



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260611-0142]

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: Final rule.

SUMMARY: NMFS issues regulations 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). This final rule modifies the Gulf of America (Gulf) Other Shallow-Water Grouper (SWG) complex catch limits and sets a recreational fixed-closed season for Gulf Other SWG. The purpose of this final rule is to reduce harvest of Gulf scamp and yellowmouth grouper while the Council develops Amendment 58A to the FMP (Amendment 58A), which considers additional Other SWG management measures.

DATES: This final rule is effective January 1, 2027.

ADDRESSES: Electronic copies of the framework action, which includes an environmental assessment, a Regulatory Flexibility Act 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*.

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 NMFS and 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).

All catch limits in this final 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.

This action is taken under the statutory authority of the Magnuson-Steven 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, and section 303(b)(2)(A), which allows for the designations of periods when fishing is not permitted. On March 18, 2026, NMFS published a proposed rule for the framework action and requested public comment (91 FR 12989).

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 together for management based on their similar fishery characteristics, such as habitat preference 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 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 will occur under this final 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, 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 final rule reduces 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's 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. Those recommendations could not be incorporated into the current action because of the need to finalize the framework action at the June 2025 Council meeting. This final rule also implements 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 622.34(d)). The measures in this final rule 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 Final Rule

This final rule revises the stock complex and commercial ACL and quota (ACT) and sets 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 final rule reduces 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 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 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 new commercial quota and are expected to remain below the new quota in future years, these catch limits, when combined with the new 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 final rule implements 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 new 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.

NMFS expects the recreational fixed-closed season to

reduce the recreational harvest of Other SWG consistent with the reduction in the stock complex ACL. The framework action describes the method used to determine the closed season, which is based on a July 1 opening date 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. NMFS is implementing the July 1 open date as recommended by the Council 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. NMFS expects the fixed-closed season to result in substantially reduced effort and harvest by the recreational sector, which would help reduce the likelihood of overfishing scamp and yellowmouth grouper.

Effective Date of This Final Rule

The effective date for this final rule is January 1, 2027, to align with the annual distribution of allocation under the Grouper-Tilefish IFQ program. In the Grouper-Tilefish IFQ program, NMFS is not able to reduce commercial quota (allocation) once it has already been distributed for a fishing year. In anticipation of the reduction of the Other SWG commercial quota in this final rule, NMFS issued a temporary rule to withhold a portion of the commercial allocation of the Other SWG complex effective on January 1,

2026 (90 FR 60016, December 23, 2025). However, because NMFS was not able to have this final rule effective by June 1, 2026, NMFS was required to distribute the withheld Other SWG allocation back to the shareholders for the 2026 fishing year. Therefore, NMFS cannot implement the commercial quota reduction in 2026. To implement the commercial and recreational measures in this final rule at the same time all of the measures will be effective January 1, 2027.

Comments and Responses

NMFS received comments from 10 separate submitters in response to the proposed rule. Of the individual comments included by these submitters, most were in favor of the management measures contained in this final rule. NMFS thanks those in favor of the proposed rule for their comments. Several comments were outside the scope of the proposed rule and are not responded to in this final rule. These included recommendations to create more artificial reefs for reef fish spawning and habitat, reduce shark populations to allow reef fish populations to thrive, and that it is inhumane to harm fish for harvest.

Specific comments relevant to the proposed rule are summarized below and followed by NMFS' respective responses. There have been no changes to the proposed rule as a result of public comments.

Comment 1: Scamp and the rest of the species included

in the Other SWG complex are plentiful. Populations go up and down naturally, and management decisions to reduce harvest are not necessary.

Response: NMFS disagrees that the Other SWG catch limit reductions are not necessary. Scamp may be plentiful in some areas, and natural fluctuations in fish populations do occur. However, scamp and the other species in the Other SWG complex are managed Gulf-wide and the most recent stock assessment (SEDAR 68) indicated that harvest of scamp and yellowmouth grouper must be reduced. The Council's SSC accepted SEDAR 68 as consistent with the best scientific information available and recommended reduced catch levels for these two stocks. The reduction of the Other SWG catch limits, in combination with the implementation of the recreational fixed closed season, is expected to reduce mortality of these species, which is necessary to prevent overfishing and promote the long-term health of the stock.

Comment 2: The recreational fixed closed season being implemented in this final rule is too long in duration and is not fair to recreational fishermen. The recreational bag limit could be reduced to extend the recreational open season.

Response: The length of the recreational fixed-closed season implemented through this final rule is based on projections of how long it would take the recreational sector to harvest their portion of the reduced stock

complex ACL. The recreational fixed-closed season of January 1 through June 30, each year, was selected so that fishermen could have the longest contiguous open season possible, while maintaining harvest at levels below the reduced stock complex ACL. In addition to the closure period being implemented in this final rule, the framework action included alternatives that would have opened the season on June 1 through the rest of the fishing year and that would have closed harvest just during the summer months (June through August). Allowing harvest in June, when co-occurring species (e.g., red snapper) harvest is very high, was projected to result in comparatively high harvest levels of scamp and yellowmouth grouper and, therefore, fewer months in which the season would be open. Closing harvest for the summer months would have resulted in the same number of projected fishing days as opening on July 1 but would prevent harvest during the most popular months of the year. The July 1 season opening date will provide access during the summer while preventing harvest in June, when historical landings have been the greatest, and is expected to allow for the maximum number of fishing days while constraining harvest to the Other SWG recreational ACL.

NMFS and the Council did not consider, and the framework action did not analyze, alternatives that would have linked the length of the recreational closed season to

a revised recreational bag limit. Therefore, it is unclear whether reducing the current bag limit for the groupers included in the Other SWG complex, which is 4 fish per person per day, would allow for a longer open season. NMFS and the Council may consider modifying the bag limit in the future if analyses indicate that a lower bag limit would allow for more fishing days.

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 the framework action, 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 section (5)(b) and (c) of Executive Order 13175 also do

not apply. A Tribal summary impact statement under section (5) (b) (2) (B) and (c) (2) of Executive Order 13175 is not required and has not been prepared.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. 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.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis is not required and none was prepared.

List of Subjects in 50 CFR Part 622

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

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

Dated: June 12, 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 § 622.34, 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).

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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).

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

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