John, the MSY proxy would decrease from 133,601 lb (60,600 kg) to 130,230 lb (59,071 kg), the MFMT would decrease from 0.244 to 0.243, the MSST would decrease from 21.3 billion eggs to 20.82 billion eggs, the OFL would decrease from 158,993 lb (75,118 kg) to 150,768 lb (68,387 kg), and the ABC would decrease from 140,218 lb (63,602 kg) to 132,964 lb (60,311 kg).

Consistent with SEDAR 91, the updated management reference points in Framework Action 4 are expected to better protect against the risk of overfishing while achieving, on a continuing basis, the OY for the spiny lobster stock in St. Croix and in St. Thomas and St. John relative to the current reference points, thus ensuring, to the greatest extent practicable, continued access to the resource in future years.

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 framework action, the FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law,

subject to further consideration after public comment.

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 certification follows. All monetary estimates in the following analysis are in 2024 dollars.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule.

This proposed rule would increase the St. Croix spiny lobster ACL from 137,254 lb (62,257 kg) to 176,760 lb (80,177 kg) and reduce the St. Thomas and St. John spiny lobster ACL from 133,207 lb (60,422 kg) to 132,964 lb (60,311 kg). It would apply to all commercial fishing businesses and recreational fishermen that harvest Caribbean spiny lobster in Federal waters under the St. Croix FMP and St. Thomas and St. John FMP.

The RFA requires NMFS to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)-(6)). Because recreational fishermen are not businesses, organizations, or governmental jurisdictions, they fall outside the scope of this analysis.

During 2020–2024, the number of commercial fishers reporting spiny lobster landings averaged 30 fishers in St. Croix and 37 fishers in St. Thomas and St. John. These values indicate stable participation across years, with slightly higher levels of activity in St. Thomas and St. John compared to St. Croix.

Recent fishery-wide revenue estimates for the U.S. Virgin Islands (USVI) are limited due to incomplete price data for several years. However, broad historical estimates suggest that the USVI commercial fishery as a whole has generated on the order of \$5–6 million annually in past years. This figure is

presented only as a general indicator of scale and should not be interpreted as a precise current valuation.

The estimated average annual revenue earned by commercial fishermen landing spiny lobster in St. Croix is approximately \$54,325 per business from all landings. Of this total, about 58 percent is derived from spiny lobster landings.

By contrast, commercial fishermen operating in St. Thomas and St. John earn an average of \$67,607 per business annually from all landings, with approximately 72 percent of that revenue derived from spiny lobster.

For RFA 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 (North American Industry Classification System (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, all commercial fishing businesses in St. Croix and in St. Thomas and St. John meet this definition and are therefore classified as small entities.

Because cost data are unavailable, it is not possible to directly assess whether this proposed rule would significantly reduce profits for a substantial number of small entities. However, changes in gross revenue can still serve as a proxy of whether the proposed rule may lead to meaningful impacts on profitability.

This proposed rule would increase the St. Croix spiny lobster ACL from 137,254 lb (62,257 kg) to 176,760 lb (80,177 kg). Because recent 5-year average landings (34,402 lb; 15,604 kg)

account for less than 20 percent of the proposed limit and are well below the current limit, commercial fishing businesses in St. Croix would not be expected to experience any changes in gross revenue or profits, or any significant economic impacts. If effort scales up substantially in the future, though there is no expectation that it will, the revised ACL would allow for greater potential landings than under the current limit.

This proposed rule would reduce the St. Thomas and St. John spiny lobster ACL from 133,207 lb (60,422 kg) to 132,964 lb (60,311 kg), which represents a small reduction of 243 lb (110 kg). Relative to recent 5-year average landings of 109,814 lb (49,811 kg), the fleet is expected to remain below the proposed ACL, indicating that the proposed reduction would not be expected to constrain current harvest levels and that the fishery is successfully optimizing its yield by operating near the maximum sustainable harvest levels. Because landings are expected to remain under the ACL, no actual short-term revenue loss is expected. In the future, if commercial spiny lobster landings increase, this proposed rule could result in a small aggregate reduction in annual revenue of \$2,673 or approximately \$72 per commercial fishing business, on average. Therefore, the economic impacts of the proposed action are not expected to be significant for the St. Thomas and St. John fishery.

In conclusion, this proposed rule would not be expected 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 622

Caribbean, Fisheries, Fishing, Spiny lobster.

Dated: October 13, 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 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.480, revise paragraph (c)(1) to read as follows:

§ 622.480 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(c) * * *

(1) The ACL is 176,760 lb (80,177 kg), round weight.

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■ 3. In § 622.515, revise paragraph (c)(1) to read as follows:

§ 622.515 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(c) * * *

(1) The ACL is 132,964 lb (60,311 kg), round weight.

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