



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF672]

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 Commercial Fisheries Research Foundation. 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 "Bait Skate Utilization in the LAGC Scallop Fishery." 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 has 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
648.80(h)(3)(iii)(A)	Vessels fishing in the Scallop Dredge Fishery Exemption Areas may not fish for, possess, or land any species of fish other than scallops and monkfish.	Allowing Limited Access General Category (LAGC) scallop vessels to possess bait skate (<i>i.e.</i> , whole skates less than 23 inches (58.4 centimeter (cm)) total length) while dredging in the Northern Gulf of Maine (NGOM) Management Area, Scallop Dredge Fishery Exemption Areas, or the Mid-Atlantic Exemption Area.

Table 2 -- Project Summary

Project title	From Discards to Resource: Bait Skate Utilization in the LAGC Scallop Fishery
Project start	Upon approval
Project end	March 31, 2027
Project objectives	Quantifying bait skate bycatch and identifying practical pathways for its utilization by LAGC Atlantic sea scallop vessels.
Project location	Georges Bank (GB), Gulf of Maine, Southern New England (SNE), Mid-Atlantic
Number of vessels	12
Number of trips	1,200
Trip duration (days)	1-2 days
Total number of days	1,200 – 2,400
Gear type(s)	Dredge
Number of tows or sets	10-20 per trip
Duration of tows or sets	1-2 hours

Project narrative

The Commercial Fisheries Research Foundation (CFRF) is requesting an EFP in support of a study that would evaluate the feasibility of converting bait skate discards to

landings in the LAGC Atlantic sea scallop fishery by 1) quantifying bait skate bycatch, and 2) identifying practical pathways for its utilization, including sale to dealers and other vessels or retention for use in the lobster and/or crab fishery. Allowing the landing of underutilized species that would normally be discarded could allow scallop vessels to supplement their income during times of reduced scallop abundance. These additional landings would have a potential ex-vessel value of approximately \$425,700.

LAGC scallop vessels may dredge for scallops in the NGOM Management Area, the GB/SNE Scallop Dredge Exemption Area, and the Mid-Atlantic Exemption Area. In the NGOM and the GB/SNE Scallop Dredge Exemption Area, LAGC vessels are prohibited from possessing any fish species other than scallops and monkfish. This prohibition results in a high rate of regulatory discards of skate. The skate bait resource (landing whole skates less than 23 inches (58.4 cm) in total length for use as bait) is considered underutilized. This study would evaluate the feasibility of increasing utilization of the fishery by converting regulatory discards to landings.

Based on NMFS' annual monitoring reports for fishing years 2020-2024 and monitoring reports to date for fishing year 2025, the percentage of the bait skate quota used has ranged from 16 percent of the skate bait total allowable landings (TAL) in 2021 to 63 percent in 2024. Landings of bait skate in the 2025 fishing year so far have been lower than those recorded in 2024. The requested exemption would allow vessels fishing for scallops under an LAGC permit to land up to 1,419 lbs (644 kilograms (kg)) of whole skate, which is the trip limit for vessels with a federal skate permit that are not fishing under a monkfish, Northeast multispecies, or scallop day-at-sea (50 CFR 648.322(b)(4)). This EFP would authorize a maximum of 1,200 trips, which could result in a maximum increase in landings of 1,702,800 lb (772 metric ton (mt)) bait skate, or 15 percent of the fishing year 2025 bait skate TAL. Reaching 90 percent of the skate bait fishery seasonal quota or 80 percent of the annual skate bait fishery TAL would result in a trip limit

reduction for the skate bait LOA fishery. However, in the last 5 years of the skate bait fishery, these additional landings would not have caused landings to reach the 80 percent of annual TAL threshold. This 1.7 million-lb (771 mt) increase in bait skate landings is also a ceiling; depending on seasonal variability of skate abundance, operators expect to catch between 200 and 800 lb (90.7 and 362.9 kg) of bait skate during experimental fishing trips, well below the 1,419-lb (644 kg) trip limit. This estimate aligns with bycatch estimates from observer data collected over the past 5 years of the LAGC fishery. For observed trips between 2020 and 2025, skate bycatch varied seasonally, with median skate bycatch ranging from 0 lb in April to 614 lb in September.

Participating vessels would record data on their fishing effort and location; scallop and bait skate catch, landings, and discards; utilization of bait skate (*i.e.*, whether it was sold to a dealer, or retained for immediate or later use in the crab/lobster fishery); the ex-vessel value of landed and sold bait skate; and the vessel's home and landing port locations. CFRF would then use this data to evaluate the viability of a bait skate bycatch fishery for LAGC scallop vessels, which has the potential to increase economic resilience for small vessels while promoting efficient utilization of the historically underutilized skate bait quota.

All 12 participating LAGC vessels would follow effort, trip limit, and annual quota requirements under the current LAGC scallop fishery regulations with no gear modifications. All vessels would hold valid Federal skate permits and would be subject to all bait skate fishery regulations. This EFP would not authorize transfers-at-sea of bait catch between vessels. Allowing landings of skate bycatch that would normally be discarded is not expected to alter vessels' number or duration of trips.

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: May 1, 2026.

Kelly Denit,

Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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