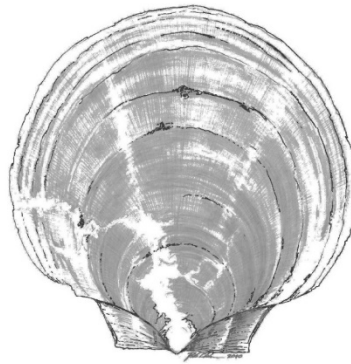


DECISION DOCUMENT

For

Framework 40 to the

Atlantic Sea Scallop Fishery Management Plan



This document was developed to help the Council select final preferred alternatives for Framework 40.

November 21, 2025

Version 1.3 – Council Copy

Framework 40

Framework 40 was initiated at the June 2025 Council meeting and currently includes: scallop fishery specifications for FY2026 and default measures for FY2027 (ABC/ACLs, DAS, target-TAC for LAGC incidental catch and set-asides for the observer and research programs, TAL for NGOM management area).

Anticipated Action:

Prior to selecting final preferred alternatives, the Council will receive a presentation on measures under consideration in Framework 40 and their analyzed impacts on target species, non-target species, protected resources, the physical environment (EFH), and human communities (economic and social impacts).

Council staff recommend that the Council work through Framework 40 topics in the following order:

Anticipated Outcomes:

1. Select the preferred alternative for overfishing limits and acceptable biological catches (Section 4.1)
2. Select the preferred alternative for Northern Gulf of Maine total allowable landings in FY 2026 and FY 2027 (Section 4.2.1).
3. Select the preferred alternative for fishery specifications for FY 2026 and FY 2027 (default) (Section 4.3).
4. Motion to submit Framework 40 to NOAA Fisheries.

Section 4.1 – Action 1 – Overfishing Limit and Acceptable Biological Catch <i>Choose one alternative.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.1.1)	No Action (default OFL and ABC for FY 2026 from Framework 39)			
Alternative 2 (Sec. 4.1.2)	Updated OFL and ABC for FY 2026 and FY 2027.	✓	✓	✓
Decisions/Questions/Information to Consider				
Action 1 considers updating OFL and ABC estimates using the most recent survey information and updated reference points from the 2025 scallop research track assessment. The SSC recommended updated OFL and ABC values for 2026 and 2027 (default) at its meeting on Oct. 8, 2025. The Atlantic sea scallop stock is not overfished, and overfishing is not occurring.				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.1 • Economic impacts: Section 6.6 				

Section 4.2 – Action 2 – Northern Gulf of Maine Management and TAL Setting Section 4.2.1 – Northern Gulf of Maine TAL Setting <i>Choose one alternative</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.2.1.1)	No Action FW39 Default NGOM Set-Aside set at 507,063 lb.			
Alternative 2 (Sec. 4.2.1.2)	Set NGOM TAL at F=0.25 using Stellwagen only TAL= 255,047 lb, NGOM Set-Aside = 204,694 lb, 2027 Default = 102,347			
Alternative 3 (Sec 4.2.1.3)	Set NGOM TAL at F=0.18 using Stellwagen, Ipswich, Jeffreys, Platts, and Machias Seal Island TAL=417,642 lb, NGOM Set-Aside=372,756 lb, 2027 Default = 186,378			✓
AP Recommendation	Set NGOM TAL at F=0.25 using Stellwagen, Ipswich, Jeffreys, Platts, and Machias Seal Island TAL=560,810 lb, NGOM Set-Aside=515,924 lb, 2027 Default = 257,962		✓	
Considered But Rejected	Set TALs for NGOM-Stellwagen at F=0.25 and NGOM-North at F=0.18, TAL = 482,752 lb, NGOM-Stellwagen Set-Aside = 232,604 lb, NGOM-North Set-Aside= 205,263 lb, 2027 NGOM-Stellwagen Default = 116,302 lb, 2027 NGOM-North Default = 102,631 lb			
Decisions/Questions/Information to Consider				
<p>The PDT did not select a preferred alternative. The PDT notes that the fishing mortality rate and resulting FY 2026 NGOM Set-Aside under Alternative 2 would be low relative to the FY 2025 NGOM Set-Aside, but would effectively limit fishing effort on Stellwagen Bank. The PDT also notes that currently, only the SMAST drop camera survey is scheduled to survey the Gulf of Maine in 2026. Without the ME DMR dredge survey in the area, there is likely to be additional uncertainty in NGOM biomass estimates, particularly in the area defined as NGOM-North.</p> <p>Stellwagen Bank holds high densities of scallops in the management unit and is where most of the fishing is expected to occur in 2026, but the PDT notes that there is a similar level of exploitable biomass between Ipswich Bay, Jeffreys Ledge, Platts Bank, and Machias Seal Island. The PDT notes that there have been higher levels of mortality in high density areas, such as the NLS-West and NLS-South. Scallops in the Stellwagen area are 9 years old and likely have little growth potential. The Council's preferred alternative was F=0.18 in FW39, and the Committee's preferred alternative represents Status Quo management.</p> <p>At their November 20, 2025 meeting, the Scallop Committee moved an alternative to Considered but Rejected (Section 4.4) that would split the NGOM area and set separate set-asides for each area (NGOM-Stellwagen, NGOM-North). The Committee justified this decision by noting that due to the lack of NMFS support during the government shutdown there was insufficient time to analyze and implement this measure in time for April 1, 2026. Additionally, the Committee noted that due to the short NGOM season beginning on April 1, additional measures that could lead to publication of the final rule may have a negative impact on the NGOM fishery and negate any economic or social benefits to the fishery that could come from a split NGOM management area.</p>				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> • Biological impacts: Section 6.2.2 • Economic impacts: Section 6.6 				

Section 4.3 – Action 3 – Fishery Specifications <i>Choose one alternative.</i>		Preferred by		
		PDT	AP	CTE
Alternative 1 (Sec. 4.3.1)	No Action - <i>Default measures from Framework 39</i>			
Alternative 2 (Sec. 4.3.2)	34 Days At Sea	✓		✓
Alternative 3 (Sec. 4.3.3)	36 Days At Sea			
AP Recommendation	38 Days At Sea		✓	
Considered But Rejected	32 Days At Sea			
	24 Days At Sea, one access area trip with 9,000-pound trip limit			
	34 Days At Sea, one access area trip with 9,000-pound trip limit			
	24 Days At Sea, two 6,000 lb. access area trips with 12,000 lb. trip limit			
	30 Days At Sea, two 6,000 lb. access area trips with 12,000 lb. trip limit			
Decisions/Questions/Information to Consider				
<p>Under Alternatives 2 and 3, the spatial management configuration are the same, and there would be no access area allocation for the Limited Access or Limited Access General Category IFQ components. The only difference between Alternative 2 and Alternative 3 is the days-at-sea allocation (34 and 36).</p> <p>The PDT and Committee recommend allocating 34 days-at-sea for fishing year 2026. While this is an increase of 10 days-at-sea relative to status quo management, the lack of access area allocations and additional open bottom under these alternatives are expected to spread out the fleet. Overall days fished would be lower than the Council's preferred alternative in FW39, and the total fishing mortality rates for Alternative 2 and Alternative 3 are comparable with the Council's preferred alternative in recent years. The Scallop AP recommended an additional alternative be added to Section 4.3 in Framework 40 that would allocate 38 days-at-sea, with no access area allocation.</p> <p>The Scallop Committee updated Section 4.3 at their November 20, 2025 meeting by moving five alternatives to Considered but Rejected (Section 4.4), acknowledging that there is substantial uncertainty in the outlook for both Area I and the Elephant Trunk in FY 2026 that suggest allocating access area trips to these areas could lead to negative biological, economic, and social impacts. Additionally, the Committee moved to Considered but Rejected an alternative that would allocate 32 days-at-sea and no access area trip, considering that this would lead to unnecessary, negative economic and social impacts to the scallop fishery. By removing all Framework 40 alternatives that would have an access area allocation to the Limited Access and LAGC IFQ components, Action 4, which would distribute the LAGC IFQ access area allocation to available access areas, would have no effect and is no longer required within Framework 40</p>				
Other important Considerations/Draft EA References				
<ul style="list-style-type: none"> Biological impacts: Section 6.2.4 Economic impacts: Section 6.6 				

Table 1. Fishing mortality rate and projected landings for FW40 alternatives.

Alternative	Description	Overall F	Open Area F	DAS	APL	APL w/o Set-Asides	LA APL (94.5%)	LAGC IFQ APL (5.5%)	LAGC IFQ (5%)	LA with IFQ (0.05%)
4.3.1	No Action (Default Measures)	0.118	0.230	18	10,133,800	8,825,327	8,081,478	743,849	676,227	67,622
4.3.2	34 DAS	0.237	0.336	34	17,735,421	16,153,450	15,265,010	888,440	807,673	80,767
4.3.3	36 DAS	0.253	0.360	36	18,685,622	17,103,651	16,162,950	940,701	855,183	85,518
Considered But Rejected	32 DAS	0.231	0.313	32	16,785,213	15,203,242	14,367,063	836,178	760,162	76,016
	24 DAS, 9k trip	0.210	0.321	24	16,098,686	14,516,715	13,718,295	798,419	725,836	72,584
	34 DAS, 9k trip	0.290	0.492	34	20,849,698	19,267,727	18,208,002	1,059,725	963,386	96,339
	24 DAS, 2x 6k trips	0.227	0.321	24	17,136,784	15,554,813	14,699,299	855,515	777,741	77,774
	30 DAS, 2x 6k trips	0.275	0.420	30	19,987,387	18,405,416	17,393,118	1,012,298	920,271	92,027
Status Quo	24 DAS, 2x 12k trips	0.274	0.321	24	19,931,639	18,349,668	17,340,437	1,009,232	917,483	91,748

Table 2. Economic Impacts of FW40 Specifications Alternatives (million lb.; 2024 dollars). Considered but Rejected alternatives are shown in orange.

	Alt SQ 24DAS 2x12k	Alt 1 – No Action 18 DAS	Alt 2 34 DAS	Alt 3 36 DAS		CBR 32 DAS	CBR 24 DAS 1x9k	CBR 34 DAS 1x9k	CBR 24 DAS 2x6k	CBR 30 DAS 2x6k
Landings	18.350	8.825	16.153	17.104		15.203	14.517	19.268	15.555	18.405
Revenue	\$296.951	\$148.079	\$263.591	\$278.094		\$248.981	\$238.357	\$310.728	\$254.399	\$297.790
Net Revenue (after Trip Cost)	\$264.964	\$133.172	\$235.434	\$248.280		\$222.479	\$213.054	\$277.143	\$227.285	\$265.707
Producer Surplus (PS)	\$182.950	\$61.819	\$155.810	\$167.623		\$143.890	\$135.212	\$194.132	\$148.312	\$183.633
Consumer Surplus (CS)	\$8.063	\$1.908	\$6.281	\$7.026		\$5.576	\$5.092	\$8.871	\$5.832	\$8.111
Total Benefits (PS+CS)	\$191.013	\$63.727	\$162.091	\$174.648		\$149.466	\$140.304	\$203.003	\$154.145	\$191.744
Difference from SQ on:										
Revenue	\$0	-\$148.87	-\$33.36	-\$18.86		-\$47.97	-\$58.59	\$13.78	-\$42.55	\$0.84
Net Revenue	\$0	-\$131.79	-\$29.53	-\$16.68		-\$42.48	-\$51.91	\$12.18	-\$37.68	\$0.74
Producer Surplus	\$0	-\$121.13	-\$27.14	-\$15.33		-\$39.06	-\$47.74	\$11.18	-\$34.64	\$0.68
Total Benefits	\$0	-\$127.29	-\$28.92	-\$16.36		-\$41.55	-\$50.71	\$11.99	-\$36.87	\$0.73
Economic Ranking		3	2	1						