



New England Fishery Management Council

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Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

MEETING SUMMARY

Scallop Joint Advisory Panel & Plan Development Team

Webinar

September 12, 2025

The Scallop Plan Development team (PDT) and Scallop Advisory Panel (AP) met via webinar on September 12, 2025 at 9:00AM to: 1) Review results of 2025 scallop surveys, and preliminary projections and develop input on the range of potential specification alternatives for FY2026 and FY2027; 2) Discuss social and wellbeing outcomes in catch share programs; 3) Discuss Scallop Work Priorities including the Long-Term Strategic Plan, LAGC IFQ review, and 2026 work priorities; 4) Discuss other business as necessary.

MEETING ATTENDANCE:

Advisory Panel: James Gutowski (Chair), Cassie Larsen (Vice Chair), Kirby Aarsheim, Wesley Brighton, Derek Eilertsen, Jay Elsner, Brent Fulcher, Brady Lybarger, Michael Marchetti, Ben Martens, Chris Merl, Ed Mullis, Kristan Porter, Charles M. Quinn, Jr., Paul Vafides

PDT: Connor Buckley (PDT Chair), Chandler Nelson, Jonathon Peros; GARFO: Emily Keiley, Benjamin Galuardi, Sharon Benjamin; NEFSC: Dr. Dvora Hart, Dr. Robert Murphy; ME DMR: Carl Huntsberger; SMAST: Dr. Adam Delargy; CFF: Tasha O'Hara; College of William and Mary: Dr. William DuPaul; MA DMF: Kelly Whitmore

Scallop Committee: Melanie Griffin, Melissa Smith, Matt Gates, Ted Platz, and Eric Hansen

Several members of the public were also in attendance.

KEY OUTCOMES:

- Regarding Framework 40 (FW40): The AP passed several motions recommending the Scallop Committee (Committee) task the PDT with the development of SAMS runs for FW40. These runs focused on:
 - A single 12,000 lb trip to Area I and closures of Area II and NLS-S
 - Area I, NLS-N, NYB, HCS, and ET as open bottom. The AP was interested in maximizing the available open bottom area given the lack of rotational fishing opportunities.
 - Analysis to support allocating DAS separately between the Mid-Atlantic and Georges Bank
 - Analysis of a closure in the NYB/Long Island region to protect recruitment
 - Analyzing the TAL for the NGOM at F=0.22 and F.25 of Stellwagen only and to analyze a TAL at F.18 of all areas in NGOM excluding Stellwagen.
- On the Scallop Strategic Plan, the AP provided suggestions on the prioritization of strategies,

- The AP received a presentation on Social and Wellbeing Outcomes in the LAGC IFQ fishery.
- Regarding other business:
 - The AP received a presentation on the Joint Mid-Atlantic and New England Council Omnibus Alternative Gear Marking Framework Adjustment.
 - The AP made a motion recommending that the Committee recommend that the Council send a letter to NOAA headquarters urging its immediate publication

AGENDA ITEM #1: WELCOME AND UPDATES

The meeting opened with a moment of memoriam for the late Kirk Larson, a longtime and valued member of the Scallop Advisory Panel.

Council staff then provided several updates. On the Scallop RSA program, staff explained that there has been no publication of the 2026 Notice of Funding Opportunity (NOFO). Without it, there will be no 2026 Scallop RSA grant competition or awards beyond those already issued. There was a question about whether there were ways to circumvent the unpublished NOFO, but staff responded that although alternative approaches had been explored with the regional office, no viable administrative solution had been identified. An AP member raised concerns about how pounds allocated to the RSA set-aside would be handled in the absence of an RSA competition. Council staff indicated that the Council could opt not to set aside pounds beyond those necessary to fund ongoing awards, though modifications to the regulatory language might be required, and more analysis was needed.

Staff also provided a follow-up on compliance concerns raised regarding the 2025 Northern Gulf of Maine scallop fishery in response to the June 2025 Council motion. The PDT had worked with NOAA OLE to develop a data request to better understand the scope of the issues, but database and staffing limitations prevented NOAA OLE from fulfilling the request. While the immediate analysis was not possible, NOAA OLE acknowledged the Council's concerns and agreed to work toward developing a data structure that would allow for more useful fine-scale compliance monitoring in the scallop fishery in the future.

Public Comment:

- **Ron Smolowitz (Fisheries Survival Fund)** asked about the possible use of exempted fishing permits (EFPs) in place of the federal grant process currently used to administer the Scallop RSA program. A representative from NOAA Office of General Counsel explained that, under a prior DOC GC determination, RSA pounds must be administered through the federal grants process.

AGENDA ITEM #2: FRAMEWORK 40

2025 Scallop Survey Results

The AP received a presentation from staff on the 2025 survey results and discussed spatial management for fishing year 2026. The presentation centered on the state of the scallop resource based on 2025 survey results, which indicated a continued decline in overall biomass. Georges Bank saw an increase in the Nantucket Lightship South (NLS-S) but declined in Closed Area I (CAI) and Closed Area II (CAII). In the Mid-Atlantic, biomass increased overall, driven by growth in the Elephant Trunk & Hudson Canyon South, and recruitment in New York Bight and Long Island. Due to limited survey coverage in some areas, paired with sporadic hot spots with high densities of recruits, there is substantial uncertainty in the biomass estimates for areas of Georges Bank. Surveys and L-F plots suggest there will likely be few opportunities for rotational access in FY2026 on Georges Bank, although recruitment was observed in the NLS, Southern Flank (SF), CAII-ext, CAII-North (HAPC), and Northern Flank (NF). In the Mid-Atlantic,

surveys observed higher survival in the southern areas, continued growth in the Elephant Trunk (ET) and HCS, and recruitment in the New York Bight (NYB) region.

Discussion: The group began discussing the implications for 2026 fishing opportunities. One AP member asked which areas seemed most viable for rotational fishing. Staff replied that the PDT had not identified any areas in Georges Bank that appeared promising. The PDT previously agreed that Area II had run its course and Area I was not performing well. Instead, Hudson Canyon South (HCS) and ET were identified as potential options for limited rotational fishing, though the scallops there were smaller than would typically be targeted. Another AP member suggested that there may still be opportunities in Area I, though concerns remained about poor meat yields. Others asked about biomass in the NLS-South and NLS-North areas, with Council staff noting that while these areas could provide strong rotational options in future years, scallops were still too small to support immediate access.

Following the discussion of NLS, attention shifted to the Mid-Atlantic, where the PDT highlighted conditions in ET and HCS. A PDT member added biological context to this issue, noting that natural mortality was the biggest concern in Mid-Atlantic areas, not growth. For that reason, concerns were raised about leaving the area closed for another year as this may result in the loss of what limited scallops are available if they die before they can be harvested. They recommended that ET and HCS be opened with a delayed mid-May opening as either an access area or open bottom. The reasoning is that this would allow the 4 year old cohort of scallops another six weeks' worth of growth.

The AP then briefly discussed the logistics of a delayed opening in Area I. Council staff informed that, in the case of a delayed opening, the area would open as a rotational access area until the end of the fishing year, close between April 1 and May 15, and then reopen for carryover fishing. If designated as open bottom in 2026, the area would first allow carryover fishing before reverting to open bottom in July. An AP member expressed skepticism, suggesting that delayed openings have been ineffective in the past.

Another AP member asked whether the Council could capitalize on the increase in biomass in the NYB before offshore wind development limits access. Staff explained that while recruitment had been observed there, closing the area to protect that recruitment event would reduce available open bottom biomass for the directed fishery and also affect opportunities in HCS and ET. The Northern Edge was also raised, though Council staff clarified that the area continues to be a Habitat Area of Particular Concern and prohibited to scallop gear, and therefore was not a viable option for rotational fishing.

Additional questions focused on NLS-S. One AP member asked VIMS staff to confirm how many year classes were present in the area and whether meat count data were available. VIMS staff responded that there was a single year class, and meat counts had not yet been finalized but could be provided later. The AP member provided a suggestion of dividing open bottom trips between the east and west sides of a designated management line, ensuring more balanced pressure across the resource.

Public Comment:

- **John Quinn (Fisheries Survival Fund)** asked whether the higher proportion of Days-at-Sea (DAS) used early in 2025 was the result of the effort in NLS-West. Council staff agreed that this was a reasonable assumption. They explained that a larger share of available DAS had been used earlier in the year, leaving proportionally fewer days for the remainder of the season. However, because overall DAS allocations in 2025 were higher than in 2024, the total numbers may ultimately look similar to the previous year.

Recommendations for initial SAMS Runs

1. MOTION: FULCHER/MULLIS

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (2 runs)

Run 1:

- Set FT LA trip limit at: 12,000 lb
- Allocate 1 trip to Area I
- DAS
 - DAS west of 72° 30' W
 - 12 DAS east of 72° 30' W

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: ET, HCS, NYB

Run 2:

- Set FT LA trip limit at: 12,000 lb
- Allocate 1 trip to Area I
- DAS
 - 16 DAS west of 72 30
 - 12 DAS east of 72 30

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII, ET
- Open Bottom: HCS, NYB

Rationale: Runs to consider range of DAS options as well as effect of allocating DAS separately between the Mid-Atlantic and Georges Bank, divided by the 72° 30' W line. Runs would consider access to Area I with 1x 12,000 lb trip.

Discussion: An AP member suggested creating an IFQ fishing option for Area I with a smaller trip limit for limited access vessels. Another AP member expressed skepticism about opening CAI as an access area, instead suggesting that it may be better as open bottom. They added that this would allow more flexibility while not forcing fishing on a low LPUE. Another AP member proposed that CAI should be analyzed for both limited access and general category vessels as an access area, with open area days split between Georges Bank and the Mid-Atlantic, suggesting 12 DAS on the Georges Bank side and 16 DAS on the Mid-Atlantic side. There was some discussion on the feasibility of splitting DAS in this way, however GARFO staff added that differential DAS was not impossible but would require major technical changes. Despite this, there was support from multiple AP members to investigate the potential spatial split of DAS. One AP member did voice concerns about the split and the implications of setting 28 DAS (16 + 12) without first seeing projections for 2026. Other suggestions that were not ultimately included in the motion: CAI reverting to open bottom, closing CAII, and closing off the high density of scallops within the NLS-S while making the rest of the area open bottom.

Public Comment:

- **Ron Smolowitz** recommended closing CAII and NLS-S and then drawing a dividing line to split Georges Bank and the Mid-Atlantic, leaving both areas open for DAS without access areas.
- **John Quinn** proposed opening CAI as open bottom and creating a access area in the HCS.

MOTION #1 CARRIED UNANIMOUSLY BY CONSENT

2. MOTION: MERL/MARTENS

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (2 runs)

Run 3:

- CAI available only for LAGC IFQ access area trips
- DAS at 24

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: ET, HCS, NYB

Run 4:

- No Limited Access rotational fishing
- DAS at 24

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: CAI, ET, HCS, NYB

Rationale: Runs to analyze access to Area I only for the LAGC IFQ component.

Discussion: The discussion began with an AP member noting that scallops in CAI had been heavily impacted by sea stars and questioning the value of maintaining access in an area where the biomass may not be reliable. Several AP members expressed opposition to the motion, noting the equity concerns that arise if access area fishing is designated to only one fishery. A suggestion was made to consider an amendment to the motion that would allow both components into the area if it were to open, however this was regarded as redundant to Motion #1.

Public Comment:

- **Kyle Grant (NGOM fisherman)** agreed with the equity concerns. He also proposed that ET and HCS be considered as an access area.

MOTION #2 FAILED 4-8 WITH ONE ABSTENTION

3. MOTION: LYBARGER/FULCHER

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (2 runs)

Run 3:

- No Limited Access rotational fishing opportunity
- DAS
 - 20, 24, 28

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII, NYB-Closure, ET
- Open Bottom: HCS, CAI

Run 4:

- No Limited Access rotational fishing opportunity
- DAS
 - 20, 24, 28

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: HCS, ET, CAI, NYB

Rationale: Runs consider range of DAS options for analysis as well as the effect of closing an area in the NYB region to protect small scallops, and open ET to allow more area for open bottom fishing.

Discussion: An AP member suggested structuring runs to test scenarios where NYB was closed and ET was opened, or vice versa. Another member supported the idea but asked to keep NYB open with the exception of a closure around the area of small scallops. It was confirmed that a smaller, focused closure could be defined later on.

Public Comment:

- **Ron Smolowitz** asked whether splitting DAS regionally could improve flexibility. He stated that maintaining more open bottom, rather than relying on access areas, could reduce risks from high natural mortality and uncertain growth. He also asked whether DAS allocations could be more precise if the open bottom was divided. GARFO staff responded that while implementation hurdles existed, they were actively exploring the feasibility of such an approach.

MOTION 3 CARRIED BY UNANIMOUS CONSENT

4. MOTION: AARSHEIM/MERL

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (1 run)

Run 5:

- No Limited Access rotational fishing opportunity
- DAS
 - 30, 34, 38

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: HCS, CAI, NYB, ET

Rationale: Allows additional flexibility to the LA component, allocating DAS equivalent to approximately 3 full FT LA trips.

Discussion: Several AP members voiced discomfort over the high DAS proposed in this motion. One cautioned that higher DAS would place additional pressure on open bottom areas and prevent a necessary recovery period. Another agreed, pointing to the previous year when an unanticipated, high-density bed of healthy scallops was quickly exploited. Some AP members expressed a desire to see the effects of these high DAS projections when split across the Mid-Atlantic and Georges Bank. Council staff confirmed that they would review the feasibility of splitting DAS allocations if that became part of the tasking.

Public Comment:

- **John Quinn** expressed support for the motion, stating that analyzing a wider range of DAS scenarios could highlight options for improving biomass outcomes.
- **Ron Smolowitz** asked about the impacts of dividing the open area, noting interest in comparing a scenario with 30 DAS spread across the open bottom relative to splitting DAS regionally.

MOTION 4 FAILED 5-7 WITH NO ABSTENTIONS.

5. MOTION: VAFIDES/FULCHER

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (1 run)

Run 6:

- No Limited Access rotational fishing opportunity
- DAS
 - 20, 24, 28

Treatment of other SAMS areas

- Closed: NLS-S, CAII
- Open Bottom: HCS, CAI, NLS-N, ET, NYB

Rationale: Recruitment event is largely contained within the NLS-S, and allowing access to the NLS-N would expand area available for fishing on a DAS.

Discussion: None

Public Comment: None

MOTION 5 CARRIED BY UNANIMOUS CONSENT

6. MOTION: MARCHETTI/MERL

Recommend that the Committee moves to task the PDT to develop a rotational management option for consideration: (1 runs)

Run 5:

- No Limited Access rotational fishing opportunity
- DAS
 - 18, 22, 26

Treatment of other SAMS areas

- Closed: NLS-S, NLS-N, CAII
- Open Bottom: HCS, ET, CAI, NYB

Rationale: Motion reflects the need to reduce fishing effort in the open bottom to conserve the resource.

Discussion: One AP member cautioned against tasking the PDT with too many similar analyses or those unlikely to be recommended by the Committee.

Public Comment: None

MOTION 6 CARRIED 10-2 WITH NO ABSTENTIONS

Part-Time Limited Access Vessels

Discussion: The AP agreed that the topic of where Part-Time Limited Access vessels and LAGC IFQ vessels could fish any access area trips will be addressed after the results of the initial SAMS runs are presented.

Northern Gulf of Maine

7. MOTION: PORTER/FULCHER

Recommend that the Committee task the PDT to analyze a TAL for the NGOM at $F=0.22$ and $F.25$ of Stellwagen only and to analyze a TAL at $F.18$ of all areas in NGOM excluding Stellwagen.

Rationale: One year class of scallops, continue with a conservative F .

Discussion: None

Public Comment: None

MOTION 7 CARRIED BY UNANIMOUS CONSENT

8. MOTION: MARTENS/MERL

Recommend that the Committee task the PDT to analyze a TAL for the NGOM at F=0.18 and F.25 of all areas in NGOM.

Rationale: Analysis would consider biomass from all areas of the NGOM at a lower fishing mortality rate.

Discussion: None

Public Comment: None

MOTION 8 CARRIED BY UNANIMOUS CONSENT

AGENDA ITEM #3: SOCIAL AND WELLBEING OUTCOMES IN CATCH SHARE PROGRAMS

The AP received a presentation from Dr. Kanae Tokunaga from Gulf of Maine Research Institute and Melissa Errend of Northern Economics on their case study of the scallop LAGC IFQ program, modeling the impact of different management interventions on social and wellbeing outcomes. The presenters explained that their work sought to evaluate how different program design elements and management interventions in catch share programs affect social and wellbeing outcomes, beyond simply measuring economic efficiency. They noted that while catch share systems are designed to promote efficiency, they also influence the distribution of both social and economic outcomes across communities, sometimes with unintended adverse effects. Their study used a three-phase approach, beginning with a review of U.S. catch share programs to identify common interventions, followed by interviews and an industry survey, and culminating in the development of a Bayesian decision model. This model was used to simulate how interventions, such as accumulation limits, quota banks, leasing prohibitions, and community ownership of quota, can affect wellbeing outcomes in the LAGC IFQ fishery.

Discussion: During discussion, AP members reflected on the presentation and shared perspectives from industry experience. One AP member noted that if the interviews had been conducted three years earlier, the response rate might have been different, particularly regarding community ownership, and recalled how difficult the transition to catch shares had been for some participants. Another AP member asked what efficiencies were observed from the catch share model and whether there were any biomass benefits. The presenters explained that their model assumed the IFQ program as a baseline and used ACL trends and U10 landings as proxies for stock conditions. There was a question on whether catch share programs created new opportunities to enter the fishery and whether they provided broader management benefits. The presenters responded that one model run suggested slight improvements in upward mobility and fishing reliance when community quota was increased, but that further work was needed. Other comments reflected on past management approaches, comparing IFQ to quarterly quotas and open access, and noting how catch shares allowed greater flexibility for some but limited opportunities for others.

Public Comment:

- **Mary Beth Tooley (O'Hara Corporation)** asked which North Pacific catch-share fisheries had been examined for comparison, and the presenters responded that they had reviewed all of them. Ms. Tooley added that community quota programs did not seem to be widely used and that 2020 data could be skewed. The presenters clarified that quota ownership provisions can help hold

shares within communities, but further research is needed to evaluate how effective these interventions are at meeting social and wellbeing goals

AGENDA ITEM #4: 2025 SCALLOP WORK PRIORITIES

Long-Term Strategic Plan

Council staff presented the AP with an update on the progress of the Long-Term Strategic Plan, including the roadmap document that has been under development since June. Staff explained that the PDT had made minor revisions and added data since the last meeting, and the full plan is scheduled for final presentation at the December Council meeting. For this session, the AP was asked to provide input on the prioritization of strategies and to identify which items should be considered most urgent as the Council develops its 2026 work priorities.

Discussion: Discussion centered on how to rank objectives within the plan. AP members emphasized that in-season management should be treated as a high priority, given how often it arises in industry discussions and how important it is for day-to-day operations. Several AP members discussed the issue of splitting fishing effort, noting that work on dividing DAS in the limited access fishery parallels discussions about splitting quota in the Northern Gulf of Maine. They suggested these could be advanced together to improve both management and equity. Other AP members highlighted specific areas of concern for the fishery's future. One pointed out that the Northern Edge should be elevated within the plan, calling it critical to sustaining the fishery long term. Others discussed whether adjustments to DAS management should be moved up in priority, with some viewing it as an urgent issue and others cautioning that tinkering with DAS could put additional pressure on the resource. There was general agreement that the Strategic Plan should remain a "living document," with strategies reordered as conditions and fishery dynamics change from year to year

Public Comment:

- **Ron Smolowitz** suggested that the plan's objectives should more clearly define the Council's role and identify which other parties need to be involved in achieving each strategy. He also emphasized the importance of quantifying predation impacts within the plan
- **John Quinn** highlighted that in-season management repeatedly comes up in industry discussions and should be ranked as a top priority. He also asked whether the topic was being addressed through the upcoming omnibus management flexibility action scheduled for September. Council staff replied by clarifying the distinction between the Council's Omnibus Management Flexibility Amendment and what still needs to be addressed specifically in the scallop plan. Ultimately, the omnibus provides the overarching authority, but the scallop FMP must establish the specific operational rules.
- **Kyle Grant** voiced support for expanding opportunities in the Northern Gulf of Maine, noting that it would benefit the fleet and broaden participation in the fishery

2026 Work Priorities

The AP received a presentation from Council staff on current Scallop work priorities, including progress on E.O. 14276: Restoring American Seafood Competitiveness. Staff presented the current draft list of recommendations and added that the Council is committing to developing work plan for final recommendations due to NOAA on September 30. Staff noted that motions from the AP for recommendations on 2026 work priorities would come at the October AP meeting when the draft list of 2026 work priorities would

Discussion: One AP member asked for clarification about the “bioeconomic model” referenced in the document and was told it likely referred to groundfish, not scallops. They also urged that in-person AP meetings be prioritized over webinars, adding that virtual formats often limit effective engagement.

Public Comment:

- **Ronald Smolowitz** questioned why removing habitat protections were not included in the draft list. Mr. Smolowitz pointed out that the recommendations suggest eliminating year-round habitat closures and replacing them with monitoring, and opined that if such closures remain, they should include sunset provisions. He suggested that unless there was a proven benefit to seafood production, year-round closures should be reevaluated. Council staff responded that questions about how the list was developed would be better directed to the full Council at its upcoming meeting.

AGENDA ITEM #5: OTHER BUSINESS

Joint Mid-Atlantic and New England Council Omnibus Alternative Gear Marking Framework Adjustment

The AP received a presentation from Caroline Potter (GARFO) on the joint framework action considering the use of alternative gear marking systems. In the presentation, it was explained that current gear marking requirements for fixed gear (such as buoys, radar reflectors, and high flyers) would remain in place, but the action would allow an additional method to mark gear digitally rather than through physical surface markers. The goal is to facilitate the eventual use of on-demand gear in restricted areas without persistent buoy lines, while ensuring that such gear can be located and identified by other fishermen. The presentation outlined potential alternatives, including requiring letters of authorization and educational components to ensure accuracy, as well as the concept of “functional equivalence,” where the Regional Administrator would approve any new gear marking system if it provides the same level of information as current surface markers.

Discussion: AP members raised concerns about the practicality of the proposal. Some AP members agreed that it may be unrealistic to assume that all fishermen would have internet access offshore, citing both the expense and unreliability of satellite internet. Other AP members added that expecting lobstermen to constantly update gear information online was also unrealistic. The AP ultimately agreed that this issue should not be implemented so quickly, and that more on-the-water testing is needed.

Public Comment:

- **Ronald Smolowitz** asked about liability in the event of a conflict between fixed and mobile gear, questioning whether fixed gear would have the right of way. GARFO staff clarified that no fishery has right of way under the Magnuson-Stevens Act and that questions of liability would continue to be handled through existing processes. They noted that the On-Demand Gear Conflict Working Group is exploring how to apply negligence standards in these situations.

Notice of Funding Opportunity

9. MOTION: FULCHER/MARCHETTI

Recommend that the Committee recommend that the Council send a letter to NOAA Headquarters urging the immediate publication of the 2026 Scallop Research Set-Aside (RSA) Notice of Funding Opportunity (NOFO).

Rationale: Without the 2026 NOFO, the RSA grant cycle would not move forward, negatively affecting scallop research and resource surveys that are critical to the management of the fishery.

Discussion: None

Public Comment: None

MOTION 9 CARRIED BY UNANIMOUS CONSENT.

With no other business, the meeting adjourned at 4:31PM.