

national/marine-mammal-protection/incidentalharassment-authorization-renewals.

History of Request

On July 21, 2026, ODOT contacted NMFS requesting a renewal of their original IHA, in order to complete the work that was originally planned but would not be able to during the construction season originally planned. On September 3, 2026, a notice of NMFS' proposal to issue a renewal IHA to ODOT for take of marine mammals incidental to the Yaquina Bay Dolphin Replacement Project in Newport, Oregon was published in the **Federal Register** (91 FR 56636). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock, as well as the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS' preliminary conclusions and determinations that the IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review, as well as other supporting documents.

No comments were received during the public comment period. There are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the

human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this IHA.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued a renewal IHA to ODOT for authorization to take marine mammals incidental to construction activities for the Yaquina Bay Dolphin Replacement Project in Newport, Oregon.

Dated: October 7, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG118]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Atlantic Coastal Fisheries Cooperative Management 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 (GARFO), NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all 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 NOAA Northeast Fisheries Science Center (NEFSC). 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 October 28, 2026.

ADDRESSES: You may submit written comments by email: nmfs.gar.efp@noaa.gov. Include in the subject line "NEFSC On-demand 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 NOAA NEFSC submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict, to continue trials of on-demand fishing gear that use one or no surface buoys, and to test the ability of gear marking systems to consistently locate gear. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
50 CFR 697.21(b)	Gear marking requirements	For trial of trap/pot gear with no more than one surface marking on trawls of more than three traps, and trial of trap/pot gear with no surface marking on trawls of three or fewer traps.
50 CFR 648.84(b)	Gear marking requirements	For trial of gillnet gear with no more than one surface marking.
50 CFR 648.264(a)(5)	Gear marking requirements	For trial of red crab trap/pot gear with no more than one surface marking on trawls.

TABLE 2—PROJECT SUMMARY

Project title	Development and trials of on-demand fishing systems in fixed gear fisheries.
Project start	01/01/2027.
Project end	12/31/2027.
Project objectives	This research is designed to help fishermen test alternatives to traditional vertical buoy lines and physical gear markers in fixed gear fisheries.
Project location	Gulf of Maine, Georges Bank, Southern New England, and Mid-Atlantic including, but not limited to Statistical Areas: 511, 512, 513, 514, 515, 521, 522, 525, 526, 537, 538, 539, 561, 562, 621, and 626.
Number of vessels	Trap/pot: Up to 90, including up to 5 using grappling; Gillnet: Up to 10.
Number of trips	Trap/pot: Up to 9,500 trips (90 vessels making an average of 1.5 trips/week); Gillnet: Up to 1,000 trips (10 vessels making an average of 2 trips/week).
Trip duration (days)	Variable based on fishery, target species, and fishing location, but within the range of standard commercial fishing trips and consistent with FMP regulations.
Gear type(s)	Lobster traps, deep-sea red crab pots, fish pots, and anchored-fixed gillnets.
Number of tows or sets	Trap/pot: Effort capped at 900 modified trap trawls; Gillnet: Effort capped at 100 modified gillnet strings. Per vessel effort will vary by season, fishing operation, and the number of active participants, but will not exceed 20 modified trawls and/or strings. In Atlantic Large Whale Take Reduction Plan (ALWTRP) Restricted Areas, effort will be limited to fully on-demand lobster trawls, fished with no persistent vertical lines. Vessels will be allowed to modify up to 20 trawls each, with a cap of 600 total trawls actively fished across the Restricted Areas.
Duration of tows or sets	Trap/pot: Variable but expected to be 14 days or less; will not exceed FMP soak limits; Gillnet: typical commercial soak times.

Project Narrative

This project is a continuation of DA25–051 to trial on-demand (also known as ropeless) fishing systems aimed at reducing the entanglement risk to protected species, mainly the North Atlantic Right Whale, in trap/pot and gillnet fisheries. DA25–051 authorized on-demand gear trials on up to 180 total trap/pot vessels and up to 20 total gillnet vessels to replace up to 20 of their existing trawls/strings (up to 2,000 total trawls/strings) with modified trawls/strings, including in the ALWTRP Restricted Areas. DA25–051 expires on December 31, 2026.

This EFP would allow up to 90 total trap/pot vessels and up to 10 gillnet vessels to replace up to 20 of their existing trawls/strings (up to 1,000 total trawls/strings) with modified trawls/strings, including in the ALWTRP Restricted Areas. Modified gear would replace one or both traditional end lines with acoustic on-demand systems and other alternatives to persistent buoy lines (including, but not limited to, spooled systems, buoy and stowed-rope systems, lift-bag systems, and grappling).

The research focus for 2027 includes:

- New acoustic releases, stowed rope designs, inflatable systems, and emerging technologies will be evaluated as they become available. Investigators will work with manufacturers and fishermen to test and refine gears and gather data to inform regulators. New innovative gears will be tested using hybrid, one end ropeless, configurations in areas open to commercial fishing.
- New and existing on-demand gear performance will be evaluated in varied environmental conditions among varied vessel and gear configurations to inform safety decisions and refine reliability and operability. Emerging systems designed for deeper waters (>75 fathoms (137.2 meters)) will be evaluated in terms of reliability and operationally feasible.
- Data analysis will focus on durability, performance, user experience, and additional criteria that could be used to later approve innovative gear technologies.
- Dedicated research trips will be employed to evaluate alternative (digital) gear location marking accuracy and compare gear marking methods (manual versus automatic).
- Experimental fishing in Restricted Areas will incorporate novel on-demand

systems and new fishing partners to further assess the feasibility and efficiency of fishing fully on-demand trawls. Trials will be conducted with a focus on safety (protected species and fishermen) and equity (fishermen and manufacturers).

- NEFSC will coordinate with Maine's Department of Marine Resources and Massachusetts' Department of Marine Fisheries on-demand research programs.

- Communication efforts will continue to the broader fishing community.

To ensure that on-demand fishing and gear marking technologies are adequately tested across the breadth of regional commercial fishing conditions, NEFSC requests the flexibility to test on-demand gear across the geographic range of the Federal American lobster and Jonah crab fishery, including testing fully on-demand gear (no persistent vertical lines) in ALWTRP Restricted Areas. It also requests the opportunity to trial on-demand gillnet and other trap/pot gear across the Gulf of Maine, Georges Bank, Southern New England, and the Mid-Atlantic. To cover a greater area and target areas where data is needed, NEFSC has requested flexibility

to have greater than 100 participants during the permit period (with only 100 fishing at one time). It would provide requested modifications to the active participants, general locations, and technologies to be tested one month in advance. Priority would be given to participants who are seasonally excluded from fishing in certain areas and/or in offshore fisheries with limited entanglement mitigation options.

This permit would only exempt vessels from the specified Federal regulations in Federal waters. It would not exempt the vessels from any requirements imposed by any State, the Endangered Species Act, the Marine Mammal Protection Act, or any other applicable laws. The applicant would be responsible for obtaining all required State authorizations. Other than gear markings, all trap/pot trawls and gillnet strings would be consistent with the regulations of the management area where the vessel is fishing and would be fished in accordance with the participating vessels' standard operations (number and length of trips, soak times, trap limits, *etc.*).

The use of on-demand lobster trap gear in the ALWTRP Restricted Areas is limited to gear without any persistent vertical lines. The EFP would allow vessels to modify up to 20 trawls each, but would cap effort to 600 total trawls in the ALWTRP Restricted Areas. If necessary, due to a high level of interest and limited capacity, the NEFSC may require a demonstrated history of fishing within ALWTRP Restricted Areas as a condition for participation in on-demand trials in those areas.

In recognition of industry's interest in grappling as a low-cost alternative to acoustic on-demand systems, this project would allow up to 5 trap/pot vessels to retrieve up to 20 trawls via grappling; this would be a subset of the 90 total trap/pot vessels and the 900 modified trap/pot trawls effort cap. This would enable NEFSC to collect data on the viability of grappling at a commercial scale. Although no grappling trials have occurred to date, four vessels/operators have expressed interest in participating in the study. No grappling would be allowed in the ALWTRP Restricted Areas.

In phase one of participation, staff from NEFSC and the gear manufacturers would provide training to ensure that the system is working as intended and that all participants have sufficient experience with the gear before borrowing from the gear cache library. In phase two, participating vessels would rig an on-demand system to one end of a standard trawl or string and fish it as a hybrid (with one traditional

surface marking) for at least 10 hauls per system. In phase three, participants would fish the gear as part of normal fishing operations, including fishing fully on-demand gear and fully on-demand trap trawls in the ALWTRP Restricted Areas. In some cases, a scientific observer may be on board, and/or GoPro Systems (or equivalent) may record gear retrievals. NEFSC would provide standardized data collection sheets to all participants, but individually identifiable data will only be made public with the express permission of the vessel owner.

NEFSC also plans to include targeted geolocation studies in areas with limited trawling and/or dredging to test new location-marking systems on the seafloor and automated location-marking when gear is set and retrieved. This EFP would support efforts to improve gear-marking and gear-conflict avoidance technologies, including testing sub-surface gear location vs. surface location where the gear is deployed, and other gear marking technologies. This EFP would also continue to test the EarthRanger and rmwHub platforms that display gear locations from various gear-marking technologies. NEFSC would demonstrate and encourage adoption of these technologies with non-participant vessels.

NEFSC proposes the following best practices and risk reduction measures for all vessels:

- All vessels would report all right whale sightings to NMFS via ne.rw.survey@noaa.gov or (866-755-6622) or the U.S. Coast Guard (Channel 16) and record sightings on data sheets;
- All vessels would retrieve on-demand vertical lines as quickly as possible to minimize time in the water column;
- All vessels would provide mandatory, weekly gear loss reports;
- All vessels would operate within a 10-knot (5.14 meters per second) speed limit when transiting ALWTRP Restricted Areas or when whales are observed;
- For fully on-demand gear without traditional surface markings, participants would use cloud-based data aggregators to share gear locations and orientation details, which would be available to Federal, State, and corresponding enforcement personnel, as well as other fishermen in proximity to the gear;
- For fully on-demand gear without traditional surface markings, on-demand vertical lines would be marked with unique orange marks above the regional markings, in addition to ALWTRP regulations (per agreement with the

NMFS Atlantic Large Whale Take Reduction Team Coordinator);

- When fishing in ALWTRP Restricted Areas, vessels would check real-time right whale sightings information (such as Right Whale Sightings Advisories and Whale ALERT) before setting any gear and avoid areas of high right whale abundance, and all vessels would be recommended to follow this process when setting gear outside the ALWTRP Restricted Areas;

- Enforcement will be provided with and trained on digital gear marking systems prior to the start of trials, so they can locate research gear;

- The NEFSC would continue to provide monthly updates on any gear conflicts to GARFO's Sustainable Fisheries Division.

Vessels fishing fully on-demand lobster trap trawls in seasonal Restricted Areas will be required to follow additional practices:

- All participants will be trained by NEFSC on-demand gear experts and gear manufacturers and achieve a sufficient level of experience with the gear based on NEFSC's standard three-phase training protocol (described above) prior to Restricted Area fishing;
 - Participants will carry a NEFSC scientist on a subset of trips to overs trial performance and collect additional data;
 - An NEFSC-issued research flag will be flown by each vessel;
 - No floating groundline will be used on research trawls, including where otherwise legally allowed between the first trap and anchor or on-demand unit;
 - Project vessels will operate within a 10-knot vessel speed limit in the Restricted Areas;
 - If any large whale species comes within 500 yards of a participating vessel during hauling, fishing will immediately cease, by either removal or resetting, and be reinitiated only after it was reasonable to assume the whale(s) has left the area;
 - Participants will be provided with information on species identification as well as protocols to report live, dead, or entangled sightings of all large whale species. All whale sightings will be recorded on data sheets.
- 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: October 8, 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–XG116]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Atlantic Coastal Fisheries Cooperative Management 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 (GARFO), 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 October 28, 2026.

ADDRESSES: You may submit written comments by email: nmfs.gar.efp@noaa.gov

noaa.gov. Include in the subject line “MA DMF On-Demand 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 MA DMF submitted a complete application for an EFP to conduct trials of on-demand fishing gear that use no surface buoys and to test the ability of gear marking systems to consistently locate gear. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
50 CFR 697.21(b)(2)	Gear marking requirements	For trial of trap/pot gear with no surface markings (fully ropeless) on trawls of more than three traps.

TABLE 2—PROJECT SUMMARY

Project title	Testing on-demand fishing technologies that help minimize the risk of large whale entanglements in lobster trap fishing gear in Massachusetts coastal waters.
Project start	01//01/2027.
Project end	05/15/2027.
Project objectives	Provide access and support for Massachusetts lobster trap fishers to fish during the closed season in the restricted areas. Mitigate the economic impact of seasonal fishing closures while continuing to reduce the risk of entanglement to endangered North Atlantic right whales. Collect data to help address technological and logistical issues associated with the implementation of on-demand gear fishing.
Project location	Massachusetts Restricted Area; South Islands Restricted Area; Outer Cape Cod Lobster Management Area.
Number of vessels	Up to 50.
Number of trips	Up to 700.
Trip duration (days)	1 day.
Total number of days	Up to 700.
Gear type(s)	Trap/pot.
Number of tows or sets	Up to 20/trip; up to 14,000 total.
Duration of tows or sets	Up to 7 days.

Project Narrative

This EFP would allow federally permitted vessels to test on-demand gear in seasonal Restricted Areas that do not allow the use of persistent vertical lines under the Atlantic Large Whale Take Reduction Plan (ALWTRP). This project would allow up to 50 lobster trap vessels to replace up to 20 of their existing trawls with modified trawls in the ALWTRP Restricted Areas. Modified gear would replace both traditional end lines with one or two on-demand units;

trawls would have no persistent vertical lines (fully ropeless). Participants would use privately owned on-demand gear purchased with their own funds or purchased through reimbursements provided by an on-demand grant program operated by MA DMF. Participants would only use the following on-demand systems: Sub Sea Sonics, Guardian, and EdgeTech. MA DMF will record each participant’s brand of approved on-demand gear, and consult with them to confirm they know how to use the gear and marking system,

either via training from the manufacturer, from participation in another EFP, or through training by MA DMF.
The goals of this project are to provide Federal lobster permit holders in Massachusetts with access to seasonal Restricted Areas, to test the efficacy of methods that alert other fishers to the presence of gear on the bottom, and to provide policy makers with information about the operational benefits and constraints of fishing without vertical lines. The project objectives are to: