



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492

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

# MEETING SUMMARY

## Scallop Committee

Webinar

November 20, 2025

The Scallop Committee (Committee) met via webinar on November 20, 2025 at 9:00AM to: 1) Discuss Framework 40 and select final preferred alternatives for Council consideration; 2) Review the draft Long-Term Strategic Plan; 3) Discuss other business.

**MEETING ATTENDANCE:** Melanie Griffin (Chair), Eric Hansen (Vice-Chair), Michelle Duval, John Pappalardo, Melissa Smith, Renee Zobel, Ted Platz, Jake Wiscott, Travis Ford; Council Staff: Connor Buckley, Chandler Nelson, Jonathon Peros, Naresh Pradhan; Scallop AP: Jim Gutowski (Chair), Jay Elsner

Also present was Council Chair Dan Salerno and approximately 50 members of the public

### **KEY OUTCOMES:**

The Scallop Committee developed the following recommendations for preferred alternatives in Framework 40:

- Recommend that the Committee adopt in Section 4.1, Alternative 4.1.2, updated OFL and ABC for FY 2026 and FY 2027, as the preferred alternative.
- Recommend that the Committee add an alternative in Section 4.2.1 setting the NGOM TAL at  $F=0.18$  using all NGOM areas and select as the preferred alternative.
- Recommend that the Council add an alternative to Framework 40 in Section 4.3 allocating 34 DAS with no access area allocation and select as the preferred alternative.
- Move that for Alternatives 2 – 4 in Section 4.3, the 60-day carryover period for FY 2025 would begin on April 1, 2026.
- Recommend that the Council adopt in Section 4.4, Alternative 2 (4.4.2) Update LAGC IFQ Access Area Trip Allocations, Distribute LAGC IFQ Access Area Allocation to available access area(s), as the preferred alternative.
- Recommend moving the following alternatives to considered but rejected:
  - For Section 4.2: Alternative 3
  - For Section 4.3: Alternative 2 and Alternatives 5-8
- Regarding the Long Term Strategic Plan, the Scallop AP recommended accepting the Scallop Long-Term Strategic Plan as complete and satisfying the 2025 work priority.

### ***AGENDA ITEM #1: FRAMEWORK 40***

Council staff opened with a presentation on Framework 40, outlining the range of alternatives to be considered by the Committee and anticipated impacts. The presentation included updated fishery performance data for 2025, including landings, LPUE trends, and remaining access trips. Staff highlighted that Area 1 still has substantial latent effort and that IFQ landings appear higher than the APL only because carryover landings were not included in the initial dataset. While outlining alternatives for the Northern Gulf of Maine (NGOM) total allowable landings (TAL), Council staff noted that the Scallop Plan Development Team (PDT) agreed to step away from alternative 3 because of implementation difficulties and the unlikelihood of Framework 40 being put in place before April 1 if this alternative were considered.

**Discussion:** A Committee member asked how many pounds of Scallop RSA compensation would be needed to expand survey coverage in the Gulf of Maine. Council staff responded that they did not have an exact number available but noted that GARFO, which coordinates the Scallop RSA program, would work with research partners to adjust award scopes if expansion were pursued. Another Committee member added that Maine DMR received 17,500 pounds to survey the NGOM in 2025, suggesting that a Gulf of Maine-wide survey could likely be completed for under 20,000 pounds.

A Committee member asked whether the Council could still pursue two separate NGOM areas with staggered timing, or whether those changes would need to be deferred to 2026. Council staff explained that the PDT did not recommend consideration of Action 2, Alternative 3 because of the lack of analytical and implementation support from NMFS during the government shutdown and noted that the measure could decrease the likelihood of publication of the Framework 40 Final Rule by April 1 if this alternative were considered. As the NGOM season typically concludes before early-to-mid May, a delayed Framework 40 would negate the benefits of the split NGOM management area defined under Action 2, Alternative 3.

The Committee also asked whether the 0.25 fishing mortality rate in Alternative 2 applies to the entire NGOM management unit and noted that, based on past fishing patterns, most effort would likely occur on Stellwagen Bank. It was confirmed that, if effort is concentrated in one portion of the unit, the realized F would exceed 0.25.

Questions were raised about how remaining Area I access area trips carrying over into the next year are reflected in the Annual Projected Landings tables. Staff explained that carryover pounds are not incorporated into projected F rates or landings. Committee members noted that roughly half of Area I trips remain and asked whether the Council should assume most carryover trips will be taken early next year when interpreting projected outcomes. Staff agreed that this would be a reasonable interpretation and clarified that such activity would increase realized F beyond projected values. When asked whether this results in double counting, staff emphasized that the displayed F values are projections only and do not include carryover activity.

#### **Public Comment:**

- **Drew Minkiewicz (Sustainable Scalloping Fund)** noted that LPUE has declined year over year, meaning the three-year average used to calculate LPUE likely overestimates it and therefore overestimates associated F rates.
- **Ron Smolowitz (Fisheries Survival Fund)** asked whether exempted fishing permits (EFPs) have been considered as an approach to funding surveys and using the roughly 700,000 pounds of

unharvested RSA that remain available. Staff responded that early discussions about using EFPs did not advance as GARFO did not see them as a viable option. Staff added that most RSA projects have multi-year awards continuing into 2026, and remaining pounds could be used to expand those projects. Mr. Smolowitz further asked whether the Council had evaluated whether natural mortality in Area I has outweighed conservation efforts over the past five years. Staff stated that Area I is being explicitly treated as an area of high natural mortality in PDT and AP discussions.

- **John Quinn (Fisheries Survival Fund)** noted that the spike in landings in the Nantucket Lightship West (NLS-W) in May and June increased LPUE and asked whether LPUE could be recalculated to account for these anomalies. Dr. Quinn also remarked that this is the first specifications package using new terms of reference (TOR) developed last spring. Staff acknowledged the possibility of recalculating LPUE and reiterated that LPUE varies widely year to year and has generally trended downward.

#### *Section 4.1 – Action 1 – Overfishing Limit and Acceptable Biological Catch*

##### **1. MOTION (HANSEN/SMITH)**

Move that the Committee adopt in Section 4.1, Alternative 4.1.2, updated OFL and ABC for FY 2026 and FY 2027, as the preferred alternative.

**Rationale:** This option updates the OFL and ABC based upon the best available science. This is a pro forma update that the Scallop FMP does every year.

**Discussion:** None

**Public Comment:** None

**MOTION #1 CARRIED UNANIMOUSLY BY CONSENT**

#### *Section 4.2 – Action 2 – Northern Gulf of Maine Management and TAL Setting*

##### **2. MOTION (SMITH/ZOBEL)**

Move that the Committee adopt in Section 4.2.1, Alternative 2, Set NGOM TAL at  $F=0.25$ , with set-asides to support research, monitoring, and a directed LAGC fishery. Set NGOM TAL at  $F=0.25$  using Stellwagen Bank only as the preferred alternative (FY 2026 NGOM TAL = 255,047 lb).

**Rationale:** This motion is an attempt to balance harvest for the 2026 and subsequent fishing years to ensure continued sustainable fishing. The exploitable biomass on Stellwagen is an older cohort of animals that can withstand a harvest rate of  $F=0.25$ . However, including exploitable biomass from additional surveyed areas in the NGOM TAL would result in effort on Stellwagen exceeding the maximum effort set in A21 due to the concentration of fishing effort that occurs annually on Stellwagen Bank. This preferred

option preserves the exploitable biomass in all other areas of NGOM for future harvesting, when Stellwagen will be in recovery.

**Discussion:** One Committee member expressed concern about the scale of cuts being considered, emphasizing that National Standard 8 requires consideration of community impacts. They added that many of the scallops on Stellwagen Bank are older and should be harvested. Another Committee member stated that while the motion was more conservative than they would typically support, they could not support the Advisory Panel's recommendation.

The maker of the motion added that August data meeting results showed that even if biomass from other areas were incorporated, fishing effort would still be removed from Stellwagen, which remains a concern. They noted that 2025 fishing patterns targeted both Stellwagen and Ipswich and asked whether adding exploitable biomass from Ipswich at an F rate of 0.15 could be considered as a compromise. Council staff confirmed it was possible and provided an updated Total Allowable Landings estimate that, after accounting for the Research Set-Aside and observer coverage, would result in a 2026 NGOM set-aside of approximately 294,047 pounds.

Public Comment:

- **Dan Salerno (NEFMC Chair)** Asked whether the motion would limit fishing exclusively to Stellwagen. Council staff clarified that although the F rate is based on Stellwagen, fishing could occur anywhere in the Northern Gulf of Maine.
- **Brady Lybarger (Scallop fisherman, Cape May, NJ)** Stated he was not in support. He noted that the proposed value represents a two-thirds cut from last year and suggested that an F rate of 0.21 or 0.22 could increase landings while remaining conservative.
- **Kyle Grant (NGOM Scallop fisherman, Gloucester, MA)** Stated he could not support such a large reduction and noted that a ten-day season would significantly impact fishing communities.

## **MOTION #2 FAILED FOR LACK OF SUPPORT**

### **3. MOTION (SMITH/ZOBEL)**

Move that the Committee add an alternative in Section 4.2.1, Set NGOM TAL at  $F=0.25$  using Stellwagen Bank and  $F=0.15$  to Ipswich Bay, with set-asides to support research, monitoring, and a directed LAGC fishery. Set NGOM TAL and adopt as the preferred alternative (FY 2026 NGOM TAL = 294,047 lb).

**Rationale:** This motion is an attempt to balance harvest for the 2026 and subsequent fishing years to ensure continued sustainable fishing, as well as the economic impact of a reduced NGOM set-aside. The exploitable biomass on Stellwagen is an older cohort of animals that can withstand a harvest rate of  $F=0.25$ . There is still exploitable biomass in Ipswich Bay that is likely to be fished. However, including exploitable biomass from additional northern surveyed areas in the NGOM TAL would result in effort on Stellwagen exceeding the maximum effort set in A21 due to the concentration of fishing effort that occurs annually on Stellwagen Bank. This preferred option preserves the exploitable biomass in all other areas of NGOM for future harvesting, when Stellwagen will be in recovery.

**Discussion:** Some Committee members still felt that the motion still represented a substantial cut. They argued that while some state the area needs rejuvenation, many believe that the scallops are already near the end of their lifespan, suggesting the area's decline is being prematurely assumed. A Committee member observed a clear divide between the intent behind the motion, the AP's position, and industry preferences, and asked why such a reduction was necessary at this point and how it would affect NGOM management over the next several years.

The maker of the motion responded that combined survey results from the DMR dredge survey and the S Mast drop camera showed little evidence of recruitment. They noted that while conservative F rates had been applied, past specifications incorporated additional areas to increase total allowable landings, yet most fishing effort continued to concentrate on Stellwagen. As a result, F rates were being selected at the management level that were not being realized in practice. They highlighted that 2026 would be the fifth consecutive year the NGOM is expected to support a fishery, and with animals aging, it raises concerns about available fishing grounds in 2027 and 2028. They acknowledged the departure from previous peak seasons but emphasized the need to stabilize the fishery and maintain sustainability, arguing that today's decisions directly influence fishing opportunities in future years.

A Committee member asked whether the Plan Development Team takes a multi-year view when evaluating NGOM management, expressing concern that exhausting Stellwagen could leave few areas available for the fleet. Council staff responded that recruitment on Stellwagen Bank is supplemented by the Western Gulf of Maine Closure, which provides a reserve that supports Stellwagen recruitment as long as that closure remains in place.

#### **Public Comment:**

- **Brent Fulcher (Scallop fisherman, North Carolina)** voiced support for  $F=0.25$  to allow the NGOM fishery to remain viable. He noted that the region extends well beyond Stellwagen and that large portions of the Gulf of Maine remain unsurveyed. He questioned the value of protecting scallops that are near the end of their natural lifespan and stated the motion was too conservative.
- **Brady Lybarger** supported a lower F rate and stated that most fishing would occur on Stellwagen, but after finishing there, vessels would look for additional grounds. He emphasized that pursuing separate area management should be a priority for 2026.
- **Kyle Grant** agreed with comments from other members of the public and further noted that significant areas of the NGOM have not yet been surveyed, particularly in the northern portion of the region.

#### **MOTION #3 FAILED 3-5 WITH NO ABSTENTIONS**

#### **4. MOTION (PAPPALARDO/HANSEN)**

Move that the Committee add an alternative in Section 4.2.1, Set NGOM TAL at  $F=0.18$  using all NGOM area, with set-asides to support research, monitoring, and a directed LAGC fishery, and adopt as the preferred alternative (FY 2026 NGOM TAL = 417,642 lb).

**DRAFT Rationale:** Setting the NGOM TAL using  $F=0.18$  using all NGOM areas would represent a conservative catch limit relative to the FY 2026 default NGOM set-aside and

considers that the majority of fishing effort is expected to occur on Stellwagen Bank. The main cohort on Stellwagen Bank will be 9 years old in FY 2026 and has little additional growth potential. This alternative also considers that there is exploitable biomass off of Stellwagen Bank in Ipswich Bay, Jeffreys Ledge, and Machias Seal Island.

**Discussion:** A Committee member noted that Amendment 21 specifies that F rates in the NGOM must fall between 0.15 and 0.25. They expressed concern that when the committee adds exploitable biomass from multiple areas to increase the overall NGOM TAL, it creates a misleading impression of how the fishery is being harvested. They stated that doing so effectively allows industry to overharvest Stellwagen and Ipswich, the latter of which is already experiencing declines. The committee member added that if the motion were to pass, the Council may wish to examine what the outcome would look like using an F rate of 0.15.

**Public Comment:**

- **Geoffrey Smith (NEFMC Member)** asked what the realized F rate on Stellwagen would be under the proposed TAL if all fishing occurred there. Council staff responded that it would be  $F=0.45$  if all 417,642 pounds were harvested from Stellwagen Bank.
- **Brent Fulcher** stated that he preferred this option over taking no action but felt that the AP's motion from the previous day would be more appropriate. He added that discussions often focus too heavily on F rates.

**MOTION #4 CARRIED 6-2 WITH NO ABSTENTIONS**

**5. MOTION (SMITH/PAPPALARDO)**

Recommend that the Council move the following Framework 40 alternatives to Considered but Rejected:

Section 4.2.1

- Alternative 3

**Rationale:** The PDT did not support the completion of Section 4.2.1, Alternative 3 without having discussion and support from federal colleagues to resolve lingering questions.

**Discussion:** None

**Public Comment:** None

**MOTION #5 CARRIED UNANIMOUSLY BY CONSENT**

*Section 4.3 – Action 3 – Fishery Specifications*

**6. MOTION (HANSEN/)**

Move that the Committee add to Framework 40 in Section 4.3, Alternative 9, 38 Days-at-Sea, and select as the preferred alternative. This includes:

- 38 DAS for Full-time Limited Access vessels (Open area  $F=0.384$ )
- Part-time Limited Access would be set at 15.2 DAS
- Closures of the Nantucket Lightship (North and South only) and Area II, consistent with Section 4.3, Alternatives 2 – 4.

**Rationale:** With no access area trip allocation, 38 DAS will allow the fleet to spread out their effort across an expanded open bottom (Elephant Trunk and Area I open), while still representing a reasonable open bottom fishing mortality rate within the range of what the Council has considered in previous years.

**Discussion:** None

**Public Comment:** None

#### **MOTION #6 FAILED FOR LACK OF A SECOND**

### **7. MOTION (HANSEN/)**

Move that the Committee add to Framework 40 in Section 4.3, Alternative 4, 36 Days-at-Sea, and select as the preferred alternative. This includes:

- 36 DAS for Full-time Limited Access vessels (Open area  $F=0.36$ )
- Part-time Limited Access would be set at 14.4 DAS
- Closures of the Nantucket Lightship (North and South only) and Area II, consistent with Section 4.3, Alternatives 2 – 3.

**Rationale:** With no access area trip allocation, 36 DAS will allow the fleet to spread out their effort across an expanded open bottom (Elephant Trunk and Area I open), while still representing a reasonable open bottom fishing mortality rate within the range of what the Council has considered in previous years.

**Discussion:** None

**Public Comment:** None

#### **MOTION #7 FAILED FOR LACK OF A SECOND**

### **8. MOTION (HANSEN/WISCOTT)**

Move that the Committee select as their preferred alternative in Framework 40, Section 4.3, Alternative 3, 34 Days-at-Sea. This includes:

- 34 DAS for Full-time Limited Access vessels (Open area  $F=0.336$ )
- Part-time Limited Access would be set at 13.6 DAS
- Closures of the Nantucket Lightship (North and South only) and Area II, consistent with Section 4.3, Alternatives 2 and 4.

**Rationale:** With no access area trip allocation, 34 DAS will allow the fleet to spread out their effort across an expanded open bottom (Elephant Trunk and Area I open), while still representing a reasonable open bottom fishing mortality rate within the range of what the Council has considered in previous years.

**Discussion:** Committee members expressed concern over this reduction in DAS compared to previous motions. Some stated that a few days difference may not make a difference on the resource but will have financial ramifications for the industry. Another committee member said that, as an industry participant, they wanted more discussion on both the 36-day and 38-day options. They emphasized the value of listening to the AP and voiced their concerns on declining trends in LPUE. They cautioned about the difficulties of having to rebuild a fishery, and that if management does not break the current cycle, the fleet will continue to experience hardship. They noted that many unknowns remain, including environmental factors. A committee member responded that although there was no discussion on the 38-day option during this meeting, the Committee had discussed that option in October, and for many of the reasons raised here, it was not included in the final set of alternatives selected.

**Public Comment:**

- **John Quinn** stated that it is important to examine the foundation on which these decisions are made. He stated that F rates are comparable to past years and added that National Standard 8 must be upheld, with conservation as the first priority and financial impacts on industry as the second.
- **Brent Fulcher** said the AP's motion had been a good option for industry and supported 38 days as a fair and equitable option.
- **Drew Minkiewicz** expressed concern that the previous motion received no discussion and stated that these decisions are significant and deserve full consideration.
- **Ron Smolowitz** also supported a 38-day DAS option, stating that it would not significantly affect the resource but would meaningfully benefit fishermen. He also expressed disappointment that there was no discussion on the previous motion.

**MOTION #8 CARRIED UNANIMOUSLY BY CONSENT**

**9. MOTION (SMITH/PAPPALARDO)**

Recommend that the Council move the following Framework 40 alternatives to Considered but Rejected:

Section 4.3

- Alternative 2
- Alternative 5
- Alternative 6
- Alternative 7
- Alternative 8

**Rationale:** The PDT did not support Section 4.3 alternatives 5-8 that included access area trip allocations. Removing these alternatives that have been deemed unviable would streamline the Framework and improve the potential to achieve an April 1, 2026 implementation date.



**Discussion:** None

**Public Comment:** None

**MOTION #9 CARRIED UNANIMOUSLY BY CONSENT**

**10. MOTION (HANSEN/PLATZ)**

Move that for Alternatives 2 – 4 in Section 4.3, the 60-day carryover period for FY 2025 would begin on April 1, 2026, assuming publication of the Framework 40 final rule.

**Rationale:** This would allow vessels to continue finishing any remaining FY 2025 access area trips to Area I without needing to pause fishing until May 15th and allow open bottom fishing in Area I earlier in the year following the 60-day carryover period. Scallop yields in CA1 did not appear to benefit from a delayed opening in FY2025.

**Discussion:** None

**Public Comment:** None

**MOTION #10 CARRIED UNANIMOUSLY BY CONSENT**

*Section 4.4 – Action 4 – Access Area Trip Allocations to the LAGC IFQ Component*

**11. MOTION (PAPPALARDO/HANSEN)**

Move that the Committee adopt in Section 4.4, Alternative 2 (4.4.2) Update LAGC IFQ Access Area Trip Allocations, Distribute LAGC IFQ Access Area Allocation to available access area(s), as the preferred alternative.

**Rationale:** This alternative would be consistent with LAGC IFQ Access Area allocations in recent years.

**Discussion:** None

**Public Comment:** None

**MOTION #11 CARRIED UNANIMOUSLY BY CONSENT**

***AGENDA ITEM #2: LONG-TERM SCALLOP STRATEGIC PLAN***

The AP received a presentation from Council Staff on the final draft of the Strategic Plan Roadmap document. The AP were asked for input regarding the use of Scallop strategic plan evaluating process or next steps.

**Discussion:** An AP member asked to clarify how the strategic plan will be implemented. Council staff explained that it will be used to inform work priorities for 2026 and onward.

**Public Comment:** None

## **12. MOTION (DUVAL/HANSEN)**

Move that the Committee accept the Scallop Long-Term Strategic Plan as complete and satisfying the 2025 work priority.

**Rationale:** The Committee is supportive of the Scallop Long-Term Strategic Plan as a guiding document to support discussion of annual work priorities.

**Discussion:** None

**Public Comment:** None

**MOTION #12 CARRIED UNANIMOUSLY BY CONSENT**

### ***AGENDA ITEM #3: OTHER BUSINESS:***

*Gear conflict with the offshore lobster fishery*

- **Drew Minkiewicz** made the AP aware of large concentrations of lobster gear that have been preventing scallopers from fishing in large parts of Area I and Area II. Council staff confirmed that the Council supports working with GARFO on a bulletin for Area I and Area II and that this issue will be further discussed at the December 2025 Council meeting.

*Availability of LAGC IFQ quota*

- **Dylan Shrader (Scallop fisherman, F/V Rolex)** raised a concern about vessels with both an IFQ and state-waters permit having to use their IFQ to fish in state waters, noting that the current interpretation of the regulation makes the state program inaccessible for federally permitted LAGC IFQ vessels with low allocations. Committee Chair Griffin (MA DMF) agreed to follow up with Mr. Shrader regarding this issue.

The meeting was adjourned at approximately 12:30PM