



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 261001-0005]

RIN 0648-B010

Reef Fish Fishery of the Gulf of America; Amendment 62

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 Amendment 62 to the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP), as prepared and submitted by the Gulf Council (Council). This final rule and Amendment 62 revise the catch limits and sector allocations for Gulf of America (Gulf) red grouper, based on the best scientific information available. Additionally, this final rule removes the shallow-water grouper (SWG) recreational seasonal closure, from February 1 through March 31, in Gulf Federal waters seaward of the 20-fathom boundary.

DATES: This final rule is effective October 2, 2026.

ADDRESSES: An electronic copy of Amendment 62 is available from <https://www.regulations.gov> or from the Southeast Regional Office website at:

<https://www.fisheries.noaa.gov/action/amendment-62-gulf->

red-grouper-management-measures. Amendment 62 includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, regulatory impact review, and fishery impact statement.

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SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red grouper, is managed under the FMP. The FMP was prepared by the Council and NMFS, approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

Background

The Magnuson-Stevens Act requires NMFS, with advice from 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, recreational opportunities, and protecting marine ecosystems.

This action is taken under the statutory authority of Magnuson-Stevens Act section 303(a)(15), which requires fishery management plans to establish annual catch limits

(ACL) and accountability measures (AM) to prevent overfishing, and section 303(b)(2), which allows the designation of zones where, and periods when, fishing may be limited or not permitted.

On April 2, 2026, NMFS published a notice of availability for Amendment 62 and requested public comment (91 FR 16623). On July 7, 2026, NMFS published a proposed rule for Amendment 62 and requested public comment (91 FR 41611). NMFS approved Amendment 62 on June 26, 2026, pursuant to section 304(a)(3) of the Magnuson-Stevens Act. The proposed rule and Amendment 62 outline the rationale for the actions contained in this final rule. The management measures described in Amendment 62 and implemented by this final rule are summarized below.

Unless otherwise noted, all weights in this final rule are in pounds (lb) gutted weight.

The current catch limits for red grouper were set in 2022 (87 FR 40742, July 8, 2022). The current Gulf red grouper overfishing limit (OFL) and acceptable biological catch (ABC) are 5.99 million lb (2.72 million kilogram (kg)) and 4.96 million lb (2.25 million kg), respectively. The total ACL is set equal to the ABC and is allocated 59.3 percent to the commercial sector and 40.7 percent to the recreational sector. This allocation was specified in Amendment 53 to the FMP and is informed, in part, by Marine Recreation Information Program - Fishing Effort Survey

(MRIP-FES) recreational data (84 FR 25573, May 2, 2022). The current maximum sustainable yield (MSY) proxy for red grouper is based on the yield associated with a fishing mortality rate (F) that would result in a spawning stock biomass (SSB) of 30 percent of the spawning potential ratio (SPR) ($F_{30\%SPR}$), where SPR is the ratio of the SSB to its unfished state. A proxy for MSY is used when there are insufficient data to directly determine the MSY.

The most recent stock assessment for red grouper (Southeast Data, Assessment, and Review (SEDAR) 88) was completed in 2025. SEDAR 88 used updated recreational catch and effort data produced by the Florida State Reef Fish Survey (SRFS). To obtain complete estimates of recreational catch for the stock assessment, SRFS combined private recreational landings and discard estimates with charter vessel catch informed by estimates from MRIP-FES, as well as headboat catch informed by the Southeast Region Headboat Survey. Thus, when "SRFS" is referred to in this final rule with respect to management of the red grouper stock and SEDAR 88, it encompasses all of these sources of recreational data combined. The stock assessment results indicated an increase in the red grouper stock size relative to the previous assessment (SEDAR 61, 2019). Based on its review of SEDAR 88, the Council's Standing Scientific and Statistical Committee (SSC) determined that the Gulf red grouper stock was not overfished or undergoing

overfishing and recommended increases to the OFL and ABC. However, because SEDAR 88 used different recreational data than the previous assessment, the current and revised OFL and ABC are not directly comparable.

Based on the results of SEDAR 88 indicating the stock size has increased, the Council requested that NMFS take emergency action (based on social and economic justification) to increase the red grouper catch limits for the 2025 fishing season (90 FR 37804, August 6, 2025). Because initial projections from SEDAR 88 assumed that any management action initiated by the Council would begin in 2027, the assessment projections required updating to reflect management actions that would begin in 2025. Using these updated projections, the Council's SSC recommended an OFL of 10.64 million lb (4.83 million kg) and an ABC of 8.28 million lb (3.76 million kg).

The SSC's OFL recommendation is consistent with its recommendation to change the current MSY proxy to a more conservative value. As explained above, the current MSY proxy is the yield at $F_{30\%SPR}$. The SSC recommended a more conservative MSY proxy of the yield at $F_{40\%SPR}$. An SPR of 40 percent is more conservative than an SPR of 30 percent because it means that the spawning biomass is closer to the level of an unfished population (40 percent of the level of the unfished population as opposed to 30 percent). The SSC concluded that certain biological and ecological

characteristics of red grouper support more conservative management. For example, red grouper undergoes ontogenetic spatial shifts from nearshore shallow habitats to offshore deep-water habitats; its large females transition to male based on environmental and social cues that are not completely understood; and its propensity to create unique habitats in the benthic substrate and territorial behavior may generate a carrying capacity issue that limits available space for other red grouper. The SSC determined that accounting for the complex life history of red grouper is imperative when recommending the revised F_{MSY} proxy and thus the OFL. The SSC has, in recent years, recommended setting an MSY proxy of $F_{40\%SPR}$ for hermaphroditic groupers like gag, scamp, yellowmouth grouper and yellowedge grouper. Based on their recent management advice to the Council for grouper species with similar life history characteristics to red grouper, the SSC concluded that an $F_{40\%SPR}$ as the proxy for F_{MSY} was appropriate.

Commercial harvest of Gulf red grouper has been managed under the Grouper-Tilefish Individual Fishing Quota (IFQ) Program since 2010 (74 FR 44732, August 31, 2009). The IFQ program serves as the commercial AM for red grouper. The commercial quota for red grouper is set 5 percent less than the commercial ACL to allow for multi-use allocation with gag to reduce discards and allow commercial fishermen to better use the allocation they have in a given

fishing year. Red grouper multi-use allocation can be used to possess, land, or sell red grouper after an IFQ account holder's (shareholder or associated vessel accounts) red grouper allocation has been landed and sold or transferred and to possess, land, or sell gag only after both gag and gag multi-use allocation have been landed and sold or transferred from all of the IFQ account holder's accounts. In other words, the combined red grouper and gag multi-use allocation allows fishing industry participants to land those species after their species-specific allocations have been exhausted, thus reducing discards and improving the economic results of the fishery. However, if gag is under a rebuilding plan, the percentage of red grouper multi-use allocation is equal to zero. Gag is currently under a rebuilding plan, and thus red grouper multi-use allocation is currently set to zero.

The recreational sector is managed using an ACL, an ACT, and both in-season and post-season AMs. The in-season AM for red grouper requires NMFS to close the recreational sector when red grouper landings reach or are projected to reach the recreational ACL. If landings exceed the red grouper recreational ACL in a fishing year, the post-season AM requires NMFS to maintain the recreational ACT and shorten the duration of the following fishing year by the amount necessary to ensure landings do not exceed the recreational ACT, unless NMFS determines that managing

to the ACT in the following year is unnecessary. If red grouper is overfished and landings exceed the recreational ACL, then both the recreational ACL and ACT must be reduced in the following year by the amount of the previous year's recreational overage. This final rule and Amendment 62 will not revise the recreational AMs.

Recreational harvest triggered in-season closures of the red grouper recreational season in each year from 2021 through 2024. In each of those 4 years, both the recreational ACT and ACL were exceeded, resulting in implementation of the post-season AM in 3 of the 4 following years to shorten the red grouper season as required. The post-season AM for the 2025 recreational season, which was triggered by the 2024 overage of the recreational ACL, was not implemented because the emergency action increased the red grouper catch limits.

For the commercial sector, the 5 percent buffer between the commercial ACL and ACT is retained in this final rule to account for the gag multi-use allocation of the IFQ program. For the recreational sector, this final rule maintains the current 9 percent buffer between the recreational ACL and ACT that was set in Amendment 53. This recreational buffer is expected to prevent future recreational ACL overages considering the use of more precise SRFS data to monitor recreational landings and the substantial increase in the recreational ACL.

In 2013, NMFS implemented a framework action under the FMP that established the current SWG recreational seasonal closure (78 FR 33259, June 4, 2013). The seasonal closure is effective from February 1 through March 31, annually, in Gulf Federal waters seaward of a line approximating the 20-fathom boundary (50 CFR 622.34(d)). In the Gulf, the SWG species are gag, red grouper, black grouper, scamp, yellowfin grouper, and yellowmouth grouper. The closure was established to protect spawning SWG species in deeper Gulf waters while allowing recreational harvest to occur shoreward of the 20-fathom boundary. Although this final rule eliminates this closure, all SWG species except red grouper already have other seasonal closure regulations in effect during that same time period or they will have them by January 1, 2027. Gulf gag has a recreational seasonal closure in effect from January through August (50 CFR 622.34(e)). On June 17, 2026, NMFS published a final rule that creates a recreational seasonal closure for black grouper, yellowfin grouper, scamp, and yellowmouth grouper from January through June (91 FR 36545). When that final rule is effective on January 1, 2027, red grouper will be the only SWG species affected by the removal of the current SWG recreational seasonal closure. However, as described in Amendment 62, the current seasonal closure may be redirecting red grouper recreational effort inshore and therefore reducing the overall benefit of the closure to

the red grouper stock. Additionally, red grouper that are shoreward of the current closure boundary are generally smaller in size and therefore discards may be increased due to the red grouper minimum size limit. The Council recommended, and NMFS agrees, that it is appropriate to remove the February through March recreational closure given the health of the red grouper stock as indicated by SEDAR 88.

Management Measures Contained in This Final Rule

This final rule revises the Gulf red grouper commercial and recreational ACLs, the commercial quota, and the recreational ACT. In addition, this final rule removes the February through March SWG recreational seasonal closure seaward of the 20-fathom boundary.

Catch Limits

This final rule increases the commercial ACL from 2.94 million lb (1.33 million kg) to 4.51 million lb (2.05 million kg) for 2026, 5.08 million lb (2.30 million kg) for 2027, and 5.65 million lb (2.56 million kg) for 2028 and subsequent years. The commercial quota increases from 2.79 million lb (1.27 million kg) to 4.28 million lb (1.94 million kg) for 2026, 4.83 million lb (2.19 million kg) for 2027, and 5.37 million lb (2.44 million kg) for 2028 and subsequent years.

This final rule increases the recreational ACL from 2.02 million lb (0.92 million kg) to 2.11 million lb (0.96

million kg) for 2026, 2.37 million lb (1.08 million kg) for 2027, and 2.63 million lb (1.19 million kg) for 2028 and subsequent years. The recreational ACT increases from 1.84 million lb (0.83 million kg) to 1.92 million lb (0.87 million kg) for 2026, 2.16 million lb (0.98 million kg) for 2027, and 2.39 million lb (1.08 million kg) for 2028 and subsequent years. The current and revised recreational catch limits are not directly comparable because of the recreational datasets used in the prior and current assessments, but the revised catch limits are increases from the current values.

SWG Recreational Seasonal Closure

This final rule removes the recreational seasonal closure from February through March for SWG species in Gulf Federal waters seaward of a line approximating the 20-fathom boundary. Although this final rule eliminates this closure, as previously noted, all SWG species except red grouper have other seasonal closure regulations in effect, or will have closure regulations in effect by January 1, 2027, which prohibit their recreational harvest during this time period.

Management Measures in Amendment 62 That Will not be Codified by This Final Rule

In addition to the measures that will be codified through this final rule, Amendment 62 updates the MSY

proxy, the OFL, the ABC, and the sector allocations for Gulf red grouper.

MSY Proxy, OFL, and ABC

Amendment 62 revises the MSY proxy, OFL, and ABC for red grouper based on the Council's SSC recommendations and consistent with SEDAR 88. The MSY proxy will be defined as the yield at $F_{40\%SPR}$. The OFL will be 10.64 million lb (4.83 million kg), and the ABC will be 8.28 million lb (3.76 million kg). The total ACL will be 6.62 million lb (3.00 million kg) in 2026 (80 percent of the ABC), 7.45 million lb (3.38 million kg) in 2027 (90 percent of the ABC), and 8.28 million lb (3.76 million kg) in 2028 and subsequent years (100 percent of the ABC). The Council determined, and NMFS agrees, that a phase-in approach to increasing the total catch limits over several years is appropriate because the SSC receives an annual interim stock analysis for red grouper and could advise the Council if the increases to the total ACL were no longer warranted.

Sector Allocations

Currently, the commercial sector is allocated 59.3 percent, and the recreational sector is allocated 40.7 percent of the total ACL based on each sector's average landings from 1986 through 2005 (including MRIP-FES recreational harvest estimates). Amendment 53 set this allocation to maintain historical fishing practices. The allocation was based on the original reference years (1986

through 2005) for red grouper landings but with updated recreational landings using the MRIP-FES dataset, which was used in the stock assessment that informed the catch levels in Amendment 53. Amendment 62 updates the commercial-recreational allocation using the same reference period (1986-2005) but based on SRFS-estimated recreational harvest. This results in a commercial allocation of 68.2 percent and a recreational allocation of 31.8 percent of the total ACL. SRFS recreational landings estimates are lower than those produced by MRIP-FES. Continuing with the current allocation without accounting for the decrease in estimated catch and effort associated with the change to SRFS from MRIP-FES would result in a *de facto* reallocation from the commercial sector to the recreational sector.

Comments and Responses

NMFS received 50 public submissions from individuals or entities on the notice of availability and proposed rule for Amendment 62. NMFS thanks the individuals who commented in support of the management measures in this final rule for their comments. Four comments were not specific to Amendment 62 or the proposed rule, and therefore are not addressed in this final rule.

Specific comments that opposed or provided alternative suggestions for some or all of the measures proposed in Amendment 62 and the proposed rule are grouped as appropriate and summarized below, followed by NMFS'

respective responses. There have been no changes to the proposed rule as a result of public comments.

Comment 1: The Gulf red grouper stock cannot support the large catch limit increases proposed in Amendment 62. The commercial sector has not been landing its full quota under the current catch limits. Gulf fishermen report that the stock is not healthy based on indicators such as low catch rates, fewer legal-sized fish, and difficulty locating concentrations of marketable red grouper. A more conservative management approach consisting of either no catch limit increases or smaller catch limit increases would be more appropriate.

Response: NMFS is required to rely on the best scientific information available when making management decisions, and the most recent Gulf red grouper stock assessment, SEDAR 88, indicates that the red grouper stock is not overfished or undergoing overfishing and can support substantially higher harvest rates and catch limits. The Council's SSC reviewed SEDAR 88 and the catch level projections based on the assessment and recommended the OFL and ABC adopted in Amendment 62. The Council and NMFS addressed the concerns about the health of the stock expressed by fishermen by phasing-in the increase of the total ACL over three years. This will allow the Council and NMFS to take action, if needed, to address any new

information on the Gulf red grouper stock status before the full increase in ABC is available for harvest.

NMFS recognizes some fishermen are reporting difficulty in consistently catching legal-sized red grouper. However, this information does not necessarily indicate that the stock is unhealthy and cannot support increased catch limits. Fishermen have also commented at Council meetings and during the public comment periods for the Amendment 62 rulemaking that the population is healthy and that they are in support of catch limit increases. SEDAR 88 assessed red grouper populations across the entire Gulf. While there may be localized areas in the Gulf in which red grouper are less abundant, the assessment determined that overall, the Gulf red grouper population is healthy.

Comment 2: The February through March recreational seasonal closure for SWG species should not be eliminated. The closure is intended to protect SWG species when they spawn and is necessary to protect some or all of these species at a vulnerable time. Removal of the closure will increase fishing pressure on red grouper as well as increasing discards of gag which may result in disproportionate fishing mortality on spawning aggregations of red grouper and gag.

Response: The removal of the February through March SWG recreational seasonal closure seaward of the 20-fathom

boundary would only directly affect red grouper. As explained above, beginning in the 2027 fishing year, the SWG species of scamp, yellowmouth grouper, black grouper, and yellowfin grouper will have a Gulf-wide recreational seasonal closure in place from January 1 through June 30, each year (91 FR 36545, June 17, 2026). Gulf gag has a recreational seasonal closure in effect from January through August (50 CFR 622.34(e)). Therefore, beginning in 2027, red grouper will be the only SWG species allowed for harvest between January 1 and June 30.

The February through March spawning closure for SWG was implemented to protect these species during their spawning period when they may be more vulnerable. However, spawning season closures are generally most effective when they coincide with areas where the species aggregate to spawn, and thus they are vulnerable to mass harvest. As described in Amendment 62, while some SWG species (e.g., gag) do aggregate to spawn, red grouper do not, as they display site fidelity throughout the year. In addition, there is no indication that the current spawning seasonal closure has a positive effect on red grouper as the stock population has fluctuated greatly both prior to and after implementation of the closure. Additionally, as described in Amendment 62, the current closure may be redirecting fishing effort into waters shoreward of the 20-fathom boundary, where the average size of fish is smaller and

more interactions with undersize fish occur. This could lead to additional fishing effort (and discards) necessary to harvest the recreational bag limit, thereby potentially reducing the conservation benefit of this closure.

NMFS recognizes that when red grouper are targeted, other SWG species may also be caught, which would result in discards due to overlapping harvest closures for the rest of the SWG species. However, while the removal of the SWG recreational seasonal closure may slightly increase discards of SWG species, NMFS does not expect these discards to have significant effects on their populations, as there would be no incentive for fishermen to fish on aggregations of those SWG species. It is more likely that fishermen would move to an area and fish where red grouper are more prevalent. Therefore, for the SWG species, the removal of the February through March recreational closure is not expected to have significant negative ecological consequences.

Comment 3: In Amendment 62, the commercial allocation of the total ACL should be greater. Recreational data have high levels of uncertainty, and that should be accounted for by using a more precautionary approach in setting the allocations. Increasing the commercial allocation and reducing the recreational allocation compared to the preferred alternative in Amendment 62 would reduce the overall mortality of red grouper by reducing recreational

dead discards and reduce the chances of the total ACL being exceeded and overfishing occurring. The proposed allocations also violate Magnuson-Stevens Act National Standard 2, which requires the use of the best scientific information available, because they are based on recreational data with high uncertainty.

Response: NMFS disagrees that the commercial sector should receive a greater allocation than selected in Amendment 62 and that the allocations are inconsistent with National Standard 2. The sector allocations approved in Amendment 62 are based on the red grouper landings estimates used in the most recent stock assessment (SEDAR 88). For the recreational sector, these landings estimates were produced by SRFS and are generally lower than those produced by MRIP-FES. Although there is uncertainty in the recreational landings estimates, the percent standard error (PSE) of SRFS estimates for Gulf red grouper between 2016 and 2022, fluctuated between about 18 percent and 27 percent for private recreational anglers. The higher an estimate's PSE, the larger the margin of error and uncertainty around the estimate. The PSEs for these SRFS estimates are within the range that NMFS considers to be acceptable for use. For more information on PSE see <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-data-glossary#percent-standard-error-pse>. Further, the SRFS landings estimates represent

the best scientific information available for determining a commercial-recreational allocation that maintains the historical split between the sectors after accounting for change from MRIP-FES data to SRFS data. No public comments were received that identified a more accurate or otherwise preferable data source.

NMFS does not expect that further increasing the commercial allocation of red grouper would reduce recreational discards. Decreasing the recreational catch limits by allocating more of the total ACL to the commercial sector could reduce recreational discards as a result of a decrease in red grouper recreational fishing opportunities if NMFS needed to implement an AM closure during the fishing year. However, any reduction in discards as result of less directed fishing pressure would likely be offset by discards that occur during the recreational AM closure. The allocation approved in Amendment 62, in combination with the increase in the total ACL, results in recreational catch limits that reduce the probability of AM-based closed seasons (only a predicted short closed season in 2027, none thereafter), which is expected to reduce discards.

Comment 4: In Amendment 62, the recreational allocation of the total ACL should be greater. The distribution of the increasing ACLs to the sectors is not proportional and heavily favors the commercial sector over

the recreational sector. This results in limiting access for recreational fishermen. Recreational anglers, charter vessel and headboat (for-hire) operators, and coastal tourism economies depend on access to fishing opportunities, and reducing the recreational allocation percentage threatens those opportunities.

Response: NMFS disagrees that the recreational sector should receive a greater allocation of the total ACL than selected in Amendment 62. As explained in the preamble of this final rule, the sector allocations approved in Amendment 62 and implemented through this final rule will maintain the historical split between the sectors after accounting for change from MRIP-FES data to SRFS data. Although the recreational allocation decreases in Amendment 62, the decrease is consistent with the SRFS estimates used to monitor recreational harvest, which are lower than the estimates produced by MRIP-FES. Further, NMFS expects the red grouper recreational ACL and ACT increases implemented through this final rule to allow the fishing season to remain open until late in 2026 and throughout all of 2027 and 2028. Therefore, NMFS does not expect the change in the recreational allocation to limit access for recreational anglers and for-hire operators relative to the current sector allocation percentages.

Comment 5: The lack of a sufficient recreational data collection system for private anglers when compared to

commercial and for-hire data collection systems results in data being used that is highly distorted. Recreational fishing pressure has increased dramatically but recreational data still have high PSEs, indicating they are highly uncertain.

Response: NMFS recognizes that any data collection system used to estimate recreational harvest will have some level of associated error. As explained in response to *Comment 3*, the PSEs for SRFS estimates for Gulf red grouper between 2016 and 2022, are within the acceptable range. Further, consistent with National Standard 2, NMFS uses the best available data to develop management measures and the SRFS data used to develop Amendment 62 is the best available. To specifically account for uncertainty in recreational harvest estimates, there is a 9 percent buffer between the recreational ACT and ACL, which reduces the probability of exceeding the recreational ACL.

Comment 6: Given that the last year of data included in SEDAR 88 was 2022, a new full interim assessment for Gulf red grouper should be done prior to implementation of Amendment 62 to ensure the increased catch limits are still appropriate.

Response: NMFS has determined that SEDAR 88, which was used to inform the catch limits in Amendment 62, is the best scientific information available. In January 2026, the NMFS Southeast Fisheries Science Center (SEFSC) presented

an informal interim assessment, or health check, to the Council's SSC. This health check supports the SEDAR 88 findings, showing an increasing trend in the relative abundance of red grouper through 2025. More information on the 2025 health check can be found at https://gulf-council-media.s3.amazonaws.com/uploads/2026/01/05a-SEDAR-88_2026_IA.pdf. The next Gulf red grouper stock assessment is scheduled for 2028.

Comment 7: There are indications that the red grouper stock has declined since 2022, which is the last year of data included in SEDAR 88. It is unclear what mathematical formula or variance factor was applied in the Stock Synthesis model to discount for the gap in timing between the data included in the assessment and implementation of the catch limits in this final rule. By allowing an increase in harvest based on lagged stock assessment data that fail to account for the current mortality conditions of the stock, Amendment 62 and the final rule are not based on the best scientific information available as required by National Standard 2 and do not adequately address the risk of overfishing as required by National Standard 1.

Response: NMFS recognizes that catch limits set in this final rule are supported by an assessment that included data only through 2022. NMFS did not use, or have available, a formula or factor to apply to the Stock Synthesis model to address the gap in timing from the

assessment until implementation of Amendment 62. However, as explained in response to *Comment 6*, SEDAR 88 is the best scientific information available to inform the current Gulf red grouper stock status and the catch limits in Amendment 62 and this final rule, and the health check presented to the Council's SSC in January 2026 supports the SEDAR 88 results. Further, the new catch limits include a large buffer between the OFL and ABC to account for scientific uncertainty associated with SEDAR 88 and reduce the likelihood of overfishing. Therefore, NMFS has determined that Amendment 62 and this final rule are consistent with both National Standards 1 and 2.

Comment 8: The proposed catch limits are inconsistent with National Standard 6 because they fail to take into account variations and contingencies in fishery resources, ecosystems, and catches by omitting adaptive buffers for localized environmental events and real-time commercial catch data.

Response: NMFS disagrees that catch limits implemented through this final rule are inconsistent with National Standard 6. National Standard 6 requires conservation and management measures to take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches. The catch limits adopted in Amendment 62 and this final rule provide the flexibility to respond to uncertainties or unpredictable events by

providing a large buffer between the OFL and ABC, and adopting a phase-in approach for increasing the total ACL over three years. The phase-in approach will allow the SSC to review the annual interim stock analysis for red grouper as the catch limits are increased and allow the Council and NMFS to respond to any new advice from the SSC, as appropriate.

Comment 9: Commercial fishermen have produced years of catch-per-unit-effort (CPUE) data that have not been incorporated into stock assessments for IFQ species such as red grouper. The use of electronic logbooks and electronic monitoring is also expanding and will soon provide more timely fishery-dependent data. NMFS and the Council should consider the most current commercial CPUE information before increasing catch limits to ensure that the increases are sustainable.

Response: NMFS does not currently have a method to incorporate CPUE analyses into stock assessments or to analyze CPUE trends after the completion of a stock assessment. CPUE indices (trends), which had been used prior to the implementation of the commercial Grouper/Tilefish IFQ program, were not updated for SEDAR 88 because the implementation of the IFQ system has changed fishing behavior and catchability compared to earlier years. Prior to implementation of the IFQ, CPUE was used as one of several indices in assessing red grouper abundance.

Now that fishing industry participants can choose when to fish, higher CPUE may reflect other variables and CPUE indices developed for IFQ years may not represent the relative abundance of the stock.

The Council asked NMFS to create CPUE indices for the commercial vertical line and longline fleets pursuing red grouper for review by the SSC. In support of this request, at the August 2026 Gulf Council meeting, the SEFSC provided the Council with a CPUE index based on logbook data for IFQ years (2010-2025). Although this index likely provides a useful qualitative indicator of the commercial sector's ability to harvest red grouper, the index includes the caveat that it did not attempt to disentangle the effects of fisher behavior, regulatory actions, and population abundance on observed catch per unit effort, and that it was not feasible for the SEFSC to provide that information given current resources and priorities. Further, at the same meeting, the SEFSC explained why using CPUE as a proxy for relative abundance (as under the current IFQ) can lead to improper conclusions and thus management decisions that do not reflect stock status. Since the red grouper CPUE index is not intended to estimate fish abundance, NMFS has determined that it is not appropriate to incorporate this CPUE data into the next stock assessment or to use it as an indication of the trends in red grouper stock health. Given the resources that would be needed to conduct the necessary

research and the existence of two reliable fishery-independent resource surveys of red grouper (G-FISHER and the NMFS bottom longline) that are already available, the SEFSC does not plan to address this request to use CPUE provided by commercial fisherman as an index of stock abundance in the near future. The SEFSC is currently working to make fishery independent survey data available more rapidly.

Comment 10: Red tide blooms and benthic hypoxia in the eastern Gulf create unquantified localized mortality of red grouper that has occurred since SEDAR 88 and needs to be accounted for in the catch limit increases in Amendment 62.

Response: While SEDAR 88 accounted for red tide-related mortality through 2022, there is no process currently in place to incorporate real-time data into previously completed stock assessments to account for more recent non-fishery related mortality events. These events are not predictable, and the effects of these events are often unknown until years after they occur. However, scientific uncertainty, which includes the impact of these events, is accounted for by the 2.68 million lb (1.22 million kg) buffer between the OFL and the ABC.

Comment 11: The catch limit increases in Amendment 62 are contrary to the mandates of Executive Order 14276 "Restoring American Seafood Competitiveness." Executive Order 14276 directs NMFS to improve fisheries science,

incorporate more reliable technology and cooperative research, modernize data collection, and make fisheries management more responsive to real-time ocean conditions. Given the 2022 terminal year in SEDAR 88, before the automatic red grouper ACL increases in Amendment 62 occur each year up until 2028, more current indicators, fishery-dependent data, and catch rate information should be considered. These more recent data sources would demonstrate that the future catch limit increases are not appropriate and that catch limit decreases should occur. The red grouper catch limit changes in Amendment 62 will result in weakening and not strengthening the domestic seafood industry.

Response: NMFS disagrees that the final rule is contrary to the mandates of Executive Order 14726. SEDAR 88 has been determined to be the best scientific information available and was used to develop the catch levels being implemented in Amendment 62 and this final rule. NMFS does not currently have an index to incorporate current commercial catch rate information into management decisions post-stock assessment. Similarly, NMFS did not have the capability to include red grouper commercial catch rate information into SEDAR 88 or analyze red grouper stock size after the completion of SEDAR 88 using this information. In addition, as explained in the response to *Comment 9* above, NMFS has provided a CPUE index to the Council but

determined that this index does provide reliable evidence of actual trends in overall red grouper abundance and therefore does not intend to incorporate these data into the next stock assessment. NMFS is working on process improvements to make fishery independent survey data available more rapidly. NMFS has determined that this final rule is consistent with Executive Order 14276 because it is expected to increase red grouper harvest opportunity, enhance economic profitability for commercial fishermen, stabilize seafood markets, improve fishing access, and reduce the risk of recreational fishery closures impacting the for-hire component.

Comment 12: The sector allocations adopted through Amendment 53 to the FMP were remanded by the U.S. Court of Appeals for the District of Columbia Circuit for additional analysis. To date, neither the Council nor NMFS has completed the Court-directed economic analysis or revisited the red grouper allocation decision through a subsequent amendment before proposing additional changes to red grouper management. Amendment 62 changes the recreational data used in the allocation calculation, but it does not provide a complete reassessment of the distributional and economic consequences of Amendment 53. NMFS should therefore avoid characterizing Amendment 62 as fully resolving the allocation concerns or remedying the economic harm experienced by commercial fishing businesses. NMFS

should also acknowledge that the allocation formula in Amendment 62 does not constitute the Court-directed economic reassessment of Amendment 53 or fully remedy the resulting economic harm to the commercial sector.

Response: In *A.P. Bell Fish Co. v. Raimondo*, 94 F.4th 60 (D.C. Cir. 2024), the Court of Appeals for the District of Columbia Circuit reversed the lower court's order granting summary judgment to NMFS on claims related to economic analysis in Amendment 53 to the FMP and compliance with National Standards 4 and 9 and remanded to NMFS to provide further explanation. The response to the remand order is provided in Appendix F to Amendment 62. Consistent with the Court's order, Appendix F includes an evaluation of the economic effects analysis included in Amendment 53, concluding that the analysis was consistent with other peer-reviewed analyses and provided the best available scientific information when conducting the benefit-cost analysis required or recommended by various authorities, including Executive Order 12866 and the Magnuson-Stevens Act. Appendix F also addresses the Court's order with respect to National Standards 4 and 9, concluding that the analyses in the final rule implementing Amendment 53 were appropriate.

Comment 13: It is not clear in Amendment 62 how red grouper recreational quota overages can be prevented.

Recreational quota overages jeopardize the security of the red grouper commercial quota.

Response: Amendment 62 does not change the current recreational AMs, which are used to constrain recreational harvest of red grouper to the recreational ACL. Recreational harvest has exceeded the recreational ACL in the past because landings exceeded NMFS' projections. NMFS expects the increase in the catch limits to substantially increase the length of the recreational season, which will reduce the likelihood of exceeding the ACL. The analysis in Amendment 62 projects that a recreational closure may be necessary late in the year to constrain landings to the recreational ACL in 2026. However, preliminary 2025 landings data indicate that recreational harvest was below the 2026 recreational ACT and ACL implemented through this final rule. If similar landings occur in 2026, the recreational season would remain open until the end of the year. After 2026, the recreational ACT or ACL are not expected to be harvested by the recreational sector as a result of the catch limit increases. However, consistent with the current AMs, NMFS will continue to use projections to determine whether the recreational sector needs to close during the fishing year. Therefore, NMFS does not expect recreational harvest to threaten the health of the red grouper stock or the security of the commercial quota.

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 62, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be significant for purposes of Executive Order 12866. This final rule is expected to be an Executive Order 14192 deregulatory action.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting or recordkeeping compliance requirements are introduced in this final rule. This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

A Tribal summary impact statement under section (5) (b) (2) (B) and (c) (2) of Executive Order 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian Tribal Governments and this action does not preempt Tribal law. A Tribal summary impact statement is not required and has not been prepared.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this

final rule, if adopted, 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 public comments were received specifically regarding this certification; however, two of the comments related to the potential impacts on small businesses and the economic analysis for Amendment 62 and are addressed in the responses to *Comment 4* and *Comment 12* in the **Comments and Responses** section of this final rule. No changes to this final rule were made in response to public comments. As a result, a regulatory flexibility analysis was not required and none was prepared.

Because this rule relieves a restriction by allowing additional commercial and recreational harvest of red grouper and removing the SWG recreational seasonal closure, it is not subject to the 30-day delayed effectiveness provision of the Administrative Procedure Act pursuant to 5 U.S.C. 553(d)(1). This final rule will increase the catch limits for both the commercial and recreational sectors, distributing additional allocation to IFQ shareholders and extending the length of the 2026 recreational fishing season. This final rule will also remove the SWG recreational seasonal closure, allowing recreational fishing for red grouper that was previously prohibited from

February 1 through March 31 each year, in Gulf Federal waters seaward of the 20-fathom boundary.

List of Subjects in 50 CFR Part 622

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

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

Dated: October 2, 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.

§ 622.34 [Amended]

2. In § 622.34, remove Table 4 to paragraph (d) and remove and reserve paragraph (d).

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

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(C) *Red grouper.*

(1) For fishing year 2026 – 4.28 million lb (1.94 million kg).

(2) For fishing year 2027 – 4.83 million lb (2.19 million kg).

(3) For fishing year 2028 and subsequent years – 5.37 million lb (2.44 million kg).

* * * * *

4. In § 622.41, revise paragraph (e) (1) and (e) (2) (iv) to read as follows:

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

* * * * *

(e) * * *

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of America serves as the accountability measure for commercial red grouper. The commercial ACT for red grouper is equal to the applicable quota specified in § 622.39(a) (1) (iii) (C). The commercial

ACL for red grouper, in gutted weight, is 4.51 million lb (2.05 million kg) for 2026, 5.08 million lb (2.30 million kg) for 2027, and 5.65 million lb (2.56 million kg) for 2028 and subsequent years.

(2) * * *

(iv) The recreational ACL for red grouper, in gutted weight, is 2.11 million lb (0.96 million kg) for 2026, 2.37 million lb (1.08 million kg) for 2027, and 2.63 million lb (1.19 million kg) for 2028 and subsequent years. The recreational ACT for red grouper, in gutted weight, is 1.92 million lb (0.87 million kg) for 2026, 2.16 million lb (0.98 million kg) for 2027, and 2.39 million lb (1.08 million kg) for 2028 and subsequent years.

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