New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492
Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

# DRAFT MEETING SUMMARY

## Scallop Advisory Panel

Hybrid; New Bedford, MA

October 21, 2025

The Scallop Advisory Panel (AP) met in New Bedford, MA and via webinar on October 21, 2025 at 9:00AM to discuss: 1) Framework 40 and the range of potential access area and DAS allocations for the 2026 and 2027 fishing years, ABC/ACLs, total allowable landings for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch, General Category access area trips, and set-asides for the observer and research programs for fishing year 2026 and default specifications for fishing year 2027; 2) Receive an update on ongoing 2025 scallop work priorities; 3) discuss other business as necessary.

***MEETING ATTENDANCE:*** James Gutowski (Chair), Cassie Larsen (Vice-Chair), Michael Marchetti, Thomas Coley, Derek Eilertsen, Jay Elsner, Paul Vafides, Ed Mullis, Charles Quinn, Chris Merl, Brent Fulcher, Brady Lybarger, Wes Brighton, Ben Martens, Kirby Aarsheim; Council Staff: Connor Buckley, Chandler Nelson, Jonathon Peros, Dr. Naresh Pradhan; Scallop Committee: Melanie Griffin (Chair), Melissa Smith, Michelle Duval, Ted Platz, Renee Zobel, John Pappalardo.

Approximately 35 members of the public were also in attendance.

***KEY OUTCOMES:***

The Scallop AP developed the following recommendations to the Scallop Committee for measures to include in Framework 40:

- On full time LA areas and trip limits, the AP passed two motions. In Motion 1 on access areas, the AP recommended allocating a 9,000lb access area trip to Area I. In Motion 2 on access areas, the AP recommended allocating a 6,000lb access area trip to Area I and a 6,000lb trip to Elephant Trunk.
- On full time LA Days at Sea (DAS) the AP passed four motions. The AP passed two motions that toggled Elephant Trunk as a closure and would develop options for 32, 34, 36, and 38 DAS. The AP also passed a motion with a closure of Elephant Trunk with 28 and 30 DAS. A motion for 34 DAS was passed as a stand-alone motion. They also passed one motion recommending alternatives that would revert Area I to open bottom in FY 2026
- On 2027 default measures, the AP recommended no default access area trips. The AP also recommended that the available DAS carryover should remain at 10 DAS.

- On target F rate to set a Total Allowable Landing (TAL) for the NGOM for FY 2026 and FY 2027 (default), the AP recommended developing an option for fishing all open areas of the NGOM at F=0.25. They also recommended a default set-aside of 50% of the FY 2026 set-aside.
- On scallop RSA compensation fishing, the AP recommended that RSA compensation fishing be limited to areas available to the Limited Access DAS specified in FW40.

For 2026 work priorities, the AP developed the following recommendations to the Scallop Committee

- The AP passed one motion recommending that the Committee begin to 1) develop a mechanism to allow permit stacking for the Limited Access fleet and 2) use the 71'W boundary as a dividing line for separate regional allocations of LA DAS.
- The AP passed one motion recommending the development of methods for controlling predation, which could include additional scallop enhancement strategies, such as seeding or transplanting.
- The AP passed one motion recommending the development of a Northern Edge rotational area (Closed Area II HAPC).

***AGENDA ITEM #1: WELCOME AND UPDATES:***

Council staff opened the meeting with brief updates on the status of the scallop resource and recent Council and SSC actions. Staff reviewed results from the 2025 scallop resource surveys, noting a continued decline in biomass across the Mid-Atlantic, Georges Bank, and the Gulf of Maine. They also summarized the Scientific and Statistical Committee's (SSC) review of the 2026 Overfishing Limit (OFL) and Acceptable Biological Catch (ABC) recommendations. The SSC agreed that the PDT's proposed modifications were reasonable and supported Option 1 for the OFL/ABC control rule. However, the SSC emphasized the need for additional statistical justification and documentation of the underlying parameter choices and model assumptions in future PDT analyses.

Staff further noted that while biomass levels are the lowest observed in the fishery's time series, the PDT and SSC did not consider the current OFL or ABC recommendations to be constraining on overall fishery operations. Updated reference points from the 2025 Research Track Assessment (RTA) were also briefly reviewed, along with the overall outlook for the scallop resource entering the next management cycle.

**Discussion:** None

**Public Comment:** None

***AGENDA ITEM #2: FRAMEWORK 40***

Council staff noted that the ongoing federal government shutdown presents an additional challenge to addressing the Committee's tasking for Framework 40. Because additional SAMS model runs would not be possible without NEFSC staff, these are unlikely to be completed before final action. The most recent analyses and available information will therefore be used to maintain progress and keep the action on schedule. Staff emphasized that delays beyond December could push final action to January 2026, which would risk late implementation and negatively affect Northern Gulf of Maine (NGOM) management via implementation of the default TAL.

To support decision-making in the absence of additional SAMS runs, staff presented an alternative analytical method for the AP's consideration. This approach uses available exploitable biomass projections and an assumption of landings per unit effort (LPUE) and fishing mortality to estimate

removals under a range of scenarios. Staff noted that if the federal government reopens before the November meetings, SAMS model outputs could potentially be provided.

Staff summarized the range of Committee tasking analyzed by the PDT and any recommendations that were made at the October 16th meeting. The PDT did not recommend closures of the Northern Flank (NF) or Southern Flank (SF). The PDT did not make a recommendation regarding the NYB Closure, citing trade-offs between protecting recruitment there and maintaining open-bottom opportunities.

On the issue of the proposal for splitting days-at-sea (DAS) allocations between Georges Bank and the Mid-Atlantic, the PDT recommended deferring both the regional DAS allocation and DAS carryover modifications to be considered as 2026 work priorities. Staff then shared that the PDT recommended using a three-year moving average for LPUE, noting that this approach captures short-term variability more accurately than a five-year average. Staff added that 2027 biomass projections were not yet available, limiting their ability to evaluate long-term implications.

Staff also reviewed other elements of Framework 40, including default specifications for 2027, part-time limited access (PT-LA) allocations, LAGC IFQ access area trips, NGOM sub-TALs and TAL, and RSA compensation fishing. The PDT recommended not establishing separate NGOM sub-TALs within this framework and instead considering that as a 2026 work priority. The PDT also did not recommend reducing the RSA set-aside, noting uncertainty in the federal grant cycle and outstanding multi-year awards. Staff noted uncertainty in the federal grant cycle and existing multi-year awards, and the PDT did not recommend changing the RSA set-aside in FW40.

**Discussion:**

The AP discussed timing concerns and potential effects of the government shutdown on FW40 implementation. When asked about deadlines, Council staff replied that while no formal deadline exists, meeting the April 1 implementation date will be difficult even without shutdown delays, as several steps depend on federal review timelines outside Council control. They reiterated that minimizing the likelihood of the NGOM opening on April 1 under the default TAL remains a top priority.

The AP recommended developing a range of specification alternatives for further analysis under Framework 40. Regarding the Elephant Trunk (ET), one AP member asked whether it was toggled open and closed in the model runs. Staff confirmed that closure of ET was not included in Committee motions.

The AP generally expressed support for applying a three-year realized open-area LPUE average. Some raised questions about the reference points used to calculate the OFL and ABC. Staff explained that the 2025 Research Track Assessment (RTA) updated these values, and the new reference points can only be changed through a future stock assessment. The AP also discussed the relatively low F-rates (0.23–0.25) proposed for 2026. Staff clarified that these are appropriate given the continued decline in biomass on Georges Bank and reflect more conservative harvest levels.

It was asked whether a three-year average of realized open-area LPUE had been used previously. Staff responded that it is new and was introduced to address unforeseen circumstances created by the shutdown and missing SAMS projections. Additional questions addressed LPUE coverage, with staff noting that the underlying data represent April through September, during which approximately 69 % of total DAS had been utilized.

During the same discussion, the AP focused further on DAS carryover within the regional DAS framework. Staff reiterated that while DAS carryover provides vessel flexibility, it also adds management uncertainty when forecasting annual open-area landings. The AP agreed that the issue warrants future evaluation, possibly through a phased reduction approach. One AP member commented that this complication was the main roadblock to dividing the fishery east–west. There was also a suggestion to explore high-density pre-recruit areas northwest of the NYB closure as potential conservation zones in exchange for higher F-rates elsewhere. It was argued that protecting these juvenile concentrations could benefit the fishery in 2027–2028.

When discussing potential management of NGOM sub-areas under Framework 40, an AP member asked why one NGOM area was left open while another remained closed  They were informed that federal staff had previously stated that the two NGOM sub-areas could not be open simultaneously under current operational constraints, though staggered openings might be possible once government operations resume.

An AP member asked whether the 25,000-lb RSA deduction shown in the NGOM flowchart was per area or total. Staff clarified that it represents a single total deduction across NGOM and could be revisited through Council action if desired. Staff added that this conservative approach was used given uncertainty in upcoming RSA competitions and ongoing multi-year awards. Another AP member observed that realized fishing mortality on Stellwagen had been higher than the NGOM management target (0.15–0.25).

Several AP members expressed differing views about further subdividing NGOM. One AP member stated that creating additional sub-areas would be inequitable to Limited Access vessels and reiterated that NGOM should remain open to LA access. Others supported opening NGOM areas concurrently to reduce crowding and distribute effort more evenly in high-density fishing zones.

**Public Comment:**

- **Ron Smolowitz (Fisheries Survival Fund)** asked how much catch is removed for management and scientific uncertainty. Staff explained that the management/scientific uncertainty adjustments are applied in determining the ACT and do not change the DAS projections. Mr. Smolowitz emphasized that uncertainty is a major concern and suggested eliminating DAS carryover in 2026, dividing the open area to reduce uncertainty, and evaluating LPUE by fleet-efficiency quintiles. He also warned against heavy fishing in dense aggregations, citing past discard mortality in NLS-West.
- **John Quinn (Fisheries Survival Fund)** asked whether the Science Center must approve the PDT's analytical approach. Staff said the math was verified and the Science Center lacks veto authority. Dr. Quinn also questioned low biomass estimates for the HAPC and Northern Edge, which staff attributed to the dredge survey's exclusion of smaller pre-recruits.
- **Drew Minkiewicz (Sustainable Scalloping Fund)** noted that the 0.25 F-rate for the Mid-Atlantic equates to roughly 26 DAS, which is among the lowest in the time series apart from Framework 30. He then clarified that management and scientific uncertainty affect the annual catch target rather than DAS projections, meaning that removing DAS carryover would not alter the DAS calculations.
- **Walter White (Scalloper, New Bedford)** asked about biomass thresholds for area closures. Staff explained that closures are based on pre-recruit density within rotational access areas, not

poundage, and noted that ET is a traditional closure while NYB is new. Mr. White expressed support for keeping ET closed to promote growth.

- **Paul Weckesser (Scalloper, New Bedford)** asked how changes in the fishing mortality rate used affects the 800,000 lb NGOM TAL threshold above which would allow limited LA fishing. Staff responded that the F rate in NGOM is capped between 0.15 and 0.25, and that the realized catch threshold would vary accordingly.

*Fishery Specifications for FY 2026 and FY 2027 (Default)*

1. **MOTION: FULCHER/MULLIS**

Recommend that the Committee tasks the PDT to develop alternatives in FW40 that would:

- Allocate access area trips to the FT LA component in the following manner:

| Access Areas & Trips | FT LA possession limit | FT LA AA allocation | PT LA AA possession limit | PT LA AA allocation | LAGC IFQ Access Area trips |
|---|---|---|---|---|---|
| 1 trip – Area 1 (Sliver, A1) | 9,000 lb | 9,000 lb | 3,600 lb | 3,600 lb | 100% of trip allocation in Area I |
| All areas would close to LAGC fishing once the LAGC IFQ trips have been taken.<br>Maintain the 2025 Area I boundaries of the transit corridor<br>Area II closed, Nantucket Lightship North and South closed, Elephant Trunk closed | | | | | |

**Rationale**: The industry's experience fishing in Area I in FY 2025 suggests that there is still sufficient exploitable biomass in the area to support access area in FY 2026. An access area trip in Area I would allow for greater opportunities for the LAGC IFQ component.

**Discussion:** AP members discussed whether Area I should reopen as an access area with a single 9,000-lb trip limit or remain open bottom. Several AP members expressed concern that designating Area I as an access area could drive high F-rates and reduce LPUE if catches were weaker than expected. Others preferred open bottom management, arguing that DAS naturally self-regulate and prevent overfishing. Some AP members cautioned that if the biomass did not materialize, the fleet would still try to meet their quota, negatively impacting the resource. Others countered that maintaining access through a single controlled trip would provide flexibility and short-term economic opportunity. When asked about the delayed opening provision for Area 1 that was implemented during Framework 39, staff confirmed that the delayed opening of May 15 stays in effect unless otherwise modified.

The AP then had a robust discussion on whether Elephant Trunk (ET) should remain closed or reopen as an access area. Some questioned the PDT's rationale for continuing the ET closure,

asking whether allowing limited removals could offset effort from Area I. There was a suggestion that, in theory, a small 9,000-lb trip to either ET or AI could distribute pressure if one area underperformed. However, it was acknowledged that elevated natural mortality (M) in ET likely made that approach impractical. Other AP members agreed that reopening ET was too risky given recent mortality and uncertain recruitment. Staff confirmed that mortality levels remain high in both ET and HCS and that keeping ET closed is consistent with PDT advice.

**Public Comment:**

- **Ron Smolowitz** remarked that predation could significantly alter available biomass by April. He recommended allowing vessels to opt out of the Area I access area trip in exchange for two open-area DAS so captains could decide based on real-time conditions. Staff replied that this would require coordination with GARFO and may not be feasible under current shutdown constraints.

**MOTION #1 CARRIED 12-2-0**

**2. MOTION: LARSEN/VAFIDES**

Recommend that the Committee tasks the PDT to develop alternatives in FW40 that would:

- Allocate access area trips to the FT LA component in the following manner:

<table>
<tr><th>Access Areas & Trips</th><th>FT LA allocation</th><th>FT LA AA possession limit</th><th>PT LA AA allocation</th><th>PT LA AA possession limit</th><th>LAGC IFQ Access Area trips</th></tr>
<tr><td>1 trip – Area 1 (Sliver, A1)</td><td>6,000 lb</td><td rowspan="2">12,000 lb</td><td>2,400</td><td rowspan="2">4,800 lb</td><td rowspan="2">100% of trip allocation in Area I or Elephant Trunk</td></tr>
<tr><td>1 trip – Elephant Trunk</td><td>6,000 lb</td><td>2,400</td></tr>
<tr><td colspan="6">All areas would close to LAGC fishing once the LAGC IFQ trips have been taken.<br>Maintain the 2025 Area I boundaries of the transit corridor<br>Trip trading at 6,000 lb increments<br>Area II closed, Nantucket Lightship North and South closed</td></tr>
</table>

**Rationale***:* The industry's experience fishing in Area I in FY 2025 suggests that there is still sufficient exploitable biomass in the area to support a 6,000 lb access area trip in FY 2026. There is also sufficient biomass in the Elephant Trunk to support a 6,000 lb trip An access area trip in Area I would allow for greater opportunities for the LAGC IFQ component.

**Discussion:** Several AP members raised concerns about high M in ET. One AP member warned that opening the area could lead to near-complete mortality and leave nothing available for 2027. Others supported the motion, arguing that keeping ET off the table entirely was unnecessary and that a small-trip option would maintain limited access without overly depleting biomass. Staff estimated that a 6,000-lb trip would remove roughly 2 million lb (25%) and correspond to an F-rate of 0.29. Some AP members agreed that this was reasonable.

**Public Comment:**

- **Drew Minkiewicz** remarked that trip limits must remain economically viable. He asked at what point trip sizes become too small to justify travel and fuel expenses

**MOTION #2 CARRIED 14-0-0**

### 3. MOTION: AARSHEIM/QUINN

Recommend that the Committee task the PDT to develop specification alternatives in FW40 that set FT LA DAS at:

    - 32, 34, 36, 38 DAS
- The following areas would be closed to open bottom fishing:
    - ~~o~~ Area II
    - Nantucket Lightship Region: South, North
- The following areas would be open bottom:
    - Area I, NYB, ET, HCS

**Rationale:** An increase in the number of DAS would allow for greater flexibility and allow for LA vessels to spread out their effort across the resource.

**Discussion:** Several AP members supported evaluating broader options to reflect the current condition of the fishery. One AP member stated that allowing vessels to spread out and fish where they choose would provide operational flexibility and reduce localized pressure.

Some AP members voiced concerns over the upper limit of analysis being 38 DAS. They argued that the proposed 38-day option may not be biologically or operationally feasible. Council staff advised that allocating 38 DAS without the implementation of the proposed split between Georges Bank and the Mid-Atlantic could exceed the $F_{ABC}$ for Georges Bank.

Supporters of the high DAS option discussed the relationship between low LPUE and economic performance. They noted that when catch rates are low and scallops are more dispersed, higher DAS levels are needed to maintain profitability. One AP member added that larger ring sizes allow smaller scallops to pass through dredges, reducing potential impacts on recruitment.

**Public Comment:**

- A member of the public remarked that 32 DAS does not represent 32 days of actual fishing because travel and searching time reduce fishing hours and asked whether this was reflected in the analysis. Staff confirmed that these are incorporated into DAS estimates.
- **Ron Smolowitz** asked for the rationale behind the inclusion of NLS-N in the closures. He was informed that there is some biomass in that area. **Mr. Smolowitz** added that an increase in swept area is not necessarily an issue. Dredging sand and gravel in some areas can have positive habitat effects.
- **John Quinn** supported the motion, observing that the proposed DAS levels are moderate relative to historical benchmarks.
- **Walter White** favored a more conservative approach, noting that the AP's role is to ensure sustainability rather than short-term economic outcomes.
- **Peter Hughes (Atlantic Cape Fisheries)** supported higher DAS levels, explaining that fishing behavior differs between access-area and DAS trips; in open areas, vessels are less likely to high-grade, leading to more efficient harvests.
- **Drew Minkiewicz** noted that when compared to historical open-bottom fishing, the proposed F-rate falls near the middle of the time series. Staff confirmed this, clarifying that the resulting overall F would remain below 0.36 and therefore would not constitute overfishing.

**MOTION #3 CARRIED 11-2-0**

4. **MOTION: ELSNER/MERL**

Recommend that the Committee task the PDT to develop specification alternatives in FW40 that set FT LA DAS at:

  - 32, 34, 36, 38 DAS
- The following areas would be closed to open bottom fishing:
  - ~~o~~ Area II
  - Nantucket Lightship Region: South, North
  - Elephant Trunk
- The following areas would be open bottom:
  - Area I, NYB, HCS

**Rationale:** This would add an alternative that would keep the Elephant Trunk closed for an additional year.

**Discussion:** One AP member supported the analysis but cautioned that it may not be feasible if the F-rate yields only about 30 DAS with ET closed. Another AP member noted that the model shows ET biomass peaking around 17–20 thousand metric tons this year, increasing slightly next year before declining sharply by 2027 if the area remains closed. Staff explained that the model

includes a relatively high M for ET, reflecting recent survey information on environmental stress. This elevated M was incorporated based on observations of warmer bottom-water temperatures approaching the thermal threshold for scallops. They added that the 2025 Research Track Assessment also considered multiple environmental factors affecting scallop survival in ET.

**Public Comment:** None

**MOTION #4 CARRIED 11-2-0**

5. **MOTION: COLEY/QUINN**

Recommend that the Committee task the PDT to develop specification alternatives in FW40 that set FT LA DAS associated with AP Motion #2

    - 28, 30 DAS
- The following areas would be closed to open bottom fishing:
    - ~~o~~ Area II
    - Nantucket Lightship Region: South, North

- The following areas would be open bottom:
    - NYB, HCS

**Rationale:** This would add an alternative that would keep the Elephant Trunk closed for an additional year.

Discussion: One AP member opposed the motion, noting that 28 days would not reach $F_{MSY}$ and therefore would be too restrictive. They stated that the lowest DAS level they could support would be 32.

**Public Comment:** None

**MOTION #5 CARRIED 11-2-0**

6. **MOTION: FULCHER/QUINN**

Recommend that the Committee task the PDT to develop specification alternatives in FW40 that set FT LA DAS associated with AP Motion #1

    - 34 DAS
- The following areas would be closed to open bottom fishing:
    - Area II
    - Nantucket Lightship Region: South, North
    - Elephant Trunk

- The following areas would be open bottom:
    - NYB, HCS

**Rationale:** 34 DAS represents a minimum viable number of DAS for the industry in FY2026

**Discussion:** One AP member asked if the closure would effectively remove six DAS from the overall allocation, resulting in approximately 34 DAS remaining. Staff explained that, compared to the earlier analysis, closing ET would increase the open-bottom F-rate for the rest of the resource at that same DAS level.

**Public Comment:** None

**MOTION #6 CARRIED 9-4 WITH NO ABSTENTIONS**

## 7. MOTION: LYBARGER/QUINN

The AP recommends for alternatives that would revert Area I to open bottom in FY 2026, that FY 2025 carryover trips to Area I would be available to be fished beginning on April 1, 2026, with the 60-day carryover period beginning on April 1.

**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.

**Discussion:** One AP member asked whether vessels would have only until July 15 to complete trips carried over from the previous year. Staff confirmed that this would be the case if a delayed opening remained in place. Another AP member sought clarification on whether carryover trips could begin April 1. Staff explained that if access-area fishing occurs in Area I, both carryover and new fishing-year trips could take place once the area opens. Under the delayed-opening scenario, FY2026 trips would begin May 15, with the 60-day carryover period starting April 1 and running concurrently.

**Public Comment:** None

**MOTION #7 CARRIED UNANIMOUSLY BY CONSENT**

## 8. MOTION: FULCHER/AARSHEIM

The AP recommends that Limited Access carryover DAS should remain at 10 DAS (Status Quo) available to carry over to subsequent fishing season.

**Rationale:** The 10 DAS carryover provision was set when the total number of DAS were much higher. The DAS carryover provision does not represent an immediate concern for the scallop fishery.

**Discussion:** The AP discussed maintaining the current carryover provision of up to 10 unused DAS into the subsequent fishing year. Some AP members expressed concern that continuing this practice could eventually risk exceeding overall fishing mortality limits as has happened in other fisheries like groundfish. Other AP members questioned why the carryover system is based on a fixed number of days rather than a percentage, as is done for the General Category fleet, and suggested revisiting this structure in the future once regular analyses resume.

Supporters of the motion emphasized that most vessels carry over only a portion of the 10 days and that the flexibility helps account for weather, maintenance, and operational constraints. They argued that maintaining the current system is the simplest and most practical approach under present circumstances.

**Public Comment:** None

**MOTION #8 CARRIED 9-4 WITH NO ABSTENTIONS**

**9. MOTION: ELSNER/FULCHER**

Recommend that the Committee task the PDT to move include FY 2027 default allocations of 75% of FY 2026 DAS with no default access area trips.

**Discussion:** One AP member opined that defaults should remain aligned across Limited Access and LAGC unless there's strong justification to diverge.

**Public Comment:** None

**MOTION #9 CARRIED UNANIMOUSLY BY CONSENT**

*NGOM Total Allowable Landings for FY 2026 and default measures for FY 2027*

**10. MOTION: MARTENS/MARCHETTI**

The AP recommends that the Committee include a default FY2027 NGOM set-aside of 50% of the FY2026 NGOM set-aside with no FY2027 NGOM TAL.

**Rationale:** Given consistent delays in implementation of the annual framework, this would prevent an instance where the default allocation is greater than what would be specified in FW40.

**Discussion**: None

**Public Comment:** None

**MOTION #10 CARRIED 12-0 WITH ONE ABSTENTION**

**11. MOTION: MARTENS/MARCHETTI**

Move to recommend to the committee to continue to do analyses to create two separate management areas for the Northern Gulf of Maine, with option 2 "Southern NGOM up to 42 35'N" with an F=0.25 and "NGOM Other" with a F=0.18. The areas would be staggered in their openings, with the "Southern NGOM" opening on April 1, with the "NGOM Other" opening after the projected closure of the "Southern NGOM."

If it is determined that we cannot implement two areas within the current timeline, we would use a single area NGOM F=0.18

**Rationale:** Separate subunits within the NGOM would be beneficial for spreading out effort across the management unit, but this motion recognizes that this may not be feasible to implement by April 1.

**Discussion:** One AP member asked why vessels would not simply fish closer to home rather than travel to other areas. It was explained that fishing in Stellwagen Bank has been strong, drawing significant effort to a small portion of the NGOM and resulting in a high F-rate there. There may be opportunities to explore new fishing grounds elsewhere in the Gulf of Maine, though data for those areas remain limited.

An AP member questioned why the proposed F-rate was 0.18 instead of 0.25. It was clarified that the lower value was used in the previous year and represents a conservative approach. Several AP members opposed dividing NGOM into multiple management areas or applying different F-rates, arguing that the region should function as a single fishery. One AP member said creating separate openings and closures within the same area would add unnecessary complexity without meaningful conservation benefits. Others described the proposal as inequitable to the Limited Access fleet and voiced general opposition to the measure.

**Public Comment:**

- **Paul Weckesser** stated that dividing NGOM into smaller and smaller areas would hurt smaller operators and concentrate effort.
- **Damian Parkington (LAGC Scalloper)** asked how separate NGOM sub-areas would work under current sign-in procedures and encouraged examining new areas of bottom to spread out effort rather than further subdividing existing grounds.

**MOTION #11 FAILED 3-9 WITH ONE ABSTENTION**

**12. MOTION: MARTENS/MARCHETTI**

Move to recommend to the committee to continue to do analyses to develop an alternative for a FY2026 NGOM TAL applying an F=0.18 to all areas of the NGOM management unit.

**Rationale:** An F rate of 0.18 would be the same as what was specified in FW39 (FY2025) and would help rebuild the biomass in the NGOM.

**Discussion:** One AP member asked whether there was concern about the existing scallops growing too old and suggested that slightly higher fishing effort might be warranted to capture these animals before natural mortality increases. Several AP members agreed that an increased F rate would create more opportunity to explore new fishing grounds and expand access. Opponents of the motion emphasized that the realized F-rate already approached levels of concern and that the goal should be to rebuild biomass so that both LAGC and LA vessels can benefit in the future. There was also concern about low F-rates limiting participation and creating inequity for the LA fleet.

**Public Comment:**

- **Kyle Grant (NGOM fisherman)** supported a higher F-rate, noting that much of the NGOM effort has been concentrated in Stellwagen Bank and that recruitment there has been limited in recent years. He stated that allowing increased removals of mature scallops would help capitalize on existing biomass before it declines due to natural mortality.
- **Paul Weckesser** supported increasing the F-rate, explaining that the fishery is now dominated by very large scallops and that continued underharvesting could lead to mortality losses. He cautioned that if the current population dies off naturally, effort would likely shift elsewhere, creating additional management challenges.

**MOTION #12 FAILED 1-13 WITH NO ABSTENTIONS**

**13. MOTION: LYBARGER/MERL**

Move to recommend to the committee to continue to do analyses to develop an alternative for a FY2026 NGOM TAL applying an F=0.25 to all areas of the NGOM management unit.

**Rationale:** Given the age of the dominant exploitable cohort on Stellwagen Bank, an increased fishing mortality rate of F=0.25 is warranted. A higher F rate would also allow for more exploration across the NGOM unit.

**Discussion:** None

**Public Comment:** None

**MOTION #13 CARRIED 13-1 WITH NO ABSTENTIONS**

**14. MOTION: FULCHER/COLEY**

The AP recommends that FY 2026 RSA compensation fishing be limited to areas available to the Limited Access DAS specified in Framework 40.

**Rationale:** If access area trips are allocated as an alternative in Framework 40, they are unlikely to be able to sustain RSA compensation fishing

**Discussion:** None

**Public Comment:**

- **Kyle Grant** asked whether April 1 would serve as the closeout date for RSA compensation fishing associated with 2025 awards. Staff clarified that the 60-day carryover period would remain available for any 2025 RSA compensation fishing within the 50-percent cap and that the carryover window would begin once the area reopens.

**MOTION #14 CARRIED UNANIMOUSLY BY CONSENT**

***AGENDA ITEM #2: 2026 WORK PRIORITIES***

Council staff reviewed the current list of 2026 scallop work priorities and invited the Advisory Panel to suggest any additional items for consideration.

**Discussion:** None

**Public Comment:** None

**15. MOTION: FULCHER/AARSHEIM**

Recommend that the Committee add the following as work priorities in 2026:

1. Begin to develop a mechanism to allow stacking of Limited Access permits
2. Separate, regional allocations of Limited Access Days-at-sea using the 71'W boundary as a dividing line

**Rationale:** There has been a recent increased interest from the industry for developing opportunities for stacking of Limited Access permits. Limited Access permit stacking would have the benefit of decreasing vessel costs and improving vessel safety. Separate DAS

allocations to the Mid-Atlantic and Georges Bank was considered for FW40, but recognizing the time and resource constraints due to the government shutdown, this would continue the development of this measure in 2026 for FY2027.

**Discussion:** One AP member asked for clarification on the purpose of the proposed division. The motion's maker explained that fishing effort in recent years has shifted heavily eastward, resulting in localized depletion on Georges Bank. Establishing a split could help distribute effort more evenly across regions and reduce concentrated pressure. When asked whether the split would be equal, it was noted that the specific division ratio would need to be developed by the PDT.

Another AP member opposed the idea, stating that drawing a dividing line could create operational challenges and force vessels into less productive grounds. They added that the Mid-Atlantic continues to need pressure relief and should not be treated as a single consolidated area.

**Public Comment:**

- **Ron Smolowitz** expressed concern that the Council's priority-setting process tends to focus on allocation issues rather than increasing overall scallop production. He encouraged future work on management measures to address predation and enhance productivity.
- **Jeff Kaelin (Lund's Fishery)** suggested that the motion could be split into separate components for clarity and voiced full agreement with Mr. Smolowitz's comments.

**MOTION #15 CARRIED 6-5 WITH ONE ABSTENTION**

### 16. MOTION: MERL/FULCHER

Recommend that the Committee add the following as work priorities in 2026:

3) Develop methods for controlling scallop predation (e.g. sea stars, crabs, moon snails), which could include additional funding research or allowing for retention of scallop predators (e.g. rock/Jonah crabs). Additionally, this could also encompass additional scallop enhancement strategies, such as seeding or transplanting.

**Rationale:** Scallop predation has been identified as a substantial source of scallop natural mortality.

**Discussion:** One AP member expressed support for exploring opportunities to retain and land species such as rock crabs, snails, and other scallop predators, stating that discarding them is inefficient and that markets or research partnerships could be developed to utilize these animals. Another AP member suggested that the Council could also consider compensating participating vessels through a day-rate structure similar to other cooperative programs.

**Public Comment:**

- **Ron Smolowitz** supported the motion and encouraged the Council to begin formal discussions on predator control strategies. He suggested that scallop vessels could be allowed to retain Jonah crabs or other predators as part of this effort and proposed using existing observer set-aside funds to support starfish removal and other predator-mitigation activities.
- **Ronnie Enoksen (Eastern Fisheries)** also supported the motion, emphasizing that it should include both predator control and enhancement measures such as scallop transplanting and seeding to promote long-term resource sustainability.

**MOTION #16 CARRIED UNANIMOUSLY BY CONSENT**

**17. MOTION: AARSHEIM/FULCHER**

Recommend that the Committee add the following as work priorities in 2026:

4) Develop a scallop rotational area on the Northern Edge (Closed Area II – North HAPC)

**Rationale:** Based on the reduced state of the scallop resource on Georges Bank and the Mid-Atlantic, allowing access to the Northern Edge would allow for additional access area fishing opportunities to the scallop fleet. Due to the age of the current exploitable cohort in the Northern Edge, the scallop fleet should have access to these animals before they die of natural mortality.

**Discussion:** One AP member opposed revisiting the issue, noting that the Council had already addressed it and that no new data were available to justify reopening the discussion. Another AP member supported the motion, stating that the current administration has emphasized enhancing domestic seafood production and that revisiting this measure could contribute to that goal.

**Public Comment:**

- **Ron Smolowitz** recommended that the Council establish a clear policy prohibiting area closures to commercial fishing unless there is specific scientific evidence demonstrating that fishing activity in that area is causing an adverse impact on protected species.

**MOTION #17 CARRIED 11-1 WITH NO ABSTENTIONS.**

The meeting was adjourned at approximately 5:00PM

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492
Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

# DRAFT MEETING SUMMARY

## Scallop Committee

Hybrid; New Bedford, MA

October 22, 2025

The Scallop Committee (Committee) met in New Bedford, MA and via webinar on October 22, 2025 at 9:00AM to discuss: 1) Framework 40 and the range of potential access area and DAS allocations for the 2026 and 2027 fishing years, ABC/ACLs, total allowable landings for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch, General Category IFQ access area trips, and set-asides for the observer and research programs for fishing year 2026 and default specifications for fishing year 2027; 2) Receive an update on ongoing 2025 scallop work priorities; 3) discuss other business as necessary.

***MEETING ATTENDANCE:*** Melanie Griffin (Chair) Eric Hansen, Ted Platz, John Pappalardo, Melissa Smith, Renee Zobel, Togue Brawn, Matt Gates, Jake Wiscott, Michelle Duval; Council Staff: Connor Buckley, Chandler Nelson, Jonathon Peros, Naresh Pradhan; Scallop Advisory Panel: Tom Coley, Brady Lybarger

Approximately 20 members of the public were also in attendance.

***KEY OUTCOMES:***

- Eric Hansen was voted vice-chair of the Scallop Committee

The Scallop Committee developed the following recommendations for measures to include in Framework 40:

- On full time LA area trips and trip limits, the Committee passed three motions. In Motion 1 on access areas, the Committee recommended allocating a 9,000 lb trip to Area I. In Motion 2 on access areas, the Committee recommended allocating a 6,000 lb trip to Area I and 1 6,000 lb trip to the Elephant Trunk
- On full time LA Days at Sea (DAS) the Committee passed three motions. The Committee passed one motion with the Elephant Trunk open and would develop options for 32, 34, and 36 DAS. The Committee also passed one motion with the Elephant Trunk closed that would develop options for 24 and 34 DAS. One motion passed with the Elephant Trunk as an access area that would develop options for 24 and 30 DAS.
- On target F rate to set a Total Allowable Landing (TAL) for the NGOM for FY 2026 and FY 2027 (default), the Committee recommended developing an option for fishing the Stellwagen area at an F=0.25. A second motion recommending the creation of 2 separate sub-management units: "Southern NGOM" NGOM up to 42 35'N" with an F=0.25 and "NGOM Other" with a F=0.18. hey also recommended a default set-aside of 50% of the FY 2026 set-aside.
- On scallop RSA compensation fishing, the Committee recommended that RSA compensation fishing be limited to areas available to the Limited Access DAS specified in FW40.

For 2026 scallop work priorities, the Committee recommended the following additional priorities:

- Separate, regional allocations of Limited Access Days-at-Sea using the 71'W boundary as a dividing line, and analysis of carryover DAS held by the scallop fleet;
- Modification to the in-shell scallop possession limits in NGOM;
- Work towards creating sub-management units in NGOM (also listed in Scallop Strategic Plan);
- Resume development of a scallop rotational area on the Northern Edge (Closed Area II HAPC)
- The Committee passed one motion recommending that the PDT consider measures that would address fleet and individual vessel efficiency, profitability, and the issue of over capitalization throughout the scallop fleet to include, but not limited to, stacking and leasing.

***AGENDA ITEM #1: WELCOME AND UPDATES:***

Council staff opened the meeting with brief updates on the status of the scallop resource and recent Council and SSC actions. Staff reviewed results from the 2025 scallop resource surveys, noting a continued decline in biomass across the Mid-Atlantic, Georges Bank, and the Gulf of Maine. They also summarized the Scientific and Statistical Committee's (SSC) review of the 2026 Overfishing Limit (OFL) and Acceptable Biological Catch (ABC) recommendations.

The Committee next accepted nominations for a Committee Vice-Chair. Nominations were received for Melissa Smith and Eric Hansen. Mr. Hansen was appointed by a 5-4 vote by the Committee.

**Discussion:** None

**Public Comment:** None

***AGENDA ITEM #2: FRAMEWORK 40***

Council staff noted that the ongoing federal government shutdown presents an additional challenge to addressing the Committee's tasking for Framework 40. Because additional SAMS model runs would not be possible without NEFSC staff, these are unlikely to be completed before final action. The most recent analyses and available information will therefore be used to maintain progress and keep the action on schedule. Staff emphasized that delays beyond December could push final action to January 2026, which would risk late implementation and negatively affect Northern Gulf of Maine (NGOM) management via implementation of the default TAL.

To support decision-making in the absence of additional SAMS runs, staff presented an alternative analytical method for the AP's consideration. This approach uses available exploitable biomass projections and an assumption of landings per unit effort (LPUE) and fishing mortality to estimate removals under a range of scenarios. Staff noted that if the federal government reopens before the November meetings, SAMS model outputs could potentially be provided.

Staff summarized the range of Committee tasking analyzed by the PDT and any recommendations that were made at the October 16th meeting. The PDT did not recommend closures of the Northern Flank (NF) or Southern Flank (SF). The PDT did not make a recommendation regarding the NYB Closure, citing trade-offs between protecting recruitment there and maintaining open-bottom opportunities.

On the issue of the proposal for splitting days-at-sea (DAS) allocations between Georges Bank and the Mid-Atlantic, the PDT recommended deferring both the regional DAS allocation and the DAS carryover modifications to be considered as 2026 work priorities. Staff then shared that the PDT recommended using a three-year moving average for LPUE, noting that this approach captures short-term

variability more accurately than a five-year average. Staff added that FY 2027 biomass projections were not yet available, limiting their ability to evaluate long-term implications.

Staff also reviewed other elements of Framework 40, including default specifications for FY 2027, part-time limited access allocations, the distribution of LAGC IFQ access area trips, NGOM TAL and sub-area set-asides, and RSA compensation fishing. The PDT recommended not establishing separate set-asides for NGOM sub-areas within this framework and instead considering that as a 2026 work priority. The PDT also did not recommend reducing the RSA set-aside, noting uncertainty in the federal grant cycle and outstanding multi-year awards. Staff noted uncertainty in the federal grant cycle and existing multi-year awards, and the PDT did not recommend changing the RSA set-aside in FW40.

**Discussion:** Committee members asked whether the PDT discussed next planning steps for the New York Bight (NYB) closure and the Nantucket Lightship South and North areas, and whether the NYB could be considered for future access. Council staff reported that the PDT did not make a recommendation regarding the NYB closure because of uncertainty in the 2025 survey data relative to fishing effort in that region afterwards, as well as trade-offs between protecting small scallops in the region and exploitable biomass available to support open bottom fishing. There was also discussion on whether the PDT had identified a threshold fishing mortality (F) rate for DAS calculations. Council staff stated that updated reference points from the Research Track Assessment (RTA) provide a starting point for that conversation. On Georges Bank, an F of 0.29 represents the upper end of the open-bottom rate under consideration. In the Mid-Atlantic, the PDT lacks confidence in the existing reference point from the 2025 Research Track Assessment. The combined $F_{ABC}$ of 0.36 remains the legal upper bound for setting catch.

One Committee member commented on the use of a three-year average for LPUE calculations and questioned how it would avoid previous issues with overestimation. Council staff explained that the three-year average is based on observed fishery LPUE rather than past model projections, which should improve accuracy given recent revisions to the LPUE model. Another Committee member commented on how heavy open-bottom fishing in the Nantucket Lightship – West in May and June affected the estimates of LPUE. Council staff noted that the PDT has not analyzed the effect of the fishing effort in the Nantucket Lightship – West relative to the open bottom more broadly. Staff indicated that forthcoming model estimates from the 2025 SAMS run are expected to align with current observations. Staff further noted that the revised SHMW equations from the RTA already incorporated more conservative assumptions, and the Committee may not need to impose additional restrictions when developing specifications.

The Committee also discussed issues related to the Research Set-Aside (RSA) program and other management measures under Framework 40. A Committee member asked whether, if the Council leaves the set-aside unchanged, there would be an opportunity to reduce it after final action in December. Council staff said they were uncertain but believed the Council could weigh in between the proposal and final rule if desired. There was also a question as to whether there had been any discussion about expanding existing RSA projects. Council staff responded that negotiations to expand existing projects may be possible, but only for RSA projects with current multi-year awards through 2026. One Committee member asked how the 736,000 lb of unused RSA allocation would be treated. Council staff clarified that those pounds would remain unfished and are excluded from landings projections.

Committee members considered the scallop in-shell possession limit. Council staff explained that the Council could request a change, which would be a straightforward regulatory revision by the Regional Office, but such a change would require additional analysis to assess the effects on fishing behavior and the economics of the NGOM fishery. The PDT does not currently have the capacity to perform this analysis due to the loss of NOAA staff support.

**Public Comment:**

- **Drew Minkiewicz (Sustainable Scalloping Fund)** asked whether RSA pounds are included in DAS calculations. Council staff clarified that all projections are developed exclusive of RSA set-asides
  **John Quinn (Fisheries Survival Fund)** asked whether there is a 'drop-dead' date for the Council to consider additional SAMS runs, and whether the NEFSC could halt the action after the Council took final action in December. Staff answered that the Council is not bound to use of the SAMS model for spatial management decisions, and that the current analysis is based on SAMS model estimates from NEFSC staff. Staff then outlined three possible scenarios: 1) if new SAMS runs arrive before the next AP and Committee meeting, they could be used to inform the AP, Committee, and Council's decisions; (2) if they arrive after preferred alternatives are chosen but before document submission, they could be included in the preliminary submission; (3) if the shutdown continues past the preliminary submission, no further updates would be made.

*Fishery Specifications for FY 2026 and FY 2027 (default)*

**2. MOTION: HANSEN/PAPPALARDO**

This includes Motion 3 from the Advisory Panel.

Move that the Committee tasks the PDT to develop the following alternatives in FW40 that allocate access area trips and DAS to the Limited Access fleet in the following manner:

| **Run** | **1** |
|---|---|
| **DAS** | 32, 34, 36 |
| **Access Areas and Trips** | None |
| **FT LA possession limit** | N/A |
| **Trading Increment** | N/A |
| **FT LA allocation** | N/A |
| **PT allocation, possession limit and access area** | N/A |
| **LAGC IFQ Trip Allocation** | N/A |
| **Rotational Closures** | Nantucket Lightship South and North, Area II |
| **Open Bottom** | Area I, NYB, Elephant Trunk, HCS, all other areas not listed above. |
| **FY2027 Default** | 75% of FY2026 DAS, no access area trips |

**Rationale:** An increase in the number of DAS would allow for greater flexibility and allow for LA vessels to spread out their effort across the resource. Resource contained in Access Areas is borderline for dedicated AA trips and natural mortality is uncertain.

**Discussion: A** Committee member requested clarification on the range of F rates represented by the motion. It was explained that analyses presented at the AP meeting the previous day used an assumed LPUE of 1,400 lb and incorporated the updated SHMW equation, which reduced biomass estimates relative to earlier assessments. It was added that the revised SHMW relationship reflects approximately a 5–6% reduction in biomass, rather than the 20% reduction associated with the older SARC 65 equation. Under the modeled alternatives, 38 DAS corresponded to an overall F of 0.25 and an open-bottom F of

0.29, while 36 DAS corresponded to an overall F of 0.24 and an open-bottom F of 0.37. Committee members discussed how the revised SHMW equation scales down biomass estimates and the implications for catch and effort. One Committee member commented that a similar scaling in other fisheries, such as menhaden, has led to reductions in quota and effort, and expressed concern that 38 DAS may be too high. Another Committee member agreed that 38 DAS was excessive and encouraged consideration of what constitutes a sustainable fishery in future years.

Council staff confirmed that the RTA data show declining meat weights at a given shell size and reiterated that the revised SHMW equation better reflects current biological conditions. Committee members emphasized balancing sustainability with maintaining economic viability for the fleet.

Following discussion, the Committee agreed to remove the 38 DAS option from the original motion. Committee members then asked whether the PDT would provide updated mortality data assuming all effort occurred on Georges Bank. Council staff replied that the PDT could provide that information if requested, but this concentration of effort was not expected in FY 2026.

**Public Comment:**

- **Drew Minkiewicz** commented that fishing mortality rates should be the focus instead of the number of DAS. He noted that an F of 0.39 for open bottom and 0.25 overall under 38 DAS would not be excessive compared to historical levels, particularly without access areas.
- **John Quinn** supported the motion and agreed that the proposed F rates are at the lower end of values observed over the past decade. He noted that in recent years, extensive access-area opportunities have increased time on bottom, but with those areas closed, fishing time declines by about 25%. He added that DAS are largely self-regulating, resulting in less high-grading and more efficient, protective fishing behavior.
- **Ronnie Enoksen (Eastern Fisheries)** agreed with the previous commenters, observing that the removal of access areas changes fishing behavior by spreading vessels out and reducing pulse fishing.
- **Kyle Grant (NGOM Fisherman)** expressed support for the motion and requested that Council staff provide follow-up analysis showing what DAS levels would have looked like using 2025 data with Areas I and II open as bottom. Council staff agreed to provide that analysis.

**MOTION #2 CARRIED UNANIMOUSLY BY CONSENT**

### 3. MOTION: HANSEN/PAPPALARDO

This includes Motion 1 from the Advisory Panel.

Move that the Committee tasks the PDT to develop the following alternatives in FW40 that allocate access area trips and DAS to the Limited Access fleet in the following manner:

| **Run** | **2** |
|---|---|
| **DAS** | 34 |
| **Access Areas and Trips** | Area I (Sliver + A1), 9,000 lb |
| **FT LA possession limit** | 9,000 lb |
| **Trading Increment** | N/A |
| **FT LA allocation** | 9,000 |

| | |
|---|---|
| **PT allocation, possession limit and access area** | 3,600 lb trip to Area I |
| **LAGC IFQ Trip Allocation** | 100% of trips allocated to Area I. |
| **Rotational Closures** | Nantucket Lightship South and North, Area II, Elephant Trunk |
| **Open Bottom** | NYB, HCS, all other areas not listed above. |
| **FY2027 Default** | 75% of FY2026 DAS, no access area trips |
| **Other** | • Maintain boundaries of the Area I transit corridor<br>• All areas would close to LAGC fishing once the LAGC IFQ trips (800 lb) have been taken. |

**Rationale:** The industry's experience fishing in Area I in FY 2025 suggests that there is still sufficient exploitable biomass in the area to support access area in FY 2026. An access area trip in Area I would allow for greater opportunities for the LAGC IFQ component.

**Discussion:** Some Committee members expressed concern over the high number of DAS in the motion. Council staff explained that the intent of the motion is to establish a limited range of alternatives and that including DAS values at this stage would be beneficial for analysis. Committee members proposed including bookends for the range of possible DAS. One Committee member suggested using a range from 24 to 34 DAS so the Committee could select a final value at its next meeting.

One Committee member asked whether trip trading would occur under this scenario. They were informed that if only one access area were selected, there would be no reason for trip trading.

**Public Comment:** None

### 3a. MOTION TO AMEND: BRAWN/SMITH

This includes Motion 1 from the Advisory Panel.

Move that the Committee tasks the PDT to develop the following alternatives in FW40 that allocate access area trips and DAS to the Limited Access fleet in the following manner:

| | |
|---|---|
| **Run** | **2** |
| **DAS** | 24, 34 |
| **Access Areas and Trips** | Area I (Sliver + A1), 9,000 lb |
| **FT LA possession limit** | 9,000 lb |
| **Trading Increment** | N/A |
| **FT LA allocation** | 9,000 |
| **PT allocation, possession limit and access area** | 3,600 lb trip to Area I |
| **LAGC IFQ Trip Allocation** | 100% of trips allocated to Area I. |
| **Rotational Closures** | Nantucket Lightship South and North, Area II, Elephant Trunk |
| **Open Bottom** | NYB, HCS, all other areas not listed above. |
| **FY2027 Default** | 75% of FY2026 DAS, no access area trips |

| | |
|---|---|
| **Other** | • Maintain boundaries of the Area I transit corridor<br>• All areas would close to LAGC fishing once the LAGC IFQ trips (800 lb) have been taken. |

**Discussion:** A Committee member commented that adding multiple DAS options will give the Committee more information to work with when choosing alternatives.

**Public Comment:** None

**MOTION #3A CARRIED 9-0 WITH NO ABSTENTIONS**

**MOTION #3 CARRIED UNANIMOUSLY BY CONSENT**

### 4. MOTION: HANSEN/PLATZ

This includes Motion 1 from the Advisory Panel.

Move that the Committee tasks the PDT to develop the following alternatives in FW40 that allocate access area trips and DAS to the Limited Access fleet in the following manner:

| | |
|---|---|
| **Run** | **3** |
| **DAS** | 24, 30 |
| **Access Areas and Trips** | Area I (Sliver + A1), 6,000 lb trip<br>Elephant Trunk, 6,000 lb trip |
| **FT LA possession limit** | 12,000 lb |
| **Trading Increment** | 6,000 lb |
| **FT LA allocation** | 12,000 |
| **PT allocation, possession limit and access area** | 4,800 lb, either Area I or Elephant Trunk |
| **LAGC IFQ Trip Allocation** | 100% of trips allocated to Area I or Elephant Trunk. IFQ access area trips would need to be fished in Area I and/or Elephant Trunk |
| **Rotational Closures** | Nantucket Lightship South and North, Area II |
| **Open Bottom** | NYB, HCS, all other areas not listed above. |
| **FY2027 Default** | 75% of FY2026 DAS, no access area trips |
| | • Maintain boundaries of the Area I transit corridor<br>• All areas would close to LAGC fishing once the LAGC IFQ trips (800 lb) have been taken. |

**Rationale:** The industry's experience fishing in Area I in FY 2025 suggests that there is still sufficient exploitable biomass in the area to support a 6,000 lb access area trip in FY 2026. There is also sufficient biomass in the Elephant Trunk to support a 6,000 lb trip An access area trip in Area I would allow for greater opportunities for the LAGC IFQ component.

**Discussion:** Some Committee members raised concerns about enforcing a 12,000 lb possession limit across multiple access areas and noted challenges for vessels with multiple permits that cannot operate simultaneously. Committee members discussed biological conditions in the ET and Area I. Council staff explained that both areas continue to show signs of elevated natural mortality. Staff described the trade-

off between allowing additional growth in these areas versus losing biomass if natural mortality remains high.

The group considered whether allocating access area trips this year was appropriate. Several Committee members expressed concern that assigning access area trips could increase high-grading, while management under DAS would likely reduce that behavior. One Committee member posed a question to industry asking if it would be financially preferable to keep ET as open bottom rather than designate it as an access area. They were informed that when access area trips are offered, the areas are typically fished intensively until allocations are exhausted, whereas under DAS, vessels tend to disperse effort more broadly. For both conservation and operational reasons, DAS management was viewed as the more sustainable option for the resource.

**Public Comment:**

- **Drew Minkiewicz** asked whether there were any redundant alternatives that could be removed from consideration at this point in the specifications process.

**MOTION #4 CARRIED 6-2 WITH ONE ABSTENTION**

**5. MOTION: HANSEN/PLATZ**

Move that for alternatives that would revert Area I to open bottom in FY 2026,

FY 2025 carryover trips to Area I would be available to be fished beginning on April 1, 2026, with the 60-day carryover period beginning on April 1.

**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:** A Committee member noted that a previous motion had already selected Area I as an access area for the upcoming year and sought clarification on how this motion would interact with that decision. It was agreed that the motion should be considered conditional on Area I remaining open as the preferred access area. Some Committee members voiced concern over potential inequity issues related to carryover trips. One Committee member suggested allowing vessels that still held FY 2025 access area trips to fish before FY 2026 trips commence, while others noted that if the area is open, it is open to all participants and carryover would occur concurrently. It was acknowledged that historically, some vessels have lost out under such timing overlaps.

There was also concern about administrative uncertainty on the issue. It was noted that if the motion does not pass, vessels holding unutilized Area I access area trips from 2025 would be required to wait until May 15 to fish those trips, since trips issued in the previous fishing year would not automatically carry over to the new opening date. Staff clarified that the Council's preferred alternative in Framework 39 did not specify an end date, which resulted in an effective 45-day closure of Area I. It was agreed that this scenario was not clearly defined in current regulations.

Another Committee member expressed support for the motion on the basis of a precautionary approach but suggested that the Committee could postpone the decision until the next meeting to allow time for additional input from GARFO on how the regulation should be interpreted.

**Public Comment:**

- **Todd Bragdon (New Bedford Scalloper)** commented that the delayed opening last year helped improve yield and that abandoning it without another trial would be premature. He added that weather conditions are better in May, supporting retention of the delay. There was some disagreement from a Committee member who opined that harvest quality is typically better in June, and pushing the opening to July 15 could be detrimental to the resource.
- **Brady Lybarger (Scallop fishermen, Cape May, NJ)** stated that opening Area I as open bottom would provide access roughly 45 days earlier, which was the intent of the motion. Mr. Lybarger added that during the previous year, Area II was opened later in the season, and maintaining a delayed opening now would be inconsistent with current specifications. Staff confirmed this and noted that the same restriction would also apply to carryover trips in Area II, which could not begin until May 15.
- **John Quinn** supported the motion but cautioned that, given the shutdown, this could be a year when April 1 approval might not occur. He explained that last year's delayed opening was designed to remain in place until explicitly changed and questioned how that would function if the Council removed the delayed opening but implementation of the final rule was delayed past April 1.

**5. MOTION TO TABLE: PAPPALARDO/GATES**

The Committee moves to table Motion 5 until the November 20th Scallop Committee meeting.

**Discussion:** None

**Public Comment:** None

**MOTION #5 TO TABLE CARRIED BY UNANIMOUS CONSENT**

**MOTION #5 TABLED**

**6. MOTION: PLATZ/PAPPALARDO**

The Committee moves to task the PDT to analyze the current level of rollover DAS held by the scallop fleet to inform committee discussion on best practices regarding rollover Scallop DAS as a percentage of total available DAS. This would be analyzed in conjunction with analysis to support separate DAS allocations to Georges Bank and the Mid-Atlantic.

**Rationale:** The level of DAS carryover currently permitted represents a substantial amount of management uncertainty that could be reduced. While not currently an issue due to current levels of DAS carryover utilization, further analysis is warranted.

**Discussion:** A Committee member noted that rollover has not been a significant problem historically, explaining that carryover has remained relatively consistent at about four to six days per vessel each year. They cautioned that reducing carryover too aggressively could impose an unnecessary constraint on the fishery. Another Committee member responded that it would still be prudent to examine rollover levels over multiple years to better understand their cumulative impact. They said that analyzing rollover alongside potential separate allocations for Georges Bank and the Mid-Atlantic would help identify whether changes might be needed in the future.

**Public Comment:** None

**6. MOTION TO TABLE: PLATZ/PAPPALARDO**

The Committee moves to table this motion until discussion of 2026 work priorities.

**Discussion:** None

**Public Comment:** None

**MOTION #6 TO TABLE CARRIED UNANIMOUSLY BY CONSENT**

**MOTION #6 TABLED**

*NGOM TAL for FY 2026 and default Set-Aside for FY 2027*

The Committee discussed management considerations for the NGOM under Framework 40. A Committee member noted that the Council passed a management uncertainty action in December and asked about the implementation plan for that measure. They expressed concern that the current NGOM default specifications are higher than what is being analyzed in Framework 40 and requested clarification on whether in-season adjustments or other responsive management options would be available. Council staff explained that the specifics of implementation have not yet been developed but confirmed that the Regional Administrator would have the authority to conduct an in-season action if necessary. Committee members emphasized that the scallop fishery has not previously had an in-season adjustment mechanism and agreed it should remain a consideration going forward, particularly if implementation delays occur beyond April 1.

**7. MOTION: SMITH/BRAWN**

Move to task the PDT to continue analysis to develop an alternative for a FY2026 NGOM TAL applying an F=0.25 for Stellwagen ONLY within the NGOM management unit.

**Rationale**: For the previous two frameworks, the NGOM TAL was determined using a blanket F-rate value using survey information from Stellwagen plus additional outlying areas that were surveyed in NGOM. For FY2024, the NGOM set-aside was calculated using biomass estimates from Stellwagen, Ipswich and Jeffreys. For FY2025, the NGOM set-aside was calculated using biomass estimates from Stellwagen, Ipswich, Jeffreys and Machias Seal Island. However, in both scallop seasons – the primary focus of effort was on Stellwagen Bank resulting in a higher realized F rate due to the concentrated effort. By adding additional survey areas, the poundage that could be taken from Stellwagen was artificially inflated. Recognizing that the scallop resource on Stellwagen is comprised of older animals with little signs of recruitment and knowing that the realized effort will again focus on Stellwagen, specifying an F=0.25 is to counterbalance the mismatch between actual and realized F.

**Discussion:** A Committee member asked whether a separate motion would be developed for the remainder of the NGOM management unit. It was clarified that the proposed F = 0.25 applied only to Stellwagen Bank and did not preclude harvesting in other NGOM areas. Several Committee members expressed a preference for establishing two separate NGOM management areas but indicated general support for the motion because the proposed approach was conservative and effort would primarily concentrate on Stellwagen.

One Committee member questioned why harvesting on Stellwagen should be constrained if there were no small scallops to protect. Council staff reported that size-frequency projections for 2026 indicate an average shell size of approximately 135 mm. The Committee member responded that, given those sizes, the fishery should consider harvesting the area more heavily. They were informed that legally, the NGOM F rate cannot exceed 0.25. They were further cautioned that without two designated areas, all effort would likely occur on Stellwagen and the importance of maintaining a precautionary approach was emphasized.

**Public Comment:**

- **Kyle Grant** agreed with Committee member Togue Brawn, stating that it is frustrating to face another year without an implemented boundary line dividing the NGOM. He said two separate areas are needed to manage F appropriately across the region. Mr. Grant also noted that although effort is concentrated on Stellwagen, the fleet has consistently overperformed in recent years. He added that there has not been a strong seed set for several years and described the Western Gulf of Maine closure as a de facto sanctuary. He encouraged harvesting existing biomass while scallops remain at optimal size.
- **Carl Huntsberger (Maine DMR)** noted that the size-frequency data were based on dredge survey results but that drop-camera imagery from Stellwagen this year showed a notable cohort of one-year-old scallops, indicating recruitment in the area.

**MOTION #7 CARRIED UNANIMOUSLY BY CONSENT**

**8. MOTION: SMITH/BRAWN**

Move to task the PDT to continue analyses creating two separate sub-management areas for the Northern Gulf of Maine, with option 2 "Southern NGOM up to 42 35'N" with an F=0.25 and "NGOM Other" with a F=0.18. The areas would be staggered in their openings, with the "Southern NGOM" opening on April 1 and the "NGOM Other" opening after the projected closure of the "Southern NGOM."

**Rationale:** The goal of moving towards subunits within NGOM was discussed in Amendment 21 when NGOM reached the point of having consistent annual surveys. One major benefit of having defined subunits each with their own specific F rate is to avoid the situation that occurred on Stellwagen Bank during FY2025 – effort was concentrated on Stellwagen Bank and since most of the poundage available to the fishery was removed from Stellwagen Bank, the realized F rate was considerably higher than the specified F=0.18. The other areas contributed to the TAL but were not fished at F=0.18 as intended. This mismatch of effort results in cumulative poor management decisions that can greatly reduce the exploitable biomass and impact the recovery time for scallop beds. Separate subunits within the NGOM is needed to spread effort across the management unit a prescribed and orderly pace as determined by preferred F rates. This continued tasking would greatly benefit from discussions with our GARFO counterparts, however. If federal partners are not available to weigh in on these discussions, then the PDT should stop work on this alternative analysis.

**Discussion:** A Committee member asked about the rationale for selecting F=0.18. It was explained that this was the rate proposed in the original motion from September. The intent was to balance recruitment and adult biomass by applying a lower F in areas off of Stellwagen Bank. Committee members noted that, due to current 9 year old cohort of scallops on Stellwagen Bank, FY2026–2027 may represent the last productive period on Stellwagen and that by FY2027, fishing effort would likely shift to other areas of the NGOM.

Committee members discussed the timing of this analysis given the ongoing government shutdown. One Committee member noted that since the PDT's ability to conduct analyses is currently limited, further work on the motion could delay the timely opening of the NGOM fishery. The motion's sponsor acknowledged the challenge but emphasized that the issue has been repeatedly deferred due to external circumstances and should move forward even if delayed consideration is required. It was confirmed that, should the motion move forward, the PDT could analyze the proposal but recommended establishing a deadline for new work. Committee members agreed to use November 10 as the cutoff date for further PDT analysis related to this.

The group also discussed the potential benefits of the proposal for distributing fishing effort across the NGOM. One Committee member noted that the area is large and providing additional fishing days would allow vessels to spread out and operate more efficiently.

**Public Comment:**

- **Todd Bragdon (Scalloper)** commented that NGOM management should move away from the current derby-style fishery toward assigning individual quotas per vessel, which would enable more even distribution of effort.
- **Ben Martens (Maine Coast Fishermen's Association)** supported the motion with the caveat that, if work cannot proceed due to the government shutdown, the proposal could be added to the 2026 priority list once operations resume.
- **Kyle Grant** expressed support for the motion, noting that the Committee has discussed this issue for multiple seasons without progress and that the PDT should be given the opportunity to advance the analysis.

**MOTION #8 CARRIED UNANIMOUSLY BY CONSENT**

**9. MOTION: SMITH/BRAWN**

Move to task the PDT to include a default option for FY20227 NGOM set-aside that is 50% of the FY2026 NGOM set-aside with no FY2027 NGOM TAL.

**Rationale:** The current default value for FY2026 NGOM set-aside is a higher amount of pounds than any of the options proposed for FW40. There have been delays in implementation of prior annual frameworks. Choosing a lower default value for the management of NGOM would avoid future instances where the default value was higher than preferred value in the updated specification package.

**Discussion:** None

**Public Comment:** None

**MOTION #9 CARRIED UNANIMOUSLY BY CONSENT**

*RSA Compensation Fishing*

**10. MOTION: HANSEN/SMITH**

Move that the Committee task the PDT with developing an alternative in FW40 that limits FY2026 RSA compensation fishing to areas available to the Limited Access DAS specified in Framework 40, and the Northern Gulf of Maine up to 25,000 lb.

**Rationale:** If access area trips are allocated as an alternative in Framework 40, they are unlikely to be able to sustain RSA compensation fishing.

**Discussion:** None

**Public Comment:** None

**MOTION #10 CARRIED UNANIMOUSLY BY CONSENT**

*AGENDA ITEM #2: 2026 WORK PRIORITIES*

Council staff reviewed the current list of 2026 scallop work priorities and summarized ongoing items that remain under development from Framework 40 and related analyses. Staff invited the Committee to provide additional input on potential new priorities for consideration in the upcoming year.

The Committee discussed the concept of permit stacking as a potential 2026 work priority to address efficiency, profitability, and over-capitalization within the scallop fleet. Some Committee members noted that permit stacking has been debated for more than a decade and was originally raised in response to economic pressures that still persist. Some Committee members stated that stacking would provide only temporary relief and could accelerate fleet consolidation if not considered within a broader restructuring of how fishing effort and access are organized in New England. Others said the discussion should extend beyond the scallop fishery to examine how total sustainable value is distributed across all fisheries.

Emphasis was also placed on the need to look ahead to FY 2026 and FY 2027, noting that changes in environmental and market conditions make it increasingly important to evaluate whether permit capacity and fishing effort remain aligned with the resource. Some pointed to lessons from other fisheries, such as monkfish, where restrictions on stacking were viewed as limiting profitability. Committee members discussed the balance between allowing consolidation to improve efficiency and maintaining equitable access for smaller operators. Council staff added that there was likely capacity on the 2026 work priorities list currently to consider a larger management action.

**Public Comment:**

- **Drew Minkiewicz** supported revisiting permit stacking, noting growing bipartisan support within the City of New Bedford and arguing that prohibiting stacking leaves vessels idle for much of the year.
- **Jeff Kaelin** opposed stacking, citing current resource conditions and stating that management should focus on biological sustainability rather than fleet restructuring.
- **Todd Bragdon** opposed the concept, noting that roughly half of permits are owned by individual operators and that stacking would primarily benefit large firms. He suggested that stacking should instead allow General Category permits to be combined on existing vessels without complex partnerships.
- **Kelly Stanislawzyk (Scallop vessel owner)** supported stacking, explaining that it would not increase permits or days at sea but would allow existing permits to be fished more efficiently on one vessel, improving viability for smaller businesses.

**Discussion:** None

**Public Comment:** None

**11. MOTION: PLATZ/PAPPALARDO**

The Committee moves to add as a 2026 draft work priority to analyze the current level of rollover DAS held by the scallop fleet to inform committee discussion on best practices regarding rollover Scallop DAS as a percentage of total available DAS. This would be analyzed in conjunction with analysis to support separate DAS allocations to Georges Bank and the Mid-Atlantic.

**Rationale:** The level of DAS carryover currently permitted represents a substantial amount of management uncertainty that could be reduced. While not currently an issue due to current levels of DAS carryover utilization, further analysis is warranted.

**Discussion:** A Committee member opined that rollover has remained consistent at roughly four to six days per vessel and has not posed a major management concern. Another Committee member responded that it would still be prudent to examine rollover trends over multiple years to avoid future effort shifts.

**Public Comment:** None

**MOTION #11 CARRIED UNANIMOUSLY BY CONSENT**

**12. MOTION: SMITH/BRAWN**

Move to add the following to the list of potential 2026 priorities:

1. Modification to the in-shell scallop possession limits in NGOM
2. Work towards creating sub-management units in NGOM (also listed in Scallop Strategic Plan)
3. Separate, regional allocations of Limited Access Days-at-sea using the 71'W boundary as a dividing line.

**Discussion:** Committee members asked how the Committee should proceed once the Strategic Plan is finalized. Council staff explained that the plan is intended to guide development of annual work priorities and can serve as a standing reference list from which the Committee may draw specific recommendations for future work.

**Public Comment:** None

**MOTION #12 CARRIED UNANIMOUSLY BY CONSENT**

**13. MOTION: HANSEN/PLATZ**

Recommend that the Committee add the following as scallop work priorities in 2026:

1. Resume development of a scallop rotational area on the Northern Edge (Closed Area II – North HAPC)

**Rationale:** Based on the reduced state of the scallop resource on Georges Bank and the Mid-Atlantic, allowing access to the Northern Edge would allow for additional access area fishing opportunities to the scallop fleet. Due to the age of the current exploitable cohort in the Northern Edge, the scallop fleet should have access to these animals before they die of natural mortality.

Executive Order 14276 "Restoring American Seafood Competitiveness" by reducing regulatory burdens ... is tailor made for this action and it could possibly be thrust upon the Council if no action is taken.

**Discussion:** Committee members noted that previous work on this issue had been paused because it was not achievable under prior guidance, but that it may now be appropriate to revisit the topic given changes in federal priorities and regulatory direction. Members agreed that the new EO provides an opportunity to reexamine prior analyses and determine whether additional collaborative work with the Habitat Committee would be warranted.

**Public Comment:**

- **John Quin** supported the motion, stating that the new EO and administration justify revisiting prior work. He noted that substantial effort had been invested before the Council suspended the

action, so much of the foundational analysis already exists. He added that Council membership has changed since that time, and new perspectives should be considered.

- **Drew Minkiewicz** also supported the motion, noting that the Council has not yet addressed this EO for the scallop fishery. He said revisiting the Northern Edge action could help reduce regulatory burden and create new opportunities for the fleet.
- **Elizabeth Etrie (Conservation Law Foundation)** opposed the motion, stating that the proposed priority falls within the Habitat Committee's purview and that no new information has been presented since the Council voted to stop work. She emphasized that the Council's original decision was based on the ecological importance of the area and that those considerations remain valid.

**MOTION #13 CARRIED 5-1 WITH TWO ABSTENTIONS**

**14. MOTION: PLATZ/BRAWN**

Recommend that the Committee add as a work priority for 2026:

- Consideration of measures that would address fleet and individual vessel efficiency, profitability, and the issue of over capitalization throughout the scallop fleet to include, but not limited to, stacking and leasing.

**Rationale**: This priority would address issues brought before the Scallop Committee in a more comprehensive way.

**Discussion:** None

**Public Comment:**

- **Peter Hughes (Atlantic Cape Fisheries)** supported the motion and raised a financial question about whether banks could take ownership of permits in foreclosure cases, cautioning against corporate control of permits.
- **Jeff Kaelin** reiterated opposition, emphasizing that operators diversify their businesses through multiple permits and that revisiting stacking would be an extensive and unnecessary process given the state of the resource.
- **Todd Bragdon** said he was open to future discussion but objected to the term "capitalization", asking whether it implied a buy-back or similar program.

**MOTION #14 CARRIED UNANIMOUSLY BY CONSENT.**

With no other business the meeting adjourned at 3:18PM