



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XF738]

#### 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 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 the following method:

- Email: [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "MA DMF herring genomics EFP"

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:** Ashley Trudeau, Fishery Resource Management Specialist, *ashley.trudeau@noaa.gov*, 978-281-9252.

**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**

<b>CFR Citation</b>	<b>Regulation</b>	<b>Need for Exemption</b>
50 CFR 648.201(d)(1)	No harvest in Area 1A during January-May	To allow harvest in Area 1A during April and May
§ 648.202(a)(1)	Restriction on midwater trawling from June 1 to September 30 in Area 1A	To allow use of midwater trawl in Area 1A during June-September
§ 648.80(a)(3)(vi)	Restrictions on fishing in Gulf of Maine (GOM) and Georges Bank (GB) Exemption Areas	To allow use of small mesh bottom trawl in GOM and GB Regulated Mesh Areas
§ 648.81(d)(1)	Seasonal gear restrictions in GOM Cod Protection Closures	To allow use of small mesh bottom trawl during April-November in GOM Cod Protection Closure Areas, excluding year-round groundfish closed areas
§ 648.11, but not to include § 648.11(m)(2)	Monitoring coverage	Sampling trips will be non-representative of the herring fishery and could negatively affect Northeast Fisheries Observer Program data quality. As stated in § 648.11(m)(2), the participating vessels are still required to submit pre-trip notifications.

**Project narrative**

MA DMF is requesting the renewal of an EFP in support of a continuing study developing a genomic tool to evaluate the population structure of Atlantic herring. During the first year of sampling, two trips were taken to spawning areas in the GOM, and three trips were made to GB and the Great South Channel. Additional herring samples were acquired from tuna fishermen who had captured herring with hook and line. Sampling in the study's first year captured approximately 400 lb (181.4 kg) of herring and did not obtain the target sample size (970 lb (440.0 kg)), so a second year of sampling is requested to meet study objectives. The current system of herring management sets area-specific annual catch limits (ACL) that are based on estimates of spawning component abundance and seasonal mixing rates. These estimates have not been updated since implementation of the Atlantic Herring Fishery Management Plan in 2000. This study is intended to improve scientific understanding of the contributions of genetically distinct sub-populations to herring stocks in U.S. waters and, therefore, may allow fisheries managers to update area-specific ACLs to reflect their spawning components.

This EFP would authorize 3 fishing vessels to retain a total of 3,000 adult herring (approximately 970 lb (440.4 kg)) from 5 spawning grounds during the spring and fall spawning seasons. The vessel sampling Eastern GOM and Western GOM areas would primarily use midwater trawl gear with the option of switching to purse seine or bottom trawl. The two vessels fishing Jeffreys Ledge, the Great South Channel, and GB would use small-mesh bottom trawl gear. Spring sampling under the EFP issued for the first year of sampling will take place in April and May. A second round of fall sampling would occur under this renewed EFP from August to November. These vessels are expected to take 15 total trips, and trips to some nearby spawning areas may be combined. During each trip, the project team plans to conduct short, 5–60-minute tows to catch and retain 150-300 adult herring from each area sampled. Once the net is

retrieved, the crew will retain herring and discard all other catch. If more than 150 herring are captured, the crew would continue to retain herring until they have no more space in their insulated cooler. The cooler would hold a maximum of approximately 300 herring, and any further captures would then be discarded.

After sampling, the research team would use low-coverage, whole-genome sequencing to identify a panel of small genetic differences that can reliably differentiate between herring sub-populations. Through a peer-reviewed publication on their genomic tool and their findings regarding Atlantic herring genomic population structure, the research team may enable fishery managers to update area-specific ACLs to support the sustainable harvest of each spawning component.

Genomic tools require relatively small sample sizes. The project team has already harvested approximately 400 lb (181.4 kg) of Atlantic herring in the first year of Fall sampling. In their Spring, 2025 and Fall, 2026 sampling, they propose to harvest an additional 570 lb (258.5 kg) of Atlantic herring over 15 sampling trips, which is less than 9 percent of the 6,600-lb (2993.7-kg) possession limit associated with an Open Access Category D Permit. Because the project requires sampling spawning herring, vessels would sample during the areas' fall spawning closures. The project team would work with knowledgeable captains who are skilled at capturing herring, so only a single tow is expected to take place per area sampled on most trips. Although the MA DMF plans to conduct tows between 30 and 60 minutes, vessel operators would plan to capture sufficient samples with the least amount of fishing effort possible, including tows as short as 5 minutes. Technologies such as net-mounted echosounders, for example, would be used to identify herring entering the net and, therefore, signal operators to end the tow. Because of the low amount of fishing effort that this sampling would require, discards of incidentally captured species are expected to be relatively low, around 10,000 lb (4,535.9 kg) total over 15 trips. Based on observer data from the same areas and gears, the highest

volume of bycatch is expected to be of silver hake, with expected discards of around 7,000 lb (3,175.1 kg).

The applicants state that the exemption allowing vessels to fish in GOM Cod Protection Closure Areas is necessary for sampling herring in the Jeffreys Ledge spawning area. Based on existing observer data and the project team's knowledge of herring spawning locations, they are expecting to cause nearly-zero Atlantic cod bycatch mortality during their sampling. Based on observer data collected from vessels fishing in the same statistical areas using the same gear, the research team expects this sampling to catch a total of 4.4 lb (2.0 kg) cod. During the first year of sampling, no cod were captured. In addition, the research team expects to catch herring in deeper water and softer substrate than where cod are abundant and/or spawning. Finally, the research team has previously measured a 93-percent survival rate for cod captured using short tows with bottom trawl gear (Zemeckis *et al.*, 2019). Therefore, although a very small amount of cod catch is possible, the applicant suggests that cod would be returned to the water as soon as possible and would be very likely to survive.

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: April 29, 2026.

**Kelly Denit,**

*Director, Office of Sustainable Fisheries,*

*National Marine Fisheries Service.*

