



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

May 7, 2026

Kathleen Leyden
Director, Maine Coastal Program
Maine Department of Marine Resources
State House Station 21
Augusta, ME 04333-0021

RE: Federal Consistency Determination for Essential Fish Habitat Designations

Dear Ms. Leyden:

We request your review of the subject regulatory action with regard to the enforceable policies of the Maine Coastal Zone Management Plan (CZMP), in accordance with 15 C.F.R. § 930.35 of the regulations implementing the Coastal Zone Management Act (CZMA). We have preliminarily determined that routine Essential Fish Habitat (EFH) designation changes are consistent with the enforceable policies of the Maine CZMP and request your concurrence.

The New England Fishery Management Council (NEFMC), and the Mid-Atlantic Fishery Management Council (MAFMC), in consultation with NMFS, have prepared a 2025 EFH designations framework adjustment, and an Omnibus Habitat Amendment, respectively, and intend to prepare additional actions for future EFH modifications every 5 years, to multiple Fishery Management Plans (FMPs). Through these actions, the Councils developed revised EFH designations for a subset of their managed species. The NEFMC's 2025 EFH designations framework adjustment modifies EFH for all life history stages of Atlantic herring, monkfish, Atlantic cod, smooth skate, thorny skate, barndoor skate, little skate, winter skate, clearnose skate, and rosette skate. The MAFMC's Omnibus Habitat Amendment modifies EFH for all life stages of Atlantic mackerel, chub mackerel, longfin squid, shortfin squid, butterfish, bluefish, spiny dogfish, summer flounder, scup, black sea bass, Atlantic surfclam, ocean quahog, golden tilefish and blueline tilefish. These proposed designations, and all future EFH designation changes, are administrative in nature and will not cause any effects to the economy, nor human activities or communities, including fishing.

The Magnuson-Stevens Fishery Conservation and Management Act includes provisions concerning the identification and conservation of EFH. The Magnuson-Stevens Act defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." 16 U.S.C. § 1802. The regional fishery management councils and NMFS must describe and identify EFH in FMPs, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. Descriptions and identification of EFH (i.e., the EFH designations) consist of written summaries (text descriptions), tables, and maps in the FMPs, and are developed for individual



life history stages (eggs, larvae, juveniles, and adults) when sufficient information exists to do so.

Consistent with the Magnuson-Stevens Act's requirement for FMPs to include a review for updating EFH identifications based on new scientific evidence or other relevant information, Federal regulations at [50 CFR § 600.815\(a\)\(10\)](#) state that the Councils and NMFS should periodically review the EFH provisions of FMPs and revise or amend EFH provisions as warranted based on best available information. The NEFMC completed a comprehensive [EFH 5-Year Technical Review](#) in January 2025, and the MAFMC completed [its in April 2025](#). These reviews included development of model-based EFH designation methods, which were used to develop updated maps and text descriptions in this framework. Each of the FMPs proposed for revision by these actions include regulations that provide for changing EFH descriptions and identification using Framework Adjustment and Amendment procedures.

The NEFMC 2025 updated designations are a framework adjustment to the following FMPs: The Northeast Multispecies; Monkfish; Northeast Skate Complex; and Atlantic Herring. EFH designations for these species were previously updated by the NEFMC via Omnibus Habitat Amendment 2, which became effective on April 18, 2018. Additionally, the NEFMC is in the process of updating EFH designations for other species managed by the Northeast Multispecies FMP as well as the Atlantic Scallop FMP, which will be proposed in a different framework adjustment in 2027. The Atlantic Deep-Sea Red Crab FMP will also have its EFH designations updated in 2028.

The MAFMC's Omnibus EFH Amendment amends the following FMPs: Mackerel, Squid, and Butterfish; Bluefish; Spiny Dogfish; Summer Flounder, Scup, and Black Sea Bass; Atlantic Surfclam and Ocean Quahog; and Tilefish. This amendment also establishes new Habitat Areas of Particular Concern (HAPCs) for bluefish, scup, black sea bass, Atlantic surfclam, and golden tilefish. HAPCs are discretionary designations that are subsets of EFH based on one or more of the following considerations: 1) The importance of the ecological function provided by the habitat; 2) the extent to which the habitat is sensitive to human-induced environmental degradation; 3) whether, and to what extent, development activities are, or will be, stressing the habitat type; and 4) the rarity of the habitat type. HAPC designation does not provide additional protection or restrictions upon an area but they underscore the ecological significance of the designated areas when we review and comment on Federal and/or state actions that could impact designated EFH. Because HAPCs are administrative designations and do not directly restrict fishing or non-fishing ocean activities, there are no anticipated negative effects to the affected environment, nor public health and safety.

Previously, consistency determinations for all of the aforementioned FMPs were submitted for review by the responsible state agencies under section 307 of the CZMA. The State of Maine concurred with these determinations by letter. Your consistency determinations meant that any actions carried out after your concurrence that were in accordance with the specific FMPs and associated provisions, including routine updates to EFH, would also be determined consistent with the policies of the Maine CZMP. However, we noted that we intend to reconsider this consistency determination and consult with your agency for amendments or other modification actions to the aforementioned FMPs, whether through subsequent individual or omnibus actions.

Therefore, we are now seeking your concurrence on our consistency determination for any actions that modify EFH designations for federally managed fish species.

Effects on Coastal Uses and Resources

Based on a review of Maine's pertinent enforceable policies, we have determined that actions to modify EFH designations are consistent to the maximum extent practicable with your policies. The administrative EFH designations proposed for implementation under the FMPs are intended to incorporate the best scientific information available into the fishery management plans for resources that occur in Maine state waters. The proposed actions and future EFH modifications will have no foreseeable impacts on any enforceable policies of Maine's CZMP.

There are no anticipated negative effects from these actions because they are administrative in nature. Modifying EFH designations does not result in a substantial change in any of the following: Fishing location; timing; effort; authorized gear types; or harvest levels. EFH designations, while important tools for habitat conservation, are generally administrative and do not require revisions to fishery regulations. No direct impacts are expected to result from the designations changes on managed species, the physical environment, protected species, or human communities. Indirect positive impacts to fishery resources and the physical environment are anticipated to result from using updated EFH designations for development of habitat conservation recommendations to Federal action agencies. These actions do not alter previously designated Habitat Management Areas, which may have restrictions on gears and methods of fishing in order to minimize the impacts of fishing on EFH.

EFH designations do not individually or cumulatively have a significant effect on the human environment. It has been determined that EFH designation modifications qualify for a categorical exclusion from the need for review under the National Environmental Policy Act as they are primarily administrative in nature.

You will find actions to modify EFH designations, like the NEFMC's 2025 EFH designations framework and MAFMC's Omnibus EFH Amendment, and future actions to modify EFH designations, on the [NEFMC's website](#) and the [MAFMC's website](#) once available.

This letter is submitted pursuant to provisions of 15 C.F.R. § 930 et seq. and section 307 of the Coastal Zone Management Act of 1972, as amended. We are requesting that you advise us of your concurrence or nonconcurrence with our determination. In the event that there is no response from your agency within 60 days of receipt of this letter, we will presume your agency's concurrence with our determination of consistency. Thank you for your assistance and cooperation with this matter. If you have any questions regarding this action, please contact Sabrina Pereira in the Greater Atlantic Regional Fisheries Office, Habitat and Ecosystem Services Division, at 978-675-2178 or Sabrina.Pereira@noaa.gov.

Sincerely,



Michael Pentony

Regional Administrator

Cc: Catherine O'Keefe, NEFMC
Chris Moore, MAFMC