



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF925]

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 Atlantic Capes Fisheries, Inc. 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 "Atlantic Capes SCOQ 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: 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 648.14(j)(1)(iii)	Prohibition against fishing for, retaining, or landing both surfclams and ocean quahogs in or from the EEZ on the same trip.	Retaining and landing both species on the same trip is needed to calculate the amount of mixing in the fishery, to develop protocols for future estimation of discards and mixing at sea, and for shoreside processing.
50 CFR 648.14(j)(1)(iv)	Prohibition against fishing for, retaining, or landing ocean quahogs in or from the EEZ on a trip designated as a surfclam fishing trip under 648.15(b); or fishing for, retaining, or landing surfclams in or from the EEZ on a trip designated as an ocean quahog fishing trip under 648.15(b).	Retaining and landing ocean quahogs on a designated surfclam trip or surfclams on a designated ocean quahog trip is needed to calculate the amount of mixing in the fishery, to develop protocols for future estimation of discards and mixing at sea and for shoreside processing.

Table 2 -- Project Summary

Project title	SCOQ Mixing Amendment Accounting Protocols Study
Project start	09/01/2026
Project end	08/31/2027
Project objectives	To conduct industry-funded research to determine best practices and protocols for: (1) Estimating discards of non-

	target clam species for eVTR reporting; (2) estimating pre-landing bushel volumes of surfclam/ocean quahogs that are mixed in cages; and (3) fully accounting for the volume of bushels separated from mixed cages to be reported to NMFS via vessel trip reports.
Project location	Southern New England and Mid-Atlantic
Number of vessels	Up to 15
Number of trips	Up to 1,200
Trip duration (days)	Up to 2
Total number of days	Up to 2,400
Gear type(s)	Dredge
Number of tows or sets	25 per trip
Duration of tows or sets	1 hour

Project narrative

The purpose of this project is to continue to collect data in support of determining best practices and protocols for estimating discards of non-target clam species, estimating pre-landing bushel volumes of surfclams/ocean quahogs that are in mixed cages, and fully accounting for the volume of bushels separated from mixed cages, to be reported to NMFS via vessel trip reports. This project was issued a previous EFP (24080), under which 255 trips were taken. During each of those trips, volumetric data was collected by the captain/crew on target clam species, non-target clam species, bycatch, and trash/broken shells. Partner organization Rutgers University had scientists aboard 13 EFP trips and collected volumetric data on one of the same tows as the captain/crew, as well as additional tows. The processor provided data on the number of cages, the volume of non-target clams sorted from the total catch, and the volume of trash and bycatch sorted from the total catch. The data collected so far allowed for preliminary progress toward determining best practices and protocols for estimates of catch composition on mixed-catch trips. Specifically, the catch estimate collected by the captain appears to be a fair representation of the mix of target and non-target clams caught. The catch mix

determined at the plants represents the mix of clams in the landed catch. This EFP would continue the data collection under the previous EFP, in support of determining the best practices and protocols for estimating catch composition on mixed-catch trips.

Under this EFP, up to 15 vessels would be authorized to fish for, retain, and land both surfclams and ocean quahogs on the same trip, either in mixed or separate cages, regardless of which species the trip was designated for. On each trip, the captain/crew would make independent estimates of mixing using protocols co-developed by scientists, industry, and the Northeast Fisheries Science Center (NEFSC). Processors would independently sort and document catch at the plant. A subset of trips (approximately two per month) would carry a project scientist to collect independent estimates using scientifically derived protocols, taking into consideration methods provided by the Northeast Fisheries Observer Program. Project scientists would also collect estimates at the processing plant, though not from the same trips on which they collected at-sea estimates.

Vessels would be required to indicate each EFP trip when making the Vessel Monitoring System (VMS) declaration in order to land both surfclams and ocean quahogs on that trip and must submit the appropriate VMS trip-start and trip-end hail forms. Individual Transferable Quota (ITQ) would be used to account for all surfclams and ocean quahogs landed during this project. Vessels would use ITQ cage tags for the target species, and those tag numbers would be reported by the vessel and the processor as usual. The project PI would submit to the Greater Atlantic Regional Fisheries Office (GARFO) processor-sort data for all EFP trips and, on a quarterly basis, ITQ cage tags to

fully cover the total number of bushels of non-target clams that are sorted out of landings by the participating processors.

All independent estimates would be submitted to Rutgers University for comparison. Project results would be summarized in a report made available to the Mid-Atlantic Fishery Management Council, NEFSC assessment scientists, and GARFO.

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: August 3, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.