

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

**PART 622--FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC**

1. The authority citation for part 622 continues to read as follows:

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

2. Amend § 622.2, by:

a. Adding, in alphabetical order, the definition for "Black grouper complex";

b. Adding, in alphabetical order, the definition for "Scamp complex"; and

c. Removing the definition of "Shallow-water grouper (SWG)".

The additions and removals read as follows:

**§ 622.2 Definitions.**

\* \* \* \* \*

*Black grouper complex* means, in the Gulf, black grouper and yellowfin grouper.

\* \* \* \* \*

*Scamp complex* means, in the Gulf, scamp and yellowmouth grouper.

\* \* \* \* \*

3. Amend § 622.22 by:

**Commented [SS1]:** Action 1, Preferred Alternative 2. Creation of new complexes for Black Grouper and Scamp, removed the SWG definition as a result.

- a. Revising introductory paragraph (a);
- b. Removing and reserving paragraphs (a) (6) and (a) (7); and
- c. Revising paragraphs (b) (1), (b) (5) (i) (A), (b) (8) (i), and (b) (10).

The revisions and removals read as follows:

**§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.**

(a) *General.* This section establishes an IFQ program for the commercial sectors of the Gulf reef fish fishery for groupers (including DWG, red grouper, gag, the black grouper complex, the scamp complex, and tilefishes (including goldface tilefish, blueline tilefish, and tilefish). Under the IFQ program, eligible participants are assigned IFQ shares in six share categories. These IFQ shares are equivalent to a percentage of the annual commercial quotas for DWG, red grouper, gag, the black grouper complex, the scamp complex, and tilefishes. Shares determine the amount of IFQ allocation for Gulf groupers and tilefishes, in pounds gutted weight, a shareholder is initially authorized to possess, land, or sell in a given calendar year. Shares and annual IFQ allocation are transferable. See paragraph (b) (1) of this section regarding a requirement for a vessel landing groupers or

**Commented [SS2]:** Fyi, Removing paragraphs (a) (6) and (7) to remove the warsaw/speckled hind flexibility and the scamp flexibility measures.  
The action to have IFQ flexibility measures as a result of the complex changes was moved to considered but rejected so these flexibilities no longer apply with removal of Other SWG complex.

**Commented [SS3]:** Fyi. The current 5 share categories are: DWG, red grouper, gag, Other SWG; and Tilefishes.  
We will have 6 categories from 58A after we remove Other SWG and include black grouper complex and scamp complex.  
Updated here for 6 categories vs 5.

tilefishes subject to this IFQ program to have an IFQ vessel account for Gulf groupers and tilefishes. See paragraph (b) (2) of this section regarding a requirement for a Gulf IFQ dealer endorsement. Details regarding eligibility, applicable landings history, account setup and transaction requirements, constraints on transferability, and other provisions of this IFQ system are provided in the following paragraphs of this section.

\* \* \* \* \*

(b) \* \* \*

(1) *IFQ vessel accounts for Gulf groupers and tilefishes*. For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land Gulf groupers (including DWG, gag, red grouper, the black grouper complex, and the scamp complex, as specified in paragraph (a) of this section or tilefishes (including goldface tilefish, blueline tilefish, and tilefish), regardless of where harvested or possessed, a Gulf IFQ vessel account for the applicable species or species groups must have been established. As a condition of the IFQ vessel account, a person aboard such vessel must comply with the requirements of this section, § 622.22, when fishing for groupers or tilefishes regardless of where the fish are harvested or

**Commented [SS4]:** IFQ operations and requirements

**Commented [SS5]:** Fyi. Revised (b)(1) to add in the 2 new complexes and remove reference to SWG while retaining gag and red grouper.

possessed. An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for the applicable species, as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ website <https://secatchshares.fisheries.noaa.gov>, may establish a vessel account through that IFQ account for that permitted vessel. If such owner does not have an online IFQ account, the owner must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an online IFQ account. There is no fee to set-up an IFQ account or a vessel account. Only one vessel account may be established per vessel under each IFQ program. An owner with multiple vessels may establish multiple vessel accounts under each IFQ account. The purpose of the vessel account is to hold IFQ allocation that is required to land the applicable IFQ species. A vessel account, or its linked IFQ shareholder account, must hold sufficient IFQ allocation in the appropriate share category, at least equal to the pounds in gutted weight of the groupers and tilefishes on board at the time of advance notice of landing. Allocation must be transferred to the vessel account, so that the vessel account holds sufficient IFQ allocation at the time of the landing transaction (except

for any overage allowed as specified in paragraph (b) (3) (ii) for groupers and tilefishes). The vessel account remains valid as long as the vessel permit remains valid; the vessel has not been sold or transferred; and the vessel owner is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all applicable IFQ fees, and is not subject to sanctions under 15 CFR part 904. The vessel account is not transferable to another vessel. The provisions of this paragraph do not apply to fishing for or possession of Gulf groupers and tilefishes under the bag limit specified in § 622.38(b) (2) and (5) respectively.

\* \* \* \* \*

(5) \* \* \*

**Commented [SS6]:** Measures to enhance IFQ program enforceability

(i) \* \* \*

**Commented [SS7]:** Advance notice of landing

(A) *General requirement.* For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing IFQ groupers or tilefishes is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time and location of landing, estimated grouper and tilefish landings in pounds gutted weight for each share category (DWG, gag, red grouper, the black grouper complex, the scamp complex, and tilefishes), vessel identification

**Commented [SS8]:** Fyi. Updates in this paragraph to remove Other SWG and add in the new complexes.

number (Coast Guard registration number or state registration number), and the name and address of the IFQ dealer(s) where the groupers or tilefishes are to be received. The vessel must land within 1 hour after the time given in the landing notification except as provided in paragraph (b) (5) (i) (C) of this section. The vessel landing groupers or tilefishes must have sufficient IFQ allocation in the IFQ vessel account, or its linked IFQ shareholder account, and in the appropriate share category or categories, at least equal to the pounds in gutted weight of all groupers and tilefishes on board (except for any overage up to the 10 percent allowed on the last fishing trip) at the time of the advance notice of landing.

\* \* \* \* \*

(8) \* \* \*

(i) *IFQ share cap for each share category.* No person, including a corporation or other entity, may individually or collectively hold IFQ shares in any share category (DWG, gag, red grouper, the black grouper complex, the scamp complex, or tilefishes) in excess of the maximum shares specified in the FMP. A corporation must provide to the RA the identity of the shareholders of the corporation and their percent of shares in the corporation for initial issuance of IFQ shares and allocation, and provide updated

**Commented [SS9]:** IFQ share and allocation caps.

**Commented [SS10]:** Fyi. Update to this paragraph to remove Other SWG and include new complexes.

information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for Gulf reef fish is renewed or transferred and at the time of renewal of the application for an IFQ Account.

\* \* \* \* \*

(10) *Annual recalculation and notification of IFQ shares and allocation.* On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site, of their IFQ shares and allocations, for each of the six share categories, for the upcoming fishing year. These updated share values will reflect the results of applicable share transfers and any redistribution of shares (subject to cap restrictions) resulting from permanent revocation of IFQ shares. Allocation, for each share category, is calculated by multiplying IFQ share for that category times the annual commercial quota or commercial catch allowance for that share category. Updated allocation values will reflect any change in IFQ share for each share category, any change in the annual commercial quota or commercial catch allowance for the applicable categories; and any debits required as a result of prior fishing year overages as specified in paragraph (b) (3) (ii) of this section. IFQ participants can monitor the status of their shares and allocation

**Commented [SS11]:** Fyi. Updated this paragraph to reflect that there will be 6 share categories under this IFQ and not 5 as currently.

throughout the year via the IFQ Web site.

\* \* \* \* \*

4. Amend § 622.34, by revising 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 the scamp* **complex**. The recreational sector for the scamp complex 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 the scamp complex in or from the Gulf EEZ are zero.

**Commented [SS12]:** Action 7, Preferred Alternative 3. Scamp complex recreational seasonal closure  
Fyi. Note that this new closure removes the Other SWG closure put in place through the Other SWG framework (currently in rulemaking).

5. Amend § 622.39, by:

(a) Revising paragraph (a) (1) (iii); and

(b) Adding paragraphs (a) (1) (vii), (a) (1) (viii), and

(a) (1) (ix).

The revision and additions read as follows:

**§ 622.39 Quotas.**

\* \* \* \* \*

(a) \* \* \*

**Commented [SS13]:** Gulf reef fish

(1) \* \* \*

**Commented [SS14]:** Commercial quotas

(iii) **Gag**. See table 1 for the gag commercial quotas specified in gutted weight, that is eviscerated but

**Commented [SS15]:** Fyi, gag unchanged, paragraph restructure in this section as part of SWG being removed and to have gag, red grouper, black grouper complex, and scamp complex codified separately.

otherwise whole.

**Table 1 to paragraph (a) (1) (iii)**

Year	Commercial quota in lb (kg)
2024	147,000 (66,678)
2025	204,000 (92,533)
2026	255,000 (115,666)
2027	313,000 (141,974)
2028+	383,000 (173,726)

\* \* \* \* \*

(vii) Red grouper—2.79 million lb (1.27 million kg), gutted weight, that is eviscerated but otherwise whole.

**Commented [SS16]:** Fyi, red grouper unchanged just paragraph location moved

(viii) Black grouper complex—227,000 lb (102,965 kg), gutted weight, that is eviscerated but otherwise whole.

**Commented [SS17]:** Action 2, Preferred Alternative 2. Black grouper complex commercial ACL.

(ix) Scamp complex—70,000 lb (31,751 kg), gutted weight, that is eviscerated but otherwise whole.

**Commented [SS18]:** Action 5, Preferred Alternative 2b. Scamp complex commercial ACL.

\* \* \* \* \*

6. Amend § 622.41 by:

a. Revising paragraph (c), the second sentence in paragraph (d) (1), and the second sentence in paragraph (e) (1); and

b. Adding paragraph (r).

The revisions and addition read as follows:

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

\* \* \* \* \*

(c) Black grouper complex (black grouper and yellowfin

grouper)-

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

**Commented [SS19]:** Action 2, Preferred Alternative 2. Commercial ACL (equivalent to commercial quota).

(2) *Recreational sector.* If recreational landings for the black grouper complex, as estimated by the SRD, exceed both the recreational ACL and the stock complex ACL specified in paragraph (c) (3) of this section, in a fishing year, then in the following fishing year, if recreational landings reach or are projected to reach the recreational ACL, 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, unless NMFS determines based on the best scientific information available that closure of the recreational fishing season is unnecessary. On and after the effective date of such a notification, the bag and possession limits for the black grouper complex in or from the Gulf EEZ are zero. These bag and possession limits apply in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species

**Commented [SS20]:** Action 3, Preferred Alternative 2. Black grouper complex recreational AM.

were harvested, i.e. in state or Federal waters. The recreational ACL for the black grouper complex is 83,109 lb (37,609 kg), gutted weight.

**Commented [SS21]:** Action 2, Preferred Alternative 2, Recreational ACL for black grouper complex

(3) *Stock complex ACL.* The ACL for the black grouper complex is 310,844 lb (140,966 kg), gutted weight.

**Commented [SS22]:** Action 2, Preferred Alternative 2. Stock ACL.

(d) \* \* \*

**Commented [SS23]:** Gag

(1) \* \* \* The commercial ACT for gag is equal to the applicable commercial quota specified in §

622.39(a) (1) (iii). \* \* \*

**Commented [SS24]:** Fyi, updated quota paragraph reference as a result of restructure in 622.39(a).

\* \* \* \* \*

(e) \* \* \*

**Commented [SS25]:** Red grouper

(1) \* \* \* The commercial ACT for red grouper is equal to the applicable quota specified in § 622.39(a) (1) (vii). \*

**Commented [SS26]:** Fyi, updated quota paragraph reference as a result of restructure in 622.39(a).

\* \*

\* \* \* \* \*

(r) *Scamp complex (scamp and yellowmouth grouper)-*

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of America serves as the accountability measure for the commercial scamp complex.

The commercial ACL for the scamp complex is equal to the applicable quota specified in § 622.39(a) (1) (ix).

**Commented [SS27]:** Action 5, Preferred Alternative 2b. Scamp complex commercial ACL.

(2) *Recreational sector.* If recreational landings for the scamp complex, as estimated by the SRD, reach or are projected to reach the recreational ACT, then AA will file

a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limits for the scamp complex in or from the Gulf EEZ are zero. These bag and possession limits apply in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, i.e. in state or Federal waters. The recreational ACT for the scamp complex is 96,631 lb (43,831 kg), gutted weight. The recreational ACL for the scamp complex is 112,362 lb (50,967 kg), gutted weight.

**Commented [SS28]:** Action 7, Preferred Alternative 3. Recreational AM.

**Commented [SS29]:** Action 6 Preferred Alternative 2. Recreational ACT for scamp complex.

**Commented [SS30]:** Action 5, Preferred Alternative 2b. Recreational ACL for scamp complex