

under these regulations were implemented;

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), OPR may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 of this chapter and 217.96 for the activity identified in § 217.90(a) may be modified by Office of Protected Resources (OPR) under the following circumstances:

(1) Adaptive management. OPR may modify or augment the existing mitigation, monitoring, or reporting measures (after consulting with SEFSC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations.

(i) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, OPR will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(ii) [Reserved]

(2) Emergencies. If OPR determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in LOAs issued pursuant to §§ 216.106 of this chapter and 219.87, an LOA may be modified without prior notice or opportunity for public comment. A notice would be published in the **Federal Register** within 30 days of the action.

**§ 217.98–217.99 [Reserved]**

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 260224–0055]

RIN 0648–BN84

**Reef Fish Fishery of the Gulf of America; Shallow-Water Grouper Management Measures**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to implement management measures described in a framework action under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP), as prepared by the Gulf Council (Council). If implemented, this proposed rule would modify the Gulf of America (Gulf) Other Shallow-Water Grouper (SWG) complex catch limits, and would set a recreational fixed-closed season for Gulf Other SWG. The purpose of this proposed rule is to reduce harvest of Gulf scamp and yellowmouth grouper while the Council develops Amendment 58A to the FMP, which considers additional Other SWG management measures.

**DATES:** Written comments must be received on or before April 17, 2026.

**ADDRESSES:** A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-1065>. You may submit comments on this document, identified by [NOAA–NMFS–2025–1065], 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–2025–1065], in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Dan Luers, 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 the framework action, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/modifications-other-shallow-water-grouper-complex-management-measures>.

**FOR FURTHER INFORMATION CONTACT:** Dan Luers, telephone: 727–824–5305, or email: [daniel.luers@noaa.gov](mailto:daniel.luers@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Gulf reef fish fishery, which includes the Other SWG complex (composed of scamp, yellowmouth grouper, black grouper, and yellowfin grouper), is managed under the FMP. The FMP was prepared by the Council and NMFS, approved by the Secretary of Commerce, and is 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).

All catch limits in this proposed rule are in pounds (lb) gutted weight.

**Background**

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

Scamp, yellowmouth grouper, black grouper, and yellowfin grouper were assigned to the Other SWG complex in the Generic Annual Catch Limits (ACL) and Accountability Measures (AM) Amendment (Generic ACL/AM Amendment) (76 FR 82044, December 29, 2011). These species were grouped into this complex for management proposes based on their similar fishery characteristics, such as habitat and harvest methods. The Other SWG stock complex ACL is set equal to the complex acceptable biological catch (ABC) which is currently 710,000 lb

(322,051 kilograms (kg)) (50 CFR 622.41(c)(3)).

Commercial harvest of Other SWG species has been managed under the Grouper-Tilefish Individual Fishing Quota (IFQ) program since 2010 (74 FR 44732, August 31, 2009). The Generic ACL/AM Amendment apportioned the commercial sector a specified amount of the stock complex ACL based on historical harvest to allow the commercial sector to continue to operate under the IFQ program. The current commercial ACL is 547,000 lb (248,115 kg) and the commercial annual catch target (ACT, or quota) is 525,000 lb (238,136 kg), which is 4 percent below the commercial ACL. The buffer between the commercial quota and the commercial ACL was put in place to account for scientific uncertainty with the level of discards and allow for the IFQ flexibility measures under which some species in the deep-water grouper complex can be landed under the Other SWG quota. The Other SWG commercial quota has never been exceeded under the IFQ program.

Recreational fishing for all Other SWG species occurs throughout the Gulf except for black grouper, which more commonly occurs in the southeastern Gulf off Florida. There is no defined ACL for the recreational sector for the Other SWG complex. In defining the commercial apportionment, the Generic ACL/AM Amendment recognized that the difference between the stock complex ACL and the commercial ACL would allow for recreational harvest consistent with the historical levels. However, in recent years, recreational landings comprise an increasing proportion of overall landings for this complex. The recreational AM is linked to the stock complex ACL, and states that in the year following an overage of the stock complex ACL, recreational fishing will close when the stock complex ACL is projected to be reached. Because total landings have never reached the Other SWG stock complex ACL, the recreational AM has never been triggered. However, because the AM is based on reaching the stock complex ACL and the IFQ system allows commercial landings to occur year-round, this recreational AM may not effectively constrain harvest to the stock complex ACL if catch limits are reduced, as would occur under this proposed rule.

Until recently, no peer-reviewed stock assessment was available to inform stock status determinations for any Other SWG species. In 2022, the Southeast Data, Assessment, and Review 68 (SEDAR 68) assessed scamp and yellowmouth grouper together and

indicated that harvest must be reduced. The Council's Scientific and Statistical Committee (SSC) accepted SEDAR 68 as consistent with the best scientific information available and recommended updated status determination criteria and catch levels for these two stocks. Black grouper and yellowfin grouper stocks could not be assessed due to a lack of the data necessary to accurately assess population metrics of these species in the Gulf.

In response to the SSC recommendations for scamp and yellowmouth grouper, the Council initiated work on Amendment 58A to the FMP (Amendment 58A), which considers dissolving the Other SWG complex and creating two new complexes, one for scamp and yellowmouth grouper and another for black grouper and yellowfin grouper, and setting catch limits for these new complexes. Amendment 58A also considers changes to the commercial IFQ program to reflect the two new complexes as well as other management measures. In recognition of the complexity of Amendment 58A and the additional time required for its development and implementation, the Council developed the current framework action to reduce harvest of scamp and yellowmouth grouper, consistent with the SSC recommendations, until Amendment 58A can be completed. The Council had been scheduled to approve Amendment 58A at its January 2026 meeting but decided to delay action pending the results of the Marine Recreational Information Program-Fishing Effort Survey pilot study, which may better inform the catch level recommendations in the amendment. Information on this study can be found at <https://www.fisheries.noaa.gov/recreational-fishing-data/fishing-effort-survey-research-and-improvements>.

This proposed rule and the framework action would reduce the current Gulf Other SWG complex ABC and stock complex ACL by 54.7 percent, which is based on the results of SEDAR 68 and the SSC original catch limit recommendations. The SSC reviewed updated SEDAR 68 projections information in May 2025 and provided new, slightly lower catch limit recommendations that are addressed in Amendment 58A but could not be incorporated into the current action because of the need to finalize the framework action at the June 2025 Council meeting. The proposed rule and the framework action would also implement a recreational fixed-closed season that is based on the predicted number of days needed to harvest the

portion of the stock complex ACL available to the recreational sector (the difference between the stock complex ACL and commercial ACL). Currently, the Other SWG recreational season is open year-round, except for a SWG closure that is in place from February 1 through March 31 inshore of the 20-fathom rhumb line (50 CFR 622.24(d)). The measures in this proposed rule and the framework action are expected to reduce recreational harvest and reduce the likelihood of overfishing of scamp and yellowmouth grouper while additional management measures in response to SEDAR 68 are developed in Amendment 58A.

### Management Measures Contained in This Proposed Rule

If implemented, this proposed rule would revise the stock complex and commercial ACL and quota (ACT) and set a recreational fixed closed season for the Other SWG complex.

#### *ACLs and ACT*

Based on the results of SEDAR 68 and as described in the framework action, this proposed rule would reduce the stock complex ACL from 710,000 lb (322,051 kg) to 322,000 lb (146,057 kg), the commercial ACL from 547,000 lb (248,115 kg) to 255,000 lb (115,666 kg), and the commercial quota from 525,000 lb (238,136 kg) to 245,000 lb (111,130 kg). The commercial ACL and quota are rounded down to the nearest thousand lb (454 kg) from those presented in the framework action. This is done under the IFQ program to ensure that when allocation is distributed, the distributed allocation does not exceed the commercial quota. Without rounding, the distributed allocation could exceed the commercial quota based on how IFQ share percentages are calculated and the allocation is distributed.

NMFS expects the proposed catch limit reductions to result in reduced harvest and mortality of scamp and yellowmouth grouper, which would not occur under the *status quo* catch limits. Although commercial landings have never exceeded the proposed commercial quota and are expected to remain below the proposed quota in future years, these catch limits, when combined with the proposed recreational fixed-closed season, are expected to reduce mortality of scamp and yellowmouth grouper while the Council and NMFS work to implement Amendment 58A.

#### *Recreational Fixed Closed Season*

For the Other SWG complex, there is no recreational seasonal closure currently in place. This proposed rule

would implement a recreational fixed closed season of January 1 through June 30, each year, resulting in an open season from July 1 through December 31, each year. During the proposed recreational closed season, the recreational harvest of Other SWG would be prohibited and the bag and possession limits for Other SWG in or from Gulf Federal waters would be zero.

The Council recommended implementation of a recreational fixed-closed season to reduce the recreational harvest of Other SWG consistent with the proposed reduction in the stock complex ACL. The framework action describes the method used to determine the proposed closed season, which is based on a July 1 opening and the predicted number of fishing days the recreational sector would need to harvest the amount of the stock complex ACL not allocated to the commercial IFQ program. The Council selected the July open date to provide some access during the summer but prevent harvest in June when historical landings have been the greatest and prevent overlap with the start of the Federal for-hire red snapper season when angler effort is very high. The proposed fixed-closed season is expected to result in substantially reduced effort and harvest by the recreational sector, which would help reduce the likelihood of overfishing scamp and yellowmouth grouper.

#### 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 FMP, 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 Chief 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. A copy of the full analysis is available from NMFS (see **ADDRESSES**). 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 contains no information collection requirements under the Paperwork Reduction Act of 1995.

This proposed rule would reduce the Other SWG stock complex ACL from 710,000 lb (322,051 kg) to 322,000 lb (146,057 kg) and reduce the commercial ACL from 547,000 lb (248,115 kg) to 255,000 lb (115,666 kg). The commercial ACT (quota) would be set at 245,000 lb (111,130 kg). This proposed rule would also establish a recreational fixed closed season for the Other SWG complex, with the recreational season set to open July 1 and to close on December 31. The proposed reduction in the Other SWG stock complex ACL would apply to SWG IFQ shareholders, as well as commercial fishing businesses, charter vessel and headboat (for-hire) fishing businesses, and recreational anglers that fish for Other SWG species in Federal waters of the Gulf. The proposed establishment of a recreational fixed closed season would apply only to recreational anglers and for-hire fishing businesses that fish for these species in Federal waters of the Gulf.

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)). Recreational anglers are not businesses, organizations, or governmental jurisdictions, so they are outside the scope of this analysis.

Although this proposed rule would apply to for-hire vessels, it would not be expected to have any direct effects on these entities. From 2019 through 2023, there were an average of 2,447 target trips by charter mode for Other SWG in the Gulf, which accounts for just over 5 percent of all recreational target trips for Other SWG in the Gulf. In contrast, an average of 47,841 catch trips by charter mode for Other SWG in the Gulf were made from 2019–2023. This indicates that Other SWG fish are incidentally harvested species and for-hire vessels do not sell targeted trips for these fish. Therefore, NMFS does not expect the proposed changes to the Other SWG complex management measures to directly alter the services sold by these

vessels. Any change in demand for these fishing services, and associated economic effects, as a result of this proposed rule would be a consequence of a change in anglers' behavior, secondary to any direct effect on anglers and, therefore, an indirect effect of the proposed rule. This indirect effect would fall outside the scope of the RFA. In summary, only the impacts on commercial fishing businesses will be discussed in this proposed rule.

As of July 8, 2021, there were 825 limited access valid or renewable Gulf reef fish permits. In order to commercially harvest species in the Other SWG complex, a vessel permit must be linked to an IFQ account and the account must possess sufficient allocation for the complex. IFQ accounts can be opened and valid permits can be linked to IFQ accounts at any time during the year. Eligible vessels can receive Other SWG complex allocation from other IFQ participants. On average from 2019 through 2023, there were 693 IFQ accounts that held Other SWG allocation and 490 that held Other SWG shares. During the same period, there were 301 federally permitted commercial vessels, on average each year, with reported landings of Other SWG species in the Gulf. Their average annual vessel-level gross revenue from all species for 2019 through 2023 was approximately \$225,556 and Other SWG landings accounted for approximately 2 percent of this revenue. The maximum annual revenue from all species reported by a single one of the commercial vessels that landed Gulf Other SWG species from 2019 through 2023 was approximately \$4.55 million in 2023. Economic profits for these commercial vessels are estimated to be 34.8 percent of their annual gross revenue, on average, or \$78,493 per vessel during this period. Although many fishing businesses own only one permitted vessel, some hold or own multiple permits and vessels. Because complete ownership data for vessels that harvest Other SWG are currently unavailable, for the purposes of this analysis, NMFS assumes each of these 301 vessels is independently owned by a single business. This assumption is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Additionally, 362 IFQ shareholder accounts, on average from 2019 through 2023, possessed Other SWG shares but did not report any landings of Other SWG species. These shareholders either transferred Other SWG allocation only or were inactive in the fishery. NMFS assumes that each of these accounts is

independently owned by a single business as well. Revenue and cost data are not directly collected for IFQ shareholders, so estimates of their economic profits are not available; however, previous data for IFQ shareholders that hold gag shares suggest economic profits were approximately \$73,000 per commercial fishing business in 2021.

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. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard. No other small entities that would be directly affected by this proposed rule have been identified.

As stated earlier, this proposed rule would reduce the Other SWG stock complex ACL from 710,000 lb (322,051 kg) to 322,000 lb (146,057 kg) and reduce the commercial ACL from 547,000 lb (248,115 kg) to 255,000 lb (115,666 kg). The commercial ACT (quota) would be set at 245,000 lb (111,130 kg). Although the commercial ACL and ACT would be reduced by 53 percent relative to the status quo, based on 5-year average landings from 2018 through 2023, excluding 2020, commercial landings are expected to remain below the proposed commercial ACT in future years. Therefore, NMFS does not expect direct economic effects associated with a reduction in harvest.

There are potential price effects on the markets for Other SWG IFQ shares and allocation as a result of this proposed rule because the fixed supply of Other SWG IFQ allocation would become scarcer. However, these price effects cannot be quantified with available data. Allocation transfer prices may increase, which would increase the costs to some commercial fishing businesses that harvest Other SWG species or deep-water grouper species (speckled hind and warsaw grouper) that can be landed using Other SWG

allocation under the flexibility measures established in Amendment 29 to the FMP (74 FR 44732, August 31, 2009). Assuming the percentage change in quantity of Other SWG allocation demanded is greater than the percentage change in price for Other SWG allocation, IFQ shareholders would experience an overall decrease in allocation transfer proceeds from an increase in allocation transfer prices and vice versa. With respect to IFQ share value, if investors believe that the discounted future revenue stream associated with shares is lower under the new commercial ACL than under the status quo commercial ACL, then share prices would be expected to decrease, otherwise they would remain the same or increase. Historically, Other SWG quota has been underutilized and NMFS expects commercial harvest will remain below the proposed commercial ACT. Therefore, demand for allocation would be unaffected and there would likely continue to be a surplus of allocation. In conclusion, any Other SWG allocation transfer price increases would likely be small due to competition among sellers.

Based on the above analysis, this proposed rule would not be expected to have a significant economic impact on a substantial number of small entities.

**List of Subjects in 50 CFR Part 622**

Commercial, Fisheries, Fishing, Gulf, Recreational, Reef fish.

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

Dated: February 24, 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 § 622.34, add paragraph (h) to read as follows:

**§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.**

\* \* \* \* \*

(h) *Seasonal closure of the recreational sector for Other shallow-*

*water grouper (Other SWG) combined (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper).* The recreational sector for Other SWG in or from the Gulf EEZ is closed from January 1 through June 30, each year. During the closure, the bag and possession limits for Other SWG in or from the Gulf EEZ are zero.

■ 3. In § 622.39, revise paragraph (a)(1)(iii)(A) to read as follows:

**§ 622.39 Quotas.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(A) *Other SWG combined*—245,000 lb (111,130 kg).

\* \* \* \* \*

■ 4. In § 622.41, revise paragraph (c) to read as follows:

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

\* \* \* \* \*

(c) *Other shallow-water grouper (Other SWG) combined (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper)*—(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of America serves as the accountability measure for commercial Other SWG. The commercial ACT for Other SWG is equal to the applicable quota specified in § 622.39(a)(1)(iii)(A). The commercial ACL for Other SWG is 255,000 lb (115,666 kg), gutted weight.

(2) *Recreational sector.* If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL specified in paragraph (c)(3) of this section, then during the following fishing year, if the sum of the commercial and recreational landings reaches or is projected to reach the applicable ACL specified in paragraph (c)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of that fishing year.

(3) The stock complex ACL for Other SWG is 322,000 lb (146,057 kg), gutted weight.

\* \* \* \* \*