



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 240506-0129]

RTID 0648-XF790

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Reef Fish Fishery of the Gulf of America; 2026 Recreational Season Announcement and Harvest

Closure for Gag

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational harvest of gag in the exclusive economic zone (EEZ) of the Gulf of America (Gulf) for the 2026 fishing year. The recreational fishing season for Gulf gag opens on September 1, and NMFS has projected that recreational landings of gag will reach the annual catch target (ACT) by October 1. Therefore, recreational fishing for gag in the Gulf EEZ will be open from September 1 through September 30 and will close on October 1, 2026. The recreational harvest of Gulf gag will remain closed through the end of the fishing year on December 31, 2026. NMFS implements this recreational AM to protect the gag resource.

DATES: This temporary rule is effective from October 1 through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727-824-5305, email: daniel.luers@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery that includes gag under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The Gulf Council (Council) prepared the FMP, and NMFS implements the FMP

under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622.

All weights described in this temporary rule are in gutted weight. The metric conversion for the imperial measurement used in this document is 1 pound (lb) equals approximately 0.45 kilograms.

On June 1, 2024, NMFS implemented the final rule for Amendment 56 to the FMP that modified management of gag in the Gulf EEZ (89 FR 40419, May 10, 2024). The final rule revised the commercial and recreational catch levels, recreational AMs, and recreational fishing season. For the recreational sector in 2026, the annual catch limit (ACL) is 499,000 lb, and the ACT is 399,000 lb (table 2 in 50 CFR 622.41(d)(2)(i)). The recreational AM for gag states that if NMFS projects that recreational landings will reach the applicable recreational ACT during a fishing year, then NMFS will close the recreational sector for the remainder of the fishing year (50 CFR 622.41(d)(2)(ii)). Recreational harvest of gag is prohibited each year from January 1 through August 31 (50 CFR 622.34(e)).

The recreational fishing season for gag opens each year on September 1. Based on a review of recreational landings data from 2023 through 2025, NMFS projects that recreational landings will reach the recreational ACT for gag on October 1, 2026. Thus, in accordance with 50 CFR 622.41(d)(2)(ii), the recreational fishing season for gag will close on October 1, 2026. NMFS implements this AM to reduce the chance of exceeding the recreational ACL and ACT, while allowing recreational fishermen the opportunity to harvest the gag ACT. During the closure from October 1 through December 31, 2026, the recreational bag and possession limits for gag harvested in or from the Gulf EEZ are zero. The possession of gag is also prohibited in state waters of the Gulf for any vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(d)(2)(ii), 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 are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulation associated with the closure of recreational harvest of gag at 50 CFR 622.41(d)(2)(ii) has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because such procedures would require time and those affected by the length of the recreational fishing seasons, particularly for-hire operations that reserve trips for clients in advance, need as much notice as NMFS is able to provide to adjust their business plans to account for changes to the recreational fishing season.

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

Dated: May 19, 2026

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.