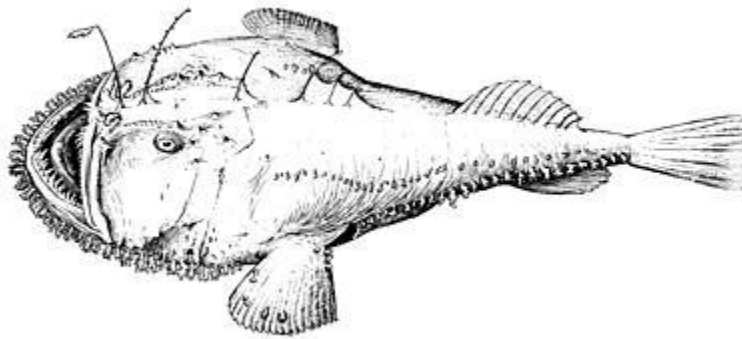


# Monkfish Fishery Management Plan

## Framework Adjustment 17

Including a Supplemental Information Report, Regulatory Impact Review and  
Initial Regulatory Flexibility Analysis



**January 20, 2026**

Prepared by the  
New England Fishery Management Council and the  
Mid-Atlantic Fishery Management Council

In consultation with the  
National Marine Fisheries Service



***Document history***

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**Proposed Action:** Specifications for fishing years 2026-2028

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**Abstract:** The New England Fishery Management Council, in consultation with the Mid-Atlantic Fishery Management Council and NOAA’s National Marine Fisheries Service, has prepared specifications for the Monkfish FMP fishing years 2026-2028. The action would also eliminate the requirement for the Councils to take action to implement the Annual Catch Target (ACT) adjustment and the responsibility to take action to implement the ACT adjustment would fall to NMFS. The action addresses the requirements of the National Environmental Policy Act, the Magnuson Stevens Fishery Conservation and Management Act, the Regulatory Flexibility Act, and other applicable laws.

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## 1.3 ACRONYMS

ABC	Acceptable Biological Catch
ACL	Annual Catch Limit
ALWTRP	Atlantic Large Whale Take Reduction Plan
AM	Accountability Measure
AP	Advisory Panel
APA	Administrative Procedures Act
ASMFC	Atlantic States Marine Fisheries Commission
B <sub>MSY</sub>	Biomass that would allow for catches equal to Maximum Sustainable Yield when fished at the overfishing threshold (FMSY)
BiOp, BO	Biological Opinion, a result of a review of potential effects of a fishery on Protected Resource species
CEQ	Council on Environmental Quality
CPUE	Catch per unit of effort
DAS	Day(s)-at-sea
DMF	Division of Marine Fisheries (Massachusetts)
DMR	Department of Marine Resources (Maine)
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Fishing mortality rate
FEIS	Final Environmental Impact Statement
FMP	Fishery management plan
FW	Framework
FY	Fishing year
GARFO	Greater Atlantic Regional Fisheries Office
GB	Georges Bank
GIS	Geographic Information System
GOM	Gulf of Maine
HAPC	Habitat area of particular concern
IVR	Interactive voice response reporting system
MAFMC	Mid-Atlantic Fishery Management Council

MMPA	Marine Mammal Protection Act
MPA	Marine protected area
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	Maximum Sustainable Yield
NEAMAP	Northeast Area Monitoring and Assessment Program
NEFMC	New England Fishery Management Council
NEFOP	Northeast Fisheries Observer Program
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OBDBS	Observer database system
OLE	Office for Law Enforcement (NMFS)
OY	Optimum yield
PBR	Potential Biological Removal
PDT	Plan Development Team
PRA	Paperwork Reduction Act
RFA	Regulatory Flexibility Act
RMA	Regulated Mesh Area
RPA	Reasonable and Prudent Alternatives
SAFE	Stock Assessment and Fishery Evaluation
SBNMS	Stellwagen Bank National Marine Sanctuary
SNE	Southern New England
SSB	Spawning stock biomass
SSC	Scientific and Statistical Committee
TAL	Total allowable landings
TED	Turtle excluder device
TMS	Ten-minute square
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
VEC	Valued ecosystem component
VTR	Vessel trip report
WGOM	Western Gulf of Maine

## 2.0 PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT (SIR)

The purpose of this SIR is to determine if the proposed FY 2026-2028 monkfish specifications will require a supplement to the Environmental Assessment that was prepared for Framework Adjustment 13 (NEFMC 2023) to the Monkfish Fishery Management Plan, as required by the National Environmental Policy Act. FW 13 set specifications for fishing years 2023-2025, adjusted annual days-at-sea (DAS) allocations, and, beginning in fishing year 2026, increases the minimum gillnet mesh size for vessels fishing on monkfish DAS (NEFMC 2023).

In determining the need for additional analysis under NEPA, the New England Fishery Management Council (Council) considered and has been guided by NOAA's Policy and Procedure for Compliance with NEPA and applicable case law. The Council and the National Marine Fisheries Service (NMFS) have preliminarily analyzed the proposed action and its impacts, in addition to those analyzed in FW 13. This document describes the proposed action and compares it to the alternatives and analyses presented in

the Framework 13 EA. It then considers whether there are any substantial changes or significant new circumstances or information that are relevant to environmental concerns and could affect the proposed action or its impacts. Based on these analyses, the FW 13 EA does not require supplementation. The FONSI signed on August 11, 2023 remains valid to support the proposed action.

For our consideration of new circumstances and information, we have consulted, among other sources, the Council's Monkfish Plan Development Team (PDT), Monkfish Committee, Monkfish Advisory Panel, the NMFS Greater Atlantic Regional Fisheries Office's (GARFO) Protected Resources and Sustainable Fisheries divisions, GARFO's Environmental Analyses and NEPA Program, and Council habitat staff.

## 3.0 PROPOSED ACTION

The proposed action would update monkfish specifications for FY 2026-2028 based on the stock assessment data update provided by NEFSC in August 2025. The data updates include U.S. commercial monkfish landings and discards, NEFSC spring and fall bottom trawl survey indices, and stratified mean indices at length for the bottom trawl survey.

### *Changes in specifications based on SSC proposed ABC specifications*

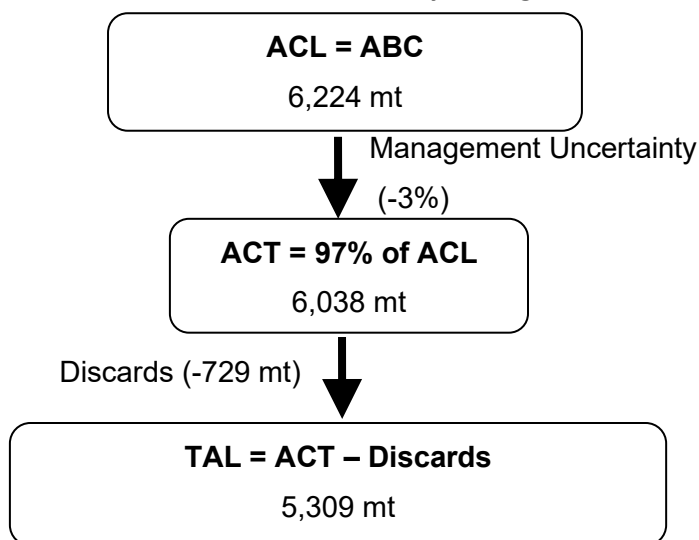
The proposed specifications include status quo ABC for the northern monkfish stock for FY 2026-2028 (6,224 mt; Figure 1 and Table 1) and status quo ABC for the southern monkfish stock for FY 2026-2028 (5,861 mt; Figure 2 and Table 2) based on NEFSC data updates. These values are relative to FY 2023-2025 values. The Council notes that there is no explicit guidance for making catch advice recommendations based on data updates. Monkfish catch in the northern stock area has been relatively stable with similar level of landings and discards in recent years while southern monkfish commercial landings have declined in recent years with variable commercial discards. Indices of northern monkfish biomass through 2025 have been relatively stable with a slight increase in fall and more pronounced increase in spring while the length distribution suggests a decrease in smaller fish, potentially indicative of decreased recruitment. The indices of southern monkfish have remained stable in recent years at low levels, and the fall length distributions seem to indicate variable recruitment for southern monkfish. Based on the stable but reduced state of Southern monkfish, the Council recommends holding status quo ABC constant for FY 2026-2028.

The overfishing limit (OFL) is defined as the product of the fishing mortality threshold ( $F_{max}$ ) and the current estimate of exploitable biomass. In 2022, the OFLs could not be determined because "analytical assessments are not available from which to estimate stock status criteria and biological reference points." The Council concluded that the current ABC control rule could not be used as a basis for making an ABC recommendation. In 2025, the Council recommended that OFLs continue to be unknown for the Northern (NFMA) and Southern (SFMA) monkfish management areas as reference points are undetermined for monkfish.

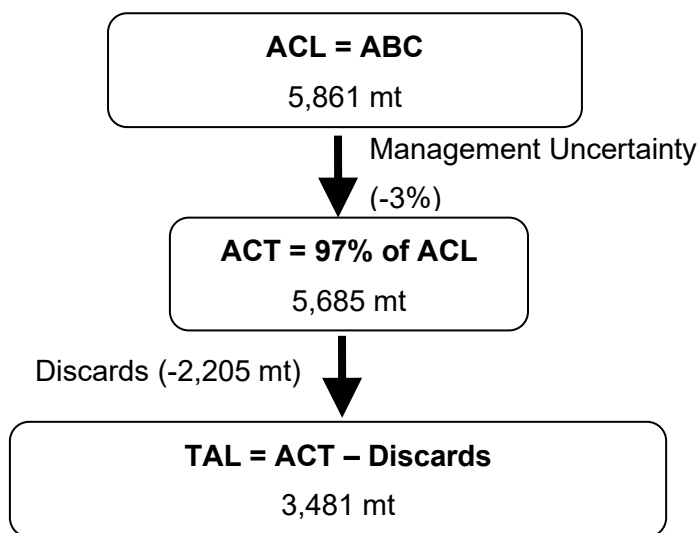
Expected discards are calculated using the median of the most recent ten years of data; in FY 2023-2025 this was 729 mt in the NFMA (11.7% of the NFMA ABC) and 2,205 mt in the SFMA (37.6% of the SFMA ABC). Total allowable landings are calculated by accounting for these expected discards. The 2025 NEFSC data update provided discards for FY 2015-2024, thus, expected discards for FY 2026-2028 were revised to 863 mt in the NFMA (14% of the NFMA ABC) and 2,198.5 mt in the SFMA (38% of the SFMA ABC). Table 10 from the "[Other Fishery Background Data](#)" shows that the vast majority of monkfish discards in the southern area are from scallop dredge (2.36 million pounds in FY 2023, 2.8 million pounds in FY 2022, and ~4.2 million pounds in FY 2021). Recent reductions in the scallop fishery effort in the Mid-Atlantic and Southern New England suggest minimal unforeseen mortality for southern monkfish, assuming average recruitment.



**Figure 1. Status quo specifications for the Northern Fishery Management Area.**



**Figure 2. Status quo specifications for the Southern Fishery Management Area.**



**Table 1. Comparison of status quo (FYs 2023-2025) and the proposed action (FY 2026-2028) for the Northern Fishery Management Area.**

	<b>ABC (=ACL)</b>	<b>ACT (97% of ACL)</b>	<b>Estimated Discards (10-year median)</b>	<b>Federal TAL (ACT – discards)</b>	<b>% Difference in TAL from Status Quo</b>
Status quo	6,224 mt	6,038 mt	729 mt	5,309 mt	0%
<b>Council recommendation for FY 2026-2028</b>	6,224 mt	6,038 mt	863 mt	5,174 mt	-3%

**Table 2. Comparison of status quo (FYs 2023-2025) and the proposed action (FYs 2026-2028) for the Southern Fishery Management Area.**

	ABC (=ACL)	ACT (97% of ACL)	Estimated Discards (10-year median)	Federal TAL (ACT – discards)	% Difference in TAL from Status Quo
Status quo	5,861 mt	5,685 mt	2,205 mt	3,481 mt	0%
<b>Council recommendation for FY 2026-2028</b>	5,861 mt	5,685 mt	2,198.5 mt	3,481 mt	0%

#### *Revisions to the accountability measure for ACL overages and adjustments*

The Monkfish FMP includes a reactive Accountability Measure (AM) that, if the ACL for a monkfish stock is exceeded in a given fishing year, requires the Councils to deduct, on a pound-for-pound basis, the amount of the overage from the ACT for that stock in the second year following the overage. If the Councils fail to take appropriate action to make an adjustment to the ACT in response to the overage, then NMFS must implement the adjustment.

The proposed action would eliminate the requirement for the Councils to take action to implement the ACT adjustment (50 CFR 648.96(d)(2)(i)) and shift the responsibility to take action to implement the ACT adjustment to only NMFS. Eliminating the requirement for the Councils to take action reduces the administrative burden necessary for NMFS and the Councils to coordinate; instead, NMFS would identify any overage during year-end catch accounting and take appropriate action as soon as is appropriate to account for it. The proposed action does not change what the AM does or how it is triggered; it only changes the body responsible for implementing the AM.

## 4.0 BACKGROUND

Framework Adjustment 13 to the Monkfish FMP set specifications for 2023-2025, adjusted annual days-at-sea (DAS) allocations, and, beginning in fishing year 2026, increases the minimum gillnet mesh size for vessels fishing on monkfish DAS (NEFMC 2023). The 2016 operational assessment moved from a model-based assessment to an empirical assessment based on commercial data and fishery-independent data (NEFSC 2016). There was a 2022 monkfish assessment conducted to provide catch advice (through the Ismooth approach, which relies on catch and survey data; NEFSC 2022). The method used to set catch advice for FY 2026-2028 includes updated monkfish landings, discards, and fishery survey information.

The overfishing limit (OFL) is defined as the product of the fishing mortality threshold ( $F_{max}$ ) and the current estimate of exploitable biomass. In 2022, the SSC recommended that the OFLs could not be determined because “analytical assessments are not available from which to estimate stock status criteria and biological reference points.” Because there wasn’t an analytical assessment in 2025, OFLs for both management areas remain unknown.

## 5.0 NEW INFORMATION AND CIRCUMSTANCES

This action considers the new information and some additional years of data, included in this section, in addition to information provided in the Monkfish FW 13 Environmental Assessment (EA). Overall, the new information and circumstances represent minor changes to the monkfish resource and fishery. The fishery remains stable with similar conditions as evaluated in Framework 13.

## 5.1 UPDATED FISHERY DATA (MONKFISH)

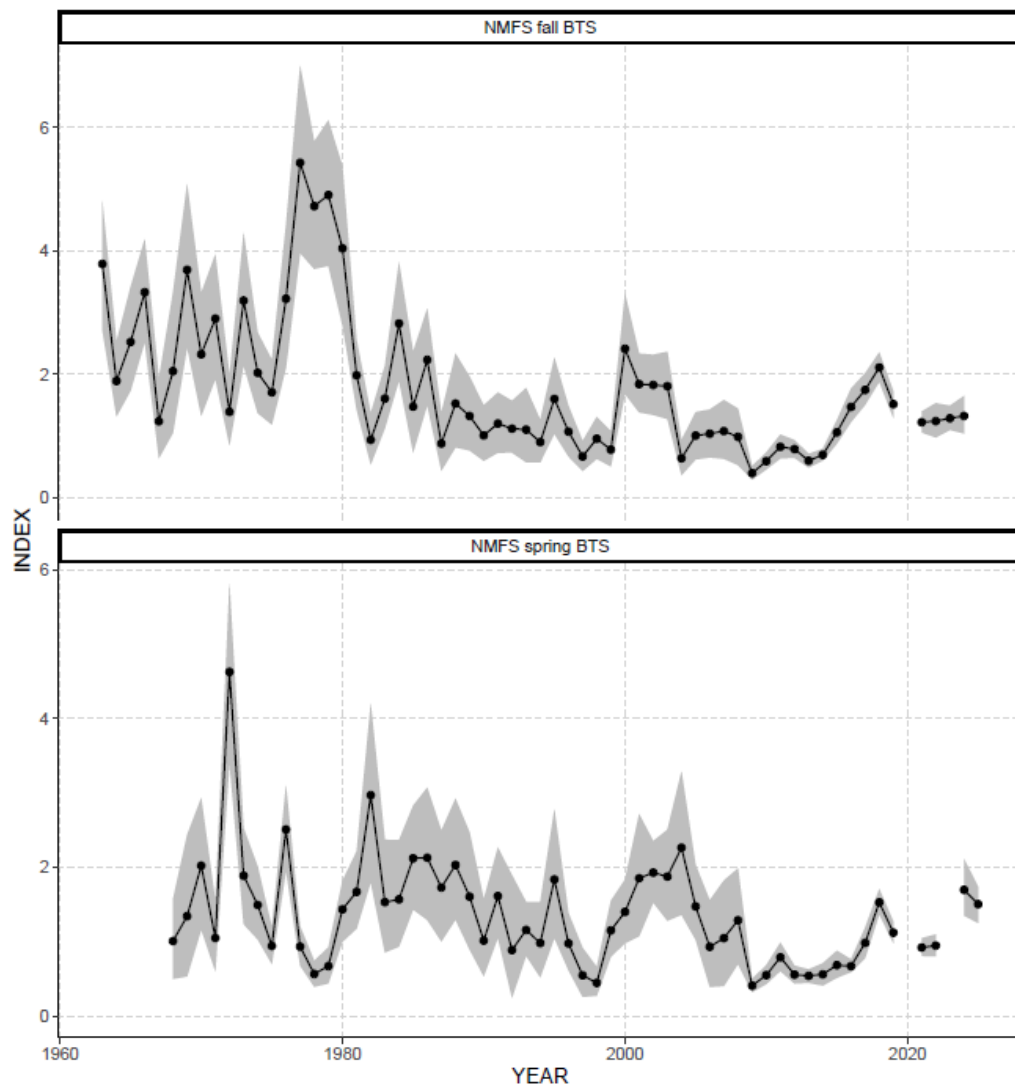
NEFSC provided a data update for [northern](#) and [southern](#) monkfish in lieu of a management track assessment in 2025. This update included bottom trawl survey index of northern and southern monkfish from 1963 through 2025 (biomass, kg/tow; included in Target Species Section 5.1.1), northern and southern monkfish landings and discards through 2024 (landings beginning in 1964 and discards beginning in 1980; included in Human Communities Section 5.1.3), and stratified mean indices at length for the bottom trawl survey for northern and southern monkfish from 1963 through 2025 (included in NEFSC Data Update [North](#) and [South](#)).

NMFS spring and fall bottom trawl survey aggregate indices for northern and southern monkfish management areas are provided in Table 3 for the most recent calendar years while Figure 3 and Figure 4 show the full time series of data. In the north, NMFS fall survey index increased by ~0.04 kg/tow in each of the last three years and the spring survey index increased by ~0.75 kg/tow from 2022 to 2024 (missing survey index in 2023) and declined by ~0.2 kg/tow from 2024 to 2025; in the south, NMFS fall survey index marginally decreased over 2021 to 2023 and increased by 0.07 kg/tow from 2023 to 2024 and spring survey index followed a similar trend as the fall index. Coefficients of variation from 1968 through 2025 and stratified mean indices at length for the spring and fall surveys from 2017 – 2025 are provided in the NEFSC data update documents.

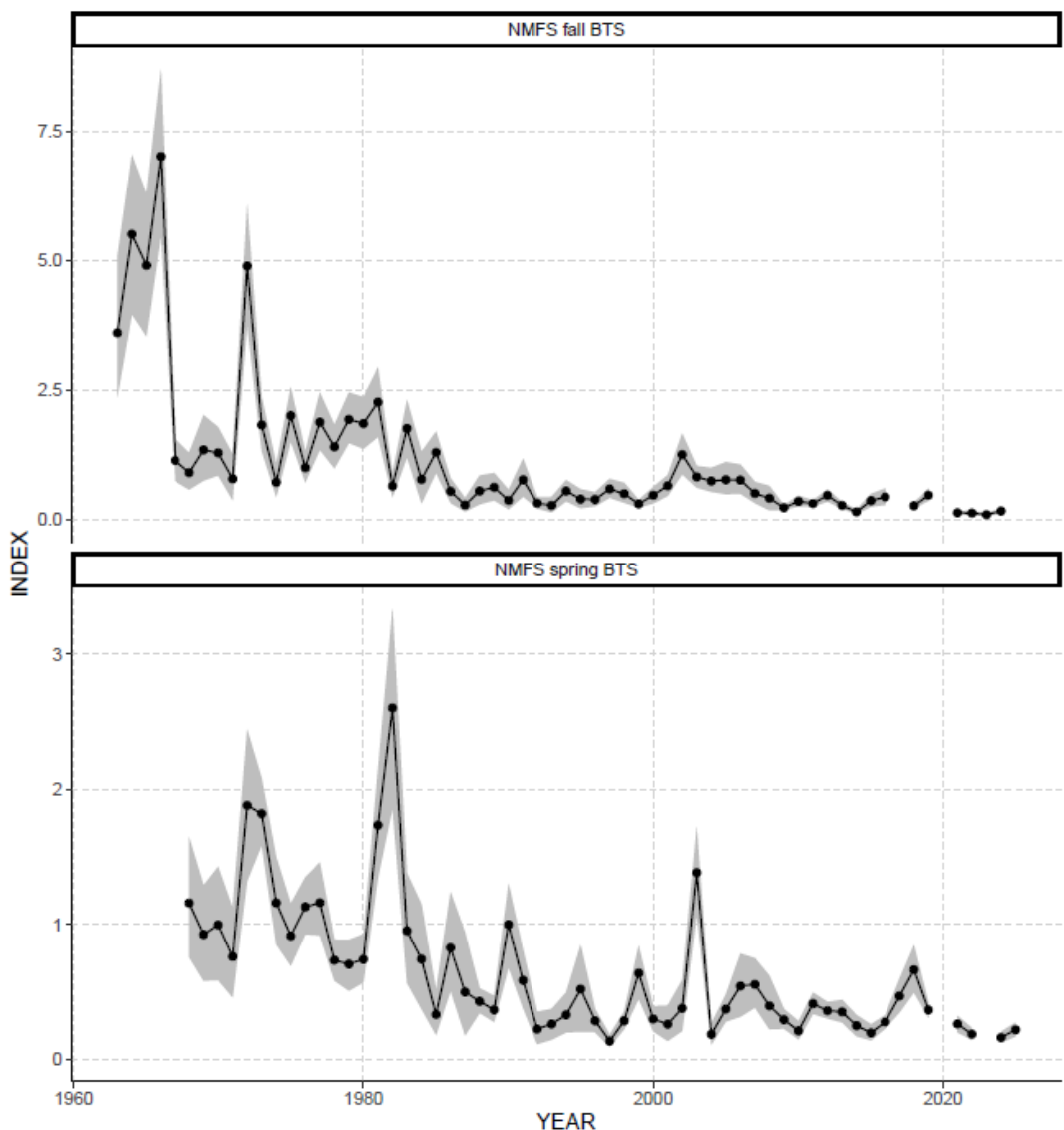
**Table 3. Bottom trawl survey spring and fall index (biomass, kg/tow) of northern and southern monkfish from 2018 – 2025. Source: 2025 NEFSC Data Update.**

Calendar Year	Northern Fishery Management Area		Southern Fishery Management Area	
	Fall index	Spring index	Fall index	Spring index
2018	2.1099	1.5277	0.2657	0.6615
2019	1.5151	1.1198	0.4706	0.3634
2020				
2021	1.2224	0.9202	0.1322	0.2588
2022	1.2406	0.9460	0.1263	0.1832
2023	1.2865		0.0955	
2024	1.3245	1.6959	0.1655	0.1584
2025		1.5028		0.2162

**Figure 3. Bottom trawl survey index (biomass, kg/tow) of northern monkfish from 1963 through 2025. Gray-shaded area represents the 90% confidence interval. Survey was incomplete in Fall 2020, Spring 2020, and Spring 2023. Source: 2025 NEFSC Data Update.**



**Figure 4. Bottom trawl survey index (biomass, kg/tow) of southern monkfish from 1963 through 2025. Gray-shaded area represents the 90% confidence interval. Survey was incomplete in Fall 2017, Fall 2020, Spring 2020, and Spring 2023. Source: 2025 NEFSC Data Update.**



## 5.2 PROTECTED RESOURCES

Protected species are those species afforded protection under the Endangered Species Act of 1973 (ESA, i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA). Sections 5.3 of [Monkfish Framework 15](#) and [Monkfish Framework 13](#) provide comprehensive descriptions of all protected species that may occur in the affected environment of the FMP; those descriptions remain valid. Section 6.4 in the Framework 13 EA, which provides an assessment of the potential impacts of the specifications considered in the EA on protected species (i.e., Endangered Species Act (ESA)-listed and/or Marine Mammal Protection Act (MMPA) protected), was used to inform the potential impacts of the proposed action on protected species (see Section 8 below).

In addition to the information considered in FW 13 EA, the following new information and circumstances for protected species are relevant to this action:

- On May 27, 2021, NMFS completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a biological opinion ([2021 Opinion](#)) on the authorization of eight FMPs, two interstate fishery management plans (ISFMP), and the implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2.<sup>1</sup> On September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Biological Opinion; this memorandum was updated with a new 7(a)(2)/7(d) memorandum issued by NMFS on January 8, 2025, and amended on November 25, 2025. Additional information on the reinitiation is provided in Section 8.4.
- Updated information on documented incidences of interactions with gear types similar to those used in the monkfish fishery (i.e., gillnet and bottom trawl). At the time the FW13 EA was issued, depending on species, the best available information on documented gear interactions with specific protected species was provided through 2019. Since issuance of the FW13 EA, updated information on observed/documented interactions between protected species and gillnet and/or bottom trawl gear has been issued. The updated information continues to reveal interactions occurring with these gear types, and at rates or numbers that show relatively similar trends as provided in the FW13 EA. It's important to note, that depending on species (e.g., sea turtles), modeling methods may have changed since the previous EA was issued. As a result, there may not be a one to one comparison in information provided between the previous and most recent information, and therefore, changes in estimated protected species bycatch rates do not necessarily signify significant changes in interaction risks/rates since the FW13 EA was issued.

## 5.3 HUMAN COMMUNITIES

A detailed description of the commercial monkfish fishery and fishing communities may be found in Section 5.5 of Monkfish Framework 13. Those descriptions of the northern and southern monkfish fisheries are still valid. There are six primary ports in the monkfish fishery: Gloucester, Boston, and New Bedford, MA; Point Judith, RI; Montauk, NY; and Barnegat Light, NJ. The number of monkfish limited access permits (A, B, C, D permits) totaled 525 in FY 2023, 520 in FY 2022, and 542 in FY 2021 ([Joint Monkfish and Skate PDT memo to Committees, March 2025](#)). For limited access vessels that landed > 1 lb monkfish, there were: 226 limited access permits in FY 2023, 232 permits in FY 2022, and 258 permits in FY 2021. For limited access vessels that landed > 10,000 lb monkfish, there were: 106 permits in FY 2023, 108 permits in FY 2022, and 127 permits in FY 2021. There are currently 211 permits in Confirmation of Permit History (CPH; cannot be broken down by individual fishing year). For trips where >50% of revenue is from monkfish landings, 13-19% of revenue is mostly from skates with a minor amount from other species. Average percent of monkfish revenue per Monkfish DAS has generally declined over time (71% of revenue in FY 2018 to 46% of revenue in FY 2023) ([Joint Monkfish and Skate PDT memo to Committees, March 2025](#)).

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<sup>1</sup> The eight Federal FMPs considered in the May 27, 2021, Biological Opinion include: (1) Atlantic Bluefish; (2) Atlantic Deep-sea Red Crab; (3) Mackerel, Squid, and Butterfish; (4) Monkfish; (5) Northeast Multispecies; (6) Northeast Skate Complex; (7) Spiny Dogfish; and (8) Summer Flounder, Scup, and Black Sea Bass. The two ISFMPs are American Lobster and Jonah Crab.

### 5.3.1 Commercial federal monkfish landings and discards

U.S. commercial monkfish landings (aggregate weight) and discards (aggregate weight) are provided in Table 4 for the most recent calendar years while Figure 5 and Figure 6 show the full time series of data. In the north, landings have fluctuated over calendar years 2022-2024 while discards have declined; in the south, landings have generally declined over 2022-2024 while discards have fluctuated. Total monkfish catch by calendar year and management area can be calculated by summing landings and discards; these summed data are provided in the NEFSC data update documents.

**Table 4. U.S. commercial monkfish landings and discards (mt) by management area from 2018 – 2024.**

*Source: 2025 NEFSC Data Update.*

Calendar Year	Northern Fishery Management Area		Southern Fishery Management Area	
	Monkfish Landings (mt)	Monkfish Discards (mt)	Monkfish Landings (mt)	Monkfish Discards (mt)
2018	6,009	1,253	4,388	3,476
2019	6,084	1,080	4,373	3,358
2020	5,508	721	2,644	2,263
2021	5,043	788	1,954	2,317
2022	4,900	947	1,818	1,758
2023	5,687	914	1,364	1,634
2024	4,998	886	961	2,134

**Figure 5. Monkfish landings (mt) and discards (mt) in the Northern Fishery Management Area from calendar year 1964 through 2024. Source: 2025 NEFSC Data Update.**

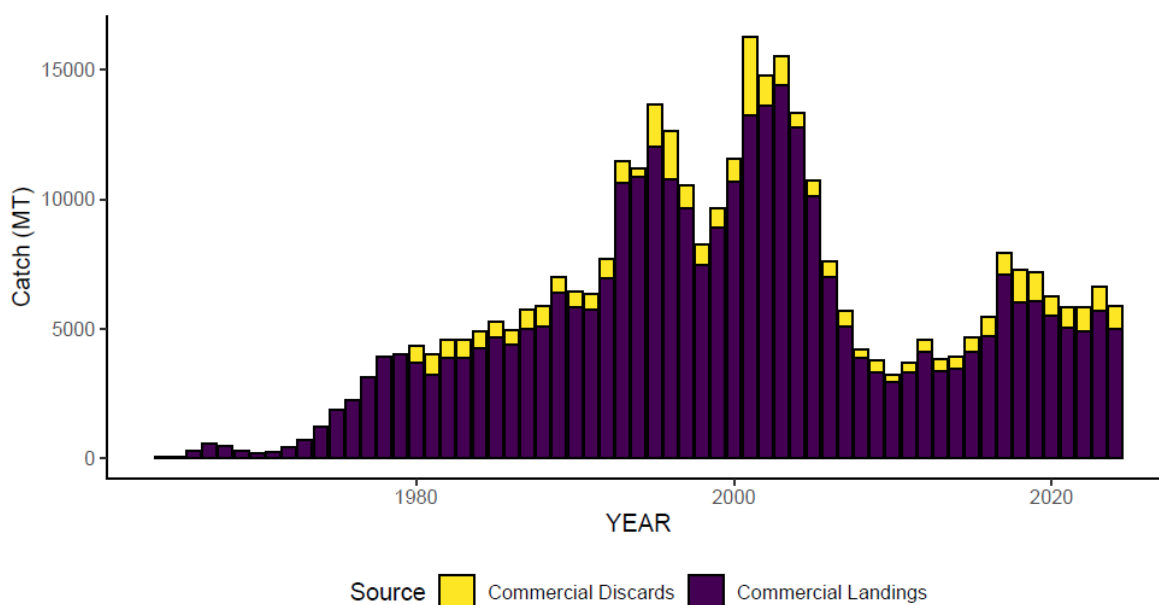
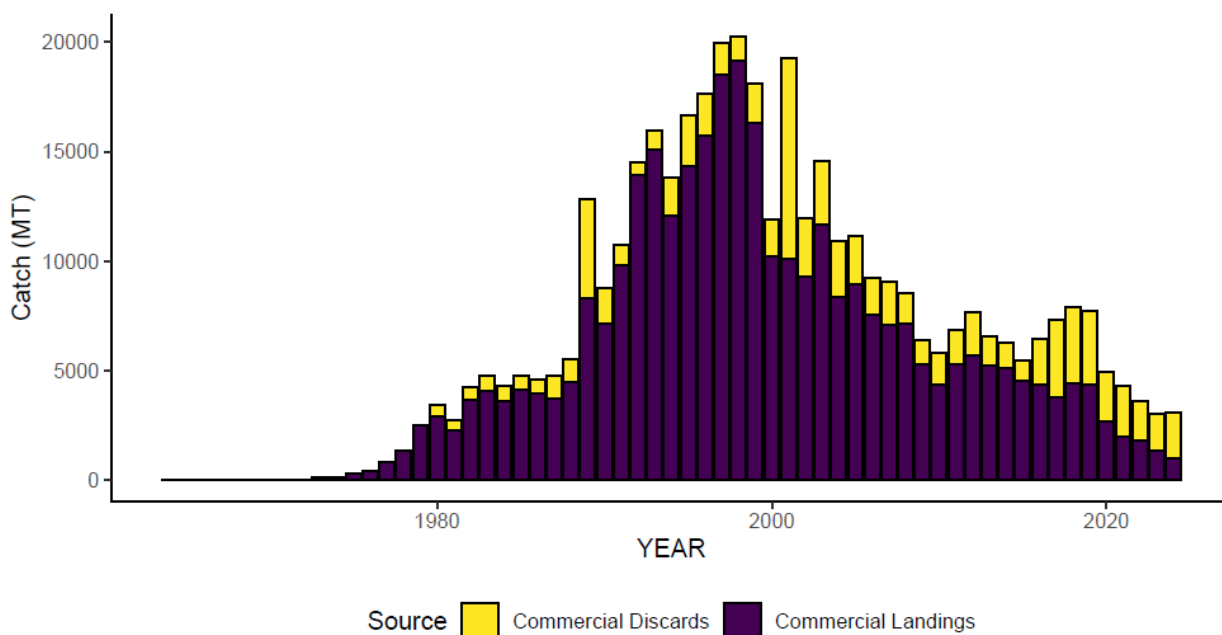


Figure 6. Monkfish landings (mt) and discards (mt) in the Southern Fishery Management Area from calendar year 1964 through 2024. Source: 2025 NEFSC Data Update.



### 5.3.2 Monkfish Total Allowable Landings (TAL) and DAS Use

Overall, total Monkfish DAS used has declined over time across both management areas and landings relative to TALs has declined in the southern area while the northern area had consistent achievement of the TAL and ACL over the past few years (Table 5). In the Northern area, there is a peak in landings beginning in late fall through winter and an overall high percentage of TAL achieved through time. In the Southern area, there is a peak in landings at the start of the fishing year (May) and an overall low percentage of TAL achieved, especially in recent fishing years.

Table 5. Monkfish landings (whole/live weight, mt) by quarter in the NFMA and SFMA compared to TAL, FY 2018-2024. Total DAS used are included by quarter and by fishing year as a metric of fishing effort for all trips landing monkfish (not just trips using a Monkfish DAS).

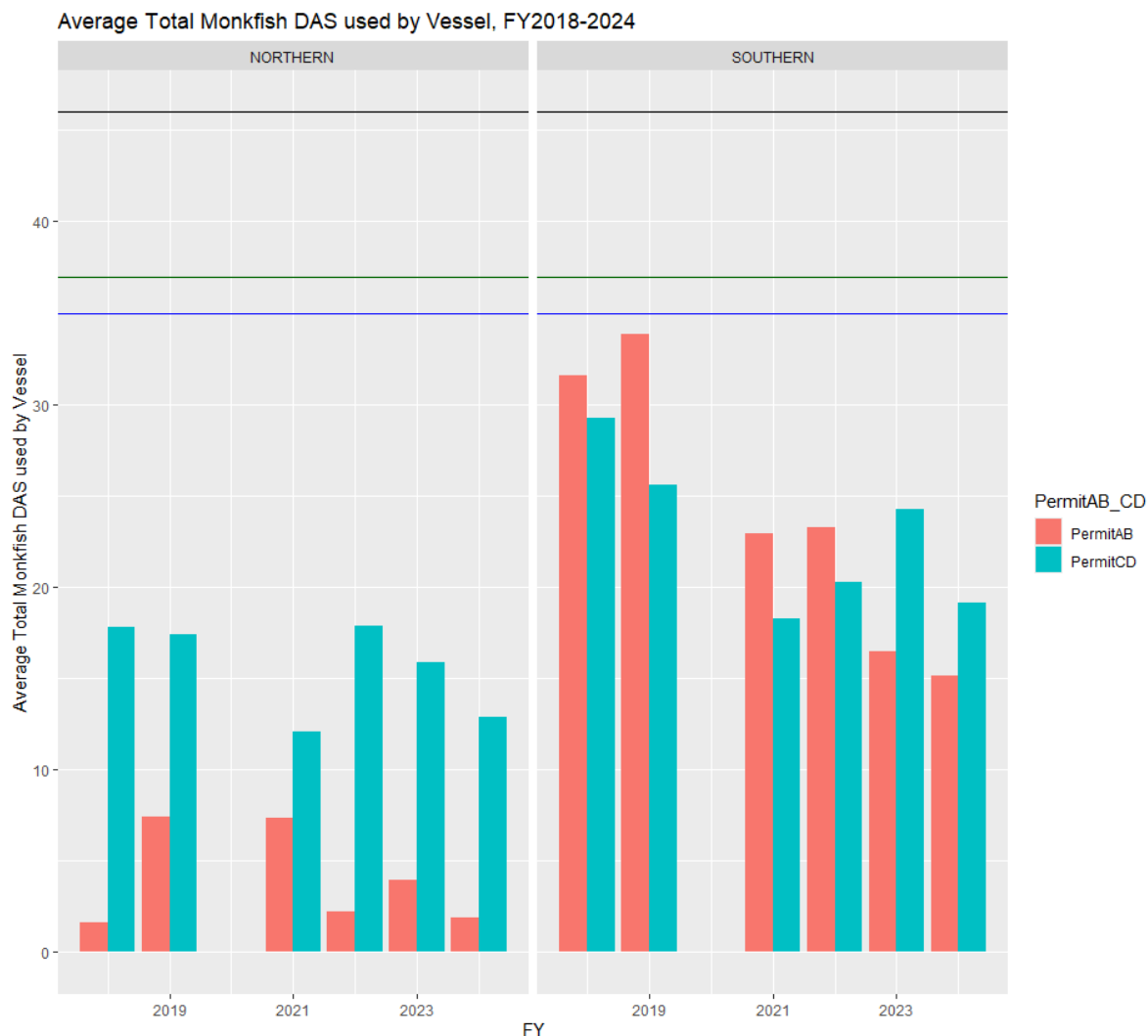
		Total DAS Used						
		FY						
		2018	2019	2020	2021	2022	2023	2024*
Quarter	May-Jul	14,374	11,870	10,953	10,048	8,839	8,573	9,113
	Aug-Oct	9,772	9,361	9,365	7,920	6,061	6,389	8,120
	Nov-Jan	12,271	10,868	10,087	9,428	7,117	8,278	7,861
	Feb-Apr	14,486	11,964	10,793	10,901	11,009	10,272	2,527
TOTAL		50,903	44,063	41,198	38,297	33,026	33,512	27,621



Northern Management Area: Monkfish Landings relative to TAL								
	TAL (% TAL)	FY						
		2018	2019	2020	2021	2022	2023	2024
Quarter		6,338 mt		6,624 mt			5,309 mt	
	May-Jul	1,222 (19%)	1,443 (23%)	1,046 (16%)	1,085 (16%)	917 (14%)	1,362 (26%)	1,178 (22%)
	Aug-Oct	1,612 (25%)	1,503 (24%)	1,173 (18%)	1,043 (16%)	1,225 (18%)	1,430 (27%)	1,223 (23%)
	Nov-Jan	1,403 (22%)	1,539 (24%)	1,580 (24%)	1,364 (21%)	1,307 (20%)	1,260 (24%)	1,294 (24%)
	Feb-Apr	1,785 (28%)	1,720 (27%)	1,434 (22%)	1,544 (23%)	1,621 (24%)	1,228 (23%)	275^ (5%)
TOTAL		6,022 (95%)	6,206 (98%)	5,233 (79%)	5,036 (76%)	5,070 (77%)	5,280 (99%)	5,306* (100%)
Southern Management Area: Monkfish Landings relative to TAL								
	TAL (% TAL)	FY						
		2018	2019	2020	2021	2022	2023	2024
Quarter		9,011 mt		5,882 mt			3,481 mt	
	May-Jul	2,020 (22%)	2,064 (23%)	1,317 (22%)	1,003 (17%)	1,012 (17%)	594 (17%)	468 (13%)
	Aug-Oct	198 (2%)	131 (1%)	70 (1%)	38 (1%)	9 (0%)	4 (0%)	29 (1%)
	Nov-Jan	1,210 (13%)	977 (11%)	444 (8%)	346 (6%)	264 (4%)	163 (5%)	135 (4%)
	Feb-Apr	1,189 (13%)	583 (6%)	459 (8%)	550 (9%)	482 (8%)	276 (8%)	27^ (1%)
TOTAL		4,617 (51%)	3,755 (42%)	2,289 (39%)	1,937 (33%)	1,767 (30%)	1,037 (30%)	823* (24%)
* Data from GARFO Quota Monitoring, end of year landings for FY 2024 for data pulled on 9/2/2025. ^ Data pulled in February and March 2025, thus, not comprehensive of the full fishing year through end of April. Source: CAMS, accessed February and March 2025.								

There are a few vessels exceeding their Monkfish DAS allocation, however, on average, all vessels in both management areas are using fewer Monkfish DAS than allocated (Figure 7 and Table 6). There is a general trend of reduced monkfish fishing effort (number of permits using a Monkfish DAS and total Monkfish DAS used) over time, particularly in the southern management area where there is a substantial decline in total Monkfish DAS used from FY 2018 – 2024.

**Figure 7. Average Monkfish DAS used per active vessel (vessels that used at least one Monkfish DAS), by monkfish permit category (A and B; C and D), by fishing year 2018 – 2024, and management area.**



Notes: Blue horizontal line indicates 35 Monkfish DAS (current DAS cap for the North), green horizontal line indicates 37 Monkfish DAS (prior and current DAS cap for the South), and black horizontal line indicates 46 Monkfish DAS (total DAS usage cap across both management areas). FY 2020 excluded due to the global pandemic and limited data and fishing disruptions.

**Table 6. Number of vessels using Monkfish DAS, total number of Monkfish DAS used, and average number of Monkfish DAS used per active vessel, by permit categories A & C and B & D.**

Monkfish Permit Category	Fishing Year	# of Vessels using Monkfish DAS	Monkfish DAS Used	Average # of Monkfish DAS used per Active Vessel (DAS allocation)
<b>Northern Fishery Management Area</b> (46 DAS allocation across NFMA & SFMA from FY2018-2021; 35 DAS in NFMA from <a href="#">FY2022-2024</a> )				
A & C	2018	15	264	18
C	2019	13	184	14
	2021	4	42	10
A & C	2022	9	141	16
	2023	10	84	8
	2024	8	64	8
B & D	2018	19	261	14
	2019	18	326	18
	2021	16	191	12
	2022	20	300	15
	2023	17	309	18
	2024	16	167	10
<b>Southern Fishery Management Area</b> (37 DAS cap in SFMA from FY2018-2021; 46 DAS allocation across NFMA & SFMA and 37 DAS in SFMA from <a href="#">FY2022-2024</a> )				
A	2018	14	491	35
	2019	11	441	40
	2021	5	166	33
	2022	8	273	34
	2023	8	164	20
	2024	7	124	18
B	2018	25	741	30
	2019	25	777	31
	2021	15	270	18
	2022	14	238	17
	2023	12	166	14
	2024	12	163	14
C	2018	17	507	30
	2019	15	431	29
	2021	11	191	17
	2022	11	184	17
	2023	6	141	24
	2024	8	129	16
D	2018	31	896	29
	2019	27	643	24
	2021	15	283	19
	2022	13	302	23

	2023	16	393	25
	2024	16	330	21

Source: CAMS database, pulled on July 14, 2025 by S.M. Turner (APSD).

Notes: Management area was identified by the declared management area; there are currently 211 permits in Confirmation of Permit History (CPH) (number of permits that are CPH cannot be broken down by individual year as the database does not have this information).

### 5.3.3 Total Monkfish Catch – FY 2022 - 2024 ACL Accounting

At the end of each fishing year, NMFS tabulates monkfish catch into a few bins and compares the total to the annual catch limit; FY 2022-2024 are provided in Table 7 and Table 8 for northern and southern management areas, respectively. Over FY 2022-2024, the ACL has not been exceeded in either management area. Commercial landings ranged from ~84% - 86% of total catch in the northern area, while commercial landings ranged from 35% - ~51% of total catch in the southern area. Estimated discards ranged from 13-15% of total catch in the north and 48-65% of total catch in the south. Recreational catch has been consistently low in both management areas. Monkfish Framework 13 (Table 17) has FY 2017 – 2021 data.

**Table 7. FY 2022 - 2024 Year-end ACL Accounting for the Northern Fishery Management Area.**

Catch accounting element	Pounds	Metric tons	% of catch	% of ACL
<b>FY 2022</b>				
<b>Northern Fishery Management Area (ACL = 8,351 mt)</b>				
Commercial landings	11,129,972	5,048	84%	60.4%
State-permitted only vessel landings	52,159	24	0.4%	0.3%
Estimated discards	2,062,604	936	15.6%	11.2%
Recreational catch	495	0	0%	0%
<b>Total Northern monkfish catch</b>	<b>13,245,230</b>	<b>6,008</b>	<b>100%</b>	<b>71.9%</b>
<b>FY 2023</b>				
<b>Northern Fishery Management Area (ACL = 6,224 mt)</b>				
Commercial landings	11,576,665	5,251	86%	84.4%
State-permitted only vessel landings	49,358	22	0.4%	0.4%
Estimated discards	1,800,870	817	13.4%	13.1%
Recreational catch	33,539	15	0.2%	0%
<b>Total Northern monkfish catch</b>	<b>13,460,432</b>	<b>6,105</b>	<b>100%</b>	<b>98.1%</b>
<b>FY 2024</b>				
<b>Northern Fishery Management Area (ACL = 5,861 mt)</b>				
Commercial landings	11,697,881	5,306	85.9%	85.3%
State-permitted only vessel landings	80,558	37	60%	0.6%
Estimated dead discards	1,838,711	834	13.5%	13.4%
Recreational dead discards	3,021	1	0.02%	0%
Recreational kept	0	0	0%	0%
<b>Total Northern monkfish catch</b>	<b>13,620,171</b>	<b>6,178</b>	<b>100%</b>	<b>99.3%</b>

**Table 8. FY 2022 - 2024 Year-end ACL Accounting for the Southern Fishery Management Area.**

Catch accounting element	Pounds	Metric tons	% of catch	% of ACL
<b>FY 2022</b>				
<b>Southern Fishery Management Area (ACL = 12,316 mt)</b>				
Commercial landings	3,869,736	1,755	51.4%	14.2%
State-permitted only vessel landings	23,265	11	0.3%	0.1%
Estimated discards	3,631,525	1,647	48.3%	13.4%
Recreational catch	1,083	0	0%	0%
<b>Total Southern monkfish catch</b>	<b>7,525,609</b>	<b>3,413</b>	<b>100%</b>	<b>27.7%</b>
<b>FY 2023</b>				
<b>Southern Fishery Management Area (ACL = 5,861 mt)</b>				
Commercial landings	2,249,679	1,020	44.3%	17.4%
State-permitted only vessel landings	17,750	8	0.3%	0.1%
Estimated discards	2,738,041	1,242	53.9%	21.2%
Recreational catch	71,931	33	1.4%	0.6%
<b>Total Southern monkfish catch</b>	<b>5,077,401</b>	<b>2,303</b>	<b>100%</b>	<b>39.3%</b>
<b>FY 2024</b>				
<b>Southern Fishery Management Area (ACL = 5,861 mt)</b>				
Commercial landings	1,814,282	823	35%	14.0%
State-permitted only vessel landings	5,331	2	0.1%	0.0%
Estimated dead discards	3,374,178	1,531	65%	26.1%
Recreational dead discards	21,558	10	0.4%	0.2%
Recreational kept	166	0	0%	0%
<b>Total Southern monkfish catch</b>	<b>5,215,349</b>	<b>2,366</b>	<b>100%</b>	<b>40.3%</b>

*Notes about data:* Total catch does not include recreational landings as the Annual Catch Limit (ACL) does not include recreational landings. “Commercial landings” includes all monkfish landings by vessels with a permit number greater than zero and party/charter landings sold to a federal dealer; “State-permitted only vessel landings” are landings from vessels that never had a federal fishing permit (so the permit # = 0); and “Recreational catch” includes dead and kept discards from party charter vessels and private anglers, not sold to a federal dealer.

*Source:* For FY 2020 – 2023 data: 2024 Monkfish Fishery Performance Report; for FY 2024 data: CAMS database and the Northeast Fishery Observer Program database and Marine Recreational Information Program reports, both of which were accessed on 9/2/2025.

## 6.0 NEPA COMPLIANCE AND SUPPORTING ANALYSIS

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. Not every change to a proposed action, including the presence of new information, necessitates the development of a new or supplemental NEPA analysis. NMFS provided guidance to Councils on the use of “non-NEPA documents” to help determine whether a new or supplemental NEPA document is necessary or if a non-NEPA document (for example this SIR) may be

used to demonstrate that an original NEPA document sufficiently considered and analyzed the proposed actions and its effects.

### ***Overview***

This action would update the Monkfish ABCs based on the results of the 2025 NEFSC data update, Council recommendations, and the Council's Risk Policy. The stock assessment data update included information on monkfish landings, discards, NEFSC trawl survey indices, and stratified mean indices at length from the bottom trawl survey. The Council recommended status quo ABCs for the northern and southern stocks for FY 2026-2028. The resulting TALs for FY 2026-2028 are 5,174 mt for the northern monkfish stock and 3,487 mt for the southern monkfish stock. The revised specifications would not warrant changes to monkfish effort controls, specifically monkfish possession limits and Monkfish DAS allocations in either region. The previous EA in FW 13 considered impacts of specifications, the current possession limits and DAS allocations for both management areas and on the Valued Ecosystem Components (target, non-target, protected species, physical environment and essential fish habitat, and human communities). The basis for previously analyzed management measures is not proposed to be changed in this action.

The environmental impacts of the proposed action are similar to those in the previous action since the risk of monkfish overfishing in either management area is about the same as previously analyzed and the changes in ABCs are expected to cause little change in fishing behavior, targeting of monkfish or other species, fishing costs, or revenue from landing monkfish. Updated information and analyses considered for adjusting the monkfish specifications are presented in Section 5.0 of this document.

A summary of the impacts on the VECs under the proposed action, which are not substantially different from the original action, follows.

### ***Impacts on Target Species (Monkfish)***

The impacts of the proposed action on target species (monkfish) would likely remain uncertain or slight positive. The status quo ABC for the northern and southern areas for FY 2026-2028 are based on updated NEFSC survey indices, commercial landings, and commercial discards. Impacts are uncertain because the monkfish stock status is unknown (reference points are not determined for this stock), which makes it difficult to determine whether ABCs will lead to overfishing. However, due to the large reductions in ABCs implemented through Monkfish FW13 for FY 2023-2025 relative to FY 2020-2022, it is unlikely that the ABCs have led to overfishing. There should be slightly positive impacts on the monkfish resource from setting fishery specifications with updated data.

The TALs incorporate the revised ABCs and recalculates the median discards for calendar years 2015-2024: for the northern area, the FY 2026-2028 TALs would be ~3% lower than FY 2023-2025 TALs (Table 1); for the southern area, the FY 2026-2028 TALs would be almost identical to the FY 2023-2025 TALs (Table 2). Monkfish DAS allocation and possession limits would be unchanged from the FY2023-2025 measures for FY 2026-2028, which help keep landings within the TALs, and, therefore, prevent the ABCs from being exceeded for FY 2026-2028.

### ***Impacts on Non-Target Species***

The impacts of the proposed action on non-target species (skates, spiny dogfish) would likely remain moderate positive because fishing effort and behavior changes would likely remain unchanged due to status quo ABC recommendations for the northern and southern management areas for FY 2026-2028. Stock status of non-target species is not expected to change under this proposed action compared to what was previously described in Monkfish FW 13. Catch of non-target species is also controlled through other FMPs (Northeast Skate Complex and Northeast Multispecies, for example) that have been determined to be sustainable.

### ***Impacts on Protected Species***

The impacts of the proposed action on protected species would likely remain slight negative to moderate positive depending on the status of the specific species and its risk of interacting with gillnet and/or bottom trawl gear, the primary gear types used in the southern and northern monkfish fisheries, respectively. Interaction risks with gillnet and/or bottom trawl fishing gears remain for some ESA-listed and MMPA protected species, with the risk of an interaction associated with gear type, amount of gear in the water, gear soak or tow duration, as well as the area of overlap of the gear and a protected species.

The proposed action recommends status quo ABCs for the northern and southern management areas for FY 2026-2028 (Table 1 and Table 2). In addition, for the northern area, the FY 2026-2028 TALs would be ~3% lower than FY 2023-2025 TALs (Table 1); for the southern area, the FY 2026-2028 TALs would be almost identical to the FY 2023-2025 TALs (Table 2). The proposed action would also not change the monkfish effort controls (monkfish possession limits and Monkfish DAS). Based on this, the proposed FY2026-FY2028 specifications for the northern and southern management areas are not expected to result in substantially different fishing effort and behavior from FY 2023-2025, and therefore, changes in gear soak or tow duration, increases the amount of gear in the water, or changes in area fished are not expected. In addition, none of the updated information on observed/documented interactions between protected species and gillnet and/or bottom trawl gear identified in Section 5.2 will change the determination of impacts provided in the FW13 EA. As a result, relative to FY2023-FY2025 (and the impacts considered in Monkfish FW 13) the proposed action is not expected to introduce new or elevated interaction risks to protected species and therefore, impacts to protected species are likely to remain similar to those described in the FW13 EA (i.e., slight negative to moderate positive).

As noted in Section 5.2, on September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Biological Opinion; this memorandum was replaced with an updated 7(a)(2)/7(d) memorandum issued by NMFS on January 8, 2025, and amended on November 25, 2025. Given the information provided above, the proposed action does not entail making any changes to the monkfish fishery during the extended reinitiation period that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat beyond those considered in NMFS' amended January 8, 2025, reinitiation memorandum. Therefore, the proposed action is consistent with NMFS' amended January 8, 2025, 7(a)(2) and 7(d) determinations, and as such, this new information is not expected to change any of the impacts previously considered in the EA and FONSI.

### ***Impacts on Physical Environment and Essential Fish Habitat***

The impacts of the proposed action on the physical environment and essential fish habitat (EFH) would likely remain slight negative because of interactions of mobile bottom tending gear with habitat. Gillnets and bottom trawls are used to target monkfish in the southern and northern management areas, respectively; gillnets do not cause adverse effects to EFH, but bottom trawls have an adverse effect. Changes to fishing effort would likely be small relative to recent fishing years. Measures approved in Omnibus Habitat Amendment 2 will continue to minimize adverse impacts of trawl gear in all NEFMC fisheries.

### ***Impacts on Human Communities***

The impacts of the proposed action on human communities would likely remain slight positive to positive. The status quo ABC recommendations for the northern and southern management areas for FY 2026-2028 are not expected to be substantially different from the FY 2023-2025 fishing effort and behavior. This action would also not change the monkfish effort controls (monkfish possession limits and Monkfish DAS). The proposed action is unlikely to trigger AMs, preventing economic disruptions, thus monkfish (and skate, which is typically caught jointly with monkfish in the southern management area) revenue is expected to be similar to FY 2023-2025.



Given the Scientific and Statistical Committee determination that the resource can sustain the same ABCs for FY 2026-2028 as what has been in place for FY 2023-2025 for both the northern and southern monkfish management areas, the industry can continue to realize the benefits of monkfish yield akin to recent fishing years that is supported by the best available science. The proposed action would be less likely to constrain operations and limit income potential for both management areas, which may improve job satisfaction for fishermen and increase the well-being of fishermen, their families, and their communities.

**Table 9. Summary of impacts on VECs from Framework 13 and the proposed action (NEFMC 2023).**

VEC	Expected Impacts of Specifications	
	FY 2023-2025	FY 2026-2028 (proposed action)
<b>Target Species</b>	Uncertain or slight positive	Uncertain or slight positive
<b>Non-target Species</b>	Moderate positive	Moderate positive
<b>Protected Resources</b>	Slight negative to moderate positive	Slight negative to moderate positive
<b>Physical Environment &amp; EFH</b>	Slight negative	Slight negative
<b>Human Communities</b>	Slight positive to positive	Slight positive to positive

## 7.0 CONCLUSION

In accordance with NOAA’s NEPA procedures, after considering the proposed action in Section 3.0 and new information in Section 5.0, NMFS has preliminarily determined that a supplement to the EA prepared for Framework 13 to the Monkfish FMP is not needed. Further supplementation is not needed because 1) the new proposed specifications do not amount to a substantial change relevant to environmental concerns; and 2) there are no new circumstances or information about the significance of the adverse effects that have bearing on the proposed action or its effects.

The changes to the monkfish specifications are not expected to substantially change the risk of overfishing, change the number or length of trips targeting monkfish, or change the profits or revenue from fishing for monkfish. The Finding of No Significant Impact (FONSI) signed on August 11, 2023, therefore remains valid to support the proposed action.

## 8.0 APPLICABLE LAWS/EXECUTIVE ORDERS

### 8.1 MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

#### 8.1.1 National Standards

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that regulations implementing any fishery management plan or amendment be consistent with ten national standards. Below is a summary of how this action is consistent with the National Standards and other required provisions of the Magnuson-Stevens Act.

The Council continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving optimum yield for managed species and the U.S. fishing industry on a continuing basis. The primary goal



of managing the monkfish fishery is to maintain long-term sustainable catch levels. The Monkfish FMP established a fishery specifications process that ensures a consistent review of the monkfish stock status, fishery performance, and other factors in order to manage by annual catch limits (ACLs) and prevent overfishing. The measures implemented through this action should further achieve the goals/objectives and reduce the possibility of overfishing the monkfish resource. The stock status is currently unknown given the last age-based assessment was rejected in 2016.

The Council uses the best scientific information available (National Standard 2). Specifically, this action was informed by fisheries-independent data from the NEFSC trawl survey, and commercial fishery landings and discard data. The FY 2026-2028 monkfish specifications are supported by the best available scientific information and advice from the Council's Scientific and Statistical Committee (SSC).

The Council manages monkfish throughout the northeast region (Maine – North Carolina; National Standard 3). While most monkfish are landed in Massachusetts, New York, and Rhode Island, monkfish landings have been reported in every state from Maine through Virginia. The Monkfish FMP manages the monkfish resource as two stocks in the northern and southern fishery management areas, each with its own ABC. The management measures proposed in this action do not discriminate among residents of different states (National Standard 4); the measures are intended to be applied equally to monkfish permit holders of the same category, regardless of homeport or location.

The proposed FY 2026-2028 monkfish fishery specifications are set for both management areas in a manner that is intended to maximize opportunities for the fishery while minimizing the potential for overfishing. The specifications proposed in this document should promote efficiency in the utilization of fishery resources through appropriate measures intended to provide access to the monkfish fishery for both current and historical participants while minimizing the race to fish in any of the monkfish management areas, and they do not have economic allocation as their sole purpose (National Standard 5).

The measures proposed account for variations in the fishery (National Standard 6). The 2025 data update provided by the NEFSC has no substantial changes from the 2022 monkfish management assessment. There are a number of factors which could introduce variations into the monkfish fishery. Market fluctuations, environmental factors, and predator-prey interactions constantly introduce additional variations among, and contingencies in, the monkfish resource, the fishery, and the available catch.

As always, the Council considered the costs and benefits associated with the proposed FY 2026-2028 monkfish fishery specifications. Any costs incurred as a result of the management action proposed in this document are considered to be necessary in order to achieve the goals and objectives of the Monkfish FMP and are viewed to be outweighed by the benefits of taking the management action. Consistent with National Standard 7, the management measures proposed in this document are not duplicative and were developed in close coordination with NMFS, the MAFMC, and other interested entities and agencies to minimize duplicity.

The proposed FY 2026-2028 monkfish fishery specifications consider the importance of fishery resources to fishing communities (National Standard 8). A complete description of the fishing communities participating in and dependent on the monkfish fishery is provided in Section 5.5 in Monkfish Framework 13. The measures proposed are expected to have positive to slight positive impacts on communities engaged in and dependent on the monkfish fishery.

This action also considers National Standard 9; Section 6.3 of FW 13 has comprehensive information related to bycatch in the monkfish fishery. The primary non-target species in this fishery are skates and spiny dogfish. Both the Spiny Dogfish and Northeast Skate Complex FMPs contain management measures that aim to minimize the negative impacts of non-target species.

Finally, this action is consistent with National Standard 10 to promote the safety of human life at sea. The Council has the utmost concern regarding safety and understands how important safety is when considering allocations for the monkfish ACLs to the individual management areas. The proposed FY

2026-2028 monkfish specifications ensure that access to the monkfish fishery is provided for vessels of all sizes and gear types, which is one reason for distributing the catch in both inshore and offshore areas.

### 8.1.2 Other MSA Requirements

This action is also consistent with the fifteen additional required provisions for FMPs. Section 303 (a) of MSA contains required provisions for FMPs.

1. *Contain the conservation and management measures, applicable to foreign fishing ...*  
Foreign fishing is not allowed under the Monkfish FMP, or this action and so specific measures are not included that specify and control allowable foreign catch. The proposed action is designed to prevent overfishing and rebuild overfished stocks by vessels of the U.S. consistent with the National Standards by implementing ACLs and ACTs for NFMA and SFMA monkfish. There are no international agreements that are germane to the management of NFMA or SFMA monkfish.
2. *Contain a description of the fishery...*  
All the information required by this provision can be found in the Final EIS for the FMP and Section 5.0 of this action and Section 5.0 of Monkfish FW 13.
3. *Assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from the fishery ...*  
The present and probable future condition of the monkfish resource was updated through the most recent monkfish management track assessment in 2022. Information related to the monkfish data update provided by the NEFSC is summarized in Section 5.1 of this document.
4. *Assess and specify-- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); etc.*  
This MSA provision relates directly to the monkfish fishery specification process and is addressed when the Council develops the specifications for the monkfish fishery. In previous FYs, the domestic fishery caught monkfish in amounts equivalent to the TALs and ACTs specified in each year that would be continued under this action. Thus, there is no amount of optimum yield available for foreign fishing. Furthermore, sufficient domestic processing capacity exists to utilize all monkfish harvested by U.S. vessels.
5. *Specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery ...*  
Data regarding the type and quantity of fishing gear used, catch by species, areas fished, season, sea sampling hauls, and domestic harvesting/processing capacity are updated in the Affected Environment (Section 5.0) of Monkfish FW 13 and Section 5.0 of this document.
6. *Consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions ...*  
The proposed action does not alter any adjustments made in the Monkfish FMP that address opportunities for vessels that would otherwise be prevented from harvesting because of weather or other ocean conditions affecting safety aboard fishing vessels. Therefore, consultation with the U.S. Coast Guard was not required relative to this issue. The safety of fishing vessels and life at sea is a high priority issue for the Council and was considered throughout the development of the management measures proposed in this action.
7. *Describe and identify essential fish habitat for the fishery ...*  
Monkfish FW 13 Section 5.4 contains the description of monkfish essential fish habitat, and Section 6.5 contains the analysis of impacts of the preferred alternatives and other alternatives on EFH.
8. *In the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;*

Stock assessments are typically conducted by the NEFSC every three years including a discussion of research needs in the fishery, along with a SAFE Report prepared by the Council. The last stock assessment for monkfish was in 2022, and a data update was provided in lieu of an assessment in 2025. Section 5.0 of Monkfish FW 13 (Affected Environment) serves as the most recent SAFE Report developed for the monkfish fishery.

9. *Include a fishery impact statement for the plan or amendment ...*

Any additional impacts from measures proposed in this action are evaluated in Sections 5 and 6 of this document.

10. *Specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished ...*

The status determination criteria for monkfish were established in the Monkfish FMP. Since stock status has been considered unknown since the 2016 assessment, the status determination criteria cannot be updated or evaluated. However, the outcomes of the 2025 NEFSC data update have been considered in this action (See Section 5.1).

11. *Establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery ...*

In 2015, NMFS approved a Standardized Bycatch Reporting Methodology (SBRM) amendment submitted by the Councils. NMFS led the development of an omnibus amendment to establish provisions for industry-funded monitoring across all New England and Mid-Atlantic Council managed FMPs (Amendment 7 to the Monkfish FMP). The amendment's final measures were published in April 2018 and are effective.

12. *Assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish ...*

The Monkfish FMP does not include a catch and release recreational fishery management program, because there is no recreational fishery for monkfish.

13. *Include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery ...*

Monkfish catch in recreational fisheries is not significant enough to be recorded in the recreational catch and vessel data. Commercial fishery sectors are described in the Affected Environment section of the EIS for the original FMP, as well as in subsequent NEPA documents (plan amendments and framework adjustments), including Monkfish FW 13; Section 5.0 of this document includes new information and circumstances pertinent to the proposed action.

14. *To the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.*

The impact on different sectors of the industry is done in a manner that is intended to achieve the conservation and management goals of the FMP. A purpose of this action was to recommend status quo effort controls (Monkfish DAS allocations and possession limits) to achieve but not exceed the NFMA and SFMA TALs and ACTs.

15. *Establish a mechanism for specifying annual catch limits (ACL) in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.*

The Monkfish FMP includes a multi-year specifications process for the monkfish fishery that complies with the ACL/AM provisions of the MSA. Future Council actions for this FMP will continue to address the mechanism for specifying ACLs and the need to ensure accountability in the fishery. The Proposed Action would not change the mechanism for establishing ACLs.

## 8.2 NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act (NEPA) provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. We have preliminarily determined that the proposed action and its effects fall within the scope of a previous EA as described above, and that those analyses remain valid for this action. Thus, there is no need for supplemental NEPA analyses or to revise the previous FONSI.

### 8.2.1 Point of Contact

Questions concerning this document may be addressed to:

Dr. Cate O’Keefe, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950 (978) 465-0492

### 8.2.2 Agencies Consulted

The following agencies were consulted in preparing this document:

- Mid-Atlantic Fishery Management Council
- New England Fishery Management Council, including representatives from:
  - Connecticut Department of Environmental Protection
  - Maine Department of Marine Resources
  - Massachusetts Division of Marine Fisheries
  - New Hampshire Fish and Game
  - Rhode Island Department of Environmental Management
- National Marine Fisheries Service, NOAA, Department of Commerce
- United States Coast Guard, Department of Homeland Security
- United States Fish and Wildlife Service, Department of Interior

### 8.2.3 List of Preparers

The following personnel participated in preparing this document:

- ***New England Fishery Management Council.*** Jennifer Couture (Monkfish Plan Coordinator), Rachel Feeney, Cate O’Keefe, Jonathon Peros, Naresh Pradhan
- ***Mid-Atlantic Fishery Management Council.*** Jason Didden (Mid-Atlantic Monkfish Plan Coordinator)
- ***National Marine Fisheries Service.*** Sharon Benjamin, Chris Legault, Danielle Palmer, Spencer Talmage, Sara Turner
- ***State agencies.*** Ben Lafreniere (ME DMF), Eric Schneider (RIDEM), Renee St. Amand (CT DEEP)

### 8.2.4 Opportunity for Public Comment

This action was developed from February 2025 – October 2025, and there were fourteen public meetings related to this action (Table 10). Opportunities for public comment occurred at Advisory Panel,

Committee, and Council meetings. There were more limited opportunities to comment at PDT meetings. Meeting discussion documents and summaries are available at [www.nefmc.org](http://www.nefmc.org).

**Table 10. Public meetings related to Monkfish specifications for FYs 2026-2028.**

Date	Meeting Type	Location
February 13, 2025	Monkfish PDT	Webinar
March 3, 2025	Joint Monkfish and Skate PDT	Webinar
March 19, 2025	Joint Monkfish and Skate AP	South Kingstown, RI and Webinar
March 20, 2025	Joint Monkfish and Skate Committee	South Kingstown, RI and Webinar
April 10, 2025	MAFMC Meeting	Galloway, NJ and webinar
April 16, 2025	NEFMC Meeting	Mystic, CT and webinar
May 29, 2025	Joint Monkfish and Skate PDT	Webinar
August 7, 2025	Monkfish PDT	Webinar
August 19, 2025	NEFMC SSC	Hybrid, Boston, MA
August 21, 2025	Joint Monkfish and Skate PDT	Webinar
September 16, 2025	Joint Monkfish and Skate AP	Webinar
September 17, 2025	Joint Monkfish and Skate Committee	Hybrid, South Kingstown, RI
September 23, 2025	NEFMC Meeting	Hybrid, Gloucester, MA
October 8, 2025	MAFMC Meeting	Hybrid, Philadelphia, PA

### 8.3 MARINE MAMMAL PROTECTION ACT (MMPA)

The proposed action for setting northern and southern monkfish management area specifications for FY 2026-2028 is not expected to alter fishing methods or activities. Therefore, this action likely would not affect marine mammals in any manner not considered in previous consultations on the fisheries. Section 5.3 of Monkfish FW 15 and Monkfish FW 13 describe the marine mammals potentially affected by the monkfish fishery and Section 6.4 of Monkfish FW 13 summarizes the impacts of the proposed action. A final determination of consistency with the MMPA will be made by the agency when this action is approved.

### 8.4 ENDANGERED SPECIES ACT (ESA)

On May 27, 2021, NMFS completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a biological opinion ([2021 Opinion](#)) on the authorization of eight FMPs, two interstate fishery management plans (ISFMP), and the implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2.<sup>2</sup> The 2021 Opinion considered the effects of the authorization of these FMPs, ISFMPs, and the implementation of the Omnibus EFH Amendment on ESA-listed species and designated critical habitat, and determined that those actions were not likely to jeopardize the continued existence of any ESA-listed species or destroy or adversely modify designated critical habitats of such species under NMFS jurisdiction. An Incidental Take Statement (ITS) was issued in the 2021 Opinion. The ITS includes reasonable and prudent

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<sup>2</sup> The eight Federal FMPs considered in the May 27, 2021, Biological Opinion include: (1) Atlantic Bluefish; (2) Atlantic Deep-sea Red Crab; (3) Mackerel, Squid, and Butterfish; (4) Monkfish; (5) Northeast Multispecies; (6) Northeast Skate Complex; (7) Spiny Dogfish; and (8) Summer Flounder, Scup, and Black Sea Bass. The two ISFMPs are American Lobster and Jonah Crab.



measures and their implementing terms and conditions, which NMFS determined are necessary or appropriate to minimize impacts of the incidental take in the fisheries assessed in the 2021 Opinion.

On September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Opinion. The Federal actions to be addressed in this reinitiation of consultation include the authorization of the Federal fisheries conducted under the eight Federal FMPs (see footnote 2). The reinitiated consultation will not include the American lobster and Jonah crab fisheries, which are authorized under ISFMPs. On December 29, 2022, President Biden signed the Consolidated Appropriations Act (CAA), 2023, which included the following provision specific to NMFS' regulation of the American lobster and Jonah crab fishery to protect right whales, "Notwithstanding any other provision of law ... for the period beginning on the date of enactment of this Act and ending on December 31, 2028, the Final Rule ... shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)." Given this, the American lobster and Jonah crab fisheries remain in compliance with the ESA through December 31, 2028.

On January 8, 2025, and amended on November 25, 2025, NMFS issued a memorandum titled, "Section 7(a)(2) and 7(d) Determinations for the Extended Reinitiation Period for Endangered Species Act Section 7 Consultation on Eight Fishery Management Plans." This reinitiation memorandum determined that the authorization of these fisheries during the extended reinitiation period would not violate section 7(d) of the ESA and would not be likely to jeopardize the continued existence of ESA-listed large whales, sea turtles, Atlantic sturgeon, Atlantic salmon, or giant manta rays, or adversely modify designated critical habitat.

Given the information provided above, it has been determined that the proposed action does not entail making any changes to the monkfish fishery during the extended reinitiation period that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat beyond those considered in NMFS' amended January 8, 2025, reinitiation memorandum. Therefore, the proposed action is consistent with NMFS' 7(a)(2) and 7(d) determinations.

## **8.5 ADMINISTRATIVE PROCEDURE ACT (APA)**

Sections 551-553 of the Administrative Procedure Act established procedural requirements applicable to informal rulemaking by federal agencies. The purpose is to ensure public access to the federal rulemaking process, and to give public notice and opportunity for comment. The Council did not request relief from notice and comment rule making for this action and expects that NOAA Fisheries will publish proposed and final rule making for this action.

## **8.6 PAPERWORK REDUCTION ACT**

The purpose of the Paperwork Reduction Act (PRA) is to minimize paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by or for the Federal Government. It also ensures that the Government is not overly burdening the public with information requests. This action makes no alterations to the existing information collection requirements implemented by previous amendments to the Monkfish FMP that are subject to the PRA.

## 8.7 COASTAL ZONE MANAGEMENT ACT (CZMA)

Section 307(c)(1) of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires that all Federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The CZMA includes measures for ensuring stability of productive fishery habitat while striving to balance development pressures with social, economic, cultural, and other impacts on the coastal zone. It is recognized that responsible management of both coastal zones and fish stocks must involve mutually supportive goals. The Council has developed this action and will submit it to NMFS; NMFS must determine whether this action is consistent, to the maximum extent practicable, with the CZM programs for each state (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina). Letters documenting NMFS' determination will be sent to the coastal zone management program offices of each state.

## 8.8 INFORMATION QUALITY ACT (IQA)

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, also known as the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB directed each federal agency to issue its own guidelines, establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB guidelines, and report periodically to OMB on the number and nature of complaints. The NOAA Section 515 Information Quality Guidelines require a series of actions for each new information product subject to the Data Quality Act. Information must meet standards of utility, integrity, and objectivity. This section provides information required to address these requirements.

### *Utility of Information Product*

The proposed document includes a description of the management issues and the reasons for selecting the proposed action. The proposed action implements conservation and management goals of the FMP consistent with the MSA and all other existing applicable laws.

The information presented in this document is helpful to the intended users (the affected public) by clearly describing the purpose and need of the action, the measures proposed and their impacts. A discussion of the reasons for selecting the proposed action is included so that intended users may fully understand the proposed action and its implications. The intended users of this document include individuals involved in the monkfish fishery (e.g., fishing vessels, processors, fishery managers) and others interested in the management of the monkfish fishery. The information in this document will be helpful and beneficial to owners of vessels holding monkfish permits, since it will notify them of the measures contained in this specification package. This information will enable these individuals to adjust their business management practices and make appropriate business decisions. Until a proposed rule is prepared and published, this document is the principal means by which the information herein is publicly available. The information in this document is based on the most recent available information from the relevant data sources, including detailed and relatively recent information on the monkfish resource and, therefore, represents an improvement over previously available information. This document will be subject to public comment through proposed rulemaking, as required under the APA and, therefore, may be improved based on comments received.

This document is available in several formats, including printed publication, and online through the NEFMC's web page ([www.nefmc.org](http://www.nefmc.org)). The *Federal Register* notice that announces the proposed rule and

the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic Regional Fisheries Office ([www.greateratlantic.fisheries.noaa.gov](http://www.greateratlantic.fisheries.noaa.gov)), and through the Regulations.gov website. The *Federal Register* documents will provide metric conversions for all measurements.

#### *Integrity of Information Product*

The information product meets the standards for integrity under the following type of document: Other/Discussion (e.g., Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act).

Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, “Security of Automated Information Resources,” of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g. dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

#### *Objectivity of Information Product*

Objective information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial, or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. “Accurate” means that information is within an acceptable degree of imprecision or error appropriate to the kind of information at issue and otherwise meets commonly accepted scientific, financial, and statistical standards.

For purposes of the Pre-Dissemination Review, this document is a “Natural Resource Plan.” Accordingly, the document adheres to the published standards of the MSA; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing NEPA. This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Several data sources were used in the development of this action, including, but not limited to, historical and current landings and discard data from the CAMS database and fisheries independent data collected through the NEFSC bottom trawl surveys. The analyses herein were prepared using data from accepted sources and have been reviewed by members of the Monkfish Plan Development Team.

Despite current data limitations, the conservation and management measures considered for this action were selected based upon the best scientific information available. The analyses important to this decision used information from the most recent years, generally through 2023 and 2024. The data used in the analyses provide the best available information on the number of permits, both active and inactive, in the fishery, the catch (including landings and discards) by those vessels, days-at-sea, and the revenue produced by the sale of those landings to dealers, as well as data about catch, discards, gear, and fishing effort.

Specialists, including professional members of PDTs, technical teams, committees, and Council staff, who worked with these data are familiar with current analytical techniques and with the available data and information relevant to the monkfish fishery. The proposed action is supported by the best available



scientific information. The policy choice is clearly articulated in Section 2.0 and 3.0, the proposed action considered in this framework.

The supporting science and analyses, upon which the policy choice was based, are summarized and described in the SAFE Report for Fishing Years 2023-2025 (Monkfish FW 13) and Section 5.0 of this document. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency. The review process used in preparation of this document involves the responsible Council (NEFMC), the MAFMC, the NEFSC, GARFO, and NOAA Fisheries Service Headquarters.

The Council review process involves public meetings at which affected stakeholders have opportunities to comment on the document. Review by staff at GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. The Council also uses its SSC to review the background science and assessment to approve the Overfishing Limits (OFLs) and Allocable Biological Catch (ABCs), including the effects those limits would have on other specifications in this document. The SSC is the primary scientific and technical advisory body to the Council and is made up of scientists that are independent of the Council.

Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Service Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget. In preparing this action for the Monkfish FMP, NMFS, the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Information Quality Act, and Executive Orders 12630 (Property Rights), 12866 (Regulatory Planning), 13132 (Federalism), and 13158 (Marine Protected Areas). The Council has determined that the proposed action is consistent with the National Standards of the MSA and all other applicable laws.

## 8.9 EXECUTIVE ORDER 13158 (MARINE PROTECTED AREAS)

Executive Order (EO) 13158 on Marine Protected Areas (MPAs) requires each federal agency whose actions affect the natural or cultural resources that are protected by an MPA to identify such actions, and, to the extent permitted by law and to the maximum extent practicable, in taking such actions, avoid harm to the natural and cultural resources that are protected by an MPA. The EO directs federal agencies to refer to the MPAs identified in a list of MPAs that meet the definition of MPA for the purposes of the EO. The EO requires that the Departments of Commerce and the Interior jointly publish and maintain such a list of MPAs. A list of MPA sites has been developed and is available at: <http://marineprotectedareas.noaa.gov/nationalsystem/nationalsystemlist/>. No further guidance related to this EO is available at this time.

In the Northeast U.S., the only MPAs are the Stellwagen Bank National Marine Sanctuary (SBNMS), the Tilefish Gear Restricted Areas in the canyons of Georges Bank, and the National Estuarine Research Reserves and other coastal sites. The only MPA that overlaps the Monkfish fishery footprint is the SBNMS.

This action is not expected to more than minimally affect the biological/habitat resources of the SBNMS MPA, which was comprehensively analyzed in the Omnibus Habitat Amendment 2 (NEFMC 2016). Fishing gears regulated by the Monkfish FMP are unlikely to damage shipwrecks and other cultural artifacts because fishing vessel operators avoid contact with cultural resources on the seafloor to minimize costly gear losses and interruptions to fishing.

## 8.10 EXECUTIVE ORDER 13132 (FEDERALISM)

Executive Order 13132 on federalism established nine fundamental federalism principles for Federal agencies to follow when developing and implementing actions with federalism implications. However, no federalism issues or implications have been identified relative to the measures proposed in this action, thus preparation of an assessment under EO 13132 is unwarranted. The affected states have been closely involved in the development of the proposed action through their representation on the Council (all affected states are represented as voting members of at least one Regional Fishery Management Council). No comments were received from any state officials relative to any federalism implications that may be associated with this action.

## 8.11 REGULATORY IMPACT ANALYSIS (E.O. 12866)

The purpose of Executive Order 12866 (E.O. 12866, 58 FR 51735, October 4, 1993) is to enhance planning and coordination with respect to new and existing regulations. This E.O. requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be “significant.” A significant action is any regulatory action that may:

1. Have an annual effect on the economy of \$100 million or more; or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities;
2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
4. Raise legal or policy issues for which centralized review would meaningfully further the President’s priorities or the principles set forth in this Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. The proposed action would establish a status quo ABC for the northern monkfish stock for FY 2026-2028 (6,224 mt) and status quo ABC for the southern monkfish stock for FY 2026-2028 (5,861 mt Table 1) in response to the 2025 NEFSC data updates.

Changes in consumer surplus are not projected from this proposed rule. Changes in vessel profits and crew earnings from changes in the monkfish quota and revenue earned from other species while on monkfish trips are quantified and used as a proxy for producer surplus measures. Since crew are typically paid a share of the revenue from a fishing trip, but also pay the trip costs, their earnings are broken out separately from the vessel earnings.

### 8.11.1 Management Goals and Objectives

The management goals and objectives are as those previously adopted for the Monkfish FMP.

### **8.11.2 Statement of the Problem**

This action would set the ABCs for the northern and southern monkfish stocks at status quo for FY 2026-2028, as described in Section 3.0 of this document. Setting catch limits and total allowable landings for the monkfish fishery allows for the continued harvest of the resource by permit holders.

### **8.11.3 Summary of EO 12866 Findings**

Given there is currently no model which predicts changes in how fishing vessels fish given the proposed action under consideration for the Framework action, it is not possible to fully assess the benefits and costs of this action in an integrated way. To gauge whether the threshold of a \$100 million annual effect on the economy is breached, the individual changes in each measure can be added up to see if the sum approaches \$100 million.

Relative to FY 2023-2025 conditions implemented via Monkfish FW 13, the proposed action will set ACLs and other fishery specifications for FY 2026–2028, including status quo monkfish days-at-sea and possession limits. In aggregate, continuing with status quo specifications will allow the fishing industry to continue to catch, land, and sell comparable amounts of monkfish compared to current levels. The southern management area harvest has been well below the level of the TAL in recent fishing years, and the unharvested monkfish continue to contribute to growth of the southern area biomass. The northern management area is harvesting near or at the TAL in recent fishing years. There is no model available to estimate the dynamic value of growth in monkfish biomass. Similar revenues achieved in FY 2023-2025 are expected and changes in consumer surplus, producer surplus, and gross revenue derived from monkfish landings (a proxy for these measures) are not anticipated. This assumes that vessels do not shift their effort to a different region; if vessels do change their fishing patterns, there could be changes in these economic factors accordingly. For example, if the vessels harvest the southern area TAL in FY 2026-2028, those vessels would gain additional economic value relative to FY 2023-2025, though this is not expected.

### **8.11.4 Determination of Significance**

The proposed action does not constitute a significant regulatory action under EO 12866 for the following reasons: the proposed action will not have an annual effect on the economy of more than \$100 million.

Adverse impacts on fisherman and fishing businesses, ports, recreational anglers, and operators of party/charter businesses are expected to be quite small.

In addition, there should be no interactions with activities of other agencies and no impacts on entitlements, grants, user fees, or loan programs. The proposed action does not raise novel legal or policy issues. As such, the Proposed Action is not considered significant as defined by EO 12866.

## **8.12 REGULATORY FLEXIBILITY ACT**

The Regulatory Flexibility Act (RFA), first enacted in 1980, and codified at 5 U.S.C. 600-611, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are: 1) to increase agency awareness and understanding of the impact of their regulations on small business; 2) to require that agencies communicate and explain their findings to the public; and 3) to encourage agencies to use flexibility and to provide regulatory relief to small entities.

The RFA emphasizes predicting significant adverse impacts on small entities as a group distinct from other entities and on consideration of alternatives that may minimize the impacts, while still achieving the stated objective of the action. When an agency publishes a proposed rule, it must either, (1) “certify” that the action will not have a significant adverse impact on a substantial number of small entities, and support such a certification declaration with a “factual basis”, demonstrating this outcome, or, (2) if such a certification cannot be supported by a factual basis, prepare and make available for public review an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact of the proposed rule on small entities.

This document provides the factual basis supporting NMFS’ determination regarding certification whether the proposed regulations will not have a “significant impact on a substantial number of small entities” and that an IRFA is preliminarily not needed in this case.

Under Section 603(b) of the Regulatory Flexibility Act (RFA), an RFA must describe the impact of the proposed rule on small entities and contain the following information:

- A description of the reasons why the action by the agency is being considered.
- A succinct statement of the objectives of, and legal basis for, the proposed rule.
- A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule will apply.
- A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for preparation of the report or record.
- An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule.

### ***Reasons for Considering the Action***

This action would set the status quo ABCs for the northern and southern monkfish stocks at status quo for FY 2026-2028, as described in Section 3.0 of this document. Setting catch limits and total allowable landings for the monkfish fishery allows for the continued harvest of the resource by permit holders while continuing to meet the conservation objectives of the FMP. The specifications proposed in this action are expected to result in landings (TALs) that are slightly below or nearly equal to values set in FW 13.

Relative to FY 2023-2025, the proposed action would have a similar magnitude TAL for FY 2026-2028 for the northern monkfish fishery (5,174 mt for FY 2026-2028 versus 5,309 mt in FY 2023-2025) and similar magnitude TAL for the southern area for FY 2026-2028 (3,487 mt for FY 2026-2028 versus 3,481 mt in FY 2023-2025). Generally, the TALs constrain monkfish catch in the northern management area and do not constrain catch in the southern management area.

The purpose and need for this action are presented in Section 2.0 of this action.

### ***Objectives and Legal Basis for the Action***

The objectives of this action are presented in Section 2.0 of this action, and the legal basis is in Section 8.0.

### ***Description and Estimate of Regulated Entities to Which the Rule Applies***

#### **Regulated Commercial Harvesting Entities**

The proposed Monkfish ACLs and TALs would impact vessels or affiliate groups that hold Federal monkfish permits and participate in the monkfish fishery. The entities (i.e., the small and large businesses) that may be affected by this action include fishing operations with federal moratorium (commercial) permits for monkfish. This description focuses on entities which held this permit and reported revenues from commercial landings of monkfish in at least one year during 2020-2024.

For Regulatory Flexibility Act purposes only, NMFS established a small business size standard for businesses, including their affiliates, whose primary industry is commercial or recreational fishing (50 CFR §200.2). A business primarily engaged in fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and has combined annual receipts not in excess of \$11 million, for all its affiliated operations worldwide.

The affiliates data are assembled by NOAA, as of June 1st each year, for analyses required by the Regulatory Flexibility Act. Fishing vessels' permits are linked together, an industry determination is made (finfish, shellfish, no revenue), and firms are classified as small or large based on SBA guidelines. Following SBA guidelines, a 5-year average is used to determine which entities are classified as small business entities under the NOAA guidelines, as well as to measure total revenues for affiliate groups.

There are seven categories of monkfish permits in the Greater Atlantic region (categories A, B, C, D, E, F and H). Category A and B permits are for vessels that do not have limited access permits for Northeast multispecies or Atlantic sea scallops. Category C and D permits are for vessels that have either a limited access Northeast multispecies or limited access Atlantic sea scallop permit. Category E permits are open access or incidental catch permits and may be obtained by anyone with a valid vessel operator's license. Category F permits are designed for fishing only in an offshore area. Vessels with Category H permits may only use their Monkfish DAS in the portion of the Southern Fishery Management Area south of 38°40' N latitude.

In FY 2024, NMFS issued 487 limited-access (Categories A, B, C, D, F, and H) and 1,390 open-access (Category E) monkfish permits (Table 11).

**Table 11. Monkfish permits issued by GARFO for FY 2024.**

Monkfish Permit Type	Category	Number of Permits
<b>Limited Access</b>	A	13
	B	30
	C	235
	D	187
	F	15
	H	7
<b>Total Limited Access</b>	<b>A, B, C, D, F, H</b>	<b>487</b>
<b>Total Open Access</b>	<b>E</b>	<b>1,390</b>
<b>Total Monkfish Permits</b>		<b>1,877</b>
<i>Source:</i> Greater Atlantic Region Vessel, Dealer, Operator, and Tuna Permit Data <a href="#">website</a> , accessed October 16, 2025.		

### ***Record Keeping and Reporting Requirements***

There are no additional record keeping or reporting requirements associated with this action.

### ***Duplication, Overlap, or Conflict with Other Federal Rules***

No relevant Federal rules have been identified that would duplicate or overlap the proposed rule.

### ***Impacts of the Proposed Rule on Regulated Entities***

Impacts on target species (monkfish) in Section 6.0 indicate that the number of fishing trips will likely remain similar to FY 2023-2025 activity. Section 7.0 concludes that the profits and revenues from fishing for monkfish may remain similar across FY 2026-2028 and across both management areas relative to FY 2023-2025.

The Affiliates database indicates the maximum number of small business entities landing monkfish that may be affected by this action is 305 entities holding 477 monkfish permits based on 2020-2024 data

(Table 12). There was a maximum of seven large business entities across 2020-2024 data, that had an average affiliate revenue over \$11 million (~\$18.3 million). Overall, the combined limited access and open access monkfish permits (1,877) in FY 2024 are held by 286 unique affiliates (small and large) as defined by the RFA (Table 12). CAMS records indicate that about 22-24% of vessels with federal monkfish permits landed at least one pound of monkfish in FY 2022-2023 while only ~7% landed at least 10,000 pounds. Furthermore, based on the RFA data, it appears that the large business entities are deriving a relatively small portion of monkfish revenue compared to the small business entities; \$34,670 average total affiliate monkfish revenue from large business entities versus \$9,304,365 from small business entities. In other words, the large business entities are deriving most of their total revenue from landings other than monkfish while small business entities appear to have a greater proportion of revenue from monkfish landings. The measures in the Proposed Action are not expected to disproportionately impact small entities over large entities.

**Table 12. Commercial monkfish fishing RFA summary. Note: affiliates were filtered with active Monkfish permits (i.e., with non-zero Monkfish revenue or landings).**

Business Entities OR Affiliates	Year	# of Affiliates	# of all types of permits held by entities	# of MNK permits held by entities	# of MNK permits that landed Monkfish	Avg Affiliate Fish Revenue	Avg Affiliate Monkfish Revenue	Total Affiliate Fish Revenue	Total Affiliate Monkfish Revenue
LARGE	2020	7	103	94	29	\$18,335,729	\$3,718	\$128,350,106	\$26,027
	2021	6	87	84	25	\$26,352,661	\$5,517	\$158,115,966	\$33,103
	2022	6	87	84	24	\$18,168,514	\$7,841	\$109,011,086	\$47,045
	2023	6	87	84	21	\$14,354,487	\$3,338	\$86,126,924	\$20,025
	2024	5	67	64	29	\$14,162,447	\$9,430	\$70,812,234	\$47,151
	<b>Avg.</b>	<b>6</b>	<b>86</b>	<b>82</b>	<b>26</b>	<b>\$18,274,768</b>	<b>\$5,969</b>	<b>\$110,483,263</b>	<b>\$34,670</b>
SMALL	2020	305	529	477	365	\$1,042,456	\$24,252	\$317,948,990	\$7,396,990
	2021	292	508	456	352	\$1,315,676	\$30,292	\$384,177,529	\$8,845,356
	2022	269	483	442	330	\$1,269,240	\$41,619	\$341,425,491	\$11,195,543
	2023	254	431	395	312	\$963,741	\$42,115	\$244,790,309	\$10,697,169
	2024	281	486	443	343	\$972,672	\$29,846	\$273,320,848	\$8,386,769
	<b>Avg.</b>	<b>280</b>	<b>487</b>	<b>443</b>	<b>340</b>	<b>\$1,112,757</b>	<b>\$33,625</b>	<b>\$312,332,633</b>	<b>\$9,304,365</b>

Notes:

- # of Affiliates: Total number of business entities (large or small)
- # of all types of permits held by entities: Number of all types of fishing permits by the entities
- # of MNK permits held by entities: Number of Monkfish permits held by the entities whether it landed monkfish or not
- # of MNK permits that landed MNK Fish: Number of Monkfish permits that landed monkfish in the year
- Avg Affiliate Fish Revenue: Affiliate's average revenue from all fishes or fisheries
- Avg Affiliate Monkfish Revenue: Affiliate's average revenue from Monkfish alone
- Total Affiliate Fish Revenue: Affiliate's total revenue from all fishes or fisheries
- Total Affiliate Monkfish Revenue: Affiliate's total revenue from Monkfish alone



### ***Summary of the Proposed Action***

During the development of the FY 2026-2028 monkfish specifications, NMFS and the Council considered ways to reduce the regulatory burden on and provide flexibility to the regulated community. The measures implemented by the FY 2023-2025 monkfish specifications final rule increased both the short- and long-term economic benefits on small entities. The proposed specifications include status quo ABC for the northern monkfish stock for FY 2026-2028 (6,224 mt; Figure 1 and Table 1) and status quo ABC for the southern monkfish stock for FY 2026-2028 (5,861 mt; Figure 2 and Table 2) in response to the 2025 NEFSC data updates. The proposed action keeps similar TALs for the northern and southern areas for FY 2026-2028. Effort controls, namely Monkfish DAS and possession limits, would remain unchanged from FY 2023-2025.

Overall, long-term impacts of FY 2026-2028 monkfish specifications ensure that management measures and catch levels are sustainable and contribute to rebuilding stocks and, therefore, maximizing yield, as well as providing additional flexibility for fishing operations in the short term.

The positive economic benefits to small entities from this action are associated with very minor changes to the TAL in the northern and southern areas for FY 2026-2028. This is expected to have slight positive economic benefits to the small entities given the fishery would operate and likely achieve similar monkfish landings akin to recent catch levels. The Proposed Action would likely result in similar revenue from monkfish landings relative to prior specifications in FY 2023-2025 for FY 2026-2028 (Section 5.0). Under the proposed action, positive benefits are not disproportionate to large entities.

### ***Conclusion***

Based on the analysis provided above, status quo specifications for the Monkfish NFMA and SFMA will not have a significant adverse impact on a substantial number of small entities, and small entities will not be disproportionately impacted relative to large entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

## 9.0

## REFERENCES

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