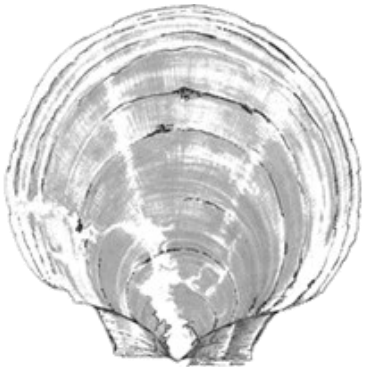
Scallop Fishery Management Plan

Framework Adjustment 40

Including a Supplemental Information Report, Regulatory Impact Review and Regulatory Flexibility Analysis



Preliminary Submission

January 5, 2026

Prepared by the

New England Fishery Management Council

In consultation with the

National Marine Fisheries Service

New England
Fishery Management Council

NOAA
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FRAMEWORK ADJUSTMENT 40
TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Proposed Action: Propose updated fishery specifications for fishing years 2026 and 2027 (default) with corresponding management measures and manage removals from the Northern Gulf of Maine management area.

Responsible Agencies:

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Abstract:

The New England Fishery Management Council, in consultation with NOAA's National Marine Fisheries Service, has prepared Framework Adjustment 40 to the Atlantic Sea Scallop Fishery Management Plan, which includes a Supplemental Information Report. It addresses the requirements of the Magnuson Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Regulatory Flexibility Act, and other applicable laws.

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1.4 ACRONYMS

ABC	Acceptable Biological Catch
ACL	Annual Catch Limit
AIM	An Index Method of Analysis
ALWTRP	Atlantic Large Whale Take Reduction Plan
AM	Accountability Measure
ANPR	Advanced Notice of Proposed Rulemaking

AP	Advisory Panel
APA	Administrative Procedures Act
APL	Annual Projected Landings
ASMFC	Atlantic States Marine Fisheries Commission
B_{MSY}	Biomass that would allow for catches equal to Maximum Sustainable Yield when fished at the overfishing threshold (FMSY)
BiOp, BO	Biological Opinion, a result of a review of potential effects of a fishery on Protected Resource species
CAI	Closed Area I
CAII	Closed Area II
CPUE	Catch per unit of effort
d/K	Discard to kept catch ratio
DAM	Dynamic Area Management
DAS	Day(s)-at-sea
DFO	Department of Fisheries and Oceans (Canada)
DMF	Division of Marine Fisheries (Massachusetts)
DMR	Department of Marine Resources (Maine)
DPWG	Data Poor Working Group
DSEIS	Draft Supplemental Environmental Impact Statement
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Fishing mortality rate
FEIS	Final Environmental Impact Statement
FMP	Fishery management plan
FW	Framework
FY	Fishing year
GARFO	Greater Atlantic Regional Fisheries Office
GARM	Groundfish Assessment Review Meeting
GB	Georges Bank
GIS	Geographic Information System
GOM	Gulf of Maine
GRT	Gross registered tons/tonnage
HAPC	Habitat area of particular concern
HPTRP	Harbor Porpoise Take Reduction Plan
IFM	Industry-funded monitoring
IFQ	Individual fishing quota
INCI	Incidental permit
ITQ	Individual transferable quota
IVR	Interactive voice response reporting system
IWC	International Whaling Commission
LA	Limited access
LAGC	Limited access general category
LOA	Letter of authorization
MA	Mid-Atlantic
MAFAC	Marine Fisheries Advisory Committee
MAFMC	Mid-Atlantic Fishery Management Council

MMPA	Marine Mammal Protection Act
MPA	Marine protected area
MRI	Moratorium Right Identifier
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	Maximum Sustainable Yield
NEAMAP	Northeast Area Monitoring and Assessment Program
NEFMC	New England Fishery Management Council
NEFOP	Northeast Fisheries Observer Program
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NGOM	Northern Gulf of Maine
NLS-N	Nantucket Lightship North
NLS-S-deep	Nantucket Lightship South Deep
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OBDBS	Observer database system
OLE	Office for Law Enforcement (NMFS)
OY	Optimum yield
PBR	Potential Biological Removal
PDT	Plan Development Team
PRA	Paperwork Reduction Act
RFA	Regulatory Flexibility Act
RMA	Regulated Mesh Area
RPA	Reasonable and Prudent Alternatives
SA	Statistical Area
SAFE	Stock Assessment and Fishery Evaluation
SAP	Special Access Program
SARC	Stock Assessment Review Committee
SAS	Stock Assessment Subcommittee
SAW	Stock Assessment Workshop
SBNMS	Stellwagen Bank National Marine Sanctuary
SIA	Social Impact Assessment
SNE	Southern New England
SNE/MA	Southern New England-Mid-Atlantic
SSB	Spawning stock biomass
SSC	Scientific and Statistical Committee
TAL	Total allowable landings
TED	Turtle excluder device
TEWG	Technical Expert Working Group
TMS	Ten-minute square
TRAC	Transboundary Resources Assessment Committee
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
VEC	Valued ecosystem component
VPA	Virtual population analysis
VTR	Vessel trip report
WGOM	Western Gulf of Maine
YPR	Yield per recruit

2.0 PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT

The purpose of this supplemental information report (SIR) is to determine if the proposed fishing year (FY) 2026-2027 Atlantic sea scallop specifications will require a supplement to the Environmental Assessment (EA) that was prepared for Framework Adjustment (FW) 39 to Atlantic Sea Scallop Fishery Management Plan (FMP; NEFMC 2025), as required by the National Environmental Policy Act (NEPA). In addition to fishery specifications, Framework 39 included measures that: removed the NGOM possession restriction outside the management unit on declared NGOM trips, delayed the opening of Area I and Area II until May 15th, and modified the timing of the seasonal closures of Area II. Framework 39 was broader in scope than Framework 40, which only considers updating specifications for the fishery.

In determining the need for additional analysis under NEPA, the New England Fishery Management Council (Council) considered and has been guided by NOAA's Policy and Procedure for Compliance with NEPA and applicable case law. The Council and the National Marine Fisheries Service (NMFS) have preliminarily analyzed the proposed action and its impacts, in addition to those analyzed in FW39. This document describes the proposed action and compares it to the alternatives and analyses presented in Framework 39. It then considers whether there are any substantial changes or significant new circumstances or information that are relevant to environmental concerns and could affect the proposed action or its impacts. Based on these analyses, the FW39 EA does not require supplementation. The Finding of No Significant Impact (FONSI) signed April 8, 2025, remains valid to support the proposed action.

For the consideration of new circumstances and information, the following have been consulted: the Council, Atlantic Sea Scallop Plan Development Team (PDT), Atlantic Sea Scallop Committee (Committee) and Advisory Panel (AP), the Greater Atlantic Regional Fisheries Office (GARFO) Protected Resources and Sustainable Fisheries divisions, GARFO Environmental Analyses and NEPA Program, and Council habitat staff.

3.0 PROPOSED ACTION

The proposed action would update Atlantic sea scallop fishery specifications for FY 2026 and FY 2027 (default) and manage removals from the Northern Gulf of Maine (NGOM) management area based on the results of the 2025 scallop surveys and the 2025 research track assessment.

Changes in the Overfishing Limits (OFLs) and Acceptable Biological Catches (ABCs)

For Atlantic sea scallops in FY 2026 and 2027 (default), this action would update the OFLs and ABCs based on the most recent stock assessment in 2025, recommendations from the SSC and the Council, and the Council's ABC control rule (Section 3.0). The fishing mortality rates for the OFL and ABC would be based on the results of the 2025 research track assessment for Atlantic sea scallops, with the OFL at F=0.49 and the ABC set at F=0.36. Section 3.0 provides a summary of Atlantic sea scallop specifications under the original action (FW39) and the proposed action. Once the OFL and ABC are established, the associated ACLs for the fishery can be defined.

Table 1. FY 2026 (default) OFL and ABC approved through Framework 39 relative to the proposed FY 2026 and FY 2027 (default) value. Values in mt.

	Fishing Year	OFL (including discards at OFL)	ABC (including discards)	Discards (at ABC)	ABC available to fishery (after discards subtracted)
FW39 Default	2026	30,031	23,437	5,692	17,745
Proposed Action	2026	19,645	15,412	2,655	12,757
	2027	21,741	17,060	2,854	14,206

Updated Fishery Specifications and Rotational Management for FY 2026 and FY 2027 (default)

The proposed specifications would allocate full-time limited access vessels a total of 36 days-at-sea. There would be no access area trip allocation (Map 1). There would be no scheduled closure of Area I from April 1 – May 15, and the 60-day carryover period for fishing unused FY 2025 Limited Access access area trips in Area I begin on April 1.

Nantucket Lightship (North and South) and Area II would be closed to directed scallop fishing. Coordinates for these closure areas are provided in Table 4. All vessels fishing under a scallop declaration would be prohibited from entering or transiting any scallop rotational areas and the Western Gulf of Maine Closure.

The specific allocations would include:

- The FY 2026 Annual Projected Landings (APL) would be 18,685,622 lb before set-asides are accounted for (i.e., RSA, observer).
- The Research Set-Aside, Observer Set-Aside, and incidental catch total for FY 2026 is 729 mt or 1.61 million lb. The NGOM Set-Aside would be additive to these APL values. The APL, after set-asides are removed, would be 17,078,452 lb.
- The LAGC IFQ (5.5%) allocation would be 939,315 lb. The LAGC IFQ only (5% of the APL) allocation would be set at 853,923 lb.
- FY 2027 default measures would allocate 75% of FY 2026 days at sea for the LA component and 75% of FY 2026 quota allocations to the LAGC IFQ component. No default access area trips would be allocated for FY 2027. The FY 2027 default LAGC IFQ quota (5.5%) would be 704,486 lb.
- FY 2026 and FY 2027 (default) day at sea allocations for full-time, part-time, and occasional permits are shown in Table 3.
- For FY 2026, an allocation of 36 days at sea to FT LA vessels which is expected to result in an average open area fishing mortality rate of F=0.38.
- The LAGC incidental target TAC would be set at 50,000 lb.

The Council did not recommend access area fishing in FY 2026, noting that the conditions that supported access area fishing were not detected in resource surveys (e.g., access area allocations of 12,000 lb or more). Shifting effort to the open bottom would distribute the fleet across a larger area. Allocating 36 days at sea to the FT LA component is expected to increase the level of fishing pressure in open areas compared to recent fishing years and would allow for additional fishing opportunities to compensate for anticipated low open bottom catch rates and no access area allocation.

The continued closure of the Nantucket Lightship-North and Nantucket Lightship-South is anticipated to allow growth of juvenile scallops on Georges Bank with the expectation of supporting scallop fishing in the future. Scallops in the Nantucket Lightship-South are in very high densities and a substantial proportion are likely to recruit to the 4” ring by FY 2027. This recruitment event appears to extend up to

the boundary with the Nantucket Lightship-North, and a continued closure would help protect these animals. The short-term growth potential for these juveniles is high. The continued closure of the Nantucket Lightship-North and Nantucket Lightship-South to scallop fishing is intended to support the growth of this cohort of scallops in the absence of fishing pressure.

Table 2. Summary of Atlantic sea scallop fishery specifications (mt) under the original action and the proposed action.

	Status Quo	FW39 Default	Proposed Action	
	FY 2026	FY 2026	FY 2026	FY 2027
OFL	28,970	30,031	19,645	21,741
ABC/ACL (discards removed)	17,901	17,745	12,757	14,206
Incidental Catch	23	23	23	23
RSA	578	578	578	578
Observer set-aside	179	177	128	142
NGOM set-aside	306	230	199	99
ACL for fishery	16,815	16,736	12,028	13,463
Limited Access ACL	15,890	15,816	11,367	12,722
Limited Access ACT	13,771	13,707	10,169	11,026
LAGC Total ACL	925	920	661	740
LAGC IFQ ACL	841	837	601	673
LA w/ LAGC IFQ ACL (0.5% of ACL)	84	84	60	67
Annual Projected Landings (APL)		4,003	7,747	(*)
Limited Access Projected Landings (94.5% of APL)	7,179	3,666	7,321	(*)
Total IFQ Annual Allocation (5.5% of APL)**	418	337	426	320
LAGC IFQ Annual Allocation (5% of APL)	380	307	387	290
Limited Access with LAGC IFQ Annual Allocation (0.5% of APL)	38	31	39	29

* The catch limits for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2027 that will be based on the 2026 annual scallop surveys.
**As a precautionary measure, the 2027 NGOM set-aside is set at 50% of the 2026 NGOM set-aside, and IFQ annual allocations are set at 75% of the 2026 IFQ annual allocations.

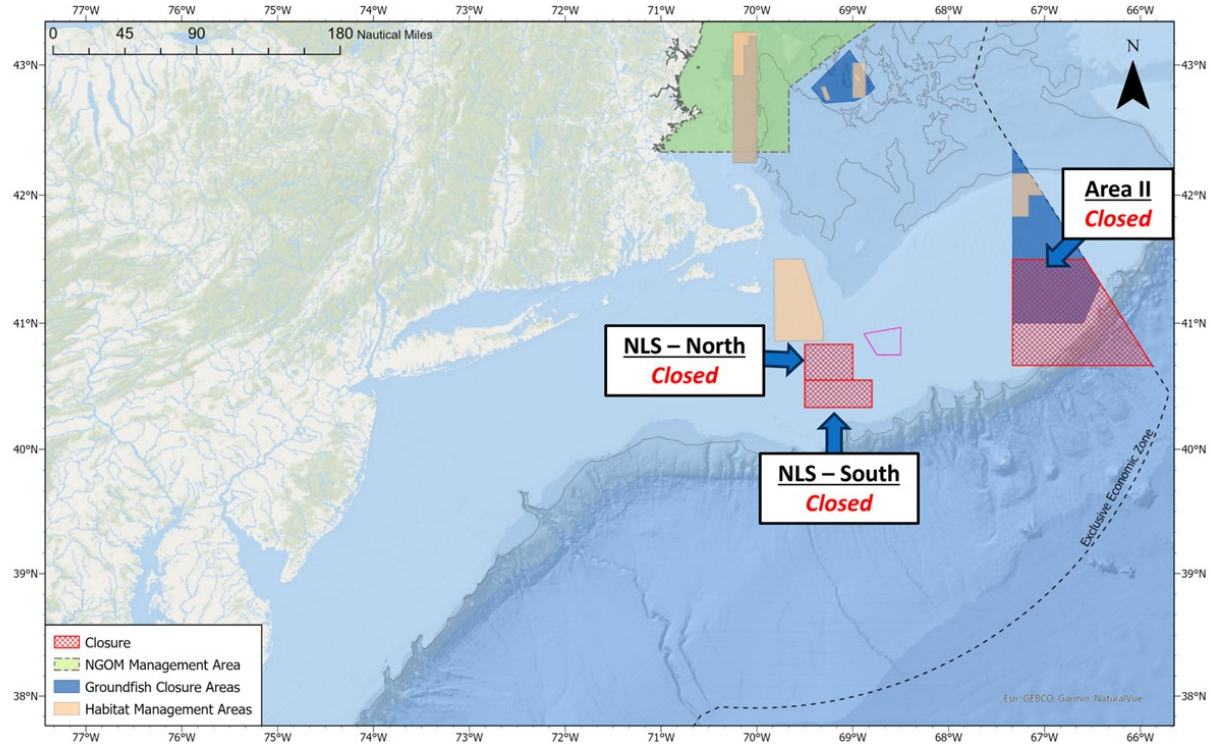
Table 3. Summary of LA DAS allocations for each permit type at 36 DAS for FT LA vessels.

	FY 2026	FY 2027
FT LA	36	27
PT LA	14.4	10.8
Occasional	3.0	2.25

Table 4. Scallop Closures in FY 2026 and FY 2027 (default)

Area	Latitude	Longitude
Nantucket Lightship (North and South)	40° 20.0′ N	69° 30.0′ W
	40° 20.0′ N	68° 48.0′ W
	40° 33.0′ N	68° 48.0′ W
	40° 33.0′ N	69° 00.0′ W
	40° 50.0′ N	68° 00.0′ W
	40° 50.0′ N	69° 30.0′ W
Area II	40° 40.2′ N	67° 19.8′ W
	41° 30.0′ N	67° 19.8′ W
	41° 30.0′ N	66° 34.8′ W
	40° 40.2′ N	65° 52.8′ W

Map 1. Spatial management under proposed specifications.



Northern Gulf of Maine Management and TAL Setting

The proposed action would specify a Northern Gulf of Maine Total Allowable Landings (NGOM TAL) limit for FY 2026 and FY 2027 (default) using the methods developed in Amendment 21 and applied in FW 39. FW 40 includes set-asides to support research, monitoring, and a directed LAGC fishery. A TAL would be set for all permit categories in the management area, which would be reduced by 25,000 lb to increase the overall scallop RSA (Table 5). The total allowable landings would also be reduced by 1% of the NGOM ABC (19,886 lb) to support monitoring the directed scallop fishery in the NGOM (Table 5).

The pounds deducted from the NGOM TAL would be added to the fishery-wide set-asides for research and monitoring.

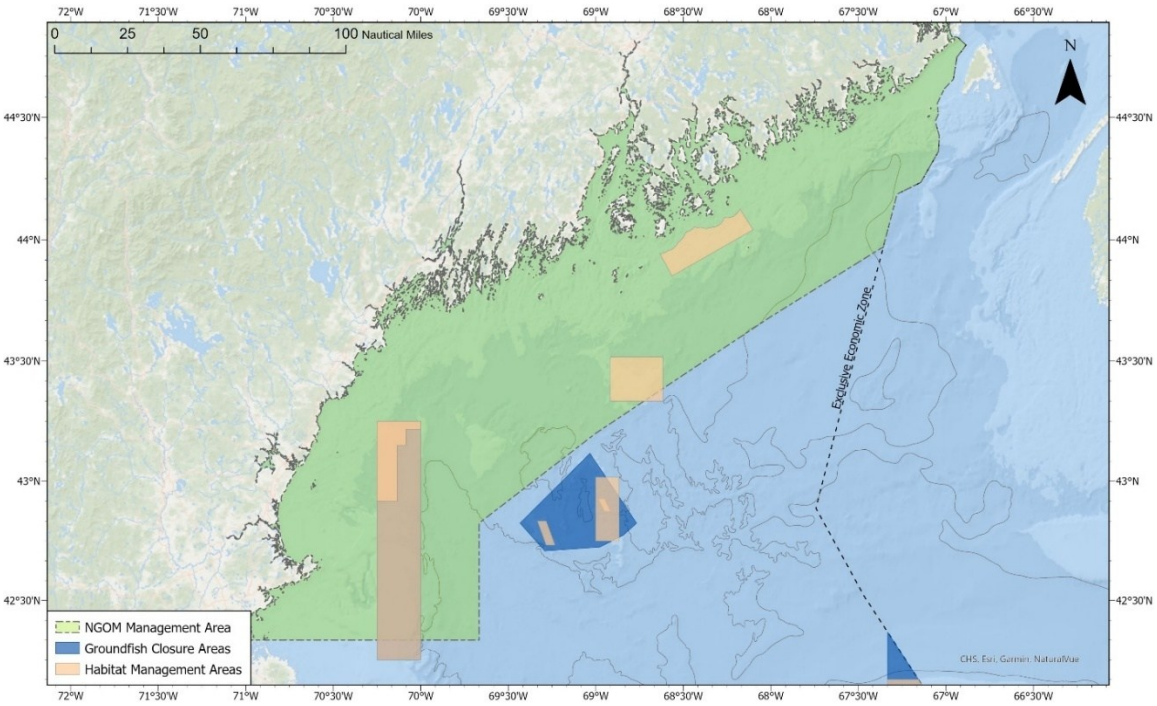
The overall NGOM TAL would be set by applying a fishing mortality rate of F=0.21 to the exploitable biomass from all open areas within the NGOM (Stellwagen, Ipswich, Jeffreys, Platts, Machias Seal Island). The TAL for 2026 would be set at 482,753 lb, and the NGOM Set-Aside would be set at 437,867 lb. The 2026 default NGOM Set-Aside would be set at 218,934 lb. FY 2027 default measures would be set at 50% of the 2026 NGOM Set-Aside value (Table 5). In 2027, the NGOM contribution to the RSA would be 25,000 lb, and the contribution for observers would be 1% of the FY 2027 NGOM TAL.

For FY 2026 and FY 2027 (default), the NGOM TAL under the proposed action would not exceed 800,000 lb; therefore, the TAL, after pounds are deducted for research and monitoring, are allocated as NGOM Set-Aside for directed LAGC fishing. RSA compensation fishing would be allowed in the NGOM, up to the 25,000 lb limit specified.

Table 5. Distribution of the NGOM TAL and set-asides for FY 2026, and default NGOM set-aside (2027). Values shown in pounds.

	Original Action (FW39 Default)	Proposed Action	
Year	FY 2026	FY 2026	FY 2027
Target Fishing Mortality Rate	75% of FY 2025 NGOM set-aside	F=0.21	
Total Allowable Landings	-	482,753	-
1% NGOM ABC for Observers	19,886	19,886	-
RSA Contribution	25,000	25,000	25,000
NGOM Set-Aside	507,063	437,867	218,934

Map 2. The Northern Gulf of Maine Management Area.



4.0 BACKGROUND

FW39 to the Atlantic Sea Scallop FMP set fishery specifications for FY 2025 and default measures for FY 2026. The purpose and need of these measures are detailed in Table 6.

Table 6. Purpose and need for Framework 39.

Purpose	Need
To set specifications including: OFL, ABC, scallop fishery ACLs and ACTs including associated set-asides, day-at-sea (DAS) allocations, general category fishery allocations, and area rotation schedule and allocations for the 2025 fishing year, as well as default measures for FY 2026 that are expected to be replaced by a subsequent action.	To achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery.
To set landing limits in the Northern Gulf of Maine (NGOM) management area based on exploitable biomass.	To manage total removals from the Northern Gulf of Maine management area.
To adjust the Area I and Area II access area openings and the Area II seasonal closure.	To reduce impacts to Georges Bank yellowtail flounder and northern windowpane flounder.

Overfishing Limit. The OFL is specified as the level of catch and associated fishing mortality rate (F) that, above which, overfishing is occurring. The OFL will account for landings of scallops in state waters by vessels without Federal scallop permits. The 2025 stock assessment (NEFSC 2025) set the OFL where F = 0.49.

Acceptable Biological Catch/Annual Catch Limit. The ACL is equal to the ABC in the Scallop FMP. To account for scientific uncertainty, ABC is set at the F that has a 25% probability of exceeding the F associated with OFL (i.e., a 75% probability of being below the F associated with the OFL). The 2025 research track assessment determined that the F associated with the ABC/ACL is F=0.36. As specified in Amendment 21, exploitable biomass from the Northern Gulf of Maine contributes to the overall OFL and ABC. Observer and research set-asides are removed from the ABC (1% of the ABC/ACL and 1.275 mil lb. (578 mt), respectively). The NGOM Set-Aside, which is available for directed LAGC fishing, is also removed before calculating the legal limits for LA and LAGC IFQ. The remaining available landings (allocation) are divided between the LA and LAGC fisheries into two sub-ACLs: 94.5% for the LA fishery sub-ACL, and 5.5% for the LAGC fishery sub-ACL. Figure 4 summarizes how the various ACL terms are related in the Scallop FMP.

Annual Catch Targets. For each sub-ACL there is an ACT to account for management uncertainty. For the LA fleet, the ACT has an associated 75% probability that the ACT will not exceed the ABC/ACL. The F associated with the LA ACT is F = 0.29. The major sources of management uncertainty in the LA fishery are carryover provisions including the 10 DAS carryover provision and allowing vessels to fish unused access area allocation from the previous fishing year within the first 60 days of the fishing year that the access areas are open. For the LAGC fleet, the ACT is equal to the LAGC fleet's sub-ACL, since this component is managed entirely by quotas and is presumed to have less management uncertainty. The fishery specifications allocated to the fishery may be set at an F rate lower than the ACT, but fishery specifications may not exceed this level.

Annual Projected Landings. The annual projected landings (APL) were developed using a forecasting model (Scallop Area Management Simulator or SAMS) of the scallop resource. The APL combines projected landings of exploitable scallops from open area DAS when fishing at an F determined by the Council and expected landings from access areas. The APL is allocated between the Limited Access component (94.5%) and the LAGC IFQ component (5.5%).

Description of Status Quo management (Framework 39)

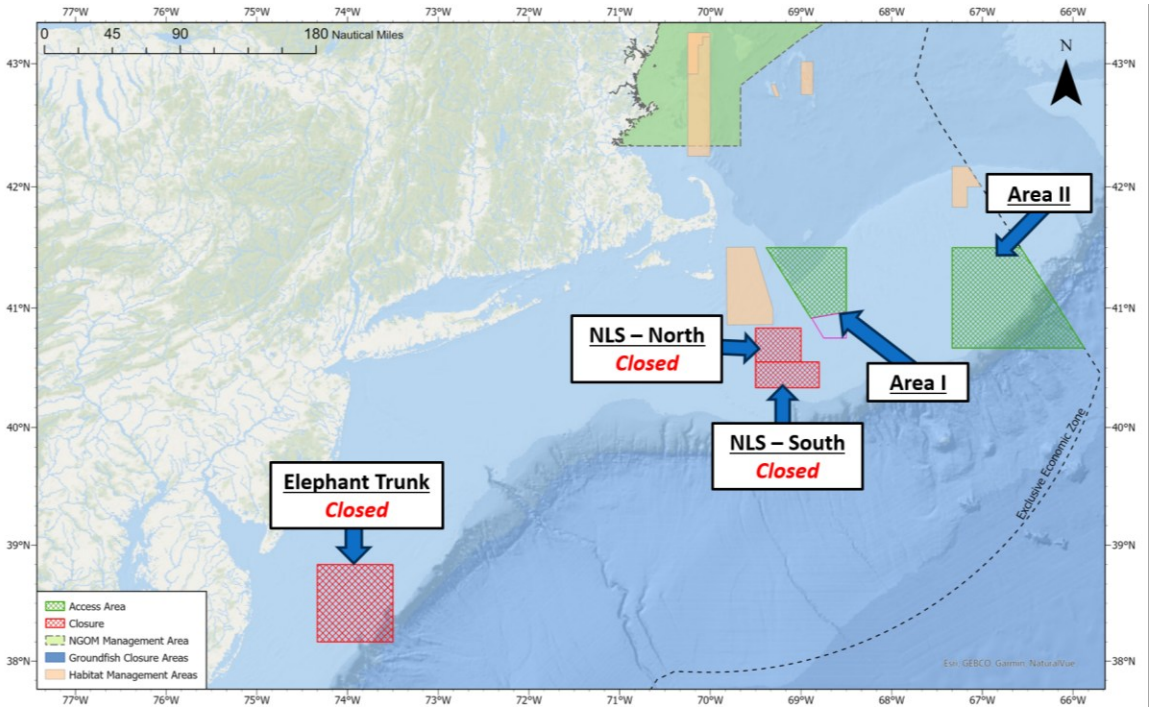
The allocations and spatial management measures that were approved for FY 2025 though Framework 39 are presented for a "status quo" comparison with the proposed specifications. The analyses in this action include considering "no change" to the spatial management scenarios because it is a more realistic comparison than to No Action (Framework 39 default measures for FY 2026), which only captures trade-offs between the default measures approved in FW39 (i.e., partial allocations).

In this action, the Status Quo scenario uses updated modeling assumptions and survey data. Therefore, Status Quo should not be considered an exact comparison to the FY 2025 approach to spatial management.

Framework 39 allocated full-time limited access (FT LA) vessels a total access area allocation of 24,000 lb per vessel and set the access area possession limit at 12,000 lb per trip. Framework 39 allocated one trip to the Area I access area and one trip to the Area II access area (two FT LA trips) (Map 3).

Fishing the open bottom at 24 DAS with the 2025 spatial management would result in a fishing mortality rate of 0.321 in FY 2026 (vs. F=0.27 in FY 2025). Applying status quo spatial management from FW39 in FY 2026 would be expected to result in an APL of 16,816,861 lb after set asides are removed, which is 6.7% less than the 18,032,711 lb APL associated with the same spatial management and DAS allocation applied for FY 2025.

Map 3. Status Quo spatial management (Framework 39 allocations for FY 2025).



Description of default specifications for FY 2026 (Framework 39)

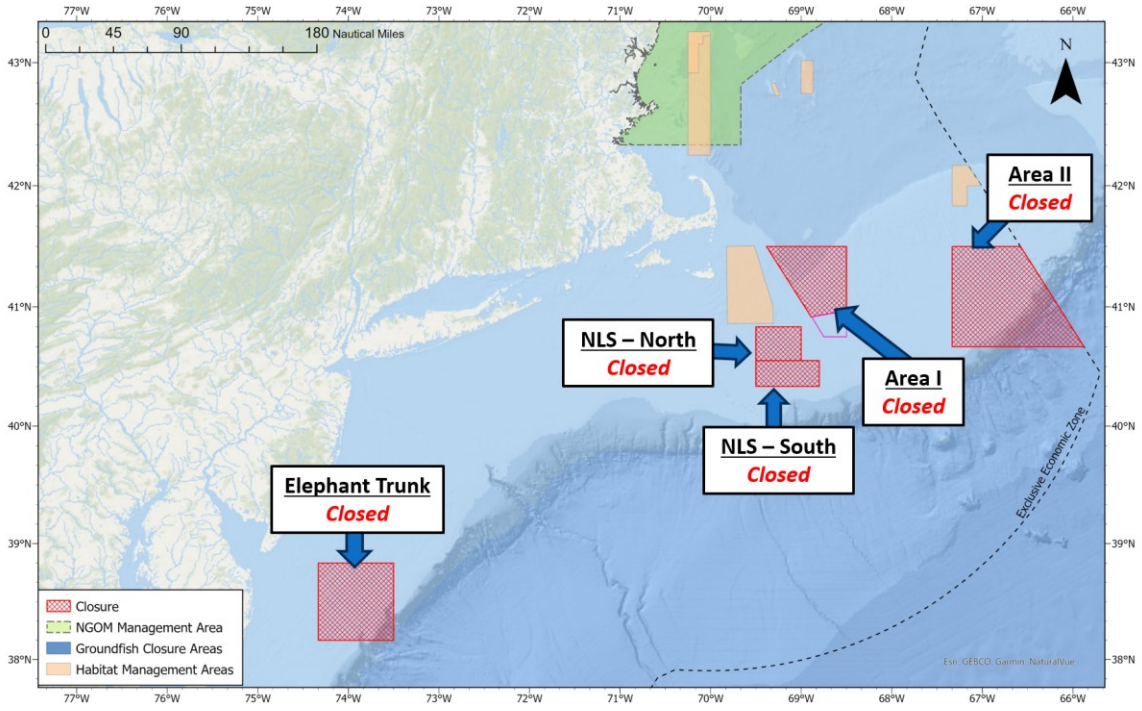
Under the default specifications approved in Framework 39 for the 2026 fishing year, the full-time Limited Access DAS would be set at 18, which would be 75% of the DAS allocated for FY 2025. Part-time Limited Access vessels would receive 7.2 DAS, and Occasional Limited Access vessels would be allocated 1.5 DAS. The default specifications for FY 2026 set under Framework 39 would be expected to result in an APL of 9,195,481 lb.

Under the FW39 default measures for FY 2026, the total LAGC IFQ allocation would be 743,849 lb, which is equivalent to 75% of the total LAGC IFQ allocation for FY 2025.

The target TAC for vessels with an LAGC Incidental permit would be 50,000 lb.

Under FW39 default measures there are no FY 2026 access area allocations. FY 2025 access area allocations may be fished during the 60-day carryover period following the completion of any scheduled access area closures at the start of FY 2026 (Map 4)

Map 4. Spatial management under the default FY 2026 fishery specifications under Framework 39.



5.0 NEW INFORMATION AND CIRCUMSTANCES

This action considers new information and some additional years of data in addition to information provided in the Atlantic Sea Scallop FW39 Environmental Assessment (EA). Overall, this new information and circumstances represent minor changes to the scallop resource and fishery. The fishery and resource remain stable, with similar conditions as evaluated in FW39.

5.1 TARGET SPECIES (ATLANTIC SEA SCALLOPS)

Stock Status

The sea scallop resource was assessed through a research track assessment in 2025 (NEFSC 2025).Figure 1, Figure 2, and Figure 3 describe the estimated fully-recruited fishing mortality across the three regions defined in the assessment model (Georges Bank Closed, Georges Bank Open, and Mid-Atlantic), although the sea scallop resource is assessed as a unit stock.

Overfishing is occurring if F is above F_{MSY}, and the stock is considered overfished if biomass is less than ½ B_{MSY}. The 2025 research track assessment updated reference points and decreased F_{MSY} to 0.49 and decreased B_{MSY} to 93,282 mt (½ B_{MSY} = 46,641 mt). The 2025 research track assessment concluded that the scallop stock is neither overfished nor did it experience overfishing in 2023 (i.e., the terminal year of the assessment).

Figure 1. Fully recruited annual fishing mortality rate for Georges Bank Closed from 1975 – 2023

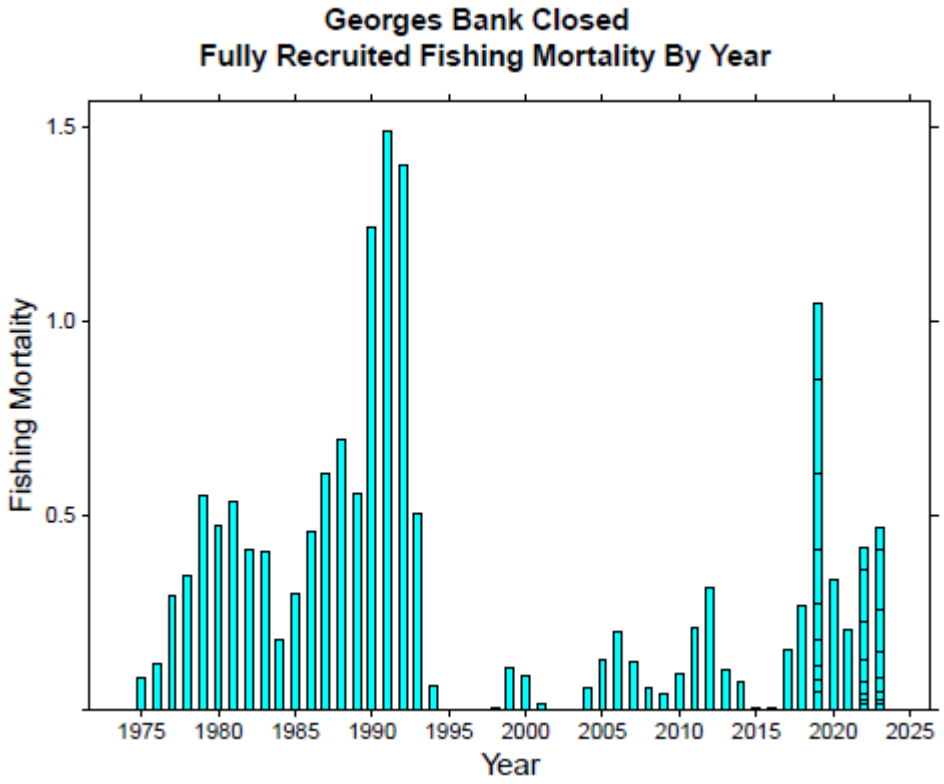


Figure 2. Fully recruited annual fishing mortality rate for Georges Bank Open from 1975 – 2023

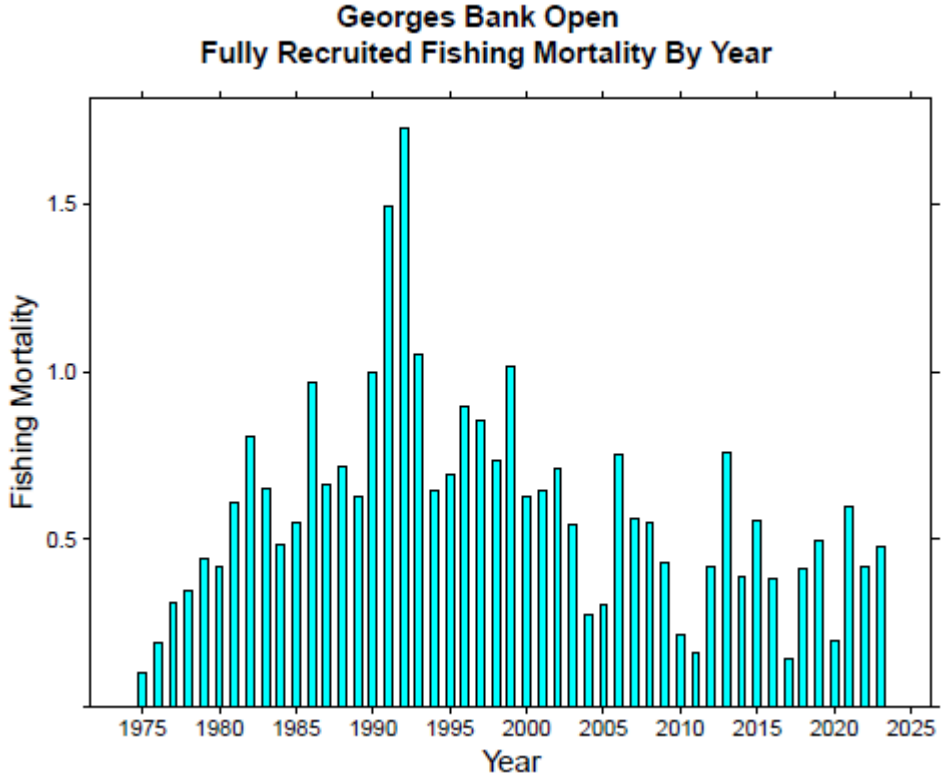


Figure 3. Fully recruited annual fishing mortality rate for the Mid-Atlantic from 1975 – 2023

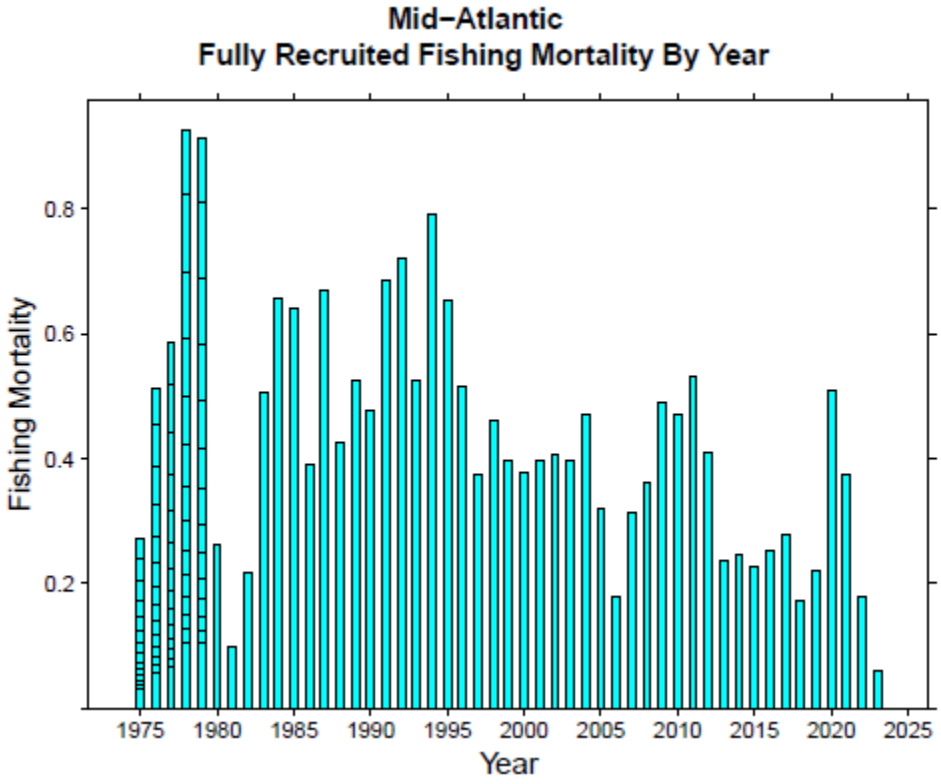


Table 7. Atlantic sea scallop stock status from recent assessments.

	Definition in Scallop FMP	SARC 50 (2010)	SARC 59 (2014)	SARC 65 (2018)	2020 Management Track	2025 Research Track
OFL	F_{MSY}	F=0.38	F=0.48	F=0.64	F=0.61	F=0.49
ABC=ACL	25% probability of exceeding the OFL	F=0.32	F=0.38	F=0.51	F=0.45	F=0.36
B_{MSY}	B_{TARGET}	125,358 mt	96,480 mt	116,766 mt	102,657 mt	93,282 mt
½ B_{MSY}	$B_{THRESHOLD}$	62,679 mt	48,240 mt	58,383 mt	51,329 mt	46,641 mt
MSY		24,975 mt	23,798 mt	46,531 mt	32,079 mt	28,402 mt
Overfished?	$B < B_{THRESHOLD}$	No	No	No	No	No
Overfishing?	$F < F_{THRESHOLD}=F_{MSY}$	No	No	No	No	No

Summary of 2025 Scallop Surveys and 2026 Biomass Projections

A summary of findings from the 2025 scallop surveys, including biomass estimates and observations of recruitment, can be found in the October 8, 2025 memo to the SSC, in addition to a description of survey data treatment and biomass projections, including the Scallop Area Management Simulation (SAMS) areas used in FW40.

Table 8. Projected and actual scallop landings (lb) during FY 2021 to FY 2026.

FY	Total Landings	Annual Projected Landings	nth Framework's Status Quo §§	Difference in Actual vs. Projected Landings		Difference in Projected Landings from SQ	
2021	42,713,444	40,044,765	39,129,847	2,668,679	6.7%	-11,559,691	-22.4%
2022	30,461,860	34,039,373	33,686,634	-3,577,513	-10.5%	-6,005,392	-15.0%
2023	25,436,987	25,007,005	28,300,706	429,982	0.2%	-9,032,368	-26.5%
2024	20,411,321	27,392,436	27,113,331	-6,981,115	-25.5%	2,385,431	9.5%
2025§	§15,717,890	19,752,293	26,862,192	N/A	N/A	-7,640,143	-27.9%
2026		17,147,555	16,816,861	N/A	N/A	330,694	2.0%

Source: CAMS (Dec. 2025)
Notes: Negative sign indicates a lower value of actual or projected landing against a comparison parameter. Projected landings are for the preferred alternatives in the corresponding fishing year.
§ total sea scallop landing as of Dec. 7, 2025
§§ The status quo projection from earlier framework, where updated survey data is modeled using the previous year's spatial management.

5.2 NON-TARGET SPECIES

Non-target species (sometimes referred to as incidental catch or bycatch) include species caught by scallop gear that are both landed and discarded, including small scallops. There are several measures in place that were designed to reduce bycatch including gear modifications, limits on effort, seasonal restrictions, etc.

Potential non-target species caught incidentally in the scallop fishery were identified in Amendment 15 and previous scallop framework actions based primarily on discard information from the 2009 SBRM report (NEFSC 2009) and various assessments such as GARM III and the Skates Data-poor Workshop. See Table 9 for the current status of these species, which has been updated based on Northeast Fisheries

Science Center (NEFSC) assessment results through 2025[1], Skate FW12 (Section 5.1.2), and Monkfish FW13 (Section 6.1.2).

Table 9. Status of non-target species known to be caught in scallop fishing gear, updated with assessment results through 2025.

Species or FMP	*Stock*	*Overfished?*	*Overfishing?*
Summer flounder (fluke)	Mid-Atlantic Coast	No	No
Monkfish	GOM/Northern GB	Unknown	Unknown
Monkfish	Southern GB/MA	Unknown	Unknown
Northeast Skate Complex	Barndoor skate	No	No
Northeast Skate Complex	Clearnose skate	No	No
Northeast Skate Complex	Little skate	No	No
Northeast Skate Complex	Rosette skate	No	No
Northeast Skate Complex	Smooth skate	No	No
Northeast Skate Complex	Thorny skate	Yes	No
Northeast Skate Complex	Winter skate	No	No
Multispecies	*Windowpane – GOM/GB	Unknown	Unknown
Multispecies	*Windowpane – SNE/MA	No	No
Multispecies	Winter flounder – GB	No	No
Multispecies	Winter flounder – GOM	Unknown	No
Multispecies	Winter flounder – SNE/MA	No	No
Multispecies	Yellowtail flounder – CC/GOM	No	No
Multispecies	*Yellowtail flounder – GB	Yes	No
Multispecies	*Yellowtail flounder – SNE/MA	Yes	No
Atlantic Surfclam	Mid-Atlantic Coast	No	No
Ocean Quahog	Atlantic Coast	No	No
* Stock has scallop fishery sub-ACL. Updates available through NMFS's Stock Assessment Support Information (SASINF) portal: https://apps-nefsc.fisheries.noaa.gov/saw/sasi/sasi_report_options.php Stock status information also available at the NMFS Stock SMART portal: https://www.st.nmfs.noaa.gov/stocksmart?app=browse-by-stock			

Bycatch Species with sub-ACL Allocations

The only bycatch species with sub-ACLs for the scallop fishery are in the Northeast Multispecies plan: Georges Bank yellowtail flounder (GB yellowtail), Southern New England/Mid-Atlantic yellowtail flounder (SNE/MA yellowtail), southern windowpane flounder, and northern windowpane flounder. Table 10 summarizes anticipated catch limits of these four flatfish stocks for FY 2026. A complete summary of all catch in the multispecies fishery can be found at: https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/nemultispecies.html

[1] NEFSC stock assessment results and supporting documentation can be accessed through the Stock Assessment Support Information (SASINF) portal at: https://apps-nefsc.fisheries.noaa.gov/saw/sasi/sasi_report_options.php

Table 10. Comparison of 2026 Scallop fishery flatfish sub-ACLs (mt) to projected FY 2026 scallop fishery bycatch. Values in metric tons.

Stock	OFL	US ABC	Scallop sub-ACL	Projected Catch
GB Yellowtail Flounder	57	31	4.8	1.8
SNE/MA Yellowtail Flounder	46	33	2.7	1.2
Northern Windowpane Flounder	Unknown	136	26.6	24.5
Southern Windowpane Flounder	284	213	71.3	18.1

5.3 PROTECTED RESOURCES

Protected species are those species afforded protection under the Endangered Species Act of 1973 (ESA, i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA). Section 5.3 of Scallop Framework 39 provides a comprehensive description of all protected species that may occur in the affected environment of the FMP; those descriptions remain valid. Section 6.4 in the Framework 39 EA, which provides an assessment of the potential impacts of the specifications considered in the EA on protected species (i.e., Endangered Species Act (ESA)-listed and/or Marine Mammal Protection Act (MMPA) protected), was used to inform the potential impacts of the proposed action on protected species (see Section 6.0 below).

In addition to the information considered in FW39 EA, the following new information and circumstances for protected species are relevant to this action:

On May 27, 2021, NMFS completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a biological opinion (2021 Opinion) on the authorization of eight FMPs, two interstate fishery management plans (ISFMP), and the implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2.1. On September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Biological Opinion; this memorandum was updated with a new 7(a)(2)/7(d) memorandum issued by NMFS on January 8, 2025. Additional information on the reinitiation is provided in Section 6.4 of Framework 39.

5.4 HUMAN COMMUNITIES

A detailed description of economic trends in the Atlantic sea scallop fishery, including data prior to FY 2020, can be found in Section 5.6.1 in Framework 39. The information provided in this section adds an additional year of data (FY 2024). A full description of the economic models are provided in the Appendix for Economic Models (Framework 39, Appendix I).

A description of fishing communities can be found in Section 5.6.3 in Scallop Framework 39. Those descriptions of fisheries that are engaged in the scallop fishery are still valid. There are 12 primary ports: Cutler, ME; Chatham, Fairhaven, Gloucester, and New Bedford, MA; Narragansett/Point Judith, RI; Barnegat Light, Cape May, Pt. Pleasant/Pt. Pleasant Beach, and Wildwood, NJ; and Hampton/Seaford and Newport News, VA.

Trends in landings, prices, and revenues

In FY 2024, the total scallop landings decreased to just over 20 million lb, i.e., about 14% decrease from 2022 landings. Most of the scallop landings were attributed to limited access (LA) vessels. Landings in recent years have continued to decline due to lower recruitment. In FY 2024, landings from LA vessels decreased to 18.6 million lb (Table 11). Landings by LAGC vessels declined to a record low 1.6 million lb.

Overall scallop price (in 2024 dollars) increased to about $16.28 per pound in 2024 from $13.42 per pound in 2023, i.e., scallop price increased by about 21% in 2024 compared to 2023. Increase in scallop

prices is primarily attributed to a sharp fall in scallop landings during 2024. This decrease in landings also led to an overall reduction in scallop revenue in 2024. Revenue fell to about $332 million in 2024 compared to about $341 million in 2023 and $460 million in 2022. Despite an increase in price in 2024, the existing revenue gap from 2023 persisted. Scallop imports also increased during 2024 in response to reduced domestic landings and higher scallop prices in the US.

In 2024, per capita scallop demand increased to 0.234 lbs. The increased demand for scallops may also be due to higher per capita disposable income. The demand was met with increased imports despite a fall in domestic landings in 2024. The average annual scallop revenue per vessel for both full-time (FT) and full-time small dredge (FT-SMD) fluctuated with annual landings during 2014-2024. Average revenue per FT vessel fell to about $0.9 million per FT vessel in 2024. Average revenue for FT-SMD vessels marginally increased in 2024 to $0.662 million per vessel (Table 12).

In 2024, revenue per IFQ vessel marginally declined from 2023 to about $205,000 per vessel. While revenues depend on scallop prices, the LAGC scallop price in turn is largely dependent on the landing volume of the LA component rather than LAGC landings.

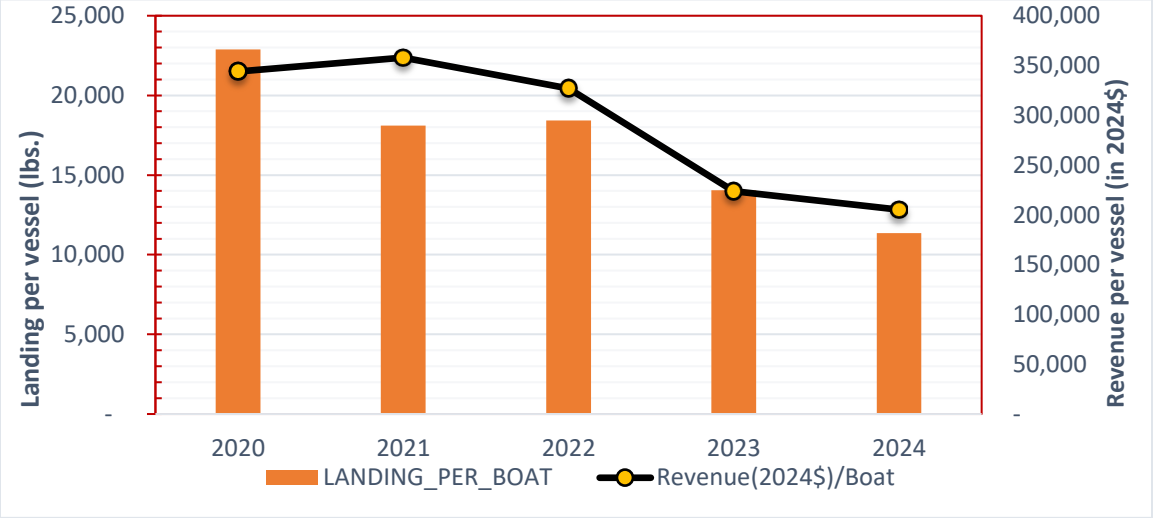
Table 11. Sea scallop landings, revenues, and average prices (FY 2020-FY 2024). Prices in 2024$.

FY	Sea Scallop Landings (pounds)			Total Revenues	Price per pound
	LAGC	LA	Total Landings	Real $	Real $
2020	2,717,611	42,672,438	45,967,229	581,389,308	12.65
2021	2,255,316	39,717,058	42,713,444	760,887,506	17.81
2022	2,435,031	27,525,974	30,461,860	460,909,005	15.13
2023	1,708,744	23,351,515	25,436,987	341,435,618	13.42
2024	1,605,854	18,582,224	20,411,321	332,288,128	16.28

Table 12. Average scallop landings (lb.) and revenues (in 2024 dollars) per vessel for FT and FT SMD vessels.

FY	Landings		Average Landings per vessel		Average Revenue per vessel	
	FT	FT SMD	FT	FT SMD	FT	FT SMD
2020	34,539,308	5,851,859	138,157	106,397	1,744,758	1,276,007
2021	31,727,937	5,614,911	125,905	102,089	2,266,596	1,641,636
2022	22,339,834	3,710,308	90,080	70,006	1,355,557	971,868
2023	19,305,115	2,697,240	77,220	49,949	1,026,005	657,667
2024	15,231,719	2,374,228	60,927	43,967	989,053	661,740

Figure 4. Average scallop landings and scallop revenue per vessel (in 2024 $) for LAGC-IFQ only boats



Trends in landings by permit category for limited access vessels

Table 13 and Table 14 describe scallop landings by LA vessels by gear type and permit category. Most limited access category effort is from vessels using scallop dredges, including small dredges. There are 11 full-time limited access vessels authorized to use a trawl (FT-NET) (Table 24). Table 14 shows that the percentage of landings by FT trawl permits have remained less than 3% of total LA scallop landings in recent years.[2] About 82% of the scallop pounds were landed by vessels with FT permits and 13% landed by full-time small dredge (FT-SMD) permits in 2024. Including the FT-NET vessels that use dredge gear, the percentage of scallop pounds landed by dredge gear amounted to about 95% of the total scallop landings during FY 2024.

Table 13. Scallop landings (lb.) by limited access vessels by permit category

FY	FT	FT-SMD	FT-NET	PT	PT-SMD	Total (lb.)
2020	34,539,308	5,851,859	1,283,698	-	1,191,702	42,866,567
2021	31,727,937	5,614,911	1,435,918	-	1,233,064	40,011,830
2022	22,339,834	3,710,308	914,876	-	719,343	27,684,361
2023	19,305,115	2,697,240	888,733	-	615,241	23,506,329
2024	15,231,719	2,374,228	558,433	-	512,003	18,676,383

Table 14. Percentage of scallop landings by limited access vessels by permit category

FY	FT	FT-SMD	FT-NET	PT	PT-SMD
2020	80.6%	13.7%	3.0%	-	2.8%
2021	79.3%	14.0%	3.6%	-	3.1%
2022	80.7%	13.4%	3.3%	-	2.6%
2023	82.1%	11.5%	3.8%	-	2.6%
2024	81.6%	12.7%	3.0%	-	2.7%

[2] There were only 11 FT trawl permits in 2015. VTR data during 2009-2013 showed that over 90% of the scallop pounds by the FT trawl permitted vessels were landed using dredge gear (10 vessels) since these vessels are allowed to use dredge gear even though they have a trawl permit. All of the part-time trawl and occasional trawl permits were converted to small dredge vessels.

Trends in landings for the Limited Access General Category IFQ component

Table 15 presents the number of LAGC IFQ-only permits (i.e., excluding LA vessels with IFQ permits) and their scallop landings during 2020-2024. In FY 2024, the landings by LAGC IFQ vessels slightly decreased to about 1.61 million lb compared to about 1.71 million lb in FY 2023.

Table 15. Active LAGC IFQ vessels and landings (lb., excluding LA vessels w/ IFQ permits), FY 2020 to FY 2024.

FY	No. of Permit (IFQ only)	IFQ only Landings
2020	108	2,717,611
2021	113	2,255,316
2022	99	2,435,031
2023	92	1,708,744
2024	105	1,605,854

Trends in effort allocations, possession limit, and LPUE

In 2024, total LA DAS increased to about 17,412 (

Figure 5). LPUE for LA vessels has continued to decline from FY 2019 to FY 2024. In 2024, LAGC IFQ LPUE reached its lowest at 283 lb per day (Figure 7). Figure 6 shows that LPUE for full-time dredge (FT) vessels has been consistently higher than LPUE for full time small dredge (FT-SMD) vessels, and that LPUE for both categories has trended in a similar manner between 2009 and 2024. In FY 2024, LPUE for FT and FT-SMD vessels were 1,162 lb per day and 832 lb per day, respectively. LPUEs have trended down since FY 2019 and reached their lowest level in 2024 (Figure 6). Scallop productivity in general was stable from 2001-2011. While large year classes in 2012 and 2013 helped buoy the fishery, 2020-2024 has seen below average recruitment.

LPUE estimates for open area by month during 2020 to 2024 are presented in Table 17. Open area LPUE has declined substantially in recent years. In FY 2024, LPUE further fell to a 15-year low of 950 lb per day. In FY 2024, open area total DAS was 6,181 days with total landings of 5.91 million lb. Open area landings decreased by about 58% in FY 2024 relative to FY 2023.

Figure 5. Total DAS-used (Date landed – Date sailed) and LPUE by all LA vessels (includes LA vessels with LAGC permit)

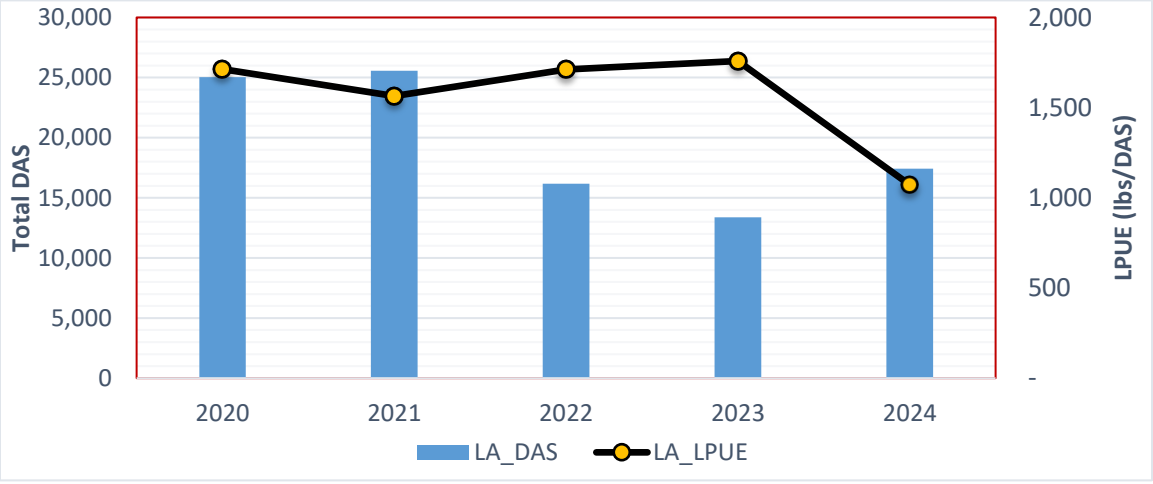


Figure 6. LPUE for full-time LA vessels by permit category (includes steam time)

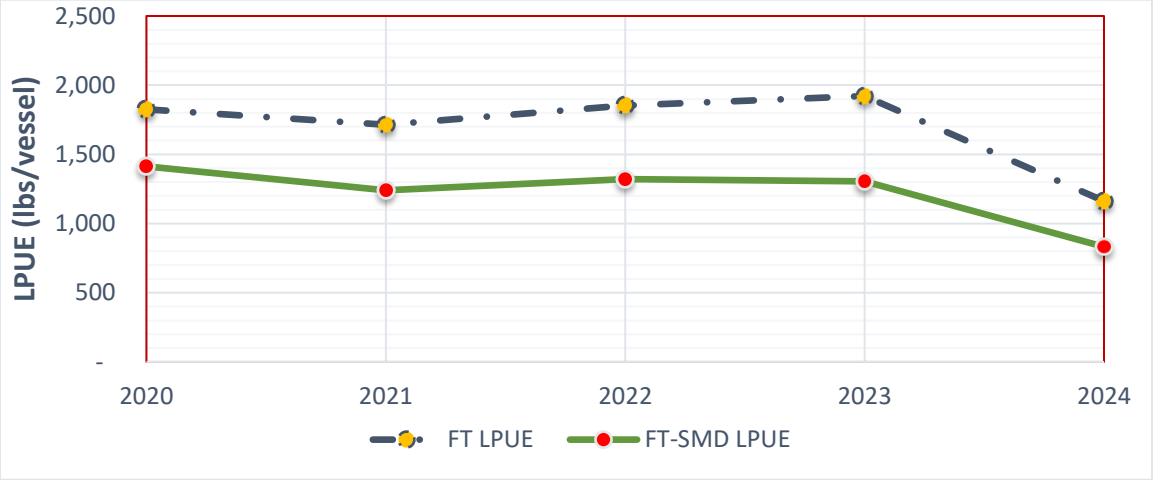


Figure 7. LPUE and DAS-used for LAGC-IFQ only vessels (includes steam time, excludes LA vessels with IFQ permit)

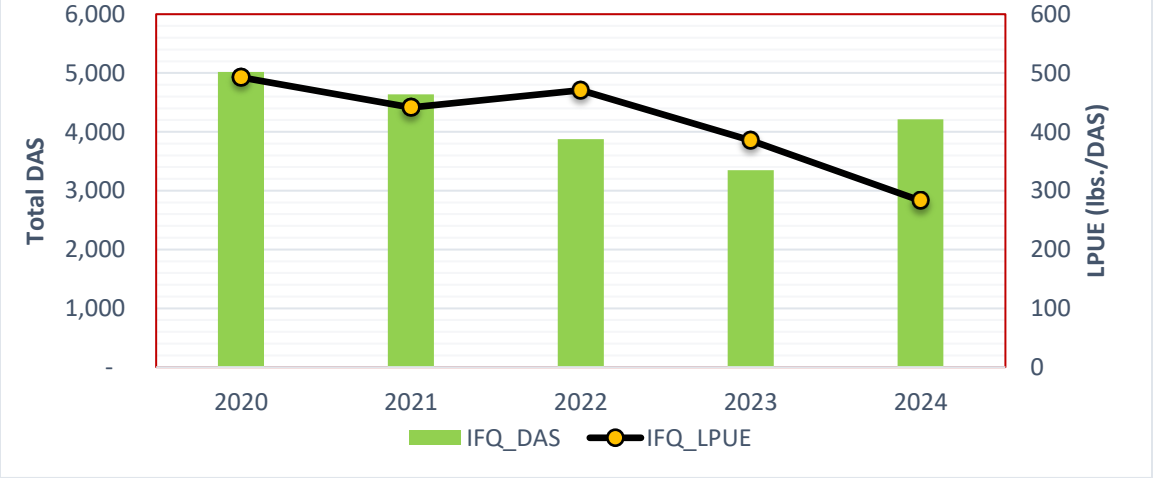


Table 16. Predicted (Expected from LPUE / SAMS models) and Realized Scallop LPUEs w/ Percent Change in Realized LPUE from Predicted

Year	Predicted (Op LPUE)	Realized	FTDAS	% Change in Realized from Predicted
2020	2459	1635	24	-34%
2021	1802	1973	24	9%
2022	2266	1940	24	-14%
2023	1835	1645	24	-10%
2024	1996	1244	20	-38%
2025	1071		24	

Table 17. Average open area LPUE (lb per day) by month and fishing year (source: GARFO).

Month/FY	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Average
2020	2,549	1,826	2,041	1,889	1,738	1,420	1,243	1,011	1,421	1,522	1,573	1,389	**1,635**
2021	2,649	2,013	2,195	2,352	2,062	1,740	1,492	1,276	1,920	1,947	2,322	1,709	**1,973**
2022	2,125	2,191	2,321	2,149	1,953	1,939	1,690	1,711	1,647	1,985	1,676	1,889	**1,940**
2023	2,908	2,567	2,081	2,014	1,945	1,519	1,292	979	904	1,346	1,179	996	**1,644**
2024	2,012	1,375	1,371	1,100	795	762	689	514	602	675	730	772	**950**
Average	**2,449**	**1,994**	**2,002**	**1,901**	**1,699**	**1,476**	**1,281**	**1,098**	**1,299**	**1,495**	**1,496**	**1,351**	**1,628**

Table 18. Open area landings (lb) by month and fishing year (source: GARFO).

FY/ month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Annual open area landings
2020	541,635	285,430	1,662,689	2,753,503	1,833,463	1,361,786	601,836	165,599	176,026	460,246	945,043	1,883,791	**12,671,047**
2021	4,252,367	2,277,309	1,323,483	2,049,290	1,954,617	1,427,089	686,307	205,078	267,551	538,111	897,633	1,390,353	**17,269,188**
2022	1,241,477	2,320,960	3,001,197	2,117,629	1,705,152	1,562,333	873,336	116,521	60,726	506,779	758,335	1,575,284	**15,839,729**
2023	948,660	2,837,968	2,634,887	3,165,793	1,740,393	624,081	434,743	141,858	36,779	213,212	462,199	796,191	**14,043,764**
2024	315,670	416,289	1,244,904	1,110,679	453,972	886,628	408,711	72,499	21,929	114,593	120,989	743,152	**5,910,015**

Table 19. Open area days-at-sea used by month and fishing year (source: GARFO).

FY/month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Annual DAS used
2020	212	156	814	1,458	1,055	959	484	164	124	302	601	1,356	**7,685**
2021	1,605	1,131	603	871	948	820	460	161	139	276	387	813	**8,214**
2022	584	1,059	1,293	985	873	806	517	68	37	255	453	834	**7,764**
2023	326	1,106	1,263	1,572	899	411	337	145	41	158	392	799	**7,449**
2024	157	303	908	1010	571	1,163	593	141	36	170	166	962	**6,180**

Trends in the size composition of scallop landings

The share of market grades as a proportion of total scallop landings has fluctuated over time. Inter-annual variation is driven by the size/age of year classes in the fishery, as well as the timing of harvest (meat weight anomaly). Table 20 and Table 21 illustrate landings by market grades in pounds and as a percentage to total landings. In 2024, U10 landings fell to 1.64 million lb from 5.49 million lb in 2023. The sharp decline in U10 landings resulted in a price spike for this grade of scallop. U10 share of landings was only 8.08% in 2024 compared to 21.59% in 2023; a drop of over two thirds between these two years. In FY 2024, U10 price bounced to $28.27 which was near the record high level in FY 2021. Price rise for U10 scallops in 2024 was due to a sharp drop of this grade of scallop landings.

The average price of 11-20 count scallops was around $13.64 per pound, and average price of 21-30 and 31-40 count scallops ranged between approximately $13.19 and $12.57 per pound in FY 2023, respectively. More recently in FY 2024, scallop prices for all grades have been increasing primarily due to less landings than expected. But prices could reverse with abundance in landings or with an influx of scallop imports. In 2024, the average price of 11-20 count scallops was around $15.22 per pound, and average price of 21-30 and 31-40 count scallops ranged between approximately $12.24 and $11.12 per pound, respectively.

Table 20. Scallop landings by market category (lb.)

FY	U10	11 to 20	21 to 30	31 to 40	41+	Unknown	Grand Total
2020	5,893,102	26,553,332	7,013,480	3,456,374	511,193	2,539,748	45,967,229
2021	4,396,739	21,640,561	9,778,939	3,176,791	1,463,564	2,256,850	42,713,444
2022	3,579,222	18,151,641	7,053,955	208,611	240,108	1,228,323	30,461,860
2023	5,490,972	16,428,491	2,031,403	163,537	1,055	1,321,529	25,436,987
2024	1,649,817	9,967,262	7,579,508	307,901	20,025	886,808	20,411,321

Table 21. Size composition of scallops (%)

FY	U10	11 to 20	21 to 30	31 to 40	41+	Unknown
2020	12.82	57.77	15.26	7.52	1.11	5.53
2021	10.29	50.66	22.89	7.44	3.43	5.28
2022	11.75	59.59	23.16	0.68	0.79	4.03
2023	21.59	64.59	7.99	0.64	0.00	5.2
2024	8.08	48.83	37.13	1.51	0.10	4.34

Table 22. Composition of scallop revenue by size (% of total scallop revenue)

FY	U10	11 to 20	21 to 30	31 to 40	41+	Unknown
2020	14.3	59.7	14.8	4.9	0.2	5.6
2021	16.6	48.9	19.8	5.2	0.7	7.4
2022	17.9	55.8	20.5	0.6	2.0	4.7
2023	23.5	62.2	7.8	0.6	0.5	5.9
2024	14.0	45.7	33.8	1.1	< 0.1	5.3

Table 23. Price of scallop per pound by market category (in 2024 dollars)

FY	U10	11 to 20	21 to 30	31 to 40	41-50
2020	$14.07	$13.06	$12.23	$8.31	$8.63
2021	$28.67	$17.20	$15.44	$12.46	$10.52
2022	$23.04	$14.17	$13.37	$13.11	$10.48
2023	$14.63	$12.93	$13.09	$12.12	$12.29
2024	$28.27	$15.22	$14.80	$12.24	$11.12

Trends in permits by permit plan and category

Table 24 shows the number of active LA vessels by permit category during the 2020-2024 fishing years. The LA component of the scallop fishery is primarily full-time permits, with a small number of part-time (PT) permits. Of these permits, the majority are dredge vessels, with a small number of full-time small dredge (FT-SMD) and full-time trawl (FT-NET) permit holders.[3] There were 250 active full time limited access vessels in 2024. The number of LA vessels that also hold an LAGC permit is shown in Table 25. The number of unique limited access permits in 2024 is shown in Table 23. Table 26 shows the number of LAGC permits, including LAGC permits held by LA vessels. The numbers of LAGC permits by category, excluding the LAGC permits held by LA vessels, are shown in Table 27. The trends in the estimated number of active LA vessels are shown in Table 28 by permit plan. Table 28 shows the number of active LAGC vessels by permit category excluding those LA vessels which have both LA and LAGC permits. Table 29 and Table 30 present counts of permits and MRI for LA and LAGC fleets since the inception of the limited access program in scallop fishery.

Table 24. Number of limited access vessels by permit category and gear by calendar year (CY).

Permit Category	2020	2021	2022	2023	2024
FT	250	252	248	250	250
FT-Net	11	11	12	11	11
FT-SMD	55	55	53	54	54
Sub-total FT	**316**	**318**	**313**	**315**	**315**
PT	0	0	0	0	0
PT-SMD	30	29	28	29	30
Sub-total PT	30	29	28	29	**30**
Total	**346**	**347**	**341**	**344**	**345**

Table 25. LAGC permits held by limited access (LA) vessels by permit category.

CY	LA w/ IFQ permit	LA w/ NGOM permit	LA w/ Incidental permit
2020	40	27	113
2021	39	28	113
2022	39	52	96
2023	39	66	76
2024	39	65	77

Table 26. LAGC permits (LAGC permits held by LA vessels are included)

CY	IFQ	NGOM	Incidental
2020	148	78	144
2021	152	82	142
2022	137	130	120
2023	131	155	97
2024	144	157	91

[3] The permit numbers shown in Table 24 include duplicate entries because replacement vessels receive new permit numbers and when a vessel is sold, the new owner would get a new permit number.

Table 27. Active LAGC permits (excludes LAGC permits held by LA vessels).

CY	IFQ	NGOM	INCI
2020	108	51	31
2021	113	54	29
2022	99	78	24
2023	92	89	21
2024	105	92	14

Table 28. Active vessels (i.e., vessels with scallop landings) during FY 2020-2024

FY	FT	FT-SMD	FT-NET	PT	PT-SMD	Total
2020	250	55	11	0	30	346
2021	252	55	11	0	29	347
2022	248	53	12	0	28	341
2023	250	54	11	0	29	344
2024	250	54	11	0	30	345

Table 29. Counts of Permits and MRI for Limited Access FT and PT. No OC or PT-Net permits or MRIs during this period.

	FT		PT		FT-SMD		PT-SMD		FT-NET	
FY	**Permit**	**MRI**	**Permit**	**MRI**	**Permit**	**MRI**	**Permit**	**MRI**	**Permit**	**MRI**
2020	249	369	-	-	55	87	31	54	11	16
2021	252	369	-	-	55	87	31	55	11	16
2022	248	367	-	-	53	85	30	53	12	16
2023	250	370	-	-	54	87	31	56	11	16
2024	250	370	-	-	49	81	28	51	10	15

Table 30. Counts of Permits and MRI for Limited Access General Category LAGC (A, B, C) Fleet

	IFQ (LAGC A)		NGOM (LAGC B)		Incidental (LAGC C)	
FY	**Permit**	**MRI**	**Permit**	**MRI**	**Permit**	**MRI**
2020	200	236	106	129	220	332
2021	197	235	113	139	215	327
2022	184	223	155	204	189	286
2023	175	213	181	243	169	246
2024	186	223	178	242	164	241

Trends in limited access (LA only) and LAGC (IFQ only and NGOM only) permits by home port states.

Scallop permits are valuable economic assets because they allow permit holders to access a lucrative fishery. Thus, fishermen are incentivized to conserve the scallop resource and increase productivity to maximize economic benefits. Most LA vessels have home state and primary port states of landing in Massachusetts, followed by New Jersey, Virginia, and North Carolina (Table 31). The number of LA vessels by hail or home port state and port of landing has remained about the same across 2020-2024, suggesting that permit transfers across states are minimal.[4] The number of LAGC IFQ permits are also

[4] The Council generally describes changes in the scallop fishery at the community level based on both port of landing, and home port state. A port of landing is the actual port where fish and shellfish have been landed. A home port or hail port is the port identified by a vessel owner on a vessel permit application and is where supplies are purchased, or crews are hired. Statistics based on port of landing begin to describe the benefits that other fishing

summarized by both homeport state and primary port state as identified by the permit owner in Table 32. The number of LAGC IFQ permits by hail state have increased in 2024 compared to 2023.

Table 31. Number of limited access permits (LA only) by home state

HPST	2020	2021	2022	2023	2024
CT	4	4	4	3	4
FL	3	3	3	3	3
MA	146	147	148	149	153
ME	1	1	1	1	1
NC	40	35	36	36	32
NJ	99	98	96	98	96
NY	0	0	2	2	2
PA	3	2	2	2	2
RI	2	2	2	2	2
VA	50	52	47	46	50
Total	**348**	**344**	**341**	**342**	**345**

Table 32. Number of LAGC (IFQ only) permits by home state ports (excludes LA vessels w/ IFQ permit)

HPST	2020	2021	2022	2023	2024
CT	3	4	4	5	5
DE	1	1	0	0	1
FL	0	0	0	0	0
GA	0	0	0	0	0
MA	43	48	47	43	51
MD	3	3	2	3	3
ME	4	4	5	3	4
NC	6	5	3	2	2
NH	0	0	1	1	1
NJ	33	34	28	23	26
NY	10	11	6	9	8
PA	0	0	0	0	0
RI	4	3	3	3	4
TX	0	0	0	0	0
VA	1	1	0	0	0
Total	**108**	**114**	**99**	**90**	**105**

related businesses (such as dealers and processors) derive from the landings made in their port. Alternatively, statistics based on homeport gives an indication of the benefits received by vessel owners and crew from that port. However, during this analysis the PDT in the past has observed that many vessels declare a primary port for the year, and it may not always match up with the actual port that a vessel landed the majority of scallop catches for the year. Therefore, these results should take that into consideration.

Table 33. No. of LAGC (NGOM only) permits by Hail (Home) State (excludes LA vessels w/ NGOM permit).

ST	2020	2021	2022	2023	2024
MA	10	11	14	16	14
ME	39	41	58	69	73
NC	0	0	0	0	0
NH	2	2	5	5	4
NJ	0	0	0	0	0
NY	0	0	1	0	0
SUM	**51**	**54**	**78**	**90**	**91**

Foreign trade (import, export, and re-export) of scallops in FY 2024

Historically, Canada, Japan, and China have been the major exporters of various scallop products to the U.S. Recently, the U.S. imported a significant volume of scallops from Argentina and Peru. While the U.S. exports wild caught scallops, a large proportion of its imports are cultured scallop meats primarily from China and Japan.

In FY 2024, the U.S. imported about 68 million lb. valued at about $473 million of scallop products primarily from Japan, China, Canada, Argentina, and Peru. U.S. imports of scallop products in 2024 increased in both volume and value compared to FY 2023. In FY 2024, the top three destinations for U.S. scallop exports have been to France, Canada, and the Netherlands. The U.S. exported about 8.2 million lb valued at $69 million of scallop products. Scallop exports in 2024 slightly decreased relative to FY 2023. The U.S. also re-exported some of its imports at a re-export value of about $13.74 million, primarily to Canada. The re-export value in FY 2024 decreased by about $3.44 million compared to FY 2023**.**

Table 34 presents the volume and values (in nominal dollars) of U.S. imports, exports, and re-exports of scallops with major countries during FY 2021-2024. Also provided here are average import and export prices for scallop products for the same period. The average import price of scallop was $6.93 per pound, and the average export price was $8.44 in FY 2024.

Table 34. Summary of U.S. scallop trades with top five countries during FY 2021-FY 2024.

Import 2024			**Export 2024**			**Re-Export 2024**		
Countries	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**
Japan	22.38	$207.49	France	3.00	$20.71	Canada	1.305	$12.59
China	16.60	$40.47	Canada	1.50	$17.95	Netherlands	0.032	$0.35
Argentina	10.28	$39.28	Netherlands	1.12	$7.43	UAE	0.022	$0.20
Canada	7.98	$106.18	Belgium	0.61	$4.69	China (HK)	0.013	$0.19
Peru	6.02	$50.98	South Korea	0.29	$3.09	Colombia	0.013	$0.10
Other	4.95	$28.19	Other	1.64	$15.05	Other	1.385	$13.44
Sum Imports	68.21	$472.59	**Sum Exports**	8.16	$68.92	**Sum Re-Exports**	1.413	$13.74
Import 2023			**Export 2023**			**Re-Export 2023**		
Countries	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**
Japan	17.40	$145.77	Canada	2.06	$23.97	Canada	0.72	$6.56
Canada	12.42	$159.34	Belgium	1.44	$10.33	France	0.34	$2.03
China	9.86	$27.39	Netherlands	1.25	$10.12	Japan	0.04	$0.43
Argentina	7.38	$29.33	France	0.56	$5.04	Netherlands	0.04	$0.33
France	1.47	$2.81	U.K.	0.34	$3.11	China (HK)	0.02	$0.37
Other	3.24	$20.24	Other	1.73	$18.20	Other	0.05	$0.57
Sum Imports	51.77	$384.88	**Sum Exports**	7.38	$70.77	**Sum Re-Exports**	1.21	$10.30
Import 2022			**Export 2022**			**Re-Export 2022**		
Countries	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**
Japan	13.67	$132.46	Canada	1.95	$24.34	France	2.99	$17.41
China	11.25	$29.42	France	1.65	$11.35	Canada	0.88	$7.58
Argentina	8.78	$33.48	Netherlands	1.57	$16.57	Netherlands	0.04	$0.35

Canada	7.92	$100.29	Belgium	0.3	$3.21	Colombia	0.01	$0.05
Philippines	1.58	$3.80	U.K.	0.25	$2.58	Antigua & Barbuda	0.01	$0.05
Other	4.37	$24.41	Other	2.2	$22.49	Other	0.02	$0.21
Sum Imports	47.57	$323.85	Sum Exports	7.92	$80.54	Sum Re-Exports	3.94	$25.66
Import 2021			**Export 2021**			**Re-Export 2021**		
Countries	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**	**Countries**	**Mil Lb.**	**Mil $**
Japan	17.03	$149.50	Canada	2.76	$31.90	France	3.75	$19.6
China	12.95	$32.32	Netherlands	1.56	$15.31	Canada	1.1	$8.55
Canada	9.89	$111.82	France	0.41	$4.93	Peru	0.04	$0.23
Argentina	7.08	$26.60	South Korea	0.27	$3.14	Japan	0.01	$0.18
Peru	5.97	$38.40	U.K.	0.26	$2.27	Colombia	0.01	$0.06
Other	23.66	$35.28	Other	1.39	$14.40	Other	0.01	$0.22
Sum Imports	**61.68**	**$393.92**	**Sum Exports**	**6.67**	**$71.95**	**Sum Re-Export**	**4.93**	**$28.84**

Table 35. Summary of US scallop trade prices (nominal dollar per pound) during FY 2021-2024

Import 2023		**Export 2023**		**Import 2024**		**Export 2024**	
Countries	**Price/lb**	**Countries**	**Price/lb**	**Countries**	**Price/lb**	**Countries**	**Price/lb**
Japan	$8.38	Canada	$11.64	Japan	$9.27	France	$6.91
Canada	$12.83	Belgium	$7.17	China	$2.44	Canada	$11.93
China	$2.78	Netherlands	$8.10	Argentina	$3.82	Netherlands	$6.61
Argentina	$3.97	France	$9.00	Canada	$13.31	Belgium	$7.69
France	$1.91	U.K.	$9.15	Peru	$8.47	South Korea	$10.58
Other	$6.25	Other	$10.52	Other	$5.69	Other	$9.19
Avg Price	**$7.43**	**Avg Price**	**$9.59**	**Avg Price**	**$6.93**	**Avg Price**	**$8.44**
Import 2021		**Export 2021**		**Import 2022**		**Export 2022**	
Countries	**Price/lb**	**Countries**	**Price/lb**	**Countries**	**Price/lb**	**Countries**	**Price/lb**
Japan	$8.78	Canada	$11.56	Japan	$9.69	Canada	$12.48
China	$2.50	Netherlands	$9.81	China	$2.62	France	$6.88
Canada	$11.31	France	$12.02	Argentina	$3.81	Netherlands	$10.55
Argentina	$3.76	South Korea	$11.63	Canada	$12.66	Belgium	$10.70
Peru	$6.43	U.K.	$8.73	Philippines	$2.41	U.K.	$10.32
Other	$1.49	Other	$10.36	Other	$5.59	Other	$10.22
Avg Price	**$6.39**	**Avg Price**	**$10.79**	**Avg Price**	**$6.81**	**Avg Price**	**$10.17**

Northern Gulf of Maine

FY 2025 marked the fourth NGOM season under new management measures adopted through Amendment 21 to the Scallop FMP. Data on participation in the NGOM area by LAGC vessels since 2010 are provided below, along with information about permit movement within the LAGC component of the fishery.

Table 36. Number of active vessels, total trips, average landings, and trips per vessel in the NGOM management area from 2020 – 2025. NMFS/GARFO, August 20, 2025.

FY	Mean trips per vessel	Active vessels	Total trips	Average catch (lb)
2020	22	45	972	180
2021	16	48	749	172
2022	27	108	2879	204
2023	15	118	1764	199
2024	14	131	1842	204
2025	19	200	3467	186

6.0 NEPA COMPLIANCE AND SUPPORTING ANALYSIS

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. Not every change to a proposed action, including the presence of new information, necessitates the development of a new or supplemental NEPA analysis. NMFS provided guidance to Councils on the use of "non-NEPA documents" to help determine whether a new or supplemental NEPA document is necessary or if a non-NEPA document (for example this SIR) may be used to demonstrate that an original NEPA document sufficiently considered and analyzed the proposed actions and its effects.

Overview

This action would update the Atlantic sea scallop OFLs and ABCs based on the results of the 2025 scallop surveys and the 2025 research track assessment, Council recommendations, and the Council's Risk Policy. The 2025 scallop research track assessment provided updated stock reference points used to inform the FY 2026 and FY 2027 OFLs and ABCs recommended by the Council in the proposed specifications. The Annual Projected Landings (APL) under the proposed specifications would be 7,559 mt in FY 2026, before set-asides are removed. The previous EA in FW39 considered impacts of specifications (including OFL/ABCs, access area allocations and possession limits, and DAS), the removals from the NGOM management area, access areas available for LAGC IFQ and Scallop RSA compensation fishing, delayed openings of the Area I and Area II access areas, and modifications to the seasonal closure of Area II on the Valued Ecosystem Components (target, non-target, protected species, physical environment and essential fish habitat, and human communities). The basis for previously analyzed management measures is not proposed to be changed in this action.

The environmental impacts of the proposed action (FW40) are similar to those in the previous action (FW39) since the risk of overfishing is about the same as previously analyzed and the changes in fishery specifications are expected to cause little change in fishing behavior, fishing costs, projected landings or revenue. Updated information and analyses considered for adjusting the specifications are presented in Section 5.0 of this document.

A summary of the impacts on the VECs under the proposed action, which are not substantially different from the original action, follows, and is summarized in Table 42.

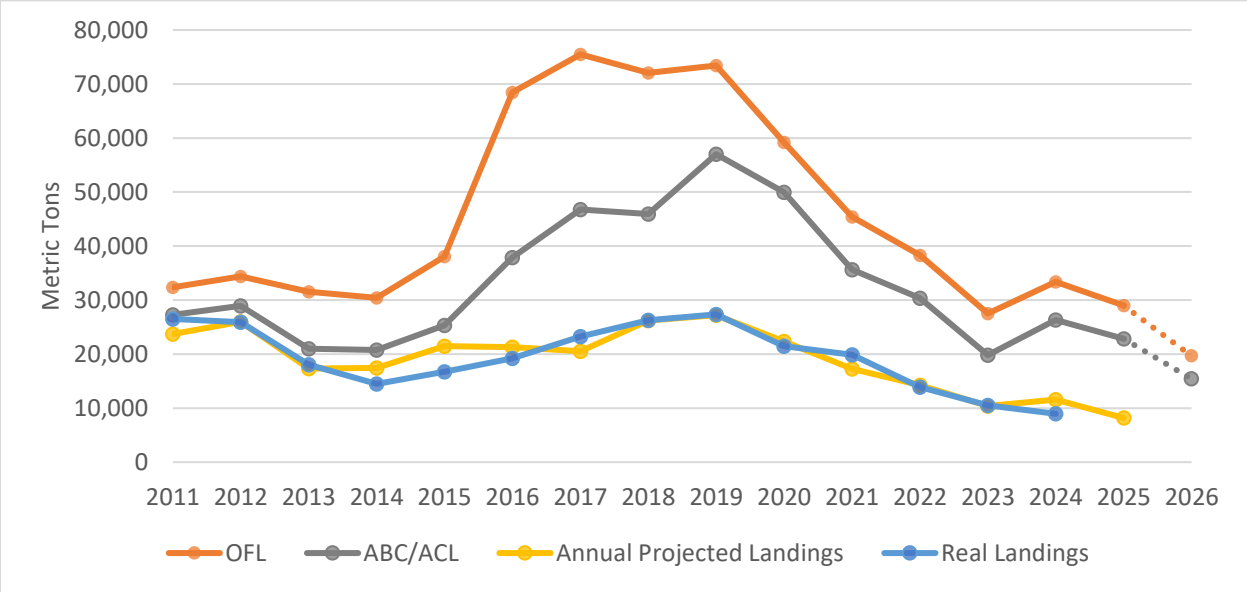
Impacts on Target Species (Atlantic Sea Scallops)

The impacts of the proposed action on target species (Atlantic sea scallops) are expected to remain slight positive. The proposed OFLs and ABCs for FY 2026 and FY 2027 (default) that were recommended by the SSC are summarized in Table 2. This year, as in previous years, the SSC recommended including scallop biomass from several areas of the Gulf of Maine as part of the OFL and ABC. Overall, the proposed OFL and ABC values are based on the most updated survey information and model configurations; therefore, there should continue to be slight positive impacts on the scallop resource from setting fishery limits with updated data for two years. Since fishing targets are set lower than these limits, the plan continues to reduce the risk of overfishing and optimize overall yield from the fishery over the long term.

Under the proposed action, the FY 2027 (default) OFL would be slightly greater than the FY 2026 OFL, but both the FY 2026 and FY 2027 (default) OFLs would be lower than the FY 2026 OFL set in FW39. The 2026 ABC is 29% lower than the ABC for 2025 that was approved in Framework 39, which continues a long-term downward trend of both OFL and ABC values for the fishery over the last 6 years (Figure 8). The decreases in both the OFL and ABC are the result of the decline in biomass on Georges Bank, particularly in Area I-Sliver, Closed Area II-North, and Closed Area II-South. While a large recruitment event was detected in the Nantucket Lightship region in 2024, most animals across the scallop

resource will be 4-years old in FY 2026 and not considered fully exploitable. In 2026, the Georges Bank region is projected to hold the largest share of exploitable biomass across the scallop resource, although surveys detected a slight increase in biomass and abundance in the Mid-Atlantic, attributed to the growth of a 3-year old year class in the Elephant Trunk and Hudson Canyon regions, and recruitment in the Long Island region.

Figure 8. Scallop OFL and ABC values in metric tons, with landings, FY 2011 – FY 2026.



The proposed specifications set FY 2026 open area allocations for the LA and LAGC IFQ components of the fishery. Default specifications for FY 2027 are also established. Specifications are updated on an annual basis with adjustments to the rotational management program and access areas. No estimates beyond FY 2026 are presented but are expected to be revisited again next year through a future action.

As in Framework 39, the proposed specifications would result in a total estimate of short-term fishing mortality that is lower than the upper limit used for setting fishery allocations for the fishery overall. This analysis includes a low-LPUE scenario (36 DAS and 1,183 lb/day), the proposed specifications (36 DAS and 1,373 lb/day), and Status Quo management (24 DAS and 2x 12,000 lb access area trips).

The annual catch target (ACT) includes an overall fishing mortality limit of 0.29 for the total fishery and the total fishing mortality under the proposed specifications is 0.145 (36 DAS and 1,373 lb/day), relative to 0.21 for the Council's preferred alternative under FW39. Under a low-LPUE scenario (36 DAS and 1,183 lb/day), the associated total fishing mortality rate under the proposed specifications would decrease to F=0.13. While overall fishing mortality associated with the proposed specifications remains lower than legal limits, there are important trade-offs in the short-term about where fishing mortality may occur spatially in the open bottom.

The proposed specifications would not meet or exceed the average open area F at the upper bound of F=0.49. When compared to estimates of the overall F from the preferred alternatives in recent actions (FW25 – 39), the estimate of overall (total) F for the proposed specifications is lower than the estimated F rate for FY 2025 (Framework 39) and FY 2024 (Framework 38), and within the bounds of what has been previously considered. The overall F rate declined in 2024 and 2025 as strong cohorts of scallops in the Nantucket Lightship-South, Area I, and Area II-N continued to enter the fishery.

Projections of open area fishing mortality rate under the proposed action are intended to account for environmental changes, such as lower than expected catch rates, which would directly affect fishery performance and realized fishery catch. Under the proposed specifications (36 DAS and 1,373 lb/day), the

open area fishing mortality rate associated with the proposed specifications would be F=0.38, while under a low LPUE scenario, under the same specifications the open area fishing mortality rate would be F=0.32. These values are slightly higher than the Status Quo scenario (F=0.27), which reflects the expanded open area and open area fishing effort.

The proposed action would also specify a Northern Gulf of Maine Total Allowable Landings (NGOM TAL) at F=0.21 for FY 2026 and FY 2027 (default). Setting the NGOM TAL at F=0.21 using estimates of exploitable biomass from Stellwagen Bank, Ipswich Bay, Jeffreys Ledge, Platts Bank, and Machias Seal Island, recognizes that while concentrated fishing effort continues to be expected on the portion of Stellwagen Bank within the NGOM, the total harvest in the NGOM would be within the fishing mortality range specified in Amendment 21 (F=0.15 - 0.25). Based on observations from the 2025 surveys, exploitable scallops are dispersed throughout the management unit. If less harvest occurs on Stellwagen Bank than expected, the realized F rate may be lower than the forecast. Scallops in Stellwagen Bank area are nine years old, and projections suggest that this cohort has limited growth potential.

The proposed action is consistent with FW39 in that impacts can be expected to continue to have slight positive impacts on the scallop resource in the management unit. Vessels can choose to fish anywhere within the management unit, unless a closure is specified.

Impacts on Non-Target Species (Bycatch)

The impacts of the proposed action on non-target species would likely remain slight negative to negligible. Stock status of non-target species is not expected to change under this proposed action compared to what was previously described in Framework 39.

The bycatch projections provided for the proposed specifications (Table 10) suggest that the scallop fishery would remain under the sub-ACLs for Georges Bank yellowtail flounder, Southern New England/Mid-Atlantic yellowtail flounder, northern windowpane flounder, and southern windowpane flounder. Bycatch projections are based on observed discard to kept (d/K) ratios from observed LAGC trips in the NGOM in FY 2025 (i.e., the fourth year where observer coverage was required for the NGOM).

Impacts on Protected Species

As explained in FW 39, realized impacts on protected species for this framework will largely reflect the amount of projected landings described in the proposed specifications in Table 10, and are only indirectly related to the ABC and OFL values.

The scallop fishery is prosecuted with scallop dredge and bottom trawl gear. As provided in Section 5.4 of Framework 39, ESA listed species of sea turtles and Atlantic sturgeon are at risk of interaction with these gear types, with interactions often resulting in injury or mortality to the species. Based on this, the scallop fishery is likely to result in some level of negative impacts to ESA listed species of sea turtles and Atlantic sturgeon. However, taking into consideration that fishing behavior/effort is not expected to increase substantially under this proposed action, as well the fact that interaction risks with protected species are strongly associated with the amount of gear in the water, gear soak or tow duration, as well as the area of overlap, either in space or time, of the gear and a protected species (with risk of an interaction increasing with increases in any or all of these factors), the level of impacts to ESA listed species of sea turtles and Atlantic sturgeon is expected to be slight negative. This action would also still require compliance with sea turtle chain mat and TDD regulations. Overall, the proposed action is expected to continue to have negligible to low moderate negative impacts on protected species.

Impacts on Physical Environment and Essential Fish Habitat

As in previous scallop frameworks, impacts to EFH for this action are evaluated considering the amount of fishing proposed, the general location of that fishing with respect to habitat type, and the swept area

expected to result from that fishing, based on estimates produced by the Scallop Area Management Simulator (SAMS) model. Since the inception of this FMP, a broad suite of measures has been employed to reduce fishing mortality and address habitat impacts. Through OHA2 (NEFMC 2016) and prior actions including Amendment 10 (NEFMC 2004), the Council has identified areas to prohibit scallop fishing in order to reduce impacts on EFH. After a period of very high fishing mortality during the mid-1980's and early-1990's, rotational area management (formalized in Amendment 10) has improved meat yields and LPUE, while DAS reductions have curbed overall fishing mortality. It should be noted that, although scallop fishing activity has negative impacts on benthic habitat, overall, the successful management of the scallop resource has generally mitigated impacts on EFH. Additionally, fishing activity in the Gulf of Maine represents a relatively small proportion of overall effort in the fishery, and therefore adjustments to area management and specifications for the NGOM have a limited influence on the fishery's overall impacts to EFH.

Under the proposed action, fishing activity is expected to occur with reduced habitat efficiency relative to FW39, but total days fished are projected to be lower, resulting in a comparable bottom area swept. Impacts to EFH are expected to continue to be slight negative.

Impacts on Human Communities (Economic and Social Impacts)

The impacts of the proposed action on human communities would likely remain slight positive to positive. Methods for the analysis of impacts on human communities are described in detail in Section 6.6 of FW 39.

The specific communities that may be impacted by this action are identified in Section 5 of Framework 39. This includes 11 primary ports (e.g., New Bedford, Cape May, Hampton/Seaford) and 12 secondary ports for the scallop fishery. The communities more involved in the scallop fishery are likely to experience more direct impacts of this action, though indirect impacts may be experienced across all the key communities. As these specifications largely affect stock-wide harvest levels, impacts would likely occur across the communities that participate in the scallop fishery, proportional to their degree of participation. Given these specifications are only for the next two years, any change to the historical dependence on and participation in the fishery (structure of fishing practices, income distribution and rights) would be minor and difficult to predict.

It is important to note that actual prices, revenues, net revenue, and producer surplus may differ from these estimates. Actual prices will depend on realized landings, the size composition of landings, and values of variables that affect prices including import prices, disposable income of consumers, consumer demand level in terms of per capita scallop consumption, and imports of scallops from countries such as Canada and Japan that are a close substitute for the large domestic scallops. When estimating prices, it was assumed that the values of these variables will not change from the current levels and that actual landings will be equal to the projected landings from the biological model. For these reasons, the numbers provided in the tables should be mainly used to compare one alternative with another rather than to predict future values.

A description of the Scallop Price Model can be found in Appendix I of Framework 39. The price estimates in Framework 40 correspond to the price model outputs and assume that:

- Import prices will be constant at their recent two year average value (i.e., import price for FY 2023– FY 2024 averaged to about $7.27 per pound);
- Scallop exports will constitute about 29% of domestic landings;
- Per capita disposable income will remain approximately $64,117 in FY 2024;
- The ratio of Japanese and Canadian imports to total scallops imported will be constant at their current levels in FY 2024;
- Only the effects of the reduction and changes in the size composition of landings could be identified.

In addition, price estimates reflect real (as opposed to nominal) prices since they are expressed in 2024 constant prices assuming inflation will be zero in future years. Therefore, actual, real, or nominal prices could be higher or lower than the estimated prices depending on the import prices, exports, or disposable income in future years. Nominal prices will probably be higher in the future as well since it is unusual for inflation to remain at zero. In addition, ex-vessel prices could be underestimated because the biological model underestimates the proportion of U10s in landings and does not have a separate category for U12 scallops which also receive a premium price.

Although the absolute values for revenues, net revenue, and producer surplus would change with the value of estimated prices, the differences of these values for the proposed action to the FY 2026 default specifications (FW39) or status quo would not change in any substantial way. Higher realized prices would increase the short-term positive impact of all alternatives on revenues compared to the FY 2026 default specifications and status quo, while lower realized prices would reduce this impact. Increase in import prices leads to higher ex-vessel prices and revenues. Total effort in terms of total DAS is estimated to be 13,825 in FY 2026, but could be as high as 14,113 under a low LPUE scenario. Both scenarios are lower than the total DAS under status quo. Changes in the employment level in the scallop fishery, as measured by CREW*DAS[5], are also expected to be lower compared to the status quo. Employment level is expected to decrease by 26%. However, employment is expected to increase in FY 2027. The employment level under the proposed specifications in the short-term (FY 2026) was 88,204 CREW*DAS, which is lower relative to that of FW39.

Fleet-wide trip costs (Table 44) in FY 2026 under the proposed action are expected to be much lower than SQ level dollars because of lower total DAS and reduced trip costs. Trip costs for the fleet are expected to be approximately $35.74 million. However, trip costs are expected to increase noticeably over the long-term. Overall, the social impacts of the proposed action are expected to continue to be slight positive relative to the default specifications, but slight negative relative to status quo management.

Table 37. Economic impacts under the proposed action for FY 2026: Estimated revenue and economic benefits (million 2024$), and price (2024$/lb.)

	Status Quo (FW39)	FY 2026 Default (FW39)	Proposed Action
Average Price	$16.21	$16.64	$16.05
Revenue	$272.55	$153.06	$307.07
Trip Costs	$65.49	$19.93	$35.01
Net Revenue (Operating Profit)	$207.06	$133.13	$272.06
Producer Surplus (PS)	$104.14	$58.64	$188.15
Consumer Surplus (CS)	$6.93	$2.20	$9.12
Total Benefits (PS+CS)	$111.07	$60.84	$197.27
Difference from SQ			
Revenue	-	-119.49	34.52
Net Revenue	-	-73.93	65.00
Producer Surplus	-	-45.50	84.02
Total Benefits	-	-50.23	86.20

[5] Employment in scallop fishery is as measured by average crew in a FT vessel times total days at sea (DAS).

Table 38. Long-Term Economic Impacts (2026-2040): Cumulative present value of revenues, net revenue, producer surplus, and total economic benefits (million 2024$, 7% discount rate)

	Status Quo (FW39)	FY 2026 Default Specifications (FW39)	Proposed Action
PV Revenue	$5,499	$5,451	$5,523
PV Trip Costs	$554	$509	$462
PV Net Revenue	$4,945	$4,943	$5,062
PV Producer Surplus	$3,994	$4,020	$4,169
PV Consumer Surplus	$294	$298	$296
PV Total Economic Benefits	$4,288	$4,318	$4,464
Difference from SQ:			
PV Revenue	-	-$47.01	$24.88
PV Net Revenue	-	-$1.93	$116.89
PV Producer Surplus	-	$26.20	$174.32
PV Total Economic Benefits	-	$30.20	$176.19

Table 39. Economic Impacts of the LAGC IFQ allocation for the 2026 fishing year.

	Status Quo (FW39)	FY 2026 Default (FW39)	Proposed Action
LAGC IFQ Share 5.5% (mil lb.)	1.009	0.744	0.941
Price per lb. (in 2024$)	$16.21	$16.64	$16.05
Revenue (in 2024$ mil)	$18.36	$14.03	$17.19
Revenue Difference from SQ (in 2024 $ mil)	$0	-$4.33	-$1.17
Net Revenue Difference from SQ	$0	-$3.70	-$1.00

Table 40. Economic Impacts of the FY 2026 NGOM TAL under the proposed action (monetary values are in 2024 dollars).

	FY 2026	FY 2027
Total Allowable Landings	**482,752 lb**.	
1% NGOM ABC for Observers	19,886 lb.	1% of FY 2027 NGOM ABC
RSA Contribution	25,000 lb.	25,000 lb.
Overage Payback	-	
NGOM Set-Aside	**437,867 lb.**	**218,933 lb.**
Revenue	$7.96 million	$3.93 million
DAS	2,189	1,081
Trip costs	$1.76 million	$0.87 million
Net revenue	**$6.21 million**	**$3.06 million**
Net revenue net of No Action	**- $0.98 million**	**$3.06 million**

Table 41. Short-term Ex-Vessel Scallop Price Estimates for FY 2026 (in 2024 dollars) by FW40 Alternatives and Market Grades.

Scallop Grades	FW39		FW40
	Status Quo	FY 2026 Default	Proposed
U10	$24.26/lb.	$23.57/lb.	$22.90/lb.
11+	$14.95/lb.	$15.28/lb.	$14.86/lb.
Price (All Grades)	$16.21/lb.	$16.64/lb.	$16.05/lb.

7.0 CONCLUSION

In accordance with NOAA's NEPA procedures, after considering the proposed action in Section 3.0 and new information in Section 5.0, NMFS has preliminarily determined that a supplement to the EA prepared for Framework 39 to the Scallop FMP is not needed. Further supplementation is not needed because 1) the new proposed specifications do not amount to a substantial change relevant to environmental concerns; and 2) new circumstances and information do not alter the significance of the adverse effects that bear on the proposed action or its effects. The changes to the scallop specifications are not expected to substantially change the risk of overfishing, or change the profits or revenue from fishing for scallops. The Finding of No Significant Impact (FONSI) signed on April 8, 2025, remains valid to support the proposed action.

Table 42. Summary of impacts on VECs from Framework 39 and the proposed action (Framework 40, NEFMC 2025).

VEC	Expected Impacts	
	Framework 39 (FY 2025-2026)	**Framework 40 (FY 2026-2027)**
Target Species	Slight positive	Slight positive
Non-target Species	Slight negative to negligible	Slight negative to negligible
Protected Resources	Negligible to low moderate negative	Negligible to low moderate negative
Physical Environment & EFH	Slight negative	Slight negative
Human Communities	Slight positive to positive	Slight positive to positive

8.0 APPLICABLE LAWS/EXECUTIVE ORDERS

8.1 MAGNUSON STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

8.1.1 National Standards

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that regulations implementing any fishery management plan or amendment be consistent with ten national standards. Below is a summary of how this action is consistent with the National Standards and other required provisions of the Magnuson-Stevens Act.

National Standard 1. This action continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving optimum yield for managed species and the U.S. fishing industry on a continuing basis. The primary goal of managing the scallop fishery is to maintain long-term sustainable catch levels and the first objective of the Scallop FMP is to prevent overfishing. The Scallop FMP established a fishery specifications process that ensures a consistent review of the Atlantic sea scallop stock status, fishery performance, and other factors to manage by annual catch limits (ACL) and prevent overfishing. The measures implemented through this action should further achieve the goals/objectives and reduce the possibility of overfishing the Atlantic sea scallop resource. In doing so, the proposed specifications are expected to achieve, on a continuing basis, optimum yield from the Atlantic sea scallop fishery. The Atlantic sea scallop resource is currently not overfished, and overfishing is not occurring.

National Standard 2. This action is consistent with National Standard 2 because it was informed by fisheries-independent data from several surveys, commercial fishery landings data, stock assessments, and other scientific data sources. The 2026 and 2027 (default) scallop fishery specifications are supported by the best available scientific information, and recommendations for scallop fishery catch limits (i.e., OFL, ABC/ACL) are based on advice from the Council's Scientific and Statistical Committee (SSC). The

supporting science and analyses, upon which the proposed action is based, are summarized and described in Section 5.0 of this document.

National Standard 3. Atlantic sea scallops are managed throughout their range (National Standard 3). Under the Atlantic Sea Scallop FMP, the target fishing mortality rate and stock biomass are applied to the scallop resource from North Carolina to the US/Canada boundary. This encompasses the entire range of the Atlantic sea scallop stock under Federal jurisdiction. See Framework 39 Section 5 for a description of the scallop resource.

National Standard 4. The management measures proposed in this action do not discriminate among residents of different states (National Standard 4); the measures are applied equally to scallop permit holders of the same category, regardless of homeport or location. Scallop fishery allocations reasonably promote conservation, and management measures prevent individuals, corporations, and other entities from acquiring excessive shares.

National Standard 5. The proposed 2026 and 2027 (default) scallop fishery specifications are allocated to management areas (i.e., open and access areas, the Northern Gulf of Maine) in a manner that is intended to maximize opportunities for the fishery while minimizing the potential for overfishing. The specifications proposed in this document should promote efficiency in the use of fishery resources through appropriate measures intended to provide access to the scallop fishery for both current and historical participants while minimizing the race to fish in any of the scallop management areas, and they do not have economic allocation as their sole purpose.

National Standard 6. The measures proposed account for variations in the fishery (National Standard 6). The 2025 scallop research track assessment noted declines in biomass and recruitment from previous assessments. There are several factors which could introduce variations into the scallop fishery, and this action enhances the ability of the Scallop FMP to adapt to changing resource conditions. The rotational management program is expected to allow the FMP to stabilize fishing effort in open areas and access areas, and potentially allow the FMP greater flexibility to achieve optimum yield through rotational area management in the future. Furthermore, market fluctuations, environmental factors, and predator-prey interactions constantly introduce additional variations among the scallop resource, the fishery, and the available catch. The proposed 2026 and 2027 (default) scallop fishery specifications represent reductions in projected landings from recent years. However, these specifications intend to balance the needs of the scallop fishery while accounting for the variation in scallop biomass and recruitment.

National Standard 7. This action considers the costs and benefits associated with the proposed 2026 and 2027 (default) specifications and scallop fishery catch limits (i.e., OFL, ABC/ACL). Any costs incurred as a result of the management action proposed in this document are necessary to achieve the goals and objectives of the Scallop FMP and are outweighed by the benefits of taking the management action. Consistent with National Standard 7, the management measures proposed in this document are not duplicative and were developed in close coordination with interested entities and agencies to minimize cost and duplication.

National Standard 8. The proposed 2026 and 2027 (default) scallop fishery specifications consider the importance of fishery resources to fishing communities (National Standard 8). A complete description of the fishing communities participating in and dependent on the scallop fishery is in Framework 39 Section 5. Relative to the Framework 39 default measures, the proposed measures are expected to have positive impacts on communities engaged in and dependent on the scallop fishery.

National Standard 9. Section 5.2 of this document has information related to bycatch in the scallop fishery. The primary non-target species in this fishery are GB yellowtail flounder, northern windowpane flounder, SNE/MA yellowtail flounder, and southern windowpane flounder, all of which have catch caps (i.e., sub-ACLs). The proposed 2026 and 2027 (default) specifications, as well as other proactive measures such as seasonal closures in rotational areas, gear requirements, and effort controls, promote the

concept of reducing bycatch to the extent practicable. In general, rotational management promotes efficiency by increasing catch rates and reducing area swept, which reduces fishing time and reduces overall bycatch in the scallop fishery. If sub-ACLs for any of the above flounder stocks are exceeded, reactive accountability measures are implemented which require further modifications to dredge gear to reduce flatfish bycatch in the future. This action proposes new measures to modify seasonal closures in rotational areas to further reduce bycatch.

National Standard 10. Finally, this action is consistent with National Standard 10 to promote the safety of human life at sea. The Council has the utmost concern regarding safety and understands how important safety is when considering allocations for the scallop fishery. The proposed 2026 and 2027 (default) scallop specifications ensure that access to the scallop fishery is provided for vessels of all sizes and gear types. This action does not propose any new measures that would change the findings from previous actions which discussed the effect of scallop management and the rotational management program on safety (Amendment 10 FSEIS).

8.1.2 Other Required Provisions of the M-S Act

Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act contains 15 additional required provisions for FMPs, which are discussed below. Any FMP prepared by any Council, or by the Secretary, with respect to any fishery, shall:

1. *contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are— (A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery; (B) described in this subsection or subsection (b), or both; and (C) consistent with the National Standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;*

Since the domestic scallop fishery is capable of catching and processing the allowable biological catch (ABC), there is no total allowable level of foreign fishing (TALFF), and foreign fishing on sea scallops is not permissible at this time.

2. *contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;*

The fishery and fishery participants are described in detail in Section 5.6 of Amendment 21 to the Scallop FMP. Section 5.4 in this document describes the scallop permits by category as well as the active scallop vessels by permit type that could be affected by this action. The number of trips and average scallops landed per category are also included in that section.

3. *assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from the fishery, and include a summary of the information utilized in making such specification;*

The present and probable future condition of the resource and estimates of MSY and OY are given in Section 8.2.2.2 of Amendment 10 to the Scallop FMP.

The SSC reviewed the most recent work on assessing this resource and recommended that acceptable biological catch be set at 15,412 mt in 2026 and 17,060 mt in 2027 (default). Acceptable Biological Catch

(ABC) is defined as the maximum catch that is recommended for harvest, consistent with meeting the biological objectives of the management plan.

This level was recommended by the Scientific and Statistical Committee (SSC) and various sources of scientific uncertainty were considered when setting this value. ABC calculations were based on the overfishing definition approved in Amendment 15, spatially averaged F = 0.49 as of the 2025 scallop research track assessment. The control rule for target catches used for the limited access fishery in the Scallop FMP is that the spatially combined target fishing mortality must be no higher than that which gives a 25% probability of exceeding the ABC. This current estimate is a maximum of 0.29 for the limited access ACT in the Scallop FMP. Target fishing mortalities can be set below these limits but not above them. Under these principles, the probable future condition of this fishery is sustainable.

Current domestic processing capabilities are around 50-60 million lb. Total landings have been at or below that level since 2004 and are projected to be 17.1 million lb in fishing year 2026 under the proposed action (Section 3.0). However, the actual landings could be higher or lower than this amount depending on the availability of exploitable scallops in the open areas.

> *4. assess and specify— (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); (B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and (C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;*

The US fishery is expected to harvest 100% of OY and domestic processors are expected to be able to process 100% of OY.

> *5. specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirement and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;*

The FMP and existing regulations specify the type of reports and information that scallop vessel owners and scallop dealers must submit to NMFS. These data include, but are not limited to, the weight of target species and incidental catch which is landed, characteristics about the vessel and gear in use, the number of crew aboard the vessel, when and where the vessel fished, and other pertinent information about a scallop fishing trip. Dealers must report the weight of species landed by the vessel, the date of landing, and the ex-vessel price for each species and/or size grade. Important information about vessel characteristics, ownership, and location of operation is also required on scallop permit applications. Dealers are also surveyed for information about their processing capabilities.

All limited access scallop vessels and general category vessels are required to operate vessel monitoring system (VMS) equipment to record the location of the vessel for monitoring compliance with DAS regulations. An at-sea observer is also placed on scallop vessels at random to record more detailed information about the catch, including size frequency data, the quantity of discards by species, detailed gear data, and interactions with protected species.

> *6. consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe*

conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

The action proposed in this framework does not alter any adjustments made in the Scallop FMP that address opportunities for vessels that would otherwise be prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fisheries. No consultation with the Coast Guard is required relative to this issue.

7. describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

Essential fish habitat (EFH) was defined in earlier scallop actions. This framework does not further address or modify those EFH definitions. There are no additional impacts to the physical environment or EFH expected from the action proposed in this framework.

8. in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

Data and research needs for the Atlantic sea scallop and its associated fisheries are described in Section 5.1.8 of Amendment 10 and Section 4.1 of Amendment 15. Other data already collected include fishery dependent data described in Section 6.2.4 of Amendment 10, Section 4.4 of Amendment 15, and Section 5.6 of Amendment 21. Fishery-independent resource surveys provide an index of scallop abundance and biomass on an annual basis.

9. include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on— (A) participants in the fisheries and fishing communities affected by the plan or amendment; (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and (C) the safety of human life at sea, including weather and to what extent such measures may affect the safety of participants in the fishery;

The impacts of the scallop management program in general have been analyzed in previous scallop actions (Amendment 10, Amendment 11, Amendment 15, Amendment 19, Amendment 21, Framework 16, and Frameworks 18-39). Any additional impacts from measures proposed in this action on fishery participants are summarized in Section 3 and 6 of this document. Safety in the scallop fishery was described in Section 8.1.5.6 of Amendment 10 and nothing proposed in this action is expected to alter that description of safety of human life at sea.

10. specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

Overfishing reference points describing targets and thresholds for biomass and fishing mortality were updated in the most recent stock assessment (NEFSC 2025) and are presented and explained in Section 4.0 of this document.

11. establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority— (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided;

This action does not include changes to the current standardized bycatch reporting methodology (SBRM). This methodology is expected to assess the amount and type of bycatch in the scallop fishery and help identify ways the fishery can minimize bycatch and mortality of bycatch which cannot be avoided. The scallop fishery also has an industry funded observer set-aside program that provides additional funding (portion of total scallop catch set-aside) to put observers on scallop vessels.

12. assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

The proposed action does not address recreational fishing regulations. There are no substantial recreational or charter fishing sections in the scallop fishery. Any recreational scallop fishing is likely conducted by diving, and harvest is by hand, meaning the survival of released scallops is maximized.

13. include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors;

A detailed description of the scallop fishery is included in Section 7.1 of Amendment 10, Section 4.4 in Amendment 11, Section 4.4 of Amendment 15, Section 5.6 of Amendment 21, and Section 5 of Framework 39. These sections provide information related to scallop vessels, processors, and dealers.

14. to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery; and

This action proposes lower catch levels compared to the 2025 fishing year. The measures included in this action are expected to have positive economic impacts in the short-term (2026) compared to the default measures under Framework 39, and slight positive economic impacts in the short-term relative to the Status Quo scenario. The proposed specification measures will affect the vessels with limited access permits participating in the sea scallop fishery in similar proportions since each vessel within a permit category will receive the same number of open areas DAS and access area trip allocations, and the limited access general category IFQ vessels receive 5.5% of the total APL. As a result, the proposed specification measures will have proportionally similar impacts on revenues and profits of each vessel compared to the Status Quo scenario.

Section 6.0 provides a detailed examination of the expected economic impacts of this action. Harvest from the Atlantic sea scallop fishery will continue to be reviewed, established, and analyzed through the recurrent framework process. Recreational fishing for sea scallops is rare and does not affect the overall FMP or participants in the federal fishery.

15. establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

The proposed action includes catch limits for certain sectors of the scallop fishery, as well as effort controls for the rest of the fishery that is not under a direct TAC or quota. This action covers fishing years

2026 and 2027 (default) measures only. Measures have been set well below the fishing mortality threshold of 0.49, so overfishing is not expected to occur.

Amendment 15 was approved in 2011, which brought the Scallop FMP in compliance with new annual catch limits required under the reauthorized Magnuson-Stevens Act of 2007. The ABC was set in this action under the same principles and the respective values are: 15,412 mt in 2026 and 17,060 mt in 2027 (default). Fishery allocations under the proposed action are set at F = 0.15 overall. The annual projected landings from areas associated with that fishing mortality level is estimated to be around 17.1 million lb in 2026.

8.2 National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. We have preliminarily determined that the proposed action and its effects fall within the scope of a previous EA as described above, and that those analyses remain valid for this action. Thus, there is no need for supplemental NEPA analyses or to revise the previous FONSI.

8.2.1 Point of Contact

Questions concerning this document should be addressed to:

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New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 10950
(978) 465-0492

8.2.2 Agencies Consulted

The following agencies were consulted in the preparation of this document:

New England Fishery Management Council
Mid-Atlantic Fishery Management Council
National Marine Fisheries Service, NOAA, Department of Commerce

8.2.3 List of Preparers

Framework Adjustment 40 was prepared and evaluated in consultation with the National Marine Fisheries Service and the Mid-Atlantic Fishery Management Council. Members of the Scallop PDT prepared and reviewed portions of analyses and provided technical advice during the development of the Environmental Assessment. The list of Scallop PDT members is included below:

Scallop Plan Development Team	
Connor Buckley, PDT Chair, NEFMC	Dr. Robert Murphy, NEFSC, SSB
Jonathon Peros, NEFMC	Kelly Whitmore, MA DMF
Chandler Nelson, NEFMC	Danielle Palmer, GARFO, PRD
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Emily Keiley, GARFO, SFD	Dr. David Rudders, VIMS
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Dr. Naresh Pradhan, NEFMC	Chris Parkins, RI DEM
Dr. Dvora Hart, NEFSC, PDB	Dr. Adam Delargy, SMAST UMass Dartmouth
Tasha O'Hara, CFF	Bridget St. Amand, NEFSC, FMO

In addition, other individuals contributed data and technical analyses for the document. Dr. Jui-Han Chang (NEFSC), Dr. Liese Siemann (Coonamessett Farm Foundation), Sally Roman (Virginia Institute of Marine Science), Emily Bodell (NEFMC), Robin Frede (NEFMC), Michelle Bachman (NEFMC), and Sherie Goutier from NEFMC staff assisted with various sections of this document.

8.2.4 Opportunities for Public Comment

The proposed action was developed during the period of June 2025 through December 2025 and was discussed at the meetings listed in Table 43, below. Opportunities for public comment were provided at each of these meetings.

Table 43. Summary of meetings with the opportunity for public comment during the development of Framework 40.

Meeting	Location	Date
NEFMC Meeting	Freeport, ME, and webinar	6/25/2025
Scallop PDT	Webinar	7/24/2025
Scallop PDT	Buzzards Bay, MA, and webinar	8/27/2025 – 8/28/2025
Scallop PDT	Webinar	9/5/2025
Scallop PDT	Webinar	9/9/2025
Scallop Advisory Panel	Webinar	9/12/2025
Scallop Committee	Webinar	9/13/2025
NEFMC Meeting	Gloucester, MA, and webinar	9/24/2025
Scallop PDT	Webinar	9/30/2025
Scallop PDT	Webinar	10/9/2025
Scallop PDT	Webinar	10/16/2025
Scallop Advisory Panel	New Bedford, MA, and webinar	10/21/2025
Scallop Committee	New Bedford, MA, and webinar	10/22/2025
Scallop PDT	Webinar	10/30/2025
Scallop PDT	Webinar	11/7/2025
Scallop Advisory Panel	Webinar	11/19/2025
Scallop Committee	Webinar	11/20/2025
NEFMC Meeting	Newport, RI, and webinar	12/3/2025

8.3 Marine Mammal Protection Act

The proposed action is not expected to alter fishing methods or activities. Therefore, this action would not affect marine mammals in any manner not considered in previous consultations on the fishery. Section 5.4 of Framework 39 describes the marine mammals potentially affected by the scallop fishery and Section 6.4 summarizes the impacts of the proposed action. A final determination of consistency with the MMPA will be made by the agency before Framework 40 is implemented.

8.4 Endangered Species Act

NOAA's National Marine Fisheries Service (NMFS) issued a Biological Opinion (Opinion) on June 17, 2021, that considered the effects of the NMFS' authorization of the Scallop Fishery Management Plan (FMP) on ESA-listed species and designated critical habitat. The 2021 Opinion concluded that the scallop fishery, as authorized under the scallop FMP: 1) may adversely affect, but is not likely to jeopardize the continued existence of the Northwest Atlantic Ocean distinct population segment (DPS) of loggerhead, leatherback, Kemp's ridley, and the North Atlantic DPS of green sea turtles, as well as the five listed DPSs of Atlantic sturgeon; and, 2) is not likely to adversely affect designated critical habitat for North Atlantic right whales or loggerhead (Northwest Atlantic Ocean DPS) sea turtles. The Opinion included an incidental take statement authorizing the take of specific numbers of ESA listed species of sea turtles and

Atlantic sturgeon over a five-year period. Reasonable and prudent measures and terms and conditions were also issued with the incidental take statement to minimize impacts of any incidental take.

The proposed action is not expected to alter overall fishing operations, lead to a substantial increase of fishing effort, or alter the spatial and(or) temporal distribution of current fishing effort in a manner that would increase interaction risks with ESA-listed species or cause adverse effects to critical habitat. Based on this, the Council has determined that fishing activities pursuant to this action will not affect endangered and threatened species or critical habitat in any manner not considered in the 2021 Opinion on this fishery. A final determination of consistency with the ESA will be made by the agency before Framework 40 is implemented.

8.5 Administrative Procedures Act

Sections 551-553 of the Administrative Procedure Act established procedural requirements applicable to informal rulemaking by federal agencies. The purpose is to ensure public access to the federal rulemaking process, and to give public notice and opportunity for comment. The Council did not request relief from notice and comment rule making for this action, and the Council expects that NOAA Fisheries will publish proposed and final rule making for this action.

The Council has held 18 meetings open to the public on Framework 40 (Table 43). The Council initiated this action at the June 2025 Council meeting and approved final measures at the December 2025 meeting. After submission to NMFS, there will be an opportunity for public comment during the rulemaking process.

8.6 Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to minimize the paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by or for the Federal Government. It also ensures that the Government is not overly burdening the public with requests for information. The amount that the proposed action would alter the burden hour estimates will be described and evaluated in an updated PRA analysis and public comments will be sought through Framework 40 rulemaking.

8.7 Coastal Zone Management Act

Section 307 of the Coastal Zone Management Act (CZMA) is known as the federal consistency provision. Federal Consistency review requires that "federal actions, occurring inside or outside of a state's coastal zone, that have a reasonable potential to affect the coastal resources or uses of that state's coastal zone, to be consistent with that state's enforceable coastal policies, to the maximum extent practicable." The Council previously made determinations that the FMP was consistent with each state's coastal zone management plan and policies, and each coastal state concurred in these consistency determinations (in Scallop FMP). Since the proposed action does not propose any substantive changes from the FMP, the Council has determined that this action is consistent with the coastal zone management plan and policies of the coastal states in this region. Once the Council has adopted final measures and submitted Framework 40 to NMFS, NMFS will make its own determinations and request consistency reviews by CZM state agencies directly.

8.8 Information Quality Act (IQA)

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, also known as the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies." OMB

directed each federal agency to issue its own guidelines, establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB guidelines, and report periodically to OMB on the number and nature of complaints. The NOAA Section 515 Information Quality Guidelines require a series of actions for each new information product subject to the Data Quality Act. Information must meet standards of utility, integrity, and objectivity. This section provides information required to address these requirements.

Utility of Information Product

The proposed document includes a description of the management issues, a description of the proposed action, and the reasons for selecting the preferred management measures, to the extent that this has been done. These actions propose modifications to the existing FMP. These proposed modifications implement the FMP's conservation and management goals consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as well as all other existing applicable laws.

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. The information presented in this document is helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications. The intended users of the information contained in this document are participants in the Atlantic sea scallop fishery and other interested parties and members of the public. The information contained in this document may be useful to owners of vessels holding an Atlantic sea scallop permit as well as scallop dealers and processors since it serves to notify these individuals of any potential changes to management measures for the fishery. This information will enable these individuals to adjust their fishing practices and make appropriate business decisions based on the new management measures and corresponding regulations.

The information being provided in this action is based on landings and effort information through the 2024 and 2025 fishing years when possible. Information presented in this document is intended to support Framework 40 and the proposed specifications for the 2026-2027 fishing years, which have been developed through a multi-stage process involving all interested members of the public. Consequently, the information pertaining to management measures contained in this document has been improved based on comments from the public, fishing industry, members of the Council, and NOAA Fisheries.

This document is the principal means by which the information herein is publicly available. The information provided in this document is based on the most recent available information from the relevant data sources, including detailed and relatively recent information on the scallop resource and, therefore, represents an improvement over previously available information. This document will be subject to public comment through the rulemaking process, as required under the Administrative Procedure Act and, therefore, may be improved based on comments received.

This document is available in several formats, including printed publication, and online through the NEFMC's web page (www.nefmc.org). The Federal Register notice that announces the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic Regional Fisheries Office (www.greateratlantic.fisheries.noaa.gov), and through the Regulations.gov website. The Federal Register documents will provide metric conversions for all measurements.

Integrity of Information Product

Integrity refers to security – the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination,

information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, "Security of Automated Information Resources," of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g., dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

Objectivity of Information Product

Objective information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial, or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the kind of information at issue and otherwise meets commonly accepted scientific, financial, and statistical standards.

For the Pre-Dissemination Review, this document is considered a "Natural Resource Plan." Accordingly, the document adheres to the published standards of the MSA; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing NEPA. This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Several data sources were used in the development of this action, including, but not limited to, historical and current landings data from the Commercial Dealer and DMIS databases, vessel trip report (VTR) data, vessel monitoring system (VMS) data, and fisheries independent data collected through the NMFS bottom trawl surveys. The analyses herein were prepared using data from accepted sources and have been reviewed by members of the Scallop Plan Development Team and by the SSC where appropriate.

The conservation and management measures considered for this action were selected based upon the best scientific information available. The analyses important to this decision used information from the most recent complete fishing years, generally through fishing year 2023. The data used in the analyses provide the best available information on the number of permits, both active and inactive, in the fishery, the catch (including landings and discards) by those vessels, the landings per unit of effort (LPUE), and the revenue produced by the sale of those landings to dealers, as well as data about catch, bycatch, gear, and fishing effort from a subset of trips sampled at sea by government observers.

Specialists, including professional members of plan development teams, technical teams, committees, and Council staff, who worked with these data are familiar with the most current analytical techniques and with the available data and information relevant to the Atlantic sea scallop fishery. The proposed action is supported by the best available scientific information. The policy choice is clearly articulated in Section 5.0, the management alternatives considered in this action.

The supporting science and analyses, upon which the policy choice was based, are summarized, and described in Section 5 of Framework 39 and Section 3 of this document. All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency. The review process used in preparation of this document involves the responsible Council, the NEFSC, GARFO, and NOAA Fisheries Service Headquarters. The NEFSC's technical review is

conducted by senior-level scientists specializing in population dynamics, stock assessment, population biology, and social science.

The Council review process involves public meetings at which affected stakeholders have the opportunity to comment on the document. Review by staff at GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. The Council also uses its Scientific and Statistical Committee to review the background science and assessment to approve the Allocable Biological Catch (ABCs), including the effects those limits would have on other specifications in this document. The SSC is the primary scientific and technical advisory body to the Council and is made up of scientists that are independent of the Council. A list of current committee members can be found at: https://www.nefmc.org/committees/scientific-and-statistical-committee.

Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Service Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget. In preparing this action for the Atlantic Sea Scallop FMP, the Council and NMFS took into account the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Information Quality Act, and Executive Orders 12630 (Property Rights), 12866 (Regulatory Planning), 13132 (Federalism), and 13158 (Marine Protected Areas), and other applicable laws. The Council has determined that the proposed action is consistent with the National Standards of the MSA and all other applicable laws. A final determination will be made by the agency before Framework 40 is implemented.

8.9 Executive Order 13158 (Marine Protected Area)

Executive Order (EO) 13158 on Marine Protected Areas (MPAs) requires each federal agency whose actions affect the natural or cultural resources that are protected by an MPA to identify such actions, and, to the extent permitted by law and to the maximum extent practicable, in taking such actions, avoid harm to the natural and cultural resources that are protected by an MPA. The EO directs federal agencies to refer to the MPAs identified in a list of MPAs that meet the definition of MPA for the purposes of the EO. The EO requires that the Departments of Commerce and the Interior jointly publish and maintain such a list of MPAs. A list of MPA sites has been developed and is available at: http://marineprotectedareas.noaa.gov/nationalsystem/nationalsystemlist/. No further guidance related to this EO is available at this time.

In the Northeast U.S., the only MPAs are the Stellwagen Bank National Marine Sanctuary (SBNMS), the Tilefish Gear Restricted Areas in the canyons of Georges Bank, and the National Estuarine Research Reserves and other coastal sites. The only MPA that overlaps the Atlantic sea scallop fishery footprint is the SBNMS. This action is not expected to more than minimally affect the biological/habitat resources of the SBNMS MPA, which was comprehensively analyzed in the Omnibus Habitat Amendment 2 (NEFMC 2016). Fishing gears regulated by the Atlantic sea scallop FMP are unlikely to damage shipwrecks and other cultural artifacts because fishing vessel operators actively avoid contact with cultural resources on the seafloor to minimize costly gear losses and interruptions to fishing.

In fishing year 2017 there were unintended interactions and damage to a shipwreck in the Stellwagen Bank National Marine Sanctuary (SBNMS), likely caused by limited access vessels that were operating under DAS management in the NGOM management area and were not familiar with the location of the wrecks. In preparation for both the 2018 and 2019 Northern Gulf of Maine (NGOM) scallop fishery, NOAA Fisheries, in conjunction with NOAA Stellwagen Bank National Marine Sanctuary (Sanctuary), published a bulletin requesting that scallopers avoid shipwreck sites in the Sanctuary by keeping gear 360 feet away from each of the site locations listed in the bulletin. A chart was provided to show the area where these shipwrecks are located. Measures were implemented for fishing years 2018 and 2019 to limit

effort in the NGOM, and no interactions with shipwrecks were reported. The portion of Stellwagen Bank within the NGOM Management Area was closed in fishing years 2020 and 2021 to protect a large recruitment event. This area was reopened for fishing years 2022, 2023, 2024, and 2025, and will open for fishing year 2026 under the proposed action. The fishing seasons in the NGOM have been relatively short over the last four years, with the Northern Gulf of Maine closing early in the season after the set-aside is harvested, and the area remaining closed to the fishery for the remainder of the year. Fishing in the NGOM management area is expected to occur on Stellwagen Bank, Jeffreys Ledge, Ipswich Bay, and Machias Seal Island, based on observed scallop biomass in the 2025 surveys and fishing behavior/fishing reports from the 2025 NGOM fishing season. While it is anticipated that scallop vessels will be operating in the vicinity of shipwrecks on Stellwagen Bank in fishing year 2026, proactive avoidance measures (i.e., notice of the location of shipwrecks to fishermen) have been taken to reduce the risk of adverse effects to these historic resources. Vessels fishing in the area will have access to information about the location of shipwrecks that will help to inform how to avoid them.

8.10 Executive Order 13132 (Federalism)

The Executive Order on federalism establishes nine fundamental federalism principles for Federal agencies to follow when developing and implementing actions with federalism implications. Previous scallop actions have already described how the management plan is in compliance with this order. Furthermore, this action does not contain policies with Federalism implications, thus preparation of an assessment under E.O. 13132 is not warranted. The affected states have been closely involved in the development of the proposed action through their representation on the Council (i.e., all affected states are represented as voting members of at least one Regional Fishery Management Council). No comments were received from any state officials relative to any federalism implications that may be associated with this action.

8.11 Executive Order 12866 (Regulatory Impact Review)

The purpose of Executive Order 12866 (E.O. 12866, 58 FR 51735, October 4, 1993) is to enhance planning and coordination with respect to new and existing regulations. This E.O. requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be "significant." A significant action is any regulatory action that may:

> 1. Have an annual effect on the economy of $100 million or more; or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities;
>
> 2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
>
> 3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
>
> 4. Raise legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in this Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. The proposed action would set OFLs and ABCs for Atlantic sea scallops for FY 2026 and FY 2027 (default), update fishery specifications for FY

2026 and FY 2027 (default) and set total allowable landings for the Northern Gulf of Maine management area for FY 2026 and FY 2027 (default).

The Framework 40 document contains all the elements of the RIR, and the relevant sections are identified by reference to the document. The economic impacts of this action are summarized in Section 6 of this document.

8.11.1 Management Goals and Objectives

The management goals and objectives are as those previously adopted for the Atlantic sea scallop FMP.

8.11.2 Statement of Problems

The purpose of this action is to set fishery specifications for FY 2026, including OFLs, ABCs, scallop fishery ACLs and ACTs including associated set-asides, day-at-sea (DAS) allocations, general category fishery allocations, as well as default measures for FY 2027 that are expected to be replaced by a subsequent action; set landing limits in the Northern Gulf of Maine management area based on exploitable biomass. The need for this actions is to achieve the objectives of the Atlantic Sea Scallop FMP to prevent overfishing and improve yield-per-recruit from the fishery, and to manage total removals from the Northern Gulf of Maine management area. Setting catch limits and total allowable landings for the scallop fishery allows for the continued harvest of the resource by permit holders.

8.11.3 Summary of E.O. 12866 Findings

Framework 40 is a one-year action that will be implemented for FY 2026. It also includes default measures for FY 2027 in case the next scallop framework action is delayed. This E.O. 12866 analysis considers the economic impacts of the proposed action. This analysis includes a low-LPUE scenario (36 DAS and 1,183 lb/day), the proposed specifications (36 DAS and 1,373 lb/day), and Status Quo management (24 DAS and 2x 12,000 lb access area trips). The low-LPUE scenario represents a realistic case where under the proposed specifications, realized catch rates in the open bottom are lower than projected. The Status Quo scenario represents a projection of the allocations and spatial management measures that were approved last year through FW39 using updated survey and projection information. This has and continues to be considered a more realistic comparison metric than to the default measures for FY 2026 approved through FW39. The high- and low-LPUE scenarios are included to acknowledge additional scientific uncertainty in projected landings for FY 2026. The proposed specifications under this action are described in Section 5.0.

The Council and NOAA Fisheries have successfully used a hybrid system of DAS and rotational closures in the management of Atlantic sea scallops. This approach can result in increases and decreases in landings over time, depending on which rotational areas may be open for harvest or closed to protect small scallops and improve yield-per-recruit. Considering that rotational closures and rotational harvest are driven by underlying resource conditions (i.e., level of exploitable biomass), a major driver of current scallop fishery allocations is recent recruitment. Under the proposed specifications, there are no rotational areas allocated, reflecting below-average recruitment in recent years.

8.11.3.1 Summary of the economic impacts of the proposed measures

Economic impacts of the proposed measures in Framework 40 (FY 2026) are evaluated relative to the economic impacts of the Status Quo scenario, which represents the preferred alternative in Framework 39 (FY 2025). The economic assessments are in terms of the differences in landings, revenues, producer surplus and total economic benefits between the two frameworks over the short-run (FY 2026) and the long-run (FY 2026-2040).

Short-run impacts:

An economic assessment and comparison are made on the proposed action for FY 2026 (FW40) with FY 2025 (FW39). The summary of preferred alternative comparison between the two frameworks in the

short-term are shown in Table 8. Table 44 compares economic values for the low-LPUE scenario (36 DAS and 1,183 lb/day) and the proposed specifications (36 DAS and 1,373 lb/day) relative to the Status Quo scenario in the short-term.

Landings are predicted to decrease in FY 2026 compared to FY 2025. The short-term economic impacts (in 2001 dollars) of the proposed specifications in Framework 40 will be lower when compared to the preferred alternative in FY 2025 (FW39), primarily due to lower projected landings. The predicted average price under the proposed specifications in Framework 40 is $16.05 (2024$), compared to $17.72 (2024$) in FW39. However, compared to Status Quo, the short-term economic impacts of the proposed specifications are expected to be slightly greater. Scallop revenue, producer surplus and total economic benefits (in 2001 dollars) for the proposed specifications in FY 2026 are expected to be greater than the baseline by $37.64 million, $48.65 million, and $49.91 million, respectively (Table 44). If the low-LPUE scenario is used, they are $17.34 million, $28.09 million, and $28.18 million greater than the baseline, respectively.

The measures for the NGOM scallop fishery considered in this action are described in detail in Section 5.0 of this document, while the expected economic impacts of the NGOM alternatives are summarized in Section 6.0. The proposed specifications would result in a lower NGOM Set-Aside for the LAGC component compared to the default NGOM set-aside for FY 2026 set in FW39, but is higher than the Status Quo. The proposed NGOM Set-Aside for FY 2026 is expected to have an estimated revenue of $7.96 million, and a net revenue of $6.21 million, which is $0.98 million less than the default NGOM Set-Aside for FY 2026, but $0.92 million greater than Status Quo.

Long-run impacts:

Long-run economic impacts in FW40 are evaluated at 3% and 7% discount rates per the 2003 OMB Circular A-4 (

Table 45, Table 46)[6]. Cumulative present values (PV) of the economic benefits of the proposed specifications in FW40 (FY 2026-FY 2040) are greater by about $102 million (2001 dollars, 7% discount rate) to $119 million (2001 dollars, 3% discount rate). The annualized total economic benefits (in 2001 dollars) for the proposed specifications in FW40 is greater by $9.97 million over the long-term (over a period of next 15 years) using a 3% discount rate, and by $11.20 million using a 7% discount rate, compared to Status Quo.[7]

Table 44. Short-term Economic Impacts for FY 2026: Revenues, net revenue, producer surplus, and total economic benefits net of Status Quo values (Mil. Dollars, in 2001 dollars).

	Status Quo	36 DAS and 1,183 lb/day	Proposed Action
Revenue	$157.83	$157.94	$177.82
Trip Costs	$37.92	$20.70	$20.28
Net Revenue (Operating Profit)	$119.90	$137.24	$157.54
Producer Surplus or Benefit	$60.30	$88.39	$108.96
Consumer Surplus or Benefit	$4.02	$4.11	$5.28
Total Economic Benefits	$64.32	$92.50	$114.23
Difference from Status Quo			
Revenue	0.00	$0.11	$19.99
Net Revenue (Operating Profit)	0.00	$17.34	$37.64
Producer Surplus or Benefit	0.00	$28.09	$48.65
Total Economic Benefits	0.00	$28.18	$49.91

[6] M-25-15-Recission-and-Reinstatement-of-Circular-A-4.pdf

[7] Annualized value = PMT (r, N, ΔCPV$)

Table 45. Long-term Economic Impacts (FY 2026-FY 2040) for FW40: Cumulative present value (PV) of revenues, net revenue, producer surplus and total economic benefits net of Status Quo values (Mil. 2001 dollars, 3% discount rate).

	Status Quo	36 DAS and 1,183 lb/day	Proposed Action
PV Revenue	$4,102.84	$4,115.74	$4,117.80
PV Trip Costs	$401.75	$385.21	$338.52
PV Net Revenue (Operating Profit)	$3,701.09	$3,730.53	$3,779.28
PV Producer Surplus	$3,008.52	$3,048.28	$3,126.18
PV Consumer Surplus	$223.05	$224.84	$224.35
PV Total Economic Benefits	$3,231.57	$3,273.12	$3,350.53
Difference from Status Quo			
PV Revenue	0.00	$12.89	$14.95
PV Net Revenue	0.00	$29.44	$78.19
PV Producer Surplus	0.00	$39.76	$117.66
PV Total Economic Benefits	0.00	$41.55	$118.96
Annual value	$0.00	$2.77	$7.93
Annualized value (3% discount rate)	$0.00	$3.48	$9.97

Table 46. Long-term Economic Impacts (FY 2026-FY 2040) for FW40: Cumulative present value (PV) of revenues, net revenue, producer surplus and total economic benefits net of Status Quo values (Mil. 2001 dollars, 7% discount rate).

	Status Quo	36 DAS and 1,183 lb/day	Proposed Action
PV Revenue	$3,184.08	$3,194.62	$3,198.48
PV Trip Costs	$320.74	$304.14	$267.46
PV Net Revenue (Operating Profit)	$2,863.34	$2,890.49	$2,931.03
PV Producer Surplus	$2,312.98	$2,350.49	$2,413.92
PV Consumer Surplus	$170.05	$171.53	$171.14
PV Total Economic Benefits	$2,483.03	$2,522.02	$2,585.06
Difference from Status Quo			
PV Revenue	0.00	$10.55	$14.41
PV Net Revenue	0.00	$27.15	$67.69
PV Producer Surplus	0.00	$37.51	$100.94
PV Total Economic Benefits	0.00	$38.99	$102.03
Annual value	$0.00	$2.60	$6.80
Annualized value (7% discount rate)	$0.00	$4.28	$11.20

8.11.3.2 Enforcement Costs

The enforcement costs and benefits of the proposed options for Framework 40 are within the range of impacts addressed in Section 8.9 of Amendment 10 FSEIS and Section 5.4.22 and Section 5.6.3 of Amendment 11 and Section 5.4.2 of Amendment 15. The qualitative analysis included a discussion of the pros and cons of the proposed alternatives from an enforcement perspective. The proposed measures by Framework 40 are very similar to the existing measures in Framework 39 in terms of the enforcement requirements, since they include the continuation of area closures, open area DAS allocations, measures for reducing bycatch, and the continuation of observer coverage program. The costs of implementing and enforcing the preferred alternative are not expected to compromise the effectiveness of implementation and enforcement of this action. Furthermore, there are several mechanisms and systems, such as VMS monitoring and data processing, already in place that will aid in monitoring and enforcement of this

action. Therefore, the overall enforcement costs are not expected to change significantly from the levels necessary to enforce measures under the default FY 2026 regulations.

8.11.4 Determination of Significant Regulatory Action

Framework 40 is not expected to constitute a "significant regulatory action" based on the economic analyses provided above. The economic benefits are expected to slightly decline between FY 2025 and FY 2026, but are slightly higher than Status Quo (baseline). The proposed specifications under Framework 40 are expected to slightly increase economic benefits compared to the Status Quo management under Framework 39 in the short-run and the long-run. Compared to the preferred alternative in FW39, the short-run (FY 2026) total economic benefit for the proposed action is greater by about $49.91 million in 2001 dollars (Table 44). Annualized values of the total economic benefit gain in the long run for the proposed specifications are between $9.97 million (3%, 2001 dollars,

Table 45) and $11.20 million (7%, 2001 dollars, Table 46). Under a lower LPUE scenario, the annualized values of the total economic benefit gain are between $3.48 million (3%, 2001 dollars) and $4.28 million (7%, 2001 dollars).

The proposed action will not have an annual net impact on the economy by more than $100 million compared to Status Quo (Framework 39) in the short-term. While economic benefits may be declining, this is not unexpected, and the proposed alternatives will not adversely affect in a material way the economy, productivity, competition, public health or safety, jobs or state, local, or tribal governments or communities in the long-run and will not raise novel legal and policy issues, other than those that were already addressed and analyzed in Amendment 10, Amendment 11 and Amendment 15. The proposed action also does not interfere with an action planned by another agency, since no other agency regulates the level of scallop harvest. It does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients.

8.12 Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), first enacted in 1980, and codified at 5 U.S.C. 600-611, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are: 1) to increase agency awareness and understanding of the impact of their regulations on small business; 2) to require that agencies communicate and explain their findings to the public; and 3) to encourage agencies to use flexibility and to provide regulatory relief to small entities.

The RFA emphasizes predicting significant adverse impacts on small entities as a group distinct from other entities and on consideration of alternatives that may minimize the impacts, while still achieving the stated objective of the action. When an agency publishes a proposed rule, it must either, (1)"certify" that the action will not have a significant adverse impact on a substantial number of small entities, and support such a certification declaration with a "factual basis", demonstrating this outcome, or, (2) if such a certification cannot be supported by a factual basis, prepare and make available for public review an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact of the proposed rule on small entities.

This document provides the factual basis supporting NMFS' determination regarding certification whether the proposed regulations will not have a "significant impact on a substantial number of small entities" and that an IRFA is preliminarily not needed in this case.

Under Section 603(b) of the Regulatory Flexibility Act (RFA), an RFA must describe the impact of the proposed rule on small entities and contain the following information:

- A description of the reasons why the action by the agency is being considered.
- A succinct statement of the objectives of, and legal basis for, the proposed rule.
- A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule will apply.
- A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for preparation of the report or record.
- An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule.

Reasons for Considering the Action

This action would set fishery specifications for FY 2026 and FY 2027 (default) as described in Section 5.0 of this document. These specifications include designations of OFL, ABC, ACLs, ACTs, and APLs for the scallop fishery, as well as scallop catch for the NGOM, incidental, and state waters catch components of the scallop fishery. The proposed action would allow for an increased harvest of the resource by permit holders, relative to the default specifications set through FW 39, while continuing to meet the conservation objectives of the FMP. The specifications proposed in this action are expected to result in landings that are slightly below values set in FW 39.

The purpose and need for this action are presented in Section 2.0 of this action.

Objectives and Legal Basis for the Action

The objectives of this action are presented in Section 2.0 of this action, and the legal basis is in Section 8.0.

Description and Estimate of Regulated Entities to Which the Rule Applies

Regulated Commercial Harvesting Entities

The proposed regulations would affect all vessels with Limited Access (LA), Limited Access General Category IFQ (LAGC IFQ), and Limited Access General Category NGOM (LAGC NGOM) scallop permits. Section 5.6 of Framework 39 and Section 5.0 of this document provide extensive information on the number of vessels that would be affected by the proposed regulations, their home and principal state, dependency on the scallop fishery, and revenues and profits.

In 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts for all businesses primarily engaged in the commercial fishing industry (NAICS 11411) for Regulatory Flexibility Act (RFA) compliance purposes only. The $11 million standard became effective on July 1, 2016. Thus, the RFA defines a small business in the shellfish fishery as a firm that is independently owned and operated with receipts of less than $11 million annually. Individually permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by the proposed action. Furthermore, multiple permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency.

For the purposes of this analysis, "ownership entities" are defined as those entities with common ownership as listed on the permit application[8]. On June 1 of each year, ownership entities are identified

[8] Only permits with identical ownership are categorized as an "ownership entity." For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one "ownership entity," that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate "ownership entity" for the purpose of this analysis.

based on a list of all permits for the most recent complete calendar year. The current ownership dataset is based on the calendar year 2024 permits and contains average gross sales associated with those permits for calendar years 2020 through 2024.[9]

Matching the potentially impacted 2024 fishing year permits described above (LA and LAGC IFQ) to calendar year 2024 ownership data results in 153 distinct ownership entities for the LA fleet and 80 distinct ownership entities for the LAGC IFQ fleet (Table 47 and Table 48). Based on the Small Business Administration (SBA) guidelines, 147 of the LA distinct ownership entities and 80 LAGC IFQ entities are categorized as small. Six LA and zero LAGC IFQ entities are categorized as large business entities with annual fishing revenues over 11 million dollars in 2024. There were 89 distinct small business entities with NGOM permits in 2024 (Table 49)

Table 47. Number of business entities and active vessels (that may include non-LA permits) in the scallop limited access fishery (revenues in current dollars).

Business Size	Calendar Year	No. of Entities	No. of Permits	Total Affiliation Revenue	Total Scallop Revenue	Average Income from Fishing per Entity
Large	2020	6	100	$113,743,710	$102,479,184	$18,957,285
	2021	6	100	$161,380,594	$146,983,487	$26,896,766
	2022	6	100	$111,805,455	$99,109,070	$18,634,243
	2023	6	100	$92,077,207	$77,064,677	$15,346,201
	2024	6	100	$89,650,607	$72,445,408	$14,941,768
Small	2020	144	309	$357,454,251	$329,748,236	$2,482,321
	2021	147	315	$487,493,335	$454,503,660	$3,316,281
	2022	144	310	$360,752,111	$323,976,448	$2,505,223
	2023	147	318	$292,299,738	$248,886,111	$1,988,434
	2024	147	317	$273,255,701	$222,693,498	$1,858,882

Note: Number of permits refer to LA permits that may also hold LAGC permits. Affiliations could include several vessels with permits other than scallop as well as some LAGC IFQ permits. The permits associated with entities that did not land scallop are not included in the number of permits count. The number of permits would also imply the number of active vessels that landed scallops in the corresponding calendar year. Number of entities will have at least one LA permit with scallop landing. Scallop revenue for entities in large and small categories.

Table 48. Number of business entities with LAGC IFQ permits (revenues in current dollars).

Business Size	Calendar Year	No. of Entities	No. of Permits	Total Affiliation Revenue	Total Scallop Revenue	Average Fishing Revenue per Entity
Small	2020	76	119	$46,390,469	$23,938,058	$610,401
	2021	77	120	$63,333,349	$35,166,204	$822,511
	2022	75	120	$61,895,901	$29,937,835	$825,279
	2023	77	125	$56,786,378	$19,847,724	$737,485
	2024	80	123	$48,959,216	$19,807,951	$611,990

Note: Number of permits refer to LAGC IFQ only permits. Affiliations could include several vessels with permits other than scallop. Some of the active LAGC IFQ permits belong to affiliations with LA permits and are included in Table 47 above.

[9] The data for the RFA analysis is from the Social Science Branch, Northeast Fisheries Science Center (June 2, 2025).

Table 49. Number of business entities with LAGC NGOM permits (revenues in current dollars).

Business Size	Calendar Year	No. of Entities	No. of Permits	Total Affiliation Revenue	Total Scallop Revenue	Average Fishing Revenue per Entity
Small	2020	44	76	$11,888,978	$3,907,079	$270,204
	2021	46	79	$18,091,174	$6,037,356	$393,286
	2022	68	108	$26,762,268	$13,586,082	$393,563
	2023	82	126	$29,000,726	$7,364,656	$353,667
	2024	89	132	$36,040,559	$10,019,753	$404,950

Note: Number of permits refer to LAGC NGOM only permits. Affiliations could include several vessels with permits other than scallops. The permits associated with entities that did not land scallop are not included in the number of permit count. Number of entities will have at least one LAGC NGOM permit with scallop landings.

Record Keeping and Reporting Requirements

This action contains no new collection-of-information, reporting, or recordkeeping requirements. It does not duplicate, overlap, or conflict with any other Federal law.

Duplication, Overlap, or Conflict with Other Federal Rules

The proposed regulations do not create overlapping regulations with any state regulations or other federal laws.

Impacts of the Proposed Rule on Regulated Entities

Section 7.0 concludes that the impacts on human communities (social and economic) are likely to remain slight positive to positive, with projected landings similar to Status Quo. The measures in the Proposed Action are not expected to disproportionately impact small entities over large entities.

Table 50. Net scallop revenue for Limited Access vessels in FY 2026 and % change from the Status Quo (revenues in million 2024 dollars, landings in million lbs.).

	Status Quo	FY 2026 Default (FW 39)	Proposed Action
Estimated scallop APL landings (before set-asides removed)	18.355	10.134	18.686
Estimated LA scallop landings (94.5% net of set asides)	15.827	8.057	16.139
No. of Entities (Average in (2020-2024) both small and large	152	152	152
Estimated revenues for scallop APL	$297.475	$168.673	$299.909
Estimated LA revenues from scallop	$256.499	$134.112	$259.037
Estimated Net Revenue for scallop APL	$207.060	$133.126	$272.055
Estimated LA net revenue from scallop	$178.538	$105.848	$234.979
Net scallop revenue per Entity	$1.364	$0.877	$1.792
Change in net revenue compared to SQ	0.00%	-40.71%	31.61%

Note: landings and net revenues net of set asides, such as research set aside scallop, observer, bycatch, etc.

Table 51. Impacts of the LAGC IFQ Allocation for FY 2026.

	Status Quo	FY 2026 Default (FW 39)	Proposed Action
Allocation for IFQ only vessels (5%)	0.837	0.426	0.854
Allocation for LA vessels with IFQ permits (0.5%)	0.084	0.043	0.085
Total Allocation for IFQ fishery (5.5%)	0.921	0.469	0.939
% Change in estimated landings (and revenue) per business entity from SQ	0.00%	-49.09%	1.97%

Note: Total allocation represents APL w/ set aside removed

Summary of the Proposed Action

During the development of Framework 40, NMFS and the Council considered ways to reduce the regulatory burden on and provide flexibility to the regulated community. The measures implemented by the Framework 39 final rule increased both the short- and long-term economic benefits on small entities. The proposed Atlantic sea scallop specifications include OFLs and ABCs for FY 2026 and FY 2027 (default; Table 1) based on updated stock reference points from the 2025 research track assessment, open-area allocations to the LA and LAGC IFQ components (Table 2), and a NGOM TAL for FY 2026 and FY 2027 (default; Table 5). The proposed action would adjust the spatial management of the fishery by closing Area II and opening Area I and the Elephant Trunk to open-area fishing. The Nantucket Lightship North and South would also remain closed in FY 2026.

Overall, long-term impacts of the proposed action ensure that management measures and fishing mortality are sustainable and contribute to protecting recruitment of small scallops and, therefore, maximizing yield, as well as providing additional flexibility for fishing operations in the short term.

The positive economic benefits to small entities from this action are associated with only minor changes in fishery allocations in FY 2026 and FY 2027 (default). This is expected to have slight positive economic benefits to the small entities given the fishery would operate and likely achieve similar scallop landings as FY 2025. The Proposed Action would likely result in similar revenue from scallop landings relative to prior specifications set through Framework 39 (Section 6.0). Under the proposed action, positive benefits are not disproportionate to large entities.

Conclusions

Based on the analysis provided above, the proposed action will not have a significant adverse impact on a substantial number of small entities, and small entities will not be disproportionately impacted relative to large entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

9.0 REFERENCES

Northeast Fisheries Science Center. (2025). *Summary report of the Atlantic Sea Scallop Research Track Stock Assessment Peer Review, April 21-24, 2025, Woods Hole, Massachusetts.* NOAA Fisheries.

10.0 INDEX