



**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**[Docket No. 260505-0124]**

**RIN 0648-BN30**

**Fisheries of the Caribbean, Gulf of America, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Amendment 55**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to implement Amendment 55 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule removes yellowmouth grouper from the other South Atlantic shallow water grouper (other SASWG) complex and establishes a new scamp and yellowmouth grouper complex. This final rule establishes catch levels, sector management measures, and accountability measures (AM) for the new scamp and yellowmouth grouper complex and establishes catch levels for the revised other SASWG complex. In addition, Amendment 55 establishes a rebuilding plan, sector allocations, and status determination criteria (SDC) for the scamp and yellowmouth grouper complex. The

purpose of this final rule and Amendment 55 is to rebuild the scamp and yellowmouth grouper stock and achieve optimum yield (OY) while minimizing to the extent practicable adverse social and economic effects.

**DATES:** This final rule is effective [*INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER***].

**ADDRESSES:** Electronic copies of Amendment 55, which includes a fishery impact statement and a regulatory impact review, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/amendment-55-establish-new-scamp-and-yellowmouth-grouper-complex-rebuilding-plan-catch>.

The unique identification number for the environmental review for Amendment 55 is: EAXX-006-48-1SE-1730464344.

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**SUPPLEMENTARY INFORMATION:** NMFS and the Council manage the South Atlantic snapper-grouper fishery, which includes scamp, yellowmouth grouper, and the species in the other SASWG complex, under the FMP. The FMP was prepared by the Council, 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).

### **Background**

The Magnuson-Stevens Act requires that NMFS and

regional fishery management councils prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended 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. To further this goal, the Magnuson-Stevens Act requires fishery managers to minimize bycatch and bycatch mortality to the extent practicable.

This action is taken under the statutory authority of the Magnuson-Stevens Act section 303(a)(1) as necessary and appropriate for the conservation and management of the fishery to prevent overfishing and to promote the long-term health and stability of the fishery.

On March 17, 2025, NMFS published a notice of availability for Amendment 55 and requested public comment (90 FR 12287). On August 25, 2025, NMFS published a proposed rule for Amendment 55 and requested public comment (90 FR 41365). NMFS approved Amendment 55 on June 9, 2025, pursuant to section 304(a)(3) of the Magnuson-Stevens Act. The proposed rule and Amendment 55 outline the rationale for the actions contained in this final rule. The management measures described in Amendment 55 and implemented by this final rule are summarized below.

Unless otherwise noted, all weights in this final rule are described in round weight.

The South Atlantic stock of scamp was assessed for the first time through the Southeast Data, Assessment, and Review (SEDAR) 68 Research Track (RT) assessment in September 2021 (SEDAR 68 RT (2021)). In 2020, the first stage of the SEDAR 68 data process was a Stock Identification (ID) Workshop (SEDAR 68 Stock ID Workshop (2020)), which concluded that scamp are very difficult to distinguish from yellowmouth grouper and, thus, much of the assessment data likely represents both species in unknown proportions. The SEDAR 68 Stock ID Workshop (2020) recommended that the stock assessment be conducted on both scamp and yellowmouth grouper jointly with the two species treated as a single complex because of the low level of yellowmouth grouper landings, the overlap of vessels that land each species, and the likelihood of misidentification between the species. This recommendation resulted in the SEDAR 68 Operational Assessment (OA), which was completed in 2022 (SEDAR 68 OA (2022)). The stock status for scamp and yellowmouth grouper was unknown prior to completion of the SEDAR 68 OA (2022). The Council's Scientific and Statistical Committee (SSC) reviewed the SEDAR 68 OA (2022) at their April 2023 meeting. The assessment included data through 2021 and incorporated the revised landings estimates for recreational catch using the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES). The results of the SEDAR 68 OA assessment

indicated that the scamp and yellowmouth grouper stock is overfished but not undergoing overfishing. The SSC determined that the assessment was conducted using the best scientific information available and was adequate for determining stock status and supporting total fishing level recommendations. NMFS notified the Council of the overfished status of the scamp and yellowmouth grouper stock via letter dated September 21, 2023.

Following a notification from NMFS to the Council that a stock is overfished, the Magnuson-Stevens Act requires the Council to develop an action to rebuild the affected stock. Therefore, the Council developed Amendment 55 to respond to the results of SEDAR 68 OA (2022).

Amendment 25 to the FMP (Comprehensive Annual Catch Limit Amendment) (77 FR 15916, March 16, 2012) established single species and species complex annual catch limits (ACL) and AMs. Single species ACLs were established for assessed and targeted species, species where  $ACL = 0$ , and species that could not be placed in a complex based on the criteria below. Scamp was one of the species that met the criteria for a single species ACL. Complex ACLs for groups of species were established for other snapper-grouper species using associations based on one or more of the following: life history, catch statistics from commercial logbook and observer data, recreational headboat logbook and private/charter survey data, and fishery-independent

data. Based on the criteria for complex ACLs in Amendment 25, yellowmouth grouper was included in the other SASWG complex along with red hind, rock hind, yellowfin grouper, coney, and graysby. Regulatory Amendment 13 to the FMP updated the commercial and recreational ACLs for select unassessed species including scamp and yellowmouth grouper (78 FR 36113, June 17, 2013). Amendment 29 to the FMP established the current commercial and recreational ACLs for scamp and yellowmouth grouper (80 FR 30947, June 1, 2015).

#### **Management Measures Contained in this Final Rule**

This final rule removes yellowmouth grouper from the other SASWG complex and establishes a new scamp and yellowmouth grouper complex. For the new complex, this final rule establishes the total ACL, sector ACLs, recreational bag limits, commercial trip limits, and AMs. This final rule also revises the total ACL and sector ACLs for the species remaining within the other SASWG complex. Additionally, Amendment 55 establishes SDC and a rebuilding plan for the new scamp and yellowmouth grouper complex.

#### *Reorganization of Complexes*

Yellowmouth grouper has been part of the other SASWG complex containing rock hind, red hind, coney, graysby, yellowmouth grouper, and yellowfin grouper. This final rule removes yellowmouth grouper from the other SASWG complex and establishes a new complex containing both scamp and

yellowmouth grouper. Rock hind, red hind, coney, graysby, and yellowfin grouper will remain in the reorganized other SASWG complex.

*Scamp and Yellowmouth Grouper Complex Total ACL*

As described in Amendment 55, the acceptable biological catch (ABC) for the new scamp and yellowmouth grouper complex equals the total ACL for the complex, and an ABC is established of 67,450 pounds (lb) (30,595 kilograms (kg)) for the 2025 fishing year; 72,200 lb (32,749 kg) for the 2026 fishing year; 75,050 lb (34,042 kg) for the 2027 fishing year; 77,900 lb (35,335 kg) for the 2028 fishing year; and 79,800 lb (36,197 kg) for the 2029 and subsequent fishing years. The ABC values reflect the SSC recommendations, which are based on the latest commercial landings data and recreational data from the MRIP-FES and are considered to be consistent with the best scientific information available. The Magnuson-Stevens Act National Standard 1 guidelines specify that Councils can choose to account for management uncertainty by setting the ACL less than the ABC but also state that ACLs may be set very close to or equal to the ABC. Amendment 55 sets the total ACL equal to the ABC for the new scamp and yellowmouth grouper complex. This level of removals is below the maximum sustainable yield (MSY) and the overfishing limit and is expected to ensure that overfishing will be prevented, the long-term average

biomass will be near or above the biomass that would produce the MSY ( $B_{MSY}$ ), and the overfished stock complex of scamp and yellowmouth grouper will be rebuilt within the rebuilding timeframe.

*Scamp and Yellowmouth Grouper Complex Commercial and Recreational ACLs*

Amendment 55 revises the commercial and recreational sector allocations for scamp and yellowmouth grouper. The sector ACLs for scamp and yellowmouth grouper established through Amendment 25 to the FMP have been based on commercial and recreational allocations of 69.36 percent and 30.64 percent, respectively, for scamp and 1.35 percent and 98.65 percent, respectively, for yellowmouth grouper (77 FR 15916, March 16, 2012). Those allocations were set using a formula of  $(0.5 * \text{catch history}) + (0.5 * \text{current trend})$  where catch history is equal to the average landings of 1986 through 2008 and current trend is equal to the average landings of 2006 through 2008.

Amendment 55 set the commercial and recreational sector allocations for the scamp and yellowmouth grouper complex based on a new allocation formula known as the split reduction method that uses average landings over a more recent, 5-year time series and accounts for revised recreational landings estimates from the MRIP-FES. Beginning in 2025, the split reduction method allocates the total ACL to each sector based upon the distribution of

total average landings during more recent time periods that better reflect the way the fishery is currently operating. The allocation is based on the 5-year total average of commercial and recreational (FES) landings from 2018 through 2022 and split the reduction needed from the current total ACL equitably between the sectors to achieve the reduction in harvest needed to constrain the harvest to the total ACL. In each subsequent year throughout the rebuilding plan, as the total ACL increases the ACL poundage increase is allocated equally between both sectors and added to each sector's respective ACL from the previous year. The commercial and recreational allocation percentages and sector ACLs will change each year from 2025 through 2029 and then remain set at the 2029 level. For the commercial sector, allocation percentages will decline from 64.90 to 62.59 percent through 2029, and for the recreational sector the allocation percentages will increase from 35.10 to 37.41 percent through 2029.

The current commercial and recreational ACLs for scamp are 219,375 lb (99,507 kg) and 116,369 lb (52,784 kg), respectively. Yellowmouth grouper is currently part of the other SASWG complex, and the commercial and recreational ACLs for the other SASWG complex are 55,542 lb (25,193 kg), and 48,648 lb (22,066 kg), respectively.

Amendment 55 uses the split reduction allocation method to more fairly deal with the initial reduction in

ACLs for scamp and yellowmouth grouper and proportionately reduces each sector's allowable catch based on recent landings so that the effect on each sector is more equitable. Similarly, the new allocations will balance the needs of both sectors and also increase each sector's allowable catch proportionately on a poundage basis throughout the rebuilding plan. The new sector allocation method distributes both fishing restrictions and recovery benefits for the scamp and yellowmouth grouper complex fairly and equitably between both sectors. In addition, this allocation method is also reasonably calculated to promote conservation, since it establishes sector catch limits within the boundaries of a total ACL that is based upon an ABC recommendation that would end overfishing and rebuild the stock complex, incorporating the best scientific information available.

When applying the new commercial sector allocation percentage, the revised commercial ACLs for the scamp and yellowmouth grouper complex are 43,772 lb (19,855 kg) for the 2025 fishing year; 46,147 lb (20,932 kg) for the 2026 fishing year; 47,572 lb (21,578 kg) for the 2027 fishing year; 48,997 lb (22,225 kg) for the 2028 fishing year; and 49,947 lb (22,656 kg) for the 2029 and subsequent fishing years.

When applying the recreational sector allocation percentage, the revised recreational ACLs for the scamp and

yellowmouth grouper complex are 23,678 lb (10,740 kg) for the 2025 fishing year; 26,053 lb (11,817 kg) for the 2026 fishing year; 27,478 lb (12,464 kg) for the 2027 fishing year; 28,903 lb (13,110 kg) for the 2028 fishing year; and 29,853 lb (13,541 kg) for the 2029 and subsequent fishing years.

*Recreational Bag Limits for Scamp and Yellowmouth Grouper*

Currently, the recreational bag limit is three scamp or three yellowmouth grouper per person per day within the overall three-fish grouper and tilefish combined aggregate bag limit. This final rule establishes an aggregate complex bag limit of one fish (either scamp or yellowmouth grouper) per person per day within the overall three-fish grouper and tilefish combined aggregate bag limit.

Given the reduction in harvest needed to rebuild the scamp and yellowmouth grouper stock, an aggregate bag limit for these species will continue to allow recreational retention while also helping to constrain recreational harvest to the reduced recreational ACL.

*Scamp and Yellowmouth Grouper Complex Commercial Trip Limits*

Currently, there is no commercial trip limit for scamp and yellowmouth grouper, either as individual species or as an aggregate of species. This final rule establishes an aggregate commercial trip limit for scamp and yellowmouth grouper of 300 lb (136 kg), gutted weight.

The new commercial trip limit is intended to keep the scamp and yellowmouth grouper portion of the snapper-grouper fishery open and available to fisherman and consumers for as long as possible while reducing harvest to ensure the rebuilding plan is achieved.

*Scamp and Yellowmouth Grouper Complex Commercial AMs*

There are not currently any commercial AMs for the new scamp and yellowmouth grouper complex. For the new complex, this final rule establishes an in-season commercial closure for the remainder of the fishing year if the combined commercial landings for scamp and yellowmouth grouper reach or are projected to reach the commercial ACL of the complex. This final rule also establishes post-season AMs if the combined commercial landings for scamp and yellowmouth grouper exceed the complex commercial ACL; regardless of stock status or whether the total ACL was exceeded, the commercial ACL of the complex for the following fishing year will be reduced by the amount of the commercial ACL overage in the prior fishing year.

To achieve rebuilding, it is important that the commercial AMs be as effective as possible in preventing commercial landings from exceeding the commercial ACL. An in-season closure and a post-season overage adjustment (payback) of the commercial ACL will ensure that commercial landings remain at or below the proposed commercial ACL.

*Scamp and Yellowmouth Grouper Complex Recreational AMs*

This final rule establishes a post-season recreational AM. If the combined recreational landings for scamp and yellowmouth grouper exceed the recreational ACL of the complex, then the length of the following year's recreational fishing season for the complex will be reduced by the amount necessary to prevent the recreational ACL from being exceeded in the following year, regardless of stock status.

Recreational landings estimates are not timely enough for in-season monitoring of the complex. The new post-season AM is consistent with AMs established for similar snapper-grouper species, in which a season reduction is reliant on a single trigger: that recreational landings exceed the recreational ACL. When triggered, this post-season AM will be effective in constraining recreational landings from exceeding the recreational ACL during the following year.

#### *Other SASWG Complex Total ACL and Sector ACLs*

The current ABC for the other SASWG complex that contains rock hind, red hind, coney, graysby, yellowmouth grouper, and yellowfin grouper is 104,190 lb (47,260 kg), and was implemented by Amendment 29 to the FMP (80 FR 30947, June 1, 2015). The total ACL was set equal to the ABC and included recreational estimates from MRIP's Coastal Household Telephone Survey (CHTS). The current commercial ACL is 55,542 lb (25,193 kg) and the recreational ACL is

48,648 lb (22,066 kg).

Amendment 55 does not change the ABC for the reorganized other SASWG complex and keeps it as 104,190 lb (47,260 kg). The revised total ACL for the reorganized other SASWG complex is 100,151 lb (45,428 kg) and retains recreational estimates from MRIP-CHTS in the estimation of the total ACL. The commercial ACL is 53,380 lb (24,213 kg), and the recreational ACL is 46,771 lb (21,215 kg). For the complex, while the ABC does not change with the removal of yellowmouth grouper from the complex, the total ACL is reduced by the amount that had been attributed to yellowmouth grouper. As a result of the statutory timeline required under the Magnuson-Stevens Act, it was decided not to update the ABC after the removal of yellowmouth grouper given the unassessed species remaining in the complex and extended timing that would have been needed to provide that update. The sector allocations for the other SASWG complex do not change in Amendment 55 and remain at 1.35 percent commercial and 98.65 percent recreational.

The species within the other SASWG complex are considered data limited, and none of the species in the complex have stock assessments. Following the SSC's Unassessed Stocks Workgroup meeting in 2020, an ABC was recommended; however, this catch level was determined by the SSC using the third highest landings and only reliable catch methodologies, which are both no longer considered

best scientific information available. During the SSC's April 2023 meeting, the SSC recommended that the other SASWG complex ACL be modified while still retaining the MRIP-CHTS recreational estimates included in the estimation of the total ACL. The SSC also recommended that the other SASWG complex ABC and ACL be revised in the upcoming Unassessed Species Amendment using MRIP-FES recreational estimates. As the Unassessed Species Amendment is not expected to be completed until 2026 or later, an action to update the other SASWG complex ABC and ACL using MRIP-FES recreational data was not included in Amendment 55. The MRIP-FES based catch estimates for the other SASWG complex species have not yet been through a sufficient scientific review process, which the SSC determined was necessary prior to developing new ABCs and ACLs based on the FES data. Amendment 55 does not modify the current commercial or recreational AMs for the other SASWG complex (50 CFR 622.193(j)).

**Management Measures in Amendment 55 Not Codified by this Final Rule**

In addition to the measures within this final rule, Amendment 55 establishes biological reference points or SDC and a rebuilding plan for the scamp and yellowmouth grouper stock.

*Scamp and Yellowmouth Grouper Complex MSY*

MSY is defined as the largest long-term average catch

that can be taken from a stock under current conditions. Amendment 55 establishes the MSY proxy for the scamp and yellowmouth grouper complex as the yield when fishing at the fishing mortality rate (F) that produces a spawning potential ratio (SPR) of 40 percent. Currently, scamp (individually) and yellowmouth grouper (as part of the other SASWG complex) have MSY proxies of F30%SPR; however, SEDAR 68 OA (2022) recommended an MSY proxy for the scamp and yellowmouth grouper stock complex of F40%SPR. As described in Amendment 55, the MSY proxy recommendation is to use F30%SPR for very resilient stocks and use F40%SPR for species with life-history characteristics consistent with scamp and yellowmouth grouper.

Based on information from the NMFS Southeast Fisheries Science Center (SEFSC) that the best scientific information available recommends that F40%SPR is more likely than F30%SPR to achieve a level of biomass that will produce the MSY for the scamp and yellowmouth grouper stock complex, and Amendment 55 establishes the MSY proxy of F40%SPR for the scamp and yellowmouth grouper complex.

*Scamp and Yellowmouth Grouper Complex Maximum Fishing Mortality Threshold (MFMT)*

MFMT is defined as the level of fishing mortality above which overfishing is occurring. Amendment 55 establishes an MFMT equal to F40%SPR for the scamp and yellowmouth grouper complex, with an estimated value of

0.28. Currently, scamp (individually) and yellowmouth grouper (as part of the other SASWG complex) have an MFMT equal to the MSY proxy of F30%SPR; however, SEDAR 68 OA (2022) recommended an MFMT equal to the MSY proxy of the yield at F40%SPR for the scamp and yellowmouth grouper stock complex. The new MFMT is based on the best scientific information available and is consistent with the new MSY.

*Scamp and Yellowmouth Grouper Complex Minimum Stock Size Threshold (MSST)*

MSST is defined as the biomass level below which a stock is declared overfished. Amendment 55 establishes MSST equal to 75 percent of the spawning stock biomass (SSB) at F40%SPR, with a currently estimated value of 801.60 metric tons. Currently, scamp (individually) and yellowmouth grouper (as part of the other SASWG complex) have an MSST equal to the SSB at MSY ( $SSB_{MSY}$ ) times either one minus the natural mortality (M) or 0.5, whichever is greater. However, SEDAR 68 OA (2022) defined the MSST as 75 percent of SSB at F40%SPR for the scamp and yellowmouth grouper stock complex. This new MSST for the scamp and yellowmouth grouper stock complex is based on the best scientific information available.

*Scamp and Yellowmouth Grouper Complex OY*

OY is the long-term average yield desired from a stock or fishery as reduced from MSY for the fishery based on relevant economic, social, and ecological factors.

Amendment 55 establishes an OY of 95 percent MSY for the scamp and yellowmouth grouper complex, which produces an OY of 353,670 lb (160,422 kg) and an MSY of 372,280 lb (168,863 kg). Uncertainty in landings estimates for scamp and yellowmouth grouper exists, but scientific uncertainty had been appropriately accounted for in the SSC's ABC recommendation, and the 5 percent buffer between OY and the MSY will account for the uncertainty in social, economic, and biological factors.

*Rebuilding Plan for the South Atlantic Scamp and Yellowmouth Grouper Stock Complex*

Amendment 55 establishes a 10-year rebuilding plan for the complex, which is the longest allowable rebuilding scenario (Tmax) allowed by the Magnuson-Stevens Act except in certain cases (16 U.S.C. 1854(e)(4)(A)) and is consistent with the Magnuson-Stevens Act National Standard 1 guidelines for stocks that are projected to rebuild in 10 years or less (50 CFR 600.310(j)(3)(i)(B)(1)). The Council's preferred choice of the 10-year timeframe for rebuilding beginning in 2025 is intended to reduce the severity of the proposed rebuilding measures and thus minimize short-term negative social and economic impacts on fishing communities consistent with National Standard 8.

**Comments and Responses**

NMFS received seven comments on Amendment 55 and the proposed rule during their respective comment periods.

Comments were received from individuals and the U.S. Seafood Policy Council. Most of the comments were in support of all, or parts of, Amendment 55 and the proposed rule, and NMFS agrees with those comments in support. Some comments received were not related to Amendment 55 or the proposed rule and are, therefore, not responded to in this final rule. Comments that suggested alternatives to the preferred alternatives in Amendment 55 and the proposed rule or questioned the rationale and analysis in the proposed rule are summarized and responded to below. No changes were made to this final rule based on public comment.

*Comment 1:* The proposed rule does not clearly articulate the scientific basis for separating yellowmouth grouper from the other SASWG complex beyond stock assessment data. Providing explicit population modeling results and genetic or ecological distinctions would strengthen stakeholder understanding of the reorganization of the complexes. SDCs for the complex are referenced without detailing threshold biomass or exploitation rate levels, and defining these SDCs quantitatively would enhance enforcement consistency and clarity to the public.

*Response:* The latest SEDAR stock assessment, the SEDAR 68 OA (2022), assessed scamp and yellowmouth grouper in the South Atlantic as a single stock due to the low level of yellowmouth grouper landings, the overlap of vessels that

land each species, and the likelihood of misidentification between scamp and yellowmouth grouper. The assessment includes information on explicit population modeling results and genetic or ecological distinctions. SEDAR 68 OA (2022) provides the basis for the reorganization of the complex and the SSC found the assessment was conducted using the best scientific information available. Also, including yellowmouth grouper with scamp in a new complex will allow for future changes to catch levels and management measures necessary to efficiently address the overfished status of these two species based on the best scientific information available. Threshold biomass or exploitation rate levels for the scamp and yellowmouth grouper complex were included in SEDAR 68 OA (2022). SDC benchmarks are quantitatively described in both Amendment 55 and the proposed rule.

*Comment 2:* The sector ACLs for the new scamp and yellowmouth grouper complex are described broadly in the proposed rule, but the methodology for determining allocations among commercial, recreational, and subsistence fisheries is not transparent. Providing details about the allocation formula and allocation assumptions would increase credibility and reduce disputes over fairness.

*Response:* NMFS disagrees that the ACL sector allocation information was not transparent in the proposed rule. The methodology for determining sector allocations is

described in both Amendment 55 and the proposed rule. The commercial and recreational sector allocations for the scamp and yellowmouth grouper complex are based on the new split reduction method that uses average landings over a more recent, 5-year time series and accounts for revised recreational landings estimates from the MRIP-FES. This method proportionately distributes the reductions in total harvest needed for the complex between the commercial and recreational sectors based upon the distribution of landings under more recent time periods that better reflect the way the fishery is currently operating. As described in Amendment 55 and stated in the proposed rule, the sector allocations and sector ACLs are proportional to each sector's share of total average landings from 2018 through 2022 and split the reduction needed from the current total ACL equitably among the sectors to achieve the reduction in harvest needed to constrain the harvest to the total ACL. In subsequent years, as the total ACL increases the total ACL poundage increase will be split equally between both sectors and added to each sector's ACL from the previous year. This approach will in effect gradually shift the allocation between the sectors over time. The 2029 sector ACL values will remain in effect unless changed by future action. This sector allocation method more fairly deals with the initial reduction in ACLs for scamp and yellowmouth grouper that will result from the updated catch

levels and reduces the proportion of each sector's allowable catch based on recent landings so that the effect on each sector is more equitable. Similarly, the new allocations will balance the needs of both sectors and increase each sector's allowable catch proportionately on a poundage basis throughout the rebuilding plan. The new sector allocation method distributes both fishing restrictions and recovery benefits for scamp and yellowmouth grouper fairly and equitably among both sectors in the new complex.

The FMP does not currently have any specific management measures for subsistence fishing, and there is no portion of the total ACL for either the new complex or the previously implemented other SASWG complex allocated to subsistence fishing. Amendment 55 did not consider any changes to which entities receive allocation, and although the commenter refers to a subsistence fishery, neither this comment nor any other suggested the creation of a new category for allocation of the ACL.

*Comment 3:* The success of the rebuilding plan for the scamp and yellowmouth grouper complex hinges on accurate biomass estimates and fishing mortality rates, but the proposed rule does not specify how these parameters will be updated during the rebuilding plan's implementation.

*Response:* Information on scamp and yellowmouth grouper complex is collected through both fishery dependent and

independent methods such as logbooks, trip tickets, dock-side intercepts, mail-in surveys, headboat surveys, discard logbooks, and dealer reports. This information was used to estimate biomass and fishing mortality rates for the scamp and yellowmouth stocks through the SEDAR 68 OA 2022 assessment process, and it will be used to determine whether the rebuilding goals of the stock are being achieved through future assessments and updates.

*Comment 4:* The scamp and yellowmouth grouper complex AMs appear to focus on post-season overage adjustments, but proactive in-season monitoring and in-season closures are not discussed. Incorporating dynamic in-season AM triggers would help prevent overfishing before the applicable ACLs are exceeded.

*Response:* Amendment 55 and the proposed rule discuss in-season monitoring and in-season closures. Specifically, as described in Amendment 55 and the proposed rule, an in-season commercial closure will occur if commercial landings for the scamp and yellowmouth complex reach or are projected to reach the commercial ACL of the complex.

Additionally, as noted above, this final rule also establishes a post-season recreational AM. If the combined recreational landings for scamp and yellowmouth grouper exceed the recreational ACL of the complex, then the length of the following year's recreational fishing season for the complex will be reduced by the amount necessary to prevent

the recreational ACL from being exceeded. Recreational landings estimates are not timely enough for effective implementation of an in-season AM for the recreational sector. When triggered, this recreational post-season AM will be effective in constraining recreational landings from exceeding the recreational ACL during the following year. The combination of the commercial in-season and post-season AMs and the recreational post-season AM are expected to be effective in helping manage landings with respect to the sector ACLs and the overall stock health.

*Comment 5:* The economic impact analysis is limited in its treatment of potential short-term losses to specific fishing communities as the rebuilding plan takes effect. Adding a detailed socio-economic model by sector and geography would help target mitigation strategies.

*Response:* The combined social and economic analyses presented in Amendment 55 address sector-based effects and impacts and provide information on the geographical distribution of landings and affected fishing communities (<https://www.fisheries.noaa.gov/action/amendment-55-establish-new-scamp-and-yellowmouth-grouper-complex-rebuilding-plan-catch>). The information presented on specific fishing communities is limited because of the need to preserve data confidentiality.

*Comment 6:* The proposed rule for Amendment 55 does not indicate whether bycatch and habitat interactions will be

tracked as part of the management of the new scamp and yellowmouth grouper complex. Integrating ecosystem-based monitoring would improve sustainability beyond single-species rebuilding targets.

*Response:* Data needed to evaluate bycatch and habitat interactions will continue to be collected for the new scamp and yellowmouth complex (see tracking of landings in response to *Comment 3*). Bycatch and habitat interactions are more fully described in Chapter 3, Appendix G (Bycatch Practicability Analysis), and Appendix E (Essential Fish Habitat and Ecosystem Based Fishery Management of Amendment 55). NMFS agrees that information on these and other ecosystem interactions can help to inform the development of an effective management strategy, such as the one proposed in Amendment 55 that is designed to rebuild scamp and yellowmouth grouper as a complex based on the best scientific information available (SEDAR 68 OA (2022)).

### **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 Amendment 55, the FMP, 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 12866. This final rule is not an Executive Order 14192 regulatory

action because this action is not significant under Executive Order 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under Executive Order 13175 is not required, and the requirements of sections (5) (b) and (5) (c) of Executive Order 13175 also do not apply. A Tribal summary impact statement under section (5) (b) (2) (B) and section (5) (c) (2) (B) of Executive Order 13175 is not required and has not been prepared.

A final regulatory flexibility analysis (FRFA) was prepared, as required by section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604). The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

The Magnuson-Stevens Act provides the statutory basis for this final rule. A description of this final rule, why it is being implemented, and the purpose of this final rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION**

sections of this final rule.

Public comments relating to social and economic implications and potential impacts on small businesses are addressed in the responses to *Comment 5* in the **Comments and Responses** section of this final rule. No changes to this final rule were made in response to this public comment. No comments were received from the Office of Advocacy for the Small Business Administration.

This final rule will: (1) reorganize the other SASWG complex by removing yellowmouth grouper from it and establish a new South Atlantic scamp and yellowmouth grouper complex, (2) establish the total ACL for the scamp and yellowmouth grouper complex, (3) establish sector ACLs for the scamp and yellowmouth grouper complex consistent with the sector allocations in Amendment 55, (4) establish an aggregate scamp and yellowmouth grouper complex recreational bag limit, (5) establish an aggregate commercial trip limit for scamp and yellowmouth grouper, (6) establish commercial AMs for the scamp and yellowmouth grouper complex, (7) establish recreational AMs for the scamp and yellowmouth grouper complex, and (8) revise the total ACL and sector ACLs for the other SASWG complex by removing the portions of the total and sector ACLs that are currently attributed to yellowmouth grouper.

Actions (1) through (3) and (8), above, apply to all commercial fishing businesses, charter vessel and headboat

(for-hire) fishing businesses, and recreational fishers (anglers) that fish for scamp or yellowmouth grouper in Federal waters of the South Atlantic. Actions (4) and (7) apply only to for-hire fishing businesses and recreational anglers. Finally, actions (5) and (6) apply only to commercial fishing businesses. None of the changes implemented by this final rule directly apply to federally-permitted dealers. Any change in the supply of scamp or yellowmouth grouper available for purchase by dealers and associated economic effects as a result of this final rule would be indirect effects and would, therefore, fall outside the scope of the RFA.

Although many components of this final rule apply to for-hire vessels, they are not expected to have any direct effects on these entities. For-hire vessels sell fishing services to recreational anglers. The changes to the scamp and yellowmouth grouper catch limits and management measures are not expected 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 final rule would be a consequence of a change in anglers' behavior and would, therefore, be indirect. Based on the historically-minimal level of recreational target effort for scamp and yellowmouth grouper in the South Atlantic and the number of substitute species available, NMFS does not expect any change in for-

hire trip demand to result from this final rule; however, should it occur, the associated indirect effects would fall outside the scope of the RFA. For-hire captains and crew are currently permitted to retain scamp and yellowmouth grouper under the recreational bag limits; however, they are not permitted to sell these fish. As such, for-hire captains and crew are affected only insofar as they fish themselves as recreational anglers.

For purposes of the RFA, recreational anglers are not considered to be entities, so they are also outside the scope of this FRFA. Small entities include small businesses, small organizations, and small governmental jurisdictions (see 5 U.S.C. 601(3) through (6)). Recreational anglers are not businesses, organizations, or governmental jurisdictions. Therefore, the remainder of this analysis focuses on the impacts on commercial vessels.

As of August 26, 2021, there were 579 valid or renewable South Atlantic snapper-grouper unlimited permits and 112 valid or renewable 225-lb (102.1 kg) trip-limited permits. On average from 2018 through 2022, there were 137 federally-permitted commercial vessels with reported landings of scamp or yellowmouth grouper in the South Atlantic. Their average annual vessel-level gross revenue from all species for 2018 through 2022 was \$82,458 (2022 dollars), and scamp and yellowmouth grouper accounted for approximately 4.1 percent of this revenue. For commercial

vessels that harvest scamp or yellowmouth grouper in the South Atlantic, NMFS estimates that economic profits are -\$742 (2022 dollars) or -0.9 percent of annual gross revenue, on average. The negative value for economic profits presented here does not necessarily mean the average business is operating at a loss in an accounting sense; rather, the owner is not being fully compensated for their time or asset depreciation when compared to the next best use of their labor and capital resources. The maximum annual revenue from all species reported by a single vessel that harvested scamp and yellowmouth grouper from 2018 through 2022 was \$441,332 (2022 dollars).

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 (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 final rule are believed to be small entities based on the NMFS size standard. No other small entities that will be directly affected by this final rule have been identified.

This final rule will reorganize the other SASWG complex by removing yellowmouth grouper from it and establishing a new South Atlantic scamp and yellowmouth grouper complex. These changes will not directly constrain harvest or fishing effort and therefore have no direct effects on small entities.

This final rule will also establish a total ACL for the new scamp and yellowmouth grouper complex based on the most recent recommendations from the SSC in response to the SEDAR 68 OA in 2022 for scamp and yellowmouth grouper. These catch limits reflect a shift in recreational reporting units from the MRIP-CHTS to the MRIP-FES. The total ACL will be set equal to the ABC in each year of the rebuilding plan according to the values provided in table 1. The 2029 values will remain in effect unless changed by a future action. Because the scamp and yellowmouth grouper complex has not yet been established and there are no sector allocations for the complex, a hypothetical status quo allocation of 64.90 percent of the total ACL, based on the average landings distribution by sector from 2018 through 2022, is used in Amendment 55 to calculate a *de facto* commercial ACL. This allows for a rough assessment of how commercial landings for scamp and yellowmouth grouper may change under the new scamp and yellowmouth grouper complex total ACL and absent the establishment of sector allocations or ACLs. Relative to the 5-year average (2018

through 2022) historical landings of 75,540 lb (34,264 kg) and applying a hypothetical commercial sector allocation of 64.90 percent, the new scamp and yellowmouth grouper total ACL would result in an expected decrease in commercial landings during the rebuilding timeframe, as shown in table 1. As discussed below, Amendment 55 and this final rule will also establish commercial and recreational allocation percentages and sector ACLs, and, therefore, economic effects to small entities are quantified as part of that discussion.

**Table 1 - New Scamp and Yellowmouth Grouper Total ACLs, with Commercial ACLs Based on a Hypothetical Allocation of 64.90 Percent, as Derived from the Average Scamp and Yellowmouth Grouper Landings Distribution by Sector from 2018 through 2022**

Year	Total ACL in lb (kg)	Commercial ACL in lb (kg)	Difference between new commercial ACL and 5 year average landings (2018-2022) in lb (kg)
2025	67,450 (30,595)	43,772 (19,855)	-31,768 (-14,410)
2026	72,200 (32,749)	46,855 (21,253)	-28,685 (-13,011)
2027	75,050 (34,042)	48,704 (22,092)	-26,836 (-12,173)
2028	77,900 (35,335)	50,554 (22,931)	-24,986 (-11,333)
2029+	79,800 (36,197)	51,787 (23,490)	-23,753 (-10,774)

Amendment 55 and this final rule will set scamp and yellowmouth grouper sector allocations and sector ACLs in 2025 proportional to each sector's share of total average

landings (commercial and recreational combined) from 2018 through 2022 (table 2). In subsequent years, as the total ACL increases, the total ACL poundage increase will be split equally between both sectors and added to each sector's ACL from the previous year. This approach will in effect gradually shift the allocation percentages over time. The 2029 values will remain in effect unless changed by future action. As shown in table 2, the combined economic effects of the new ACLs in conjunction with the revisions to the commercial allocation are estimated to be negative but modestly improving from 2025 through 2029. In 2029 and subsequent years, ex-vessel revenues are estimated to be static. This analysis utilizes a round weight to gutted weight conversion factor of 1.18 and an average ex-vessel price of \$7.44 per lb, gutted weight (2022 dollars). This analysis also assumes the full commercial ACL will be harvested each year and that commercial ACL is compared to average annual commercial landings from 2018 through 2022. The average per-vessel estimates are calculated by dividing the total estimated change in ex-vessel revenue by the average number of vessels with reported landings of scamp and yellowmouth grouper from 2018 through 2022. On average from 2025 through 2029, the per vessel loss in ex-vessel revenue is estimated to be \$1,300 per year (less than 2 percent of average annual per vessel revenue). It is noted that scamp and yellowmouth grouper make up a relatively

small portion of annual gross revenue for vessels that land these species (4.1 percent), and on trips where these species are harvested, they comprise less than 11 percent of trip revenue on average (2018 to 2022). Additionally, anecdotal information suggests these species are not typically targeted but are often caught while fishing for other snapper-grouper species. Therefore, NMFS assumes scamp and yellowmouth grouper are harvested as secondary, if not incidental, species on trips targeting other species and that this final rule will not materially affect fishing behavior, effort, or operating costs. As a result, the estimated reductions in annual ex-vessel revenue shown in table 2 are assumed to be straight losses in per vessel annual economic profits ranging from \$1,178 to \$1,462 (2022 dollars). These decreases will exacerbate the already negative average economic profits of affected small entities. Individual fishing businesses, however, may experience varying levels of economic effects, depending on their overall fishing practices, operating characteristics, and profit maximization strategies.

**Table 2 -- New Commercial Allocations and Commercial ACLs with Changes in Expected Landings and Ex-vessel Revenue Relative to the Status Quo (measured by average landings and ex-vessel revenue from 2018 - 2022)**

Year	Commercial Allocation	Commercial ACL in lb (kg)	Change in landings in lb (kg) gutted weight relative to no action (status quo)	Change in ex-vessel revenue relative to no action (status quo; 2022 dollars)	Average per vessel change in ex-vessel revenue (2022 dollars)

2025	0.6490	43,772 (19,855)	-26,922 (-12,212)	-\$200,300	-\$1,462
2026	0.6392	46,147 (20,932)	-24,909 (-11,299)	-\$185,325	-\$1,353
2027	0.6339	47,572 (21,578)	-23,702 (-10,751)	-\$176,341	-\$1,287
2028	0.6290	48,997 (22,225)	-22,494 (-10,203)	-\$167,356	-\$1,222
2029+	0.6259	49,947 (22,656)	-21,689 (-9,838)	-\$161,366	-\$1,178

In addition to the changes mentioned above, this final rule will establish an aggregate commercial trip limit of 300 lb (136 kg), gutted weight, for scamp and yellowmouth grouper. Under status quo management, where yellowmouth grouper is included in the other SASWG complex and scamp is managed individually, implementation of this commercial trip limit would be expected to reduce commercial scamp and yellowmouth grouper landings by 7.96 percent or 5,096 lb (2,312 kg), gutted weight, per year. This reduction in landings would represent an estimated annual loss of \$37,912 (2022 dollars) in ex-vessel revenue and economic profits to the commercial sector. However, the commercial trip limit will be established in conjunction with the new scamp and yellowmouth grouper complex commercial ACLs (table 2), and NMFS expects the commercial sector to fully harvest its ACL during each year of the rebuilding timeframe, even with the proposed 300 lb (136 kg), gutted weight, commercial trip limit in place. Therefore, these economic effects are subsumed under those described for the new complex allocations and commercial ACLs (table 2). In

general, reducing the commercial trip limit, even if aggregate landings and ex-vessel revenue remain the same, may reduce the economic efficiency of individual trips, which may have negative consequences on economic profits. These effects cannot be quantified with existing data.

This final rule will also establish commercial AMs for the scamp and yellowmouth grouper complex, such that if commercial landings reach or are projected to reach the commercial ACL, commercial harvest of scamp and yellowmouth grouper will be closed for the remainder of the fishing year. In addition, under the commercial AMs implemented by this final rule, if commercial landings of the complex exceed the commercial ACL of the complex, regardless of stock status or whether the total ACL was exceeded, the commercial ACL for the following fishing year will be reduced by the amount of the commercial ACL overage in the prior fishing year. These AMs will help ensure that commercial landings are constrained to the scamp and yellowmouth grouper complex commercial ACLs. In the event of an overage of the commercial ACL of the complex, commercial fishing businesses would be expected to experience reduced landings, ex-vessel revenue, and economic profits in the following year due to a reduced commercial ACL; however, this reduction would be at least partially offset by the additional landings that occurred over and above the commercial ACL in the year of the

overage. These effects cannot be quantified with available data.

Finally, this final rule revises the total ACL and sector ACLs for the other SASWG complex by subtracting the 4,039 lb (1,832 kg) from the total ACL that is currently attributed to yellowmouth grouper. The new total ACL will be 100,151 lb (45,428 kg). Applying the current sector allocations for the other SASWG complex of 53.3 percent commercial and 46.7 percent recreational, the new commercial ACL for that complex is 53,380 lb (24,213 kg) and the new recreational ACL is 46,771 lb (21,215 kg). Because the reductions to the total and sector ACLs for the other SASWG complex are equivalent to only what is currently attributed to yellowmouth grouper, no additional economic effects relative to those already described above for the new scamp and yellowmouth grouper complex are expected.

*Three Alternatives to the Action to Establish an ABC and ACL for the New Complex*

Three alternatives were considered for the action to establish an ABC and total ACL for the new scamp and yellowmouth grouper complex. The first alternative, the no action alternative, would not establish an ABC or total ACL and, therefore, would not be expected to constrain harvest or result in direct economic effects when compared to recent 5-year average landings and the existing separate

ACLs for the two grouper species. This alternative was not selected because it would be inconsistent with the SSC's latest catch limit recommendations for scamp and yellowmouth grouper, the requirements of the Magnuson-Stevens Act for the proposed new scamp and yellowmouth grouper complex, and the transition to the MRIP-FES.

The second alternative to the action to establish an ABC and total ACL for the scamp and yellowmouth grouper complex would adopt the revised ABCs recommended by the SSC and set the total ACL equal to 95 percent of the ABC as opposed to 100 percent of the ABC in the preferred alternative. The change in weight (lb/kg) between the total ACLs under this alternative and the total ACLs in this final rule, along with the expected change in ex-vessel revenue, are provided in table 3. Relative to the total ACLs set by this final rule and assuming a hypothetical commercial allocation of 64.90 percent (based on the distribution of historical landings by sector from 2018 through 2022), this alternative would reduce the *de facto* commercial ACL by a range of 2,188 lb (992 kg) in 2025 to 2,589 lb (1,174 kg) in 2029 and subsequent years (table 3). Assuming the commercial ACL would be harvested in full under either the total ACLs implemented by this final rule or the second alternative to the total ACL action, this difference translates to an additional loss in ex-vessel revenue and economic profits of \$13,797 (2022 dollars) to

\$16,326 or \$15,237 on average (2025 through 2029). The second alternative was not selected because (1) it would be less effective at achieving the objectives of the FMP and (2) the current ACL monitoring mechanisms in the South Atlantic, coupled with the existing and new management measures, are sufficient to prevent overages of the total ACL and thus do not require a buffer between the ABC and total ACL.

**Table 3 -- Differences in Total ACL, Commercial ACL, and Ex-vessel Revenue under the Second Alternative to the Action to Establish an ABC and Total ACL for the Scamp and Yellowmouth Grouper Complex**

Year	Total ACL set by this final rule in lb (kg)	Total ACL in lb (kg) under Alternative 2	Difference in total ACL in lb (kg)	Difference in commercial ACL in lb (kg) using allocation of 64.90 percent	Change in potential ex-vessel revenue (2022 dollars)
2025	67,450 (30,595)	64,078 (29,065)	-3,372 (-1,530)	-2,188 (-992)	-\$13,797
2026	72,200 (32,749)	68,590 (31,112)	-3,610 (-1,637)	-2,343 (-1,063)	-\$14,771
2027	75,050 (34,042)	71,298 (32,340)	-3,752 (-1,702)	-2,435 (-1,104)	-\$15,352
2028	77,900 (35,335)	74,005 (33,568)	-3,895 (-1,767)	-2,528 (-1,147)	-\$15,937
2029+	79,800 (36,197)	75,810 (34,387)	-3,990 (-1,810)	-2,589 (-1,174)	-\$16,326

The third alternative to the action to establish an ABC and total ACL for the scamp and yellowmouth grouper complex would adopt the revised ABCs recommended by the SSC and set the total ACL equal to 90 percent of the ABC as opposed to 100 percent of the ABC in the preferred

alternative. The change in weight (lb/kg) between the total ACLs under this alternative and the total ACLs in this final rule, along with the expected change in ex-vessel revenue, are provided in table 4. Relative to the total ACLs set by this final rule and assuming a hypothetical commercial allocation of 64.90 percent (based on the distribution of historical landings by sector from 2018 through 2022), this third alternative would reduce the *de facto* commercial ACL by a range of 4,377 lb (1,985 kg) in 2025 to 5,179 lb (2,349 kg) in 2029 and subsequent years (table 4). Assuming the commercial ACL would be harvested in full under either the total ACLs implemented by this final rule or the third alternative to the total ACL action, this difference translates to an additional loss in ex-vessel revenue and economic profits of \$27,599 (2022 dollars) to \$32,652 or \$30,475 on average (2025 through 2029). The third alternative was not selected because (1) it would be less effective at achieving the objectives of the FMP and (2) that the current ACL monitoring mechanisms in the South Atlantic, coupled with the existing and new management measures, will be sufficient to prevent overages of the total ACL; therefore, a buffer between the ABC and the total ACL as provided in alternative 3 is not required.

**Table 4 -- Differences in Total ACL, Commercial ACL, and Ex-vessel Revenue under the Third Alternative to the Action to Establish an ABC and Total ACL for the Scamp and Yellowmouth Grouper Complex**

Year	Total ACL set by this final rule in lb (kg)	Total ACL in lb (kg) under Alternative 3	Difference in total ACL in lb (kg)	Difference in commercial ACL in lb (kg) using allocation of 64.90 percent	Change in potential ex-vessel revenue (2022 dollars)
2025	67,450 (30,595)	60,705 (27,535)	-6,745 (-3,059)	-4,377 (-1,985)	-\$27,599
2026	72,200 (32,749)	64,980 (29,474)	-7,220 (-3,275)	-4,685 (-2,125)	-\$29,542
2027	75,050 (34,042)	67,545 (30,638)	-7,505 (-3,404)	-4,870 (-2,209)	-\$30,708
2028	77,900 (35,335)	70,110 (31,801)	-7,790 (-3,533)	-5,055 (-2,293)	-\$31,874
2029+	79,800 (36,197)	71,820 (32,577)	-7,980 (-3,620)	-5,179 (-2,349)	-\$32,652

*Two Alternatives to the Action to Establish Sector Allocations and Sector ACLS for the New Complex*

Two alternatives were considered for the action to establish scamp and yellowmouth grouper sector allocations and sector ACLs. The first alternative, the no action alternative, would not set sector allocations, and thus commercial and recreational landings combined would be constrained by the total ACL, as opposed to having individual commercial and recreational ACLs. As a result, it is assumed that the proportion of the total ACL harvested by each sector would remain similar to the recent 5-year average of landings (2018 through 2022), with the commercial sector accounting for 64.90 percent of the total ACL. Relative to the allocation set by this final rule, this alternative, when applied to the new total ACLs in table 1, would result in an increase in ex-vessel revenue

and economic profits that ranges from \$0 to \$11,599 (table 5) or \$6,602 on average (2025 through 2029). The first alternative to the sector ACLs set in this final rule was not selected because this alternative would not establish sector allocations and, therefore, would not be as effective at achieving the objectives of the FMP and would not align with the purpose of this final rule and Amendment 55.

**Table 5 -- Comparison of Commercial Allocation, Commercial ACL, and Ex-vessel Revenue under the First Alternative to the Action to Establish Sector Allocations and Sector ACLs for the New Complex**

Year	Commercial allocation set by this final rule	Alternative 1 Allocation	Commercial ACL in lb (kg) under Alternative 1 allocation	Change in commercial ACL in lb (kg) under Alternative 1 allocation	Change in potential ex-vessel revenue (2022 dollars)
2025	0.6490	0.6490	43,772 (19,855)	0 (0)	\$0
2026	0.6392	0.6490	46,855 (21,253)	708 (321)	\$4,461
2027	0.6339	0.6490	48,704 (22,092)	1,132 (513)	\$7,138
2028	0.6290	0.6490	50,554 (22,931)	1,557 (706)	\$9,814
2029+	0.6259	0.6490	51,787 (23,490)	1,840 (835)	\$11,599

The second alternative to the allocation implemented by this final rule would set scamp and yellowmouth grouper sector allocations and sector ACLs in 2025 proportional to each sector's share of total average landings (commercial and recreational combined) from 2013 through 2022 (table 6). In subsequent years, as the total ACL increases, the

total ACL poundage increase would be split equally between both sectors and added to each sector's ACL from the previous year. This second alternative would in effect gradually shift the allocation percentages over time. The 2029 values would remain in effect unless changed by future action. Relative to the allocation set by this final rule, this second alternative, when applied to the new total ACLs in table 1, would result in an average annual decrease in ex-vessel revenue and economic profits of approximately \$6,379 (table 6). The second alternative to the sector ACLs set in this final rule was not selected because the 10-year average used to calculate the initial allocation in 2025 was less representative of the current fishery and, therefore, would be less effective at achieving the objectives of the FMP.

**Table 6 -- Comparison of Commercial Allocation, Commercial ACL, and Ex-vessel Revenue under the Second Alternative to the Action to Establish Sector Allocations and Sector ACLs for the New Complex**

Year	Commercial allocation set by this final rule	Alternative 2 allocation	Commercial ACL in lb (kg) under Alternative 2 allocation	Change in commercial ACL in lb (kg) under Alternative 2 allocation	Change in potential ex-vessel revenue (2022 dollars)
2025	0.6490	0.6340	42,763 (19,397)	-1,009 (-458)	-\$6,360
2026	0.6392	0.6251	45,132 (20,472)	-1,015 (-460)	-\$6,398
2027	0.6339	0.6204	46,561 (21,120)	-1,011 (-459)	-\$6,374
2028	0.6290	0.6160	47,986 (21,766)	-1,011 (-459)	-\$6,372

2029+	0.6259	0.6132	48,933 (22,196)	-1,014 (-460)	-\$6,391
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*Four Alternatives to the Action to Establish a Commercial Trip Limit*

Four alternatives were considered for the action to establish a commercial trip limit of 300 lb (136 kg), gutted weight. The first alternative, the no action alternative, would not establish a commercial trip limit. Therefore, it would not be expected to change fishing practices or commercial harvests of scamp and yellowmouth grouper, nor would it be expected to result in direct economic effects. This alternative was not chosen because it would be less effective at constraining harvest to the commercial catch levels set by this final rule and would lead to a shorter commercial fishing season.

The second alternative to the commercial trip limit of 300 lb (136 kg), gutted weight, would set the commercial trip limit at 200 lb (91 kg), gutted weight. Under status quo management, under which yellowmouth grouper is included in the other SASWG complex and scamp is managed individually, implementation of a 200 lb (91 kg), gutted weight, commercial trip limit would be expected to reduce commercial scamp and yellowmouth grouper landings by 16.52 percent or 10,576 lb (4,797 kg) per year. Relative to the commercial trip limit implemented by this final rule, this second alternative would result in an estimated annual

reduction in ex-vessel revenue and economic profit that is \$40,770 (2022 dollars) greater. However, this second alternative would be established in conjunction with the new scamp and yellowmouth grouper complex commercial ACLs (table 2), and NMFS expects the commercial sector would fully harvest its ACL each year of the rebuilding timeframe, even with a 200 lb (91 kg), gutted weight, commercial trip limit in place. Therefore, the economic effects of the lower trip limit would be subsumed under those described for the allocations and commercial ACLs set by this final rule (table 2). In general, a lower commercial trip limit may reduce economic efficiency on commercial trips, which may lead to a reduction in economic profits. These effects cannot be quantified with existing data. This alternative was not chosen because the lower trip limit would make trips to catch scamp and yellowmouth grouper too costly and inefficient.

The third alternative to the commercial trip limit of 300 lb (136 kg), gutted weight, would set the commercial trip limit at 400 lb (181 kg), gutted weight. Under status quo management, implementation of a 400 lb (181 kg), gutted weight, commercial trip limit would be expected to reduce commercial scamp and yellowmouth grouper landings by 4.35 percent or 2,785 lb (1,263 kg) per year. Relative to the commercial trip limit implemented by this final rule, this alternative would result in an estimated annual reduction

in ex-vessel revenue and economic profit that is \$17,194 (2022 dollars) smaller. However, the commercial trip limit would be established in conjunction with the new commercial ACLs (table 2), and NMFS expects the commercial sector would fully harvest its ACL each year of the rebuilding timeframe with a 400 lb (181 kg), gutted weight, commercial trip limit in place. Therefore, these economic effects would be the same as those described for the allocations and commercial ACLs set by this final rule (table 2). In general, a less restrictive commercial trip limit may increase economic efficiency on commercial trips, which may lead to an increase in economic profits. These effects cannot be quantified with existing data. This alternative was not chosen because it would be less effective at constraining harvest to the commercial catch levels set by this final rule and would lead to a shorter commercial fishing season.

The fourth alternative to the commercial trip limit of 300 lb (136 kg), gutted weight, would set the commercial trip limit at 500 lb (227 kg), gutted weight. Under status quo management, implementation of a 500 lb (227 kg), gutted weight, commercial trip limit would be expected to reduce commercial scamp and yellowmouth grouper landings by 2.46 percent or 1,575 lb (714 kg) per year. Relative to the commercial trip limit implemented by this final rule, this alternative would result in an estimated annual reduction

in ex-vessel revenue and economic profit that is \$26,196 (2022 dollars) smaller. However, the commercial trip limit would be established in conjunction with the new commercial ACLs (table 2), and NMFS expects the commercial sector would fully harvest its ACL each year of the rebuilding timeframe with a 500 lb (227 kg), gutted weight, commercial trip limit in place. Therefore, these economic effects would be the same as those described for the allocations and commercial ACLs set by this final rule (table 2). Again, a less restrictive commercial trip limit may increase economic efficiency on commercial trips, which may lead to an increase in economic profits. These effects cannot be quantified with existing data. This alternative was not chosen because it would be less effective at constraining harvest to the commercial catch levels implemented by this final rule and would lead to a shorter commercial fishing season.

*Two Alternatives to the Proposed Action to Establish Commercial AMs for the New Complex*

Two alternatives were considered for the action to establish commercial AMs for the scamp and yellowmouth grouper complex. The first alternative, the no action alternative, would not establish commercial AMs and, therefore, would have no direct economic effects on any small entities. This alternative was not chosen because the Magnuson-Stevens Act requires AMs.

The second alternative to the commercial AMs action would establish commercial AMs for the scamp and yellowmouth grouper complex such that if commercial landings reach or are projected to reach the commercial ACL, commercial harvest of scamp and yellowmouth grouper would be closed for the remainder of the fishing year. Under this alternative, if commercial landings exceed the commercial ACL, the total ACL is exceeded, and the scamp and yellowmouth grouper complex is overfished, the commercial ACL for the following fishing year would be reduced by the amount of the commercial ACL overage in the prior fishing year. This second alternative would be less likely to result in an overage adjustment (payback) of commercial ACL overages than the commercial AMs implemented by this final rule because, under this second alternative, the overage adjustments wouldn't be triggered unless additional conditions are met. As a result, the second alternative would be less likely to negatively impact commercial fishing businesses through reduced commercial ACLs in years following commercial ACL overages. This alternative was not chosen because it would be less effective at constraining harvest to the commercial catch levels, thereby reducing protection to the scamp and yellowmouth grouper stock.

*One Alternative to the Proposed Action to Revise the Total and Sector ACLs for the Other SASWG Complex*

Finally, one alternative was considered for the action to revise the total ACL and sector ACL for the other SASWG complex. This alternative, the no action alternative, would not adjust the other SASWG complex total and sector ACL to account for the removal of yellowmouth grouper from the complex. The total ACL for this complex would remain at 104,190 lb (47,260 kg) and the commercial ACL would remain at 55,542 lb (25,193 kg). This alternative was not selected because it would retain catch levels that are inclusive of yellowmouth grouper and would, therefore, be inconsistent with the new scamp and yellowmouth grouper complex and associated catch levels that are implemented by this final rule. Under this alternative, catch levels for the remaining species in the other SASWG complex would be too high, would not provide adequate protection to those stocks, and would be inconsistent with the Magnuson-Stevens Act and the FMP.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency will publish one or more guides to assist small entities in complying with the rule and will designate such publications as "small entity compliance guides." The agency will explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a

fishery bulletin to permit holders that also serves as a small entity compliance guide was prepared. This final rule and the guide (*i.e.*, bulletin) will be available on the Southeast Regional Office website (see **ADDRESSES**). Hard copies of the guide and this final rule will be available upon request (see **ADDRESSES**).

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

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

Commercial, Fisheries, Fishing, Recreational, Scamp, Snapper-grouper, South Atlantic, Yellowmouth grouper.

**Dated:** May 19, 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 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 § 622.187, revise paragraphs (b)(2)(iii), (iv), and (v) and add paragraph (b)(2)(vi) to read as follows:

**§ 622.187 Bag and possession limits.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iii) No more than one fish may be a golden tilefish;

(iv) No more than two fish may be blueline tilefish.

However, no blueline tilefish may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero; and

(v) No more than one fish may be a scamp or a yellowmouth grouper, combined.

(vi) No goliath grouper or Nassau grouper may be retained.

\* \* \* \* \*

3. In § 622.191, add paragraph (a)(16) to read as follows:

**§ 622.191 Commercial trip limits.**

\* \* \* \* \*

(a) \* \* \*

(16) *Scamp and yellowmouth grouper, combined.* Until the applicable commercial ACL specified in §

622.193(i)(1)(i) is reached, 300 lb (136 kg), gutted weight. See § 622.193(i)(1)(i) for the limitations regarding scamp and yellowmouth grouper after the applicable commercial ACL is reached.

\* \* \* \* \*

4. In § 622.193, revise paragraphs (i) and (j) to read as follows:

**§ 622.193 Annual catch limits (ACLs) and accountability measures (AMs).**

\* \* \* \* \*

(i) *Scamp and yellowmouth grouper, combined* – (1) *Commercial sector.* (i) If commercial landings for scamp and yellowmouth grouper, combined, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of scamp and yellowmouth grouper is prohibited and harvest or possession of scamp and yellowmouth grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or

Federal waters. The commercial ACL for scamp and yellowmouth grouper, combined, is 43,772 lb (19,855 kg), round weight, for the 2025 fishing year; 46,147 lb (20,932 kg), round weight, for the 2026 fishing year; 47,572 lb (21,578 kg), round weight, for the 2027 fishing year; 48,997 lb (22,225 kg), round weight, for the 2028 fishing year; and 49,947 lb (22,656 kg), round weight, for the 2029 and subsequent fishing years.

(ii) If commercial landings for scamp and yellowmouth grouper, combined, as estimated by the SRD, exceed the applicable commercial ACL specified in paragraph (i)(1)(i) of this section, and regardless of the stock status of either species and whether the total ACL specified in paragraph (i)(3) of this section is exceeded, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the applicable commercial ACL specified in paragraph (i)(1)(i) of this section by the amount of the commercial ACL overage.

(2) *Recreational sector.* If recreational landings for scamp and yellowmouth grouper, combined, as estimated by the SRD, exceed the applicable recreational ACL, and regardless of the stock status of either species, then in the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season to ensure that

the recreational ACL is not exceeded. On and after the effective date of such a notification, the bag and possession limits for scamp and yellowmouth grouper in or from the South Atlantic EEZ are zero. The recreational ACL for scamp and yellowmouth grouper, combined, is 23,678 lb (10,740 kg), round weight, for the 2025 fishing year; 26,053 lb (11,817 kg), round weight, for the 2026 fishing year; 27,478 lb (12,464 kg), round weight, for the 2027 fishing year; 28,903 lb (13,110 kg), round weight, for the 2028 fishing year; and 29,853 lb (13,541 kg), round weight, for the 2029 and subsequent fishing years.

(3) *Total ACL.* The total ACL for scamp and yellowmouth grouper, combined, is 67,450 lb (30,595 kg), round weight, for the 2025 fishing year; 72,200 lb (32,749 kg), round weight, for the 2026 fishing year; 75,050 lb (34,042 kg), round weight, for the 2027 fishing year; 77,900 lb (35,335 kg), round weight, for the 2028 fishing year; 79,800 lb (36,197 kg), round weight, for the 2029 and subsequent fishing years.

(j) *Other SASWG complex (including red hind, rock hind, yellowfin grouper, coney, and graysby) – (1) Commercial sector.* (i) If commercial landings for other SASWG combined, as estimated by the SRD, reach or are projected to reach the commercial ACL of 53,380 lb (24,213 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial

sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red hind, rock hind, yellowfin grouper, coney, and graysby is prohibited, and harvest or possession of any of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

(ii) If commercial landings for other SASWG combined, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 100,151 lb (45,428 kg), round weight, is exceeded, and at least one of the species in other SASWG combined is overfished based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) *Recreational sector.* (i) If recreational landings for other SASWG combined, as estimated by the SRD, reach or are projected to reach the recreational ACL of 46,771 lb (21,215 kg), round weight, the AA will file a notification

with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in other SASWG combined is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the other SASWG combined in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for other SASWG combined, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if at least one of the species in other SASWG combined is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 100,151 lb (45,428 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing

the length of the recreational fishing season and ACL, the bag and possession limits for any species in the other SASWG combined in or from the South Atlantic EEZ are zero.

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