



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF604]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by the Northeast Seafood Coalition, in partnership with the Massachusetts Division of Marine Fisheries (MA DMF). Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit written comments by email: nmfs.gar.efp@noaa.gov. Include in the subject line "Targeted Inshore Cod Protection Closure Spawning Evaluation 2026." All comments received are a part of the public record and may be posted for public viewing 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. NMFS will accept

anonymous comments (enter "anonymous" as the signature if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Christine Ford, Fishery Management Specialist, *christine.ford@noaa.gov*, 978-281-9185.

SUPPLEMENTARY INFORMATION: The applicant submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. This EFP would exempt the participating vessels from the following Federal regulations:

Table 1 -- Requested Exemptions

CFR Citation	Regulation	Need for exemption
50 CFR 648.81(d)(1) insofar as it applies to 50 CFR 648.81(d)(4)(i), (ii), and (iii)	Restrictions on fishing for NE multispecies, or having fishing gear capable of catching NE multispecies, on board a vessel in Gulf of Maine (GOM) Cod Protection Closure Areas I, II, and III	To collect data on the presence/absence of spawning cod in targeted areas of GOM Cod Protection Closure Areas I, II, and III
50 CFR 648.83	Restriction on retention of cod under the minimum fish size of 19 inches (48.3 cm)	To collect sex and maturity data of all cod, including sublegal sized cod, caught in targeted areas of GOM Cod Protection Closure Areas I, II, and III

Table 2 -- Project Summary

Project title	Exploration of targeted commercial groundfish sector access to inshore cod protection closures to better optimize overall yield of other allocated groundfish stocks and provide cod spawning information for the New England Fishery Management Council's (NEFMC) Phase 2 of the Atlantic Cod Transition Plan.
Project start	05/01/2026
Project end	11/30/2026
Project objectives	To generate data to evaluate Western Gulf of Maine cod spawning activity in spring seasonal groundfish closures, in support of the NEFMC priority to assess closures as part of Phase 2 of the Atlantic Cod Transition Plan. Assess ability of the groundfish fishing industry to harvest healthy groundfish stocks, without undermining groundfish conservation and management measures.
Project location	Statistical Areas 132, 133, and 124

Number of vessels	14
Number of trips	Up to 178
Trip duration (days)	1
Total number of days	Up to 178
Gear type(s)	Bottom trawl
Number of tows or sets	Up to 4 per trip
Duration of tows or sets	Up to 4 hours

Table 3 -- Catch Composition Estimates (based on Sector II and XII; May, June, November 2024)

Species	Retained (live weight; pound (lb) / kilogram (kg))	Discarded (lb / kg)
Atlantic cod	26,277 / 11,919	726 / 329
Winter flounder	29,544 / 13,401	1,871 / 849
Haddock	49,228 / 22,329	2,410 / 1,093
White hake	1,283 / 582	160 / 73
American plaice	76,155 / 34,543	8,260 / 3,747
Pollock	518 / 235	212 / 96
Redfish	5,349 / 2,426	2,059 / 934
Witch flounder	27,121 / 12,302	926 / 420
Yellowtail flounder	131,222 / 59,521	18,003 / 8,166

Project narrative

The purpose of this project is to continue to support industry access to healthy groundfish stocks, while evaluating the utility of seasonal cod protection closure areas, and collecting biological samples of cod. Under the 2025 EFP (#25006), a system was established to increase access to available groundfish stocks without jeopardizing cod spawning aggregations. On May 13, 2025, three vessels fished under the EFP, completing four total tows. Although the EFP was only in effect for 1 day of fishing, the outcome reflected the effectiveness of real-time monitoring and communication protocols, which triggered an immediate suspension of the EFP once the spawning cod threshold was reached in Area B. Fishing did not occur in Area A due to the prevalence of fixed fishing gear. By incorporating targeted modifications informed by the 2025 EFP, the proposed EFP would provide modified access while maintaining strict monitoring and protection for spawning cod. Specific modifications would include, but not be limited to: 1) narrowing the footprint of Area A to foster cooperation with the lobster industry and allow the deployment of bottom trawl gear; 2) altering the northern boundary of Area B

and splitting Area B into two areas (B1 and B2) to reduce the risk of catching cod closer to Jeffrey's Ledge; and 3) adding an Area C, which would provide additional access at a different time of year and for vessels from other ports.

Under this EFP, participating fishermen would conduct tows in targeted areas within GOM Cod Protection Closures I, II, and III, where industry-based groundfish surveys previously demonstrated low spawning cod density compared to other portions of the closure (Attachment). Vessels would submit trip notification to the Pre-Trip Notification System as usual. Vessels would only be allowed in targeted areas if they have a Northeast Fisheries Observer or At-sea Monitor aboard, or participate in an approved electronic monitoring program for the trip. Tows conducted within the targeted areas would be restricted to remain inside the area for the entire tow; however, vessels could make tows both inside and outside the target area on the same trip. Upon departure for a trip, vessels would notify a MA DMF project coordinator about intent to fish in the target areas. Up to 80 total tows would be conducted in Area A; up to 48 total tows would be conducted in Areas B1 and B2 combined; and up to 50 total tows would be conducted in Area C.

During all trips under the EFP, cod of all sizes caught in each tow conducted within the target areas would be kept round (not gutted), and isolated in separate totes with sealed and zip-tied lids. Cod caught in tows conducted outside the target areas would be handled consistent with standard fishing practices. Upon returning from a trip, vessels would contact MA DMF to meet them to sample target area-caught cod for sex and maturity. Additional sampling would be conducted to support the Northeast Fisheries Science Center conversion factor study. All catch would be accounted for consistent with standard fishing activities and applicable Annual Catch Entitlement, and legal size catch would be sold.

If MA DMF detects spawning cod caught in tows within the target areas to be at or above proposed thresholds, participating vessels would no longer be authorized to fish under the EFP within that particular target area (each of the four target areas (A, B1, B2, and C) will be evaluated separately). MA DMF defines spawning cod as females with clear eggs or males with running milt (either expressed externally, or when the testes are cut through). The proposed thresholds are more than five spawning cod in one tow or more than 18 percent of tows within a 7-day consecutive fishing period containing any spawning cod. MA DMF would immediately notify participating sector managers and NMFS if a cod spawning threshold has been reached.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 12, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.