

Dated: September 8, 2026.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix**

**List of Topics Discussed in the Preliminary Decision Memorandum**

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II. Background

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XG046]

**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 Maine Center for Coastal Fisheries. 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 September 29, 2026.

**ADDRESSES:** You may submit written comments by email: [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "EGOM Sentinel Survey." 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](mailto:christine.ford@noaa.gov), (978) 281-9185.

**SUPPLEMENTARY INFORMATION:** The applicant submitted a complete application for an EFP to conduct 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 648.4 (a)(1) ..... | Requirement for vessels fishing for, possessing, or landing multispecies finfish to have been issued a valid Federal Northeast (NE) multispecies permit. | To allow the American lobster-permitted vessel to fish for and temporarily possess Atlantic cod and pollock for biological sampling, and to land a small amount of lethally sampled cod for personal use. |
| § 648.4(a)(5)(iii) .....  | Requirement for vessels fishing for, possessing, or landing Atlantic mackerel to have been issued a valid Federal mackerel vessel permit.                | To allow all participating vessels to fish for and temporarily possess Atlantic mackerel for biological sampling.                                                                                         |
| § 648.82(a) .....         | Vessels issued a limited access NE multispecies permit may not fish for, possess, or land regulated species, except during day(s)-at-sea (DAS).          | To allow the multispecies category A vessel to conduct EFP-related activities without having to use a DAS.                                                                                                |
| § 648.83(a) .....         | Restriction against fishing for, possessing, or landing cod or pollock less than 19 inches (48.3 centimeters).                                           | To allow all participating vessels to sample all sizes of cod and pollock caught during surveys, and to land a small amount of lethally sampled cod for personal use.                                     |

**TABLE 2—PROJECT SUMMARY**

|                                |                                                                                                                                                                                                                      |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project title .....            | Eastern Gulf of Maine (EGOM) Sentinel Survey.                                                                                                                                                                        |
| Project start .....            | 10/01/2026.                                                                                                                                                                                                          |
| Project end .....              | 01/15/2027.                                                                                                                                                                                                          |
| Project objectives .....       | Survey the groundfish, particularly cod, resource in the waters of Eastern Maine, with a focus on evaluating local ecological knowledge of cod distribution for potential inclusion in future stock assessment work. |
| Project location .....         | Bound on the west by Penobscot Bay and on the east by the Canadian border; extends south to the 50-meter (m) bathymetric edge, overlapping with statistical areas 511 and 512.                                       |
| Number of vessels .....        | 2.                                                                                                                                                                                                                   |
| Number of trips .....          | 15.                                                                                                                                                                                                                  |
| Trip duration (days) .....     | 1.                                                                                                                                                                                                                   |
| Total number of days .....     | 15.                                                                                                                                                                                                                  |
| Gear type(s) .....             | Rod and reel jigging.                                                                                                                                                                                                |
| Number of tows or sets .....   | Up to 40 sets per trip; up to 450 sets total.                                                                                                                                                                        |
| Duration of tows or sets ..... | Up to 5 minutes.                                                                                                                                                                                                     |

**Project Narrative**

This project would continue an ongoing jig survey of the groundfish resource in the EGOM, going back to 2011. The Atlantic Cod Stock Assessment Workshop identified cod in statistical areas 511 and 512 as a separate biological stock, and, as a result, the research track has accepted the Sentinel Survey's inshore jig time series for inclusion as a recruitment index for the EGOM stock unit's assessment.

The EFP would authorize 2 vessels to conduct random stratified sampling using jig gear from 0 to 50 m at 36 sites, plus 9 fishermen's choice sites within the study area, for a total of 45 sites. Jig gear consists of a 16- or 26-oz (453.6- or 737.1-gram) Norwegian style diamond jig with three teaser hooks, spaced at 15 inches (38.1 centimeters) apart. At each site, two anglers would execute five 5-minute jig drops within 1 hour. Gear would be retrieved upon the first bite or at the 5-minute mark, whichever comes first.

All species captured would be weighed and measured. Photos and fin clips would be collected from all cod, and a subset of cod (no more than 10 pounds (4.5 kilograms) per trip) would have otoliths and stomach samples collected. Catch that are lethally sampled could be landed for personal use. All other catch would be returned to the ocean once sampling is complete. Scientific personnel from Maine Center for Coastal Fisheries would be aboard the vessels to conduct sampling activities. No catch would be landed for sale.

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: September 9, 2026.

**Shannon Bettridge,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XG043]

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America**

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

**ACTION:** Notice; issuance of letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA regulations for taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of America (GOA), notification is hereby given that NMFS has issued a Letter of Authorization (LOA) to TGS for the take of marine mammals incidental to geophysical survey activity in the GOA.

**DATES:** The LOA is effective September 9, 2026, through September 1, 2027.

**ADDRESSES:** The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-america>. In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact

on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in U.S. waters of the GOA<sup>1</sup> over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses and became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be

<sup>1</sup> Pursuant to Executive Order 14172, "Restoring Names That Honor American Greatness," and Department of the Interior Secretarial Order 3423, "The Gulf of America," the body of water formerly known as the Gulf of Mexico is now called the Gulf of America. Accordingly, NMFS amended the incidental take regulations to reflect the change. See 90 FR 38001 (August 7, 2025).