



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260416-1000]

RIN 0648-BO16

Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 17

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing regulations to implement specifications and management measures in Framework Adjustment 17 to the Monkfish Fishery Management Plan (FMP). This action would set monkfish specifications for fishing year 2026, project specifications for fishing years 2027 and 2028, streamline the Annual Catch Limit (ACL) Overage Accountability Measure (AM) trigger, and add default specifications for the monkfish fishery. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the FMP. The proposed measures are intended to help prevent overfishing and ensure that management measures are based on the best scientific information available.

DATES: Public comments must be received by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: A plain language summary of this proposed rule is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2025-1263>. You may submit comments, identified by NOAA-NMFS-2025-1263, by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA-

NMFS-2025-1263 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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

Copies of Framework Adjustment 17, including the draft Supplemental Information Report prepared by the New England Fishery Management Council in support of this action, are available from Dr. Cate O’Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the Internet at:

<https://www.nefmc.org/management-plans/monkfish> or <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, (978) 281-9232.

SUPPLEMENTARY INFORMATION:

Background

The monkfish fishery is jointly managed under the Monkfish FMP by the New England and the Mid-Atlantic Fishery Management Councils (Councils). The fishery extends from Maine to North Carolina from the coast out to the end of the continental shelf. The Councils manage the fishery as two management areas, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of

Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through Southern New England and into the Mid-Atlantic Bight to North Carolina.

The monkfish fishery is primarily managed by landing limits and a yearly allocation of monkfish days-at-sea (DAS) calculated to enable vessels participating in the fishery to catch, but not exceed, the target total allowable landings (TAL) and the annual catch target (ACT), which is the TAL plus an estimate of expected discards, for each management area.

Proposed Measures

1. Specifications

NMFS is proposing to adjust the NFMA and SFMA quotas for fishing year 2026 and project quotas for fishing year 2027 and 2028, based on the Councils' recommendations.

On August 19, 2025, the New England Council's Scientific and Statistical Committee (SSC) recommended acceptable biological catch (ABC) levels in the NFMA and SFMA for fishing years 2026-2028 based on the Northeast Fisheries Science Center's 2025 Data Update for Northern and Southern Monkfish and information provided by the New England Council's Plan Development Team.

The Councils' recommended specifications include status quo ABC and ACLs in both management areas relative to 2023-2025 values. Expected discards, calculated using the median of the most recent 10 years of data, slightly increased in the NFMA and marginally decreased in the SFMA. After accounting for discards, the Councils recommended a 3-percent decrease in the TAL for the NFMA and a less than 1-percent increase in the TAL for the SFMA. Table 1 includes the proposed catch limits for 2026-2028 and the change relative to the 2023-2025 specifications.

Table 1 -- Proposed Framework 17 Specifications

Catch Limits	Northern Area		Southern Area	
	Proposed 2026-2028 Specs (mt)	% Change from 2023-2025*	Proposed 2026-2028 Specs (mt)	% Change from 2023-2025*
ABC	6,224	0	5,861	0
ACL	6,224	0	5,861	0
Management Uncertainty (3%)	187	-	176	-
ACT (TAL + discards)	6,038	0	5,685	0
Expected Discards	863	18.4	2,198.5	-0.3
TAL	5,309	-3	3,487	0.2

*Percent change from the previously approved 2023-2025 specifications

At the end of each fishing year, NMFS evaluates catch information and determines if the quota has been exceeded. The regulations at 50 CFR 648.96(d) require revision of the monkfish ACT if it is determined that the ACL was exceeded in any given year. NMFS would publish a notice in the **Federal Register** of any revisions to these proposed specifications if an overage occurs. NMFS expects, based on preliminary 2024 year-end accounting, that no adjustment is necessary for fishing year 2026. NMFS will provide notice of the 2027 and 2028 quotas prior to the start of each respective fishing year.

2. Annual Catch Limit Overage Accountability Measures

Under current regulations defining the ACL Overage AMs at § 648.96(d)(2), if it is determined that the ACL for a stock was exceeded in a given year, then the Councils are required to take action to deduct the amount of the ACL overage from the ACT for that stock in the second fishing year following the overage. Only if the Councils fail to take action to implement this revision is the Regional Administrator required to take action to implement the AM in accordance with the Administrative Procedure Act and other applicable law.

In Framework 17, the Councils recommended removing the requirement that the Councils trigger the ACL Overage AMs, making only the Regional Administrator responsible for triggering the AMs. This change would simplify and streamline the

procedure for triggering AMs and minimize disruption to Council workplans. Under the current regulations, if an AM was required in a year where the Councils did not already plan to take action on the Monkfish FMP, they would be required to modify their priorities and/or workplans to accommodate new action, which might require de-prioritization of other actions. Shifting responsibility to trigger AMs to the Regional Administrator eliminates this issue; NMFS already provides notice of annual monkfish quotas in the **Federal Register** and would be able to implement any ACT revisions as part of that process.

This rule proposes no other changes to the ACL Overage AMs.

3. Default Overfishing Limits (OFL), ABCs, and ACLs

NMFS is proposing to add regulations to define default OFLs, ABCs, and ACLs that would go into place in the event that no specifications for a fishing year are in place at the start of that fishing year.

Default rollover specifications were originally included in the Councils' submission of Framework 13 to the Monkfish FMP. After reviewing Framework 13 for consistency with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and applicable law, NMFS approved Framework 13 and published a final rule in the **Federal Register** on August 11, 2023 (88 FR 54495) (2023 Final Rule). However, during the development of Framework 17 and in discussions related to potential changes that might be considered under the New England Council's Omnibus Management Flexibility Amendment, NMFS discovered that changes to the monkfish regulations to clarify rollover and default specifications in § 648.96 were inadvertently omitted from the 2023 Final Rule. As such, these regulations were never put in place. This action would add regulations to define default specifications in order to correct this omission.

The proposed regulations for the default measures were included in the set of draft regulations that the Councils deemed as necessary and appropriate for the implementation of Framework 17.

Classification

NMFS is issuing this rule pursuant to sections 304(b)(1)(A) of the Magnuson-Stevens Act, which provide specific authority for implementing this action. Section 304(b)(1)(A) authorizes NMFS to initiate an evaluation of proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act and other applicable law, and if that determination is affirmative, publish the regulations in the **Federal Register** for public comment.

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Monkfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is exempt from the requirements of Executive Order 14192 because it is a routine fishing action.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this action, if adopted, would not have a significant economic effect on a substantial number of small entities.

The Councils jointly manage the Monkfish FMP, with the New England Council acting as the administrative lead for the Monkfish FMP. Periodic framework adjustments

are used to revise the Monkfish FMP in response to new scientific information to support catch limits that prevent overfishing and other adjustments to improve management measures included in the FMP. Framework Adjustment 17 to the Monkfish FMP would set specifications for fishing years 2026-2028 and streamline how a set of reactive AMs are triggered and implemented. Not part of Framework 17, but also proposed under this action, are regulations that would establish default OFLs, ABCs, and ACLs for the monkfish fishery.

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider disproportionality and profitability to determine the significance of regulatory impacts. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) 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 RFA. 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 Small Business Administration (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 Days-at-Sea (DAS) in the portion of the Southern Fishery Management Area south of 38°40' N latitude. In fishing year 2024, NMFS issued 487 limited-access (Categories A, B, C, D, F, and H) and 1,390 open-access (Category E) monkfish permits.

Based on 2024 data, the number of small business entities that may be affected by this action is 281 entities, and there are 5 large business entities that each had an average affiliate revenue over \$11 million (approximately \$18.3 million). Overall, the combined limited access and open access monkfish permits (1,877) in fishing year 2024 were held by a total of 286 entities (small and large), as defined by the RFA. Catch Accounting and Monitoring System records indicate that about 22-24 percent of vessels with Federal monkfish permits landed at least one pound of monkfish in fishing years 2022-2023, while only approximately 7 percent landed at least 10,000 pounds (lb). Furthermore, based on data from 2020-2024, 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.

Of the measures being proposed as part of the Framework 17, only the specifications for fishing years 2026-2028 have bearing with respect to fishery operation, landings, and ex-vessel revenues. The other components of the proposed rulemaking (*i.e.*, adjustments to the mechanism for triggering AMs and establishment of rollover default

specifications) are relatively administrative in nature and unlikely to directly impact fishing operations. At most, these are marginally economically beneficial because they improve regulatory efficiency and could reduce regulatory disruption to the fishery.

During the development of the fishing years 2026-2028 monkfish specifications, NMFS and the Councils considered ways to reduce the regulatory burden on and provide flexibility to the regulated community. The measures implemented by the fishing years 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 fishing years 2026-2028 (6,224 metric tons (mt)) and status quo ABC for the southern monkfish stock for fishing years 2026-2028 (5,861 mt) in response to the 2025 Northeast Fisheries Science Center's data updates. The proposed action keeps similar total allowable landings for the northern and southern areas for fishing years 2026-2028. Effort controls, namely Monkfish DAS and possession limits, would remain unchanged from fishing years 2023-2025.

Overall, long-term impacts of fishing years 2026-2028 monkfish specifications will 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 total allowable landings in the northern and southern areas for fishing year 2026-2028. This is expected to have slightly positive economic benefits for 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 for fishing years 2026-2028 relative to prior specifications, in fishing years 2023-2025. Under the proposed action, positive benefits are not disproportionate to large entities.

Additionally, proposed in Framework 17 is a change to the mechanism by which the ACL Overage AMs are triggered. This is functionally an administrative change and would not change the impacts that an AM would have on the fishery if triggered. Finally, this action includes a proposed change to add regulations defining default specifications for the Monkfish FMP. These default specifications would maintain catch levels equal to those set for the previous fishing year, and thus landings would be consistent relative to that prior fishing year. As a result, similar revenue from monkfish landings relative to prior specifications is expected in the event that default specifications are put into place.

Based on the analysis provided above, this action is not expected to have a significant adverse impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing.

Dated: April 16, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 648 as follows:

PART 648--FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Amend § 648.96 by adding paragraph (c)(1)(iv) and revising paragraph (d)(2) to read as follows:

§ 648.96 FMP review, specification, and framework adjustment process.

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(c) * * *

(1) * * *

(iv) *Default OFLs, ABCs, and ACLs.* If final specifications (OFLs, ABCs, and ACLs) for a fishing year are not published in the **Federal Register** in a manner consistent with this section for the start of that fishing year, specifications for that fishing year shall be equal to the prior fishing year's specifications for each stock, until superseded by a final rule implementing new specifications.

(A) Specification of ACTs for each management area and accounting for incidental catch in non-directed fisheries and discards in all fisheries under default ACLs shall be consistent with what was adopted for the previous year's specifications.

(B) [Reserved]

(d) * * *

(2) *ACL overages and adjustments.* If it is determined, based upon, but not limited to, available landings and discard information, that the ACL for a monkfish stock is exceeded in a given year, then the ACT for that stock in the second fishing year following the fishing year in which the ACL overage occurred shall be revised such that the ACL overage is deducted from the ACT on a pound for pound basis. If necessary, based on the scale of the deduction, management measures (DAS and trip limits) may be revised after consultation with the Councils. These adjustments shall be made in accordance with the Administrative Procedure Act and other applicable law.

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