

requirements for greenhouse gases, updating public notice provisions to include electronic noticing, and updating the rule to meet current District rule formatting. Our TSD provides a detailed discussion of each of these revisions and how they meet EPA requirements. The EPA finds these revisions acceptable as a title V program revision and consistent with part 70 provisions including 40 CFR 70.2 and 40 CFR 70.7(h)(1).

V. Proposed Action

Pursuant to 40 CFR 70.4(i)(2), the EPA is proposing to approve the revisions to the MBARD Title V Operating Permit Program submitted on September 4, 2024, which removes emergency affirmative defense provisions, allows for e-noticing, aligns the rule with current title V requirements including removing requirements for greenhouse gases, and updates the rule to match MBARD's rule format. The revisions meet the requirements of section 502 of the CAA and 40 CFR 70.4 and 70.9. The EPA is soliciting public comments on the revisions discussed in this document.

VI. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve title V operating permit program revisions that comply with the Act and applicable federal regulations. See 42 U.S.C. 7661a(d). Thus, in reviewing title V permit program submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

This rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the Title V action is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 20, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BO10

Reef Fish Fishery of the Gulf of America; Amendment 62

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

ACTION: Announcement of availability of fishery management plan amendment; request for comments.

SUMMARY: The Gulf Council (Council) has submitted Amendment 62 to the

Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP) (Amendment 62) for review, approval, and implementation by NMFS. If approved, Amendment 62 would, for Gulf of America (Gulf) red grouper, revise the catch limits and sector allocations. Additionally, Amendment 62 would remove the February 1 through March 31 shallow-water grouper (SWG) recreational seasonal closure in Gulf Federal waters seaward of the 20-fathom boundary. The purpose of Amendment 62 is to modify the catch limits and sector allocations of Gulf red grouper based on the best scientific information available, and to remove the recreational closed season for SWG seaward of the 20-fathom boundary.

DATES: Written comments on Amendment 62 must be received on or before June 1, 2026.

ADDRESSES: A plain language summary of Amendment 62 is available at <https://www.regulations.gov/docket/NOAA-NMFS-2026-0991>. You may submit comments on this document, identified by [NOAA–NMFS–2026–0991], by either of the following methods:

- **Electronic Submission:** Submit comments electronically via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type [NOAA–NMFS–2026–0991] in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Send written comments to Daniel Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, *etc.*) confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter “N/A” in the required fields if you wish to remain anonymous.

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.

FOR FURTHER INFORMATION CONTACT:

Daniel Luers, NMFS Southeast Regional Office, telephone: 727-824-5305, or email: Daniel.Luers@noaa.gov.

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 (Secretary), 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). The Magnuson-Stevens Act requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield (OY) 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.

Unless otherwise noted, all weights in this notice 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 annual catch limit (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.

In 2025, the most recent stock assessment (Southeast Data, Assessment, and Review (SEDAR) 88) was completed for red grouper. 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 notice 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 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 proposed catch limits 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 F_{MSY} proxy of $F_{30\%SPR}$ to a more conservative $F_{40\%SPR}$. The SSC concluded that certain biological and ecological characteristics of red grouper are present that indicate that more conservative management is appropriate. For example, red grouper undergoes ontogenetic spatial shifts from nearshore shallow habitats to offshore deep-water habitats; 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 and 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 the program was implemented by Amendment 29 to the FMP in 2010 (74 FR 44732, August 31, 2009). The IFQ program serves as the commercial accountability measure (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. 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 and 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 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. Amendment 62 would 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 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, would be retained in Amendment 62 to account for the gag multi-use allocation of the IFQ program. For the recreational sector, Amendment 62 would maintain the current 9 percent buffer between the recreational ACL and ACT that was set in Amendment 53. This recreational buffer would be maintained because the use of more precise SRFS data to monitor recreational landings and the substantial increase in the recreational ACL are expected to prevent future recreational ACL overages.

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 the months of February and March 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 provide protection for spawning SWG species in deeper Gulf waters while allowing recreational harvest to occur shoreward of the 20-fathom boundary. Although Amendment 62 would eliminate this closure, all SWG species except red grouper have other seasonal closure regulations in effect, or in development, which are expected to prohibit their recreational harvest during February and March beginning in 2027. Gulf gag has a recreational seasonal closure in effect from January through August (50 CFR 622.34(e)). On March 18, 2026, NMFS published a proposed rule that would create a

recreational seasonal closure for black grouper, yellowfin grouper, scamp, and yellowmouth grouper from January through June (91 FR 12989). If that proposed rule is finalized, red grouper would be the only SWG species expected to be 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 determined that it was appropriate to recommend removal of the February through March recreational closure given the increase to the stock size as indicated by SEDAR 88 and the increased catch limits in Amendment 62.

Actions Contained in Amendment 62

Consistent with the best scientific information available, Amendment 62 would, for Gulf red grouper, update the MSY proxy, the OFL, the ABC, the sector allocations, and the catch limits for Gulf red grouper. In addition, Amendment 62 would remove the SWG recreational seasonal closure of February through March seaward of the 20-fathom boundary.

MSY Proxy, OFL and ABC

Amendment 62 would revise the MSY proxy, OFL, and ABC for red grouper based on the Council's SSC recommendations and consistent with SEDAR 88. The MSY proxy would be defined as the yield at $F_{40\%SPR}$. The OFL would be 10.64 million lb (4.83 million kg), and the ABC would be 8.28 million lb (3.76 million kg). The total ACL would 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 that a phase-in approach to increasing the total catch limits over several years would be appropriate, as 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 by using the original reference years (1986 through 2005) for red grouper landings but updating the recreational landings from the MRIP-Coastal Household Telephone Survey to the MRIP-FES dataset, in the stock assessment that informed the catch levels in Amendment 53. Amendment 62 would update 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.

Catch Limits

Amendment 62 would increase 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 would increase 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.

Amendment 62 would increase 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 would increase 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 proposed recreational catch limits are not directly comparable because of the recreational datasets used in the prior and current assessments, but the proposed catch limits are increases from the current values.

SWG Recreational Seasonal Closure

Amendment 62 would remove 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 Amendment 62 would eliminate this closure, as previously noted, all SWG species except red grouper have other seasonal closure regulations in effect or in development, which prohibit their recreational harvest during this time period.

Proposed Rule for Amendment 62

A proposed rule to implement Amendment 62 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is

consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council submitted Amendment 62 for review, approval, and implementation by the Secretary. Comments on Amendment 62 must be received no later than June 1, 2026. Comments received during the respective comment periods, whether specifically directed to Amendment 62 or the proposed rule, will be considered

by NMFS in the decision to approve, partially approve, or disapprove, Amendment 62. Comments received after the comment periods will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: March 30, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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