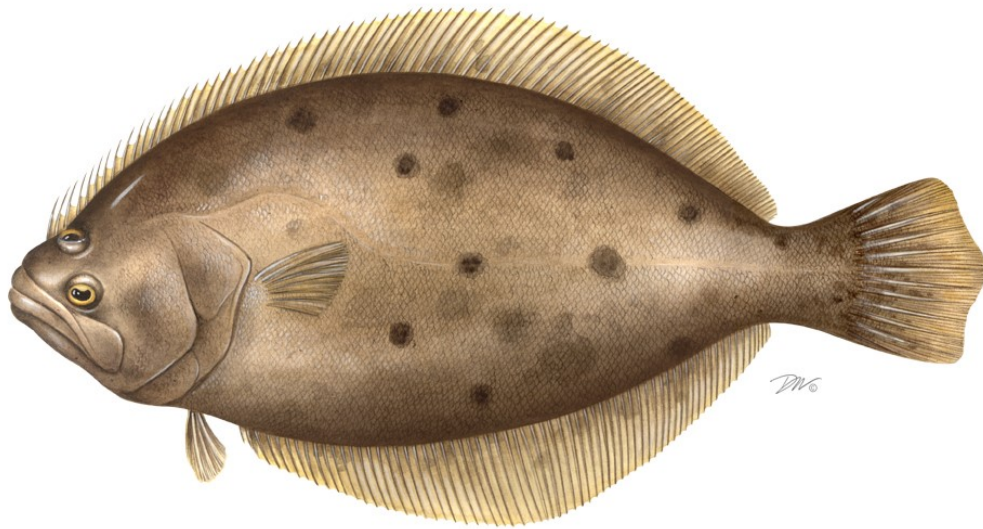


ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR SUMMER FLOUNDER (*Paralichthys dentatus*)

2020 FISHING YEAR



Prepared by the Plan Review Team



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Review of the ASMFC Fishery Management Plan for Summer Flounder

I. Status of the Fishery Management Plan

The summer flounder (*Paralichthys dentatus*) fishery of the Atlantic Coast is managed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (MAFMC or Council). The original ASMFC Fishery Management Plan (FMP), established in 1982, recommended a 14" minimum size limit. The 1988 joint MAFMC-ASMFC Plan established a 13" minimum size limit. Since then, twenty-one amendments have been developed and approved; it should be noted, most but not all amendments have been implemented jointly by the Commission and Council.

The Council and Board approved revised FMP goals and objectives in March 2019 to reflect modern management priorities for summer flounder:

- Goal 1: Ensure the biological sustainability of the summer flounder resource in order to maintain a sustainable summer flounder fishery.
 - Objective 1.1: Prevent overfishing, and achieve and maintain sustainable spawning stock biomass levels that promote optimum yield in the fishery.
- Goal 2: Support and enhance the development and implementation of effective management measures.
 - Objective 2.1: Maintain and enhance effective partnership and coordination among the Council, Commission, Federal partners, and member states.
 - Objective 2.2: Promote understanding, compliance, and the effective enforcement of regulations.
 - Objective 2.3: Promote monitoring, data collection, and the development of ecosystem-based science that support and enhance effective management of the summer flounder resource.
- Goal 3: Optimize economic and social benefits from the utilization of the summer flounder resource, balancing the needs and priorities of different user groups to achieve the greatest overall benefit to the nation.
 - Objective 3.1: Provide reasonable access to the fishery throughout the management unit. Fishery allocations and other management measures should balance responsiveness to changing social, economic, and ecological conditions with historic and current importance to various user groups and communities.

The management unit includes summer flounder in US waters in the western Atlantic Ocean from the southern border of North Carolina northward to the US - Canada border. States and jurisdictions with a declared interest in the summer flounder FMP include all those from North Carolina through Massachusetts except Pennsylvania and the District of Columbia, as well as the National Marine Fisheries Service (NOAA Fisheries) and the US Fish and Wildlife Service (USFWS). An ASMFC Plan Review Team, Technical Committee, Plan Development Team/Fishery Management Action Team, Management Board, and the MAFMC are actively working on this plan.

Amendment 2 (approved in August 1993) provided a strategy for reducing fishing mortality to the fishing mortality threshold, while avoiding unreasonable impacts on fishermen and women. Commercial management measures included a moratorium on federal commercial permits, vessel and dealer permitting and reporting requirements, an annual commercial quota, minimum mesh requirements with a possession threshold that triggers the minimum mesh requirements and an exemption program. Recreational fishery measures include open access for-hire permit requirements, minimum size limits, possession limits, and seasonal closures.

The management system established under Amendment 2 has been modified by the following amendments, framework actions, and addenda. Amendment 3 (approved in July 1993) revised the mesh requirement exemption program and modified the poundage thresholds for the mesh requirements (change to two seasonal thresholds instead of year-round 100 pounds). Amendment 4 (approved in September 1993) revised the state-specific shares of the coastwide commercial quota allocation in response to a reporting issue in Connecticut. Amendment 5 (approved in December 1993) allows states to transfer or combine their commercial quota shares. Amendment 6 (approved in May 1994) allows properly stowed nets with a codend mesh size less than that stipulated in the plan to be aboard vessels in the summer flounder fishery. Amendment 7 (approved May 1995) adjusted the stock rebuilding schedule and capped the 1996-1997 commercial quotas at 18.51 million pounds. The Commission and the Council adopted the Scup and Black Sea Bass Fishery Management Plans into the Summer Flounder FMP through Amendment 8 (approved March 1996) and Amendment 9 (approved October 1996), respectively.

Amendment 10, approved by the Board in August 1997, initially sought to examine the commercial quota management system. Its scope was expanded to address a number of federal and state issues in the fishery, including: 1) allow framework adjustments to the minimum mesh size for any portion of the net; 2) require 5.5" diamond or 6" square mesh in the entire net of trawls; 3) continue the federal moratorium on commercial entry; 4) remove the requirement that federally permitted vessels must land summer flounder every year; 5) modify the federal vessel replacement criteria; 6) implement state *de minimis* criteria; 7) prohibit transfer at sea; 8) require states to report summer flounder landings from state waters to NOAA Fisheries; and 9) allow states to implement a summer flounder fillet at sea permit system. The amendment also considered alternative commercial quota schemes, including 1) a trimester quota with state-by-state shares during summer, 2) a trimester coastwide quota of equal periods, and 3) a revision to the existing state-by-state allocation formula. Ultimately, the Board and Council decided to maintain the current state-by-state quota allocation system.

Amendment 11, approved by the Board August 1998, modified provisions related to vessel upgrades and replacements, fishing history and permit transfer, establishment of vessel baselines, and voluntary relinquishment of permit eligibility, permit splitting, and permit renewal.

Amendment 12, approved by the Board in October 1998, was developed to bring the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan into compliance with the new and revised National Standards and other required provisions of the Sustainable Fisheries Act. Specifically, the amendment revised the overfishing definitions (National Standard 1) for summer flounder, scup and black sea bass and addressed the new and revised standards relative to the existing management measures (National Standard 8-consider effects on fishing communities, National Standard 9-reduce bycatch, National Standard 10-promote safety at sea). The Amendment also identified essential habitat for summer flounder, scup and black sea bass. Finally, Amendment 12 added a framework adjustment procedure that allows the Council to add or modify management measures through a streamlined public review process. Amendment 12 was partially approved by NOAA Fisheries on April 28, 1999, with the disapproved measures mostly relating to concerns with essential fish habitat measures that were later addressed.

Framework Adjustment 2 to the Summer Flounder, Scup and Black Sea Bass FMP, adopted by the Council in January 2001, provided the information and analyses necessary to implement a system of conservation equivalency based upon the RHL for the recreational summer flounder fishery. Addendum III (approved by the Board in January 2001) corresponds with Framework 2, and allows states to customize summer flounder recreational management measures to address issues associated with the availability of summer flounder on spatial and temporal scales. Addendum III established specifications for the 2001 recreational summer flounder fishery.

In August 2002, the Board approved Amendment 13. Although there were some management alternatives included in public hearing drafts of the document that could have resulted in changes to summer flounder management measures, none were approved for implementation. As a result, Amendment 13 had no impact on the summer flounder fishery.

The Board approved Addendum VIII in December of 2003. Under this addendum, state-specific targets for recreational landings are derived from the coastwide harvest limit based on each state's proportion of landings reported in 1998, which was the last year in which states were under a common set of management measures.

The Board approved Addendum XIII in August of 2004. This addendum modifies the FMP such that, within a given year, landings limits for the summer flounder, scup, and/or black sea bass can be specified for up to three years. Multi-year limits do not have to be constant from year to year, but instead are based upon expectations of future stock conditions as indicated by the best available scientific information during the year in which specifications are set.

The Board approved Addendum XV in December of 2004. The addendum was developed to allow for a change in the allocation scheme for the increased commercial quota from 2004 to 2005, approximately 1.3 million pounds, as well as the additional quota from 2004 to 2006, approximately 1.6 million pounds. For the fishing years 2005 and 2006, the associated quota increases were allocated to the following states as a bycatch allocation: 75,000 pounds of

summer flounder were allocated each to Maryland, New York, Connecticut, and Massachusetts; 15,000 pounds were allocated to Delaware, 5,000 pounds to Maine, and 90 pounds to New Hampshire.

The Board approved Addendum XVII in August of 2005. Addendum XVII established a program wherein the Board could combine state-by-state recreational allocations into voluntary regions. This is an additional management tool in the management toolbox. This addendum also allowed the averaging or combining of multiple years of data (i.e. landings-per-angler, length-frequency distributions) in analyses to determine the impacts of proposed recreational management programs. The programs also included minimum fish sizes, possession limits, and fishing seasons. The averaging of annual harvest estimates is not allowed if the regional approach is used (i.e. the 1998 based allocations cannot be averaged across multiple years to create new allocations; multi-year averaging can be used to assess management measures).

The Board approved Addendum XVIII in February of 2006. The addendum sought to stabilize recreational fishing rules close to those that existed in 2005, in part, to minimize the drastic reductions that the three states were facing at the time. The addendum allowed the three states (NY, CT, and MA) facing large reductions in their harvest targets to capitalize on harvest opportunities that were foregone by states that chose to maintain their 2005 recreational fishing rules in 2006.

Addendum XIX, approved in August 2007, broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. It established acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Board directly into the annual management measures for each species, rather than requiring a modification to the FMP.

The Board approved Addendum XXV in February of 2014. The addendum implemented regional conservation equivalency for the 2014 fishing year, and sought to respond to the unintended consequence of using conservation equivalency (e.g., state-specific recreational management measures) such as different measures between neighboring states and across the coast. The addendum established new regional measures that in combination would constrain harvest to coastwide recreational harvest limit. For 2014, the regions were the following: Massachusetts; Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina. All states within a region have the same minimum size, bag limit, and season length. A continuation of Addendum XXV was codified in Addendum XXVI by the Board in February 2015. Addendum XXVI continued the regional management measures established in 2014 through 2015.

The Board approved Addendum XXVII in February 2016. The addendum addressed 2016 recreational summer flounder and black sea bass fisheries management, continuing regional management measures for 2016 and addressing discrepancies in summer flounder management measures within Delaware Bay. The 2016 recreational fishery was divided into six management regions, the same five regions as under Addendum XXV and XXVI, but with New Jersey separated out from New York and Connecticut into its own region, with states within the same region required to implement the same bag, size limits, and season length. By separating New Jersey into its own region, the addendum allowed the state to make regulations different in Delaware Bay than in the rest of the state. Outside of the Delaware Bay, New Jersey regulations stayed consistent with those in New York and Connecticut. Within the Bay, New Jersey regulations consisted of a similar size limit as in Delaware, the same possession limit as Delaware, and the same season as the rest of New Jersey. The line of demarcation for regulation implementation was the COLREGS Demarcation Line.

In February 2017, ASMFC's Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXVIII, maintaining regional management for the recreational summer flounder fishery through 2017. This Addendum required a one-inch increase in size limit and lowered possession limits to 4 fish or less to reduce fishing pressure on the stock, which was experiencing overfishing.

After New Jersey submitted a conservation equivalency proposal which was not accepted, the Commission found New Jersey to be out of compliance with Addendum XXVIII in June 2017. ASMFC passed on its recommendation of noncompliance to the Secretary of Commerce. However, the Secretary of Commerce did not agree with the Commission's recommendation and found New Jersey to be in compliance with Addendum XXVIII. This is the first time that the Secretary of Commerce has not agreed with the Commission's recommendation for noncompliance.

Addendum XXXI was approved by the Board in December 2018. Coupled with the Council's complementary Framework 14, this Addendum adds to the suite of tools available for managing summer flounder, scup and black sea bass, and enhances the compatibility of state and federal regulations. The Commission recommended NOAA Fisheries implement transit provisions in Block Island Sound, allowing non-federally permitted recreational and commercial vessels to transit federal waters while in possession of summer flounder, scup, and black sea bass legally harvested from state waters.

The Council's Framework 14 also allows for the use of maximum sizes in addition to minimum sizes, commonly referred to as slot limits, to control catch in the summer flounder and black sea bass recreational fisheries.

Approved by the Board in December 2018, Addendum XXXII established an annual specifications process for developing recreational management measures for summer flounder and black sea bass. In relation to summer flounder, the Board will approve regional measures in early spring each year, based on technical committee analysis of stock status, resource

availability, and harvest estimates. Public input on specifications will be gathered by states through their individual public comment processes. The specifications process will provide the Board more flexibility in adjusting measures, if necessary, to constrain harvest to the annual coastwide RHL. Further, the process will enable the Board to consider a host of factors, including: regional equity; regulatory stability; species abundance and distribution; and late-breaking recreational harvest estimates.

In March 2019, the Board and Council approved the Summer Flounder Commercial Issues Amendment. The Amendment revises the management program's goals and objectives specific to summer flounder and implements new state-specific commercial allocations. The new state commercial allocations are based upon a 9.55 million pound trigger point. When the annual coastwide commercial quota is at or below 9.55 million pounds, the formula for allocating the quota to the states will remain status quo, i.e., the same state-specific percentages that have been in effect since 1993. When the annual coastwide quota exceeds 9.55 million pounds, the first 9.55 million pounds is distributed according to the status quo allocations, and the additional quota above 9.55 million pounds will be distributed as follows: 0.333% to the states of Maine, New Hampshire and Delaware and 12.375% to the remaining states (Table 1). As a result, state allocations will vary over time based on overall stock status and the resulting coastwide commercial quotas. These changes were implemented by the National Marine Fisheries Service on December 14, 2020, and took effect on January 1, 2021.

While this FMP overview pertained to joint and Board actions only, there are additional Council only actions that are summarized at <https://www.mafmc.org/sf-s-bsb>.

The Board and MAFMC developed a joint amendment to consider an adjustment to the allocations between the commercial and recreational fisheries for summer flounder, scup and black sea bass. The commercial and recreational allocations for all three species are currently based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) for each sector. Recent changes in how recreational harvest is estimated have resulted in a discrepancy between the current levels of estimated recreational harvest and the allocations of summer flounder, scup and black sea bass to the recreational sector. Some changes have also been made to commercial catch data since the allocations were established. This amendment considers whether modifications to the allocations are needed in light of these and other changes in the fisheries. The amendment also considers options that would allow a portion of landings to be transferred between the commercial and recreational sectors each year, in either direction, based on the needs of each sector. At the April 2021 meeting of the Board and MAFMC, final action was postponed to allow for further development of the Recreational Reform Initiative. The Council and Board are now scheduled to take final action on the commercial/recreational allocation amendment at a joint meeting in December 2021. Additional information and updates on this amendment are available at: <http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

II. Status of the Stock

The 2021 Summer Flounder Management Track Stock Assessment is the most recent stock assessment information that will be utilized for specifications for the 2022-2023 fishing years.

The stock was neither overfished nor was overfishing occurring in 2019 relative to the updated biological reference points. Spawning stock biomass (SSB) was estimated to be 47,397 mt in 2019, 86% of the updated biomass target reference point SSB_{MSY} proxy = $SSB_{35\%}$ = 55,217 mt (Figure 1). Fishing mortality on the fully selected age 4 fish was 0.340 in 2019, which is 81% of the updated fishing mortality threshold reference point F_{MSY} proxy = $F_{35\%}$ = 0.422.

The average recruitment from 1982 to 2019 is 53 million fish at age 0. Recruitment was below average during 2011-2017, ranging from 31 to 45 million and averaging 36 million fish. The 2018 year class estimated at 61 million fish is above average and the largest since 2009, while the 2019 year class is below average at 49 million fish (Figure 1).

The next management track stock assessment is scheduled for 2023.

III. Status of the Fishery

Commercial landings peaked in 1984 at 37.77 million pounds, and declined to 8.81 million pounds in 1997. Since then, commercial landings have been variable, with two peak years (17.26 million pounds in 2005 and 15.89 million pounds in 2011) that have been followed by steady declines. After 2011, landings declined in part due to annual quota limits set in response to the condition of the resource. The decline continued until 2017 reaching a time series low of 5.86 million pounds of landings. 2019 and 2020 landings increased to 9.06 and 9.14 million pounds, largely due to an increase in the commercial quota following the 2018 benchmark stock assessment. Table 2 displays state by state commercial landings from 2011-2020. Table 3 displays the 2020 quota, landings, transfers, and Connecticut's overage, which at this point is based on preliminary landings. GARFO will follow up with Connecticut once the landings values are validated. States with the largest share of commercial landings in 2020 were New Jersey (21.0%), North Carolina (19.4%), Rhode Island (18.6%), and Virginia (17.2%). The principal gear used in the fishery is the bottom otter trawl. Commercial discard losses in the otter trawl and scallop dredge fisheries are estimated from observer data, and an 80% commercial discard mortality rate is assumed.

Recreational harvest peaked in 1983 at 36.74 million pounds, and declined to a time series low of 5.66 million pounds in 1989. A more recent review of recreational fishery performance from 2011 to present reveals an average of 12.59 million pounds with a high of 19.41 million pounds in 2013 and a low of 7.60 million pounds in 2018. Recreational harvest in 2020 was 10.06 million pounds, a significant increase from the prior year's harvest of 7.80 million pounds (Table 4). However, it is worth noting that the pandemic caused some significant challenges in data collection, which are described in greater detail in the section below. The total recreational catch (harvest plus live and dead releases) of summer flounder in 2020 were 33.32 million fish, slightly lower than the time series average of 34.46 million fish (Table 5). The assumed discard mortality rate in the recreational fishery is 10%. In 2020, an estimated 80.2% of the harvest (in

numbers of fish) originated from private/rental boats, while shore-based anglers and party/charter boats accounted for an average of 17.9% and 1.9% of the harvest, respectively (Figure 2). In addition, 61.3% of summer flounder harvested by recreational fishermen (in numbers of fish) were caught in state waters and about 38.7% in federal waters (Figure 3).

IV. Status of Research and Monitoring

COVID-19 impacted several aspects of fishery dependent and independent monitoring. All New England and Mid-Atlantic states suspended the Access Point Angler Intercept Survey (APAIS) sampling starting in late March or April 2020. APAIS sampling resumed between May and August 2020, depending on the state. However, NOAA Fisheries was able to fill gaps in 2020 catch data with data collected in 2018 and 2019. These imputed data—also known as proxy, or replacement, data—match the time, place, and fishing mode combinations that would have been sampled had the APAIS continued uninterrupted. Imputed data were combined with observed data to produce catch estimates using MRIP’s standard estimation methodology. To ensure imputed data weren’t over-represented against observed data, the original sample weights for the 2018 and 2019 catch records were down-weighted. The use of imputed catch data had minimal impact on the effort estimates, as the mail and telephone surveys that collect effort data continued largely uninterrupted.

While commercial effort and markets were impacted to various degrees, data collection for commercial landings from seafood dealers continued uninterrupted. However, 2020 commercial discard estimates will be affected by missing observer data. Commercial discard estimates are developed using Standardized Bycatch Reporting Methodology approaches that rely heavily on observer data. On March 20, 2020, NOAA Fisheries temporarily waived the requirement for vessels with Greater Atlantic fishing permits to carry a fishery observer or at-sea monitor. This waiver was extended several times before observers were redeployed on August 14, 2020. At this time it is not clear whether alternative methodologies will be developed to generate 2020 commercial discard estimates for summer flounder and other species.

Several states and NOAA Fisheries conduct seasonal sampling cruises using an otter trawl to assess the condition of summer flounder populations inshore and in the Exclusive Economic Zone (EEZ). Several states fishery independent monitoring efforts were affected as indicated below.

- Massachusetts collects age and maturity samples and local abundance indices from spring and fall otter trawl surveys, as well as young of the year information in its winter flounder juvenile seine survey. The COVID-19 pandemic caused cancellations of the trawl surveys in 2020, but the seine survey was able to be completed. Massachusetts collects trip-level commercial landings data from both harvesters and primary buyers, and the commercial quota is monitored via weekly reports of dealer transactions by the Division of Marine Fisheries Statistics Program.
- Rhode Island monitors the commercial quota for summer flounder using the SAFIS reporting system to monitor landings. In addition, RIDEM Marine Fisheries operates a spring and fall

seasonal trawl survey, as well as a monthly trawl survey, which produce mean number and weight per tow for summer flounder.

- Connecticut collects indices of abundance from its spring and fall otter trawl survey in Long Island Sound, which were suspended in 2020 due to COVID-19. Connecticut monitors commercial summer flounder landings through monthly commercial fishing logbooks and weekly and monthly dealer reports.
- New York conducts a survey of recreational anglers on open boats throughout the marine district to collect additional data on size composition of kept and discarded fish. New York also conducts port/market sampling trips gathering sex and length data. New York maintains both a small mesh otter trawl survey in the Peconic Bays that samples summer flounder, and a nearshore trawl survey from Breezy Point to Block Island Sound in the winter, spring, summer and fall. Due to the COVID-19 pandemic, sampling season did not start until June (a 2-month delay). New York requires trip level reporting from all of its commercial industry participants and monitors quota through a combination of trip reports and dealer reports.
- New Jersey monitors landings relative to the commercial quota for summer flounder using the SAFIS reporting system. New Jersey collects data from the commercial trawl fishery and conducts an ocean trawl survey from which age, length and sex data on summer flounder are collected and catch-per-unit-of-effort and distribution information are generated for juveniles and adults. Due to restrictions in response to COVID-19, the survey sampling did not take place in 2020.
- Delaware's commercial landings are monitored through a mandatory monthly harvest report from all state-licensed fishermen and women. Additionally, two trawl surveys are conducted annually in Delaware's estuarine waters to assess relative abundance of both adult and juvenile finfish.
- Maryland constructs a juvenile index from trawl and beach seine data collected in coastal bays and also collects length data from commercial trawlers in near shore coastal waters. A statewide voluntary angler survey is conducted that records location, time spent fishing, number of fish caught, number kept, and lengths of the first 20 fish caught.
- The Virginia Marine Resources Commission Biological Sampling Program collects length and weight data from Virginia's commercial and recreational fisheries. A sub sample provides scales for aging. Virginia also prepares a young-of-the-year index from data collected from beach seine and trawl surveys. The Northeast Area Monitoring and Assessment Program (NEAMAP) Trawl Survey was cancelled in the spring of 2020 due to COVID-19.
- North Carolina annually conducts two otter trawl surveys to sample juvenile fluke in the Pamlico Sound, which were both suspended in 2020 due to COVID-19. North Carolina also collects information on age and growth and catch-per-unit-of-effort for the winter trawl fishery, estuarine gill net fishery, pound net fishery, the ocean gill net fishery, commercial gig, and the long haul seine fishery.

V. Status of Management Measures and Issues

COMMERCIAL FISHERY

Management measures imposed upon harvesters of summer flounder include an annual commercial quota and recreational harvest limit, minimum sizes, minimum mesh requirements for trawls, permits and administrative fees for dealers and vessels, a moratorium on entry into the commercial fishery, mandated use of sea samplers, monitoring of sea turtles and the use of turtle excluder devices in a portion of the southern part of the management unit, and collection of data and record keeping by dealers and processors. In 2020, the commercial quota was allocated to each state based on landings during a baseline period (1980-1989), and any overages are subtracted from a state's quota for the following year. The state allocations of the commercial quota are included in Table 3. Table 1 reflects the state commercial allocations according to the Summer Flounder Commercial Issues Amendment that were implemented for 2021.

The following measures may change annually. The 2020 measures are indicated.

Minimum size: 14"

Minimum mesh and threshold: 5.5" diamond, 6" square

Thresholds: 200 pounds in the winter (Nov 1-Apr 30) and 100 lb in the summer (May 1-October 31)

Regulation of mesh beyond the codend: 5.5" diamond or 6" square throughout the mesh

2020 Commercial quota: 11.53 million pounds

The following measures are not subject to annual adjustment.

Quota management provisions: States are required to adopt appropriate measures to manage their quota shares. States may transfer or combine their quota shares as specified in Amendment 5. States must document through a vessel and dealer reporting system all landings that are not otherwise included in the federal monitoring of permit holders. States are required to forward all landings information to NOAA Fisheries for inclusion in quota reporting.

Transfer at Sea: States must prohibit permitted summer flounder vessels from transferring summer flounder from one vessel to another at sea. (As specified in Amendment 10)

De minimis status: States having commercial landings less than 0.1% of the coastwide total will be eligible for *de minimis* status. (As specified in Amendment 10). Delaware has requested *de minimis* status and meets the requirements (Table 3).

RECREATIONAL FISHERY

The Management Board chose to adopt regional management through conservation equivalency for the 2020 recreational fishery under the provisions of Framework 2 (see **Table 6** for state measures)¹. As such, the Federal recreational bag limit and minimum fish size were waived and the fishing season and vessel owners were subject only to the regulations in their states.

2020 recreational harvest limit: 7.69 million pounds.

OTHER MEASURES

Fillet at sea permit: Party or charter vessels in state waters will be allowed to fillet at sea if they obtain a state issued permit allowing such activity. (As specified in Amendment 10)

Reporting: States must submit an annual compliance report to the Chair of the Summer Flounder Plan Review Team by June 1 of each year. The report must detail the state’s management program for the current year and establish proof of compliance with all mandatory management measures and all framework changes specified for the current year. It should include landings information from the previous year, and the results of any monitoring or research program.

This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Summer Flounder FMP and Amendments thereto.

1993 - 2020 Summer Flounder FMP Compliance Criteria Timeline

COMMERCIAL:

14" minimum size	3/1/97
Ability to regulate mesh in any portion of the net	1/1/98
5.5" diamond or 6" square mesh throughout entire net	6/3/98
Prohibition of transfer at sea	1/1/98
Mandatory reporting to NMFS of landings from state waters	1/1/98
Small mesh exemption program	1/21/93
Flynet minimum mesh size exemption	1/21/93

RECREATIONAL:

Regional Management Measures under conservation equivalency	2/2017
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GENERAL

¹ Past FMP Reviews are available on the [Commissions’ summer flounder webpage](#), which contain prior year’s recreational measures.

Submission of annual commercial management plan thereafter	10/1/97, annually
Submission of annual landings and compliance report thereafter	6/1/98, annually

VI. Plan Review Team Comments and Recommendations

- The PRT notes that after reviewing state compliance reports, most states’ regulations are consistent with the FMP requirements with only a few issues identified. New Jersey, Delaware, and Virginia did not include in their state compliance report regulations outlining prohibition of transfers at sea.
 - New Jersey currently has provisions in place that mandate state permitted vessels can only transfer catch to a licensed a dealer, and are only able to transfer the daily trip limit; a vessel that lands above the trip limit is subject to an over the limit infraction. Federal permit holders landing summer flounder in New Jersey are prohibited from transfers at sea. The state of New Jersey has begun the process of applying the same language to regulations pertaining to state permit holders.
 - Delaware currently prohibits trawling within state waters, and also maintains a commercial possession limit of 4 summer flounder. While the PRT recognizes that this may not be a priority issue, the PRT thought that Delaware’s regulations on transfers at sea should be made consistent with the summer flounder FMP. That being said, the PRT also noted that the ISFMP Policy Board is currently reviewing *de minimis* status with the potential to expand the policy to allow for states to apply for exemptions from specific regulations, which could potentially resolve this issue. However, as the policy currently stands, *de minimis* status does not exempt any state from implementing prohibitions of transfers at sea.
 - The PRT again recognizes that this may not be a priority issue for Virginia given its prohibition of trawling within state waters. However, the PRT has come to the same conclusion that Virginia should implement the regulation to prohibit transfers at sea to remain consistent with the summer flounder FMP. In addition, Virginia technical staff has indicated that updating the regulations would be possible without too much administrative burden.
- With the three exceptions noted above, the PRT determined that all states have implemented regulations consistent with the FMP requirements.
- Delaware requested *de minimis* status and meets the requirements for 2020.

VII. Research Recommendations

Research recommendations were identified during the [2019 Summer Flounder Benchmark Stock Assessment at the 66th SAW](#) (pg. 106)

VIII. References

Northeast Fisheries Science Center. 2019a. 66th Northeast Regional Stock Assessment Workshop (66th SAW) Assessment Report. US Dept Commerce, Northeast Fish Science Center Ref Doc. 19-08; 1170 p.

Northeast Fisheries Science Center. 2021. Prepublication copy of the June 2021 management track stock assessment report prepared for the Council and the SSC. Available at:
https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/2021_summer_flounder_MTA_report.pdf

Table 1. 2021 State-Specific Shares of Commercial Summer Flounder Quota.

State	Allocation of baseline quota ≤ 9.55 mil lb	Allocation of <u>additional</u> quota beyond 9.55 mil lb	2021 Initial Quota
ME	0.05%	0.33%	14,342
NH	0.00%	0.33%	9,844
MA	6.82%	12.38%	1,015,179
RI	15.68%	12.38%	1,861,550
CT	2.26%	12.38%	579,376
NY	7.65%	12.38%	1,094,113
NJ	16.72%	12.38%	1,961,062
DE	0.02%	0.33%	11,499
MD	2.04%	12.38%	558,559
VA	21.32%	12.38%	2,399,576
NC	27.45%	12.38%	2,984,903
Total	100%	100%	12,490,003

Table 2. Summer Flounder Commercial Landings by State (2011-2020) in Pounds.

Source: Commercial Landings Summaries for 2011-2020 – Non-confidential; using ACCSP Data Warehouse, Arlington, VA. & State Compliance Reports for 2020 data (June 2021)

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
MA	1,132,191	891,497	859,384	696,029	748,432	582,779	420,714	428,609	551,300	700,390
RI	2,824,028	2,409,445	2,192,542	2,056,037	1,716,095	1,306,386	896,048	1,022,616	1,662,132	1,703,401
CT	401,490	315,497	284,174	253,441	286,890	191,133	134,612	177,443	290,486	415,149
NY	1,517,021	1,237,821	1,033,287	832,557	829,929	603,522	491,433	462,673	875,331	856,149
NJ	2,830,735	2,268,593	2,004,188	1,825,611	1,681,961	1,296,914	961,842	1,045,566	1,588,135	1,917,832
DE	837	959	913	1,687	1,349	2,236	1,438	677	1,260	608
MD	259,408	165,273	193,543	192,049	187,811	158,996	137,470	143,372	155,915	201,106
VA	4,064,521	4,122,085	4,794,032	2,049,209	2,274,403	1,663,218	1,253,804	1,254,422	1,913,865	1,567,244
NC	2,854,296	1,089,969	541,939	2,906,821	2,878,549	2,124,231	1,563,221	1,654,651	2,026,509	1,776,143
Total	15,884,527	12,501,139	11,904,002	10,813,441	10,605,419	7,929,415	5,860,582	6,190,029	9,064,933	9,138,022

*2020 Landings are preliminary.

Table 3. 2020 State-Specific Shares of Commercial Summer Flounder Quota and Harvest by Weight (lb).

Source: 2020 State Compliance Reports.

State	2020 % Share of Federal Quota	2020 Initial Quota	2020 Transfers	2020 Final Quota	2020 Landings	Overages	% Quota Used	% Coastwide Total
ME	0.04756%	5,484		5,484	0		0.0%	0.0%
NH	0.00046%	53		53	0		0.0%	0.0%
MA	6.82046%	786,399	16,150	802,549	700,390		87.3%	7.7%
RI	15.68298%	1,808,248	6,417	1,814,665	1,703,401		93.9%	18.6%
CT	2.25708%	260,241	90,000	350,241	415,149*	64,908*	118.5%	4.5%
NY	7.64699%	881,698		881,698	856,149		97.1%	9.4%
NJ	16.72499%	1,928,391		1,928,391	1,917,832		99.5%	21.0%
DE	0.01779%	2,051		2,051	608		29.6%	<0.1%
MD	2.03910%	235,108		235,108	201,229		85.6%	2.2%
VA	21.31676%	2,457,822	25,622	2,483,444	1,569,333		63.2%	17.2%
NC	27.44584%	3,164,505	-138,189	3,026,316	1,776,143		58.7%	19.4%
TOTAL^	100	11,530,000		11,530,000	9,138,022		85%	

^ totals in table may not match listed quotas due to rounding

*SAFIS/ders database lists a preliminary landings value of 370,064 for 2020, which is lower than Connecticut's self-reported landings value

Table 4. Recreational Summer Flounder Harvest by State (2011-2020) in Weight (pounds).

Source: Personal Communication with NOAA Fisheries, Statistics Division June 2021

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
MA	547,366	655,903	161,396	575,285	385,987	239,844	171,922	142,540	145,203	175,590
RI	1,277,110	641,805	646,927	1,112,412	790,640	340,528	596,905	603,752	837,107	479,590
CT	377,004	457,523	1,808,379	935,458	998,509	1,023,887	402,529	549,268	292,453	387,741
NY	2,990,715	3,513,714	5,170,966	3,995,846	5,010,599	5,744,430	4,214,222	2,385,310	2,441,732	2,389,690
NJ	5,570,783	8,309,420	9,649,950	7,526,962	3,245,895	4,717,501	3,601,688	3,154,540	3,229,057	5,491,680
DE	399,982	305,600	319,942	449,033	270,174	435,174	253,703	205,380	224,528	534,247
MD	153,872	259,198	236,911	281,911	251,325	98,357	171,499	121,760	206,373	187,228
VA	1,855,447	1,702,566	1,223,570	1,142,384	719,288	528,706	528,350	345,064	368,955	381,165
NC	311,573	287,522	196,002	215,294	157,437	110,392	147,426	92,032	52,872	37,935
Total	13,483,852	16,133,251	19,414,043	16,234,585	11,829,854	13,238,819	10,088,244	7,599,646	7,798,280	10,064,866

Table 5. Estimated Summer Flounder Recreational Harvest, Releases, Dead Releases, Total Catch, and Total Removals in Numbers of Fish by Marine Recreational Anglers, 2011 to 2020.

Source: Personal Communication with NOAA Fisheries, Statistics Division June 2021.

Year	Total Catch (A+B1+B2)	Harvest (A+B1)	Released (B2)	Dead Releases (10% of B2)	Total Removals (Harvest + Dead Releases)
2011	56,086,601	4,364,169	51,722,432	5,172,243	9,536,412
2012	44,726,435	5,757,709	38,968,726	3,896,873	9,654,582
2013	44,986,409	6,624,777	38,361,632	3,836,163	10,460,940
2014	44,587,219	5,372,855	39,214,364	3,921,436	9,294,291
2015	34,192,004	4,051,390	30,140,614	3,014,061	7,065,451
2016	31,254,673	4,304,152	26,950,521	2,695,052	6,999,204
2017	28,148,049	3,236,709	24,911,340	2,491,134	5,727,843
2018	23,568,261	2,427,186	21,141,075	2,114,108	4,541,294
2019	30,801,411	2,438,566	28,362,845	2,836,285	5,274,851
2020	33,323,616	3,556,983	29,766,633	2,976,663	6,533,646
10 YR AVG	37,167,468	4,213,450	32,954,018	3,295,402	7,508,851

Table 6. Summer Flounder State-by-State Recreational Management Measures for 2020 & 2021

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	17	5 fish	May 23-October 9
Rhode Island	19	6 fish	May 3-December 31
7 designated RI shore sites	19	4 fish*	
	17	2 fish*	
Connecticut	19	4 fish	May 4-September 30
41 designated CT shore sites	17		
New York	19	4 fish	May 4-September 30
New Jersey	18	3 fish	May 22-September 19
NJ Pilot shore program 1 site	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16.5	4 fish	All year
Maryland			
PRFC			
Virginia			
North Carolina	15	4 fish	August 16-Sept. 30

*Combined possession limit of 6 fish; no more than 2 fish at 17 inch minimum size limit

Figure 1. Summer Flounder Spawning Stock Biomass and Recruitment

Source: Summer Flounder Management Track Stock Assessment, 2021

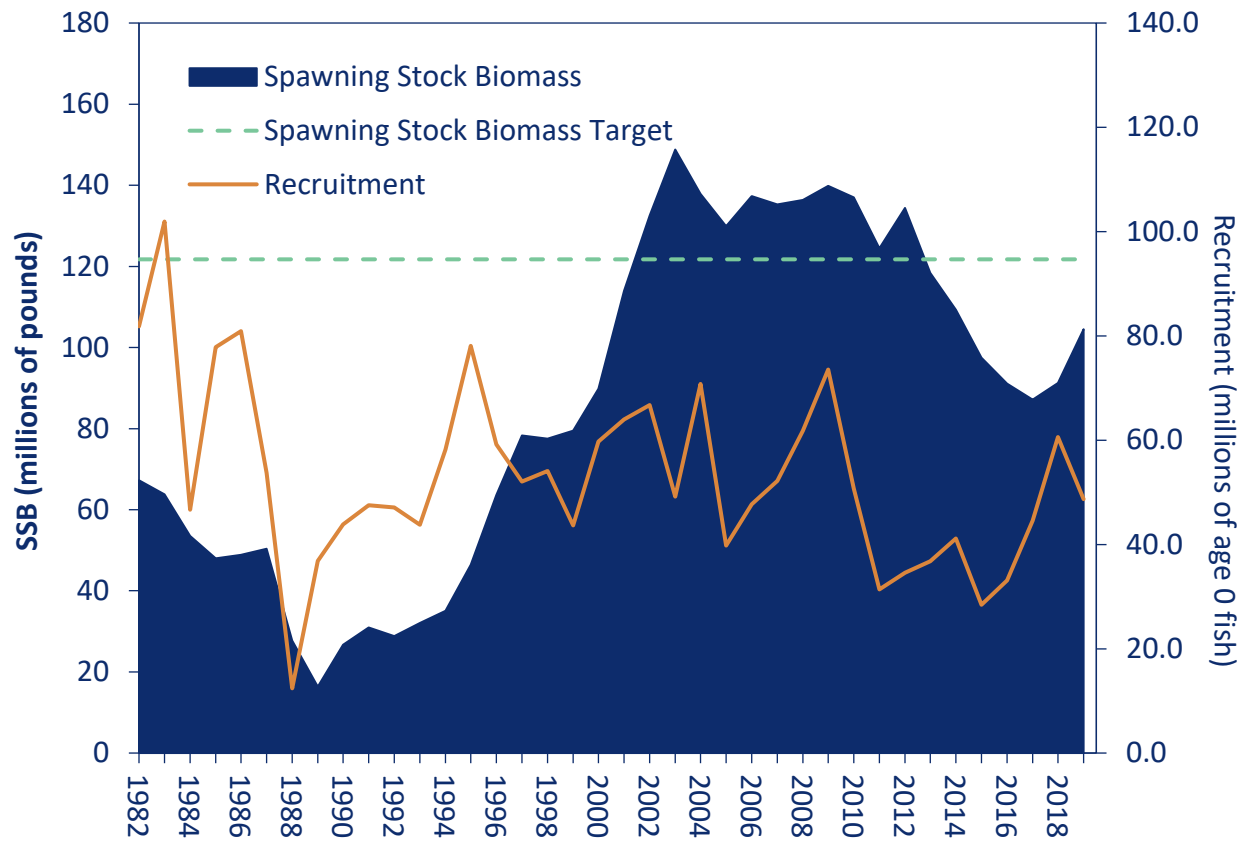


Figure 2. The Percent of Summer Flounder Harvested by Recreational Fishing Mode in Numbers of Fish, Maine through North Carolina, 2011-2020.

Source: Personal Communication with NOAA Fisheries, Fisheries Statistics Division, June 2021.

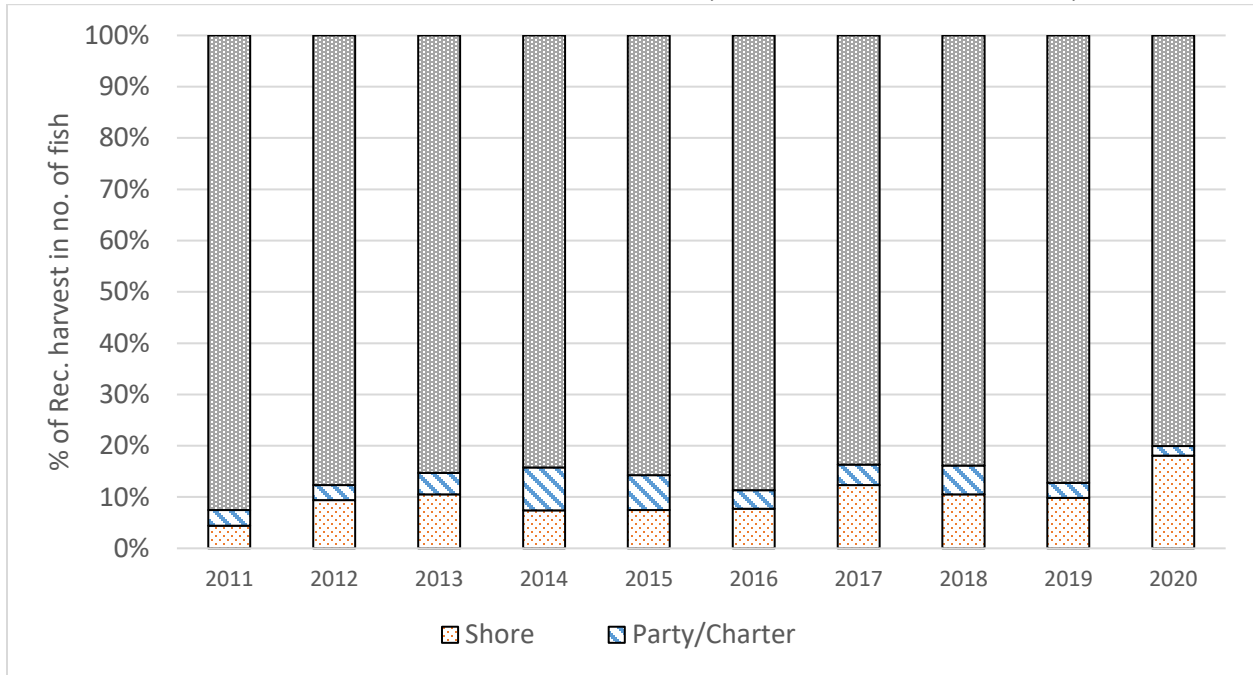
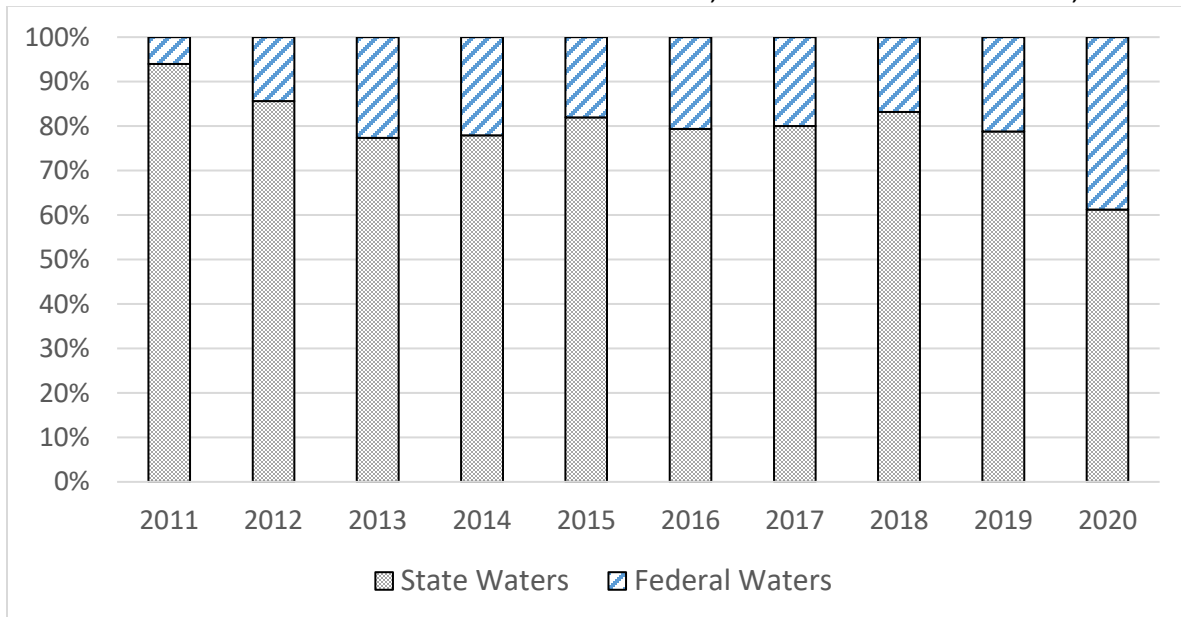


Figure 3. The Percent of Summer Flounder Recreational Landings (numbers of fish) in State vs. Federal Waters, Maine through North Carolina, 2011-2020.

Source: Personal Communication with NOAA Fisheries, Fisheries Statistics Division, June 2021.

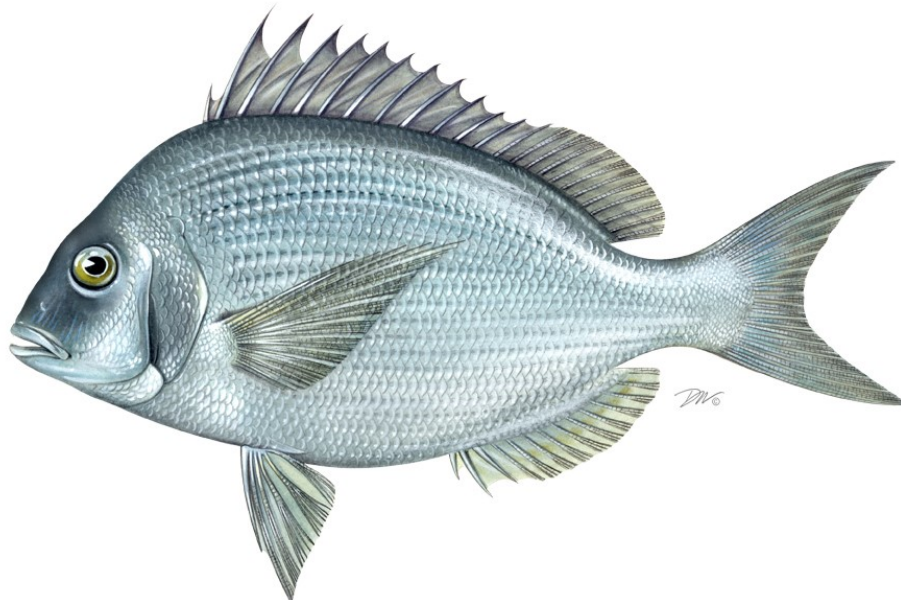


ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR SCUP
(Stenotomus chrysops)

2020 FISHING YEAR



Prepared by the Plan Review Team



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Review of the ASMFC Fishery Management Plan for Scup

I. Status of the Fishery Management Plan

States with a declared interest in the Scup FMP are Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board and the Mid-Atlantic Fishery Management Council (Council) guide plan development. The Summer Flounder, Scup, and Black Sea Bass Technical Committee addresses technical issues. Industry advice is solicited through the Summer Flounder, Scup, and Black Sea Bass Advisory Panel, and annual review and monitoring is the responsibility of the Scup Plan Review Team.

Atlantic States Marine Fisheries Commission (ASMFC or Commission) management of scup was initiated as one component of a multi-species Fishery Management Plan (FMP) addressing summer flounder, scup, and black sea bass. The Commission approved the FMP for scup in March 1996. Amendment 12 to the FMP, which established revised overfishing definitions, identification and description of essential fish habitat, and defined the framework adjustment process, was approved by the Commission in October 1998. The management unit for scup in US waters is the western Atlantic Ocean from Cape Hatteras North Carolina northward to the US-Canadian border.

The FMP included a seven-year plan for reducing fishing effort and restoring the stock. The primary concerns were excessive discarding of scup and near collapse of the stock. Management measures implemented in the first year of the plan (1996) included: dealer and vessel permitting and reporting, 9-inch commercial minimum size, 4-inch mesh restriction for vessels retaining over 4,000 pounds of scup, and a 7-inch recreational minimum size. The biological reference point to define overfishing when the plan was initially developed was F_{MAX} , or $F=0.25$. To allow flexibility in addressing unforeseen conditions in the fishery, the plan contained provisions that allow implementation of time and area closures. The plan also specified the option for changes in the recreational minimum size and bag limit, or implementation of a seasonal closure on an annual basis. The original FMP also implemented an annual coastwide Total Allowable Catch (TAC) limit, effective in 1997, from which an annual commercial quota and recreational harvest limit would be derived.

Addendum 1 to the FMP established the quota management procedure for management and distribution of the annual coastwide commercial quota. Addendum 1 details the state-by-state quota system for the summer period (May through October) that was implemented in 1997. Each state receives a share of the summer quota based on historical commercial landings from 1983-1992. This Addendum also established *de minimis* status. A state is granted *de minimis* status if the commercial scup summer period landings for the last preceding calendar year are less than 0.1 % of the summer period's quota. *De minimis* status allows for minimal allocations equal to 0.1 % of the quota for the summer period to these states. The total amount of quota allocated to these *de minimis* states is subtracted from the summer quota before the remainder is allocated to the other states.

In June 1997, the Commonwealth of Massachusetts filed a lawsuit against the Secretary of Commerce stating that the historical data used to determine the quota shares underestimated

the commercial landings of scup. Massachusetts also stated that the resulting quota share discriminated against Commonwealth of Massachusetts residents. On April 27, 1998, the U.S. District Court voided the state-by-state quota allocations for the summer quota period in the federal FMP, and ordered the Secretary of Commerce to promulgate a regulation that sets forth state-by-state quotas in compliance with the National Standards. The Management Board developed three Emergency Rules to address the quota management during the summer quota period during 1999, 2000 and 2001.

Amendment 12 established a biomass threshold for scup based on the maximum value of the 3-year moving average of the Northeast Fisheries Science Center spring bottom trawl survey index of spawning stock biomass. The Amendment stipulated that the scup stock was considered overfished when the spawning stock biomass index fell below this value. Amendment 12 also defined overfishing for scup to occur when the fishing mortality rate exceeded the threshold fishing mortality. Subsequent addenda modified the reference points.

In 2002, the Board developed Addendum V to avoid the necessity of developing annual Emergency Rules for summer period quota management. Addendum V established state shares of the summer period quota based on historical commercial landings from 1983-1992, including additional landings from Massachusetts added to the NOAA Fisheries database in 2000. State shares implemented by this addendum will remain in place until the Board takes direct action to change them.

Another significant change to scup management occurred with the approval of Addendum VII in February 2002. This document established a state specific management program for Massachusetts through New York for the 2002 recreational scup fishery based on the average landings (in number of fish) for 1998-2001. Due to the extremely limited data available, the Board developed specific management measures for the states of New Jersey, Delaware, Maryland, Virginia, and North Carolina. The addendum had no application after 2002. The same addendum language was used verbatim to set management measures for the states of Massachusetts through New York for 2003 through Addendum IX.

Addendum XIX, approved in August 2007, broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable criteria for identifying when stocks are overfished. It established acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Commission directly into the annual management measures for each species.

Addendum XX sets policies to reconcile quota overages to address minor inadvertent quota overages. It was approved in November 2009. It streamlines the quota transfers process and establishes clear policies and administrative protocols to guide the allocation of transfers from states with underages to states with overages. It also allows for quota transfers to reconcile quota overages after the year's end.

Addendum XXIX was approved by the Board in May 2017. The Addendum shortens the length of the commercial scup summer period and extends the length of the winter II period. The addendum was developed to allow for the better utilization of the commercial quota, which was under-harvested from 2011-2016. Specifically, the change in quota period length allows for higher possession limits for a longer period of time each year, thus increasing the likelihood the commercial fishery will fully harvest the quota. The quota allocation for each period remains unchanged. While Addendum XXIX is a Commission specific document, the Council also took the same action through Framework 10. The new quota periods are the following and were implemented for the 2018 fishing season: Winter 1, January 1-April 30 (120 days); Summer, May 1-September 30 (153 days); Winter II, October 1-December 31 (92 days).

In December 2018, the Commission approved Addendum XXXI through a joint action with the Council. The Board recommended NOAA Fisheries implement regulations to allow transit through federal waters in Block Island Sound for non-federally permitted vessels in possession of summer flounder, scup and black sea bass.

While this FMP overview pertained to joint and Board actions only, there are additional Council only actions that are summarized at <https://www.mafmc.org/sf-s-bsb>.

The Board and MAFMC developed a joint amendment to consider an adjustment to the allocations between the commercial and recreational fisheries for summer flounder, scup and black sea bass. The commercial and recreational allocations for all three species are currently based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) for each sector. Recent changes in how recreational harvest is estimated have resulted in a discrepancy between the current levels of estimated recreational harvest and the allocations of summer flounder, scup and black sea bass to the recreational sector. Some changes have also been made to commercial catch data since the allocations were established. This amendment considers whether modifications to the allocations are needed in light of these and other changes in the fisheries. The amendment also considers options that would allow a portion of landings to be transferred between the commercial and recreational sectors each year, in either direction, based on the needs of each sector. At the April 2021 meeting of the Board and MAFMC, final action was postponed to allow for further development of the Recreational Reform Initiative. The Council and Board are now scheduled to take final action on the commercial/recreational allocation amendment at a joint meeting in December 2021. Additional information and updates on this amendment are available at: <http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

II. Status of the Stock

The 2021 Scup Management Track Stock Assessment is the most recent stock assessment information that will be utilized for specifications for the 2022-2023 fishing years.

The stock was neither overfished nor was overfishing occurring in 2019 relative to the updated biological reference points. Spawning stock biomass (SSB) was estimated to be 176,404 mt in 2019, at 196% of the updated biomass target reference point SSB_{MSY} proxy = $SSB_{40\%}$ = 90,019 mt

(Figure 1). Fishing mortality on the fully selected age 4 fish was 0.136 in 2019, which is 68% of the updated fishing mortality threshold reference point F_{MSY} proxy = $F_{40\%}$ = 0.200. $F_{40\%}$ is the rate of fishing that will result in 40% of the spawning potential of an unfished stock.

The average recruitment from 1984 to 2019 is 136 million fish at age 0. The 2015 year class was the largest recorded at 415 million fish. However, recruitment has been below average 2017-2019 with the 2019 year class being the smallest within the time series at 34 million fish (Figure 1). SSB is expected to decrease back down to the target unless more above average year classes recruit to the fishery in the short term.

The next management track stock assessment is scheduled for 2023.

III. Status of the Fishery

Commercial scup landings experienced a general declining trend from the peak of 49 million pounds in 1960 to the time series low of 2.66 million pounds in 2000. Since 2001, commercial landings increased nearly every year to about 17.81 million pounds in 2013. Commercial landings have declined slightly since, subsiding to 13.68 million lb. in 2020, about 62% of the commercial quota. During the period 2011-2020, the northern states have comprised 95% of the landings with Rhode Island at 39%, New York at 26%, New Jersey at 14%, Massachusetts at 10%, and Connecticut at 6%. Otter trawl is the principal gear, accounting for 40%-90% of commercial landings since 1979 (Table 1).

The recreational fishery for scup is significant, with the greatest proportion of the catches taken in states of Massachusetts through New York. Since 2011, recreational harvest has averaged 43% of total landings (commercial and recreational). From 2011 to 2020, recreational harvest has ranged from 8.27 million lb. in 2012 to 14.12 million lb. in 2019. In 2020, recreational harvest was 12.91 million lb., approximately 49% of total landings (Table 2). The total catch (harvest plus releases) of scup in 2020 were 27.27 million fish, slightly higher than the ten year average of 27.07 million fish (**Error! Reference source not found.**). The assumed discard mortality rate in the recreational fishery is 15%. In 2020, an estimated 61.6% of the harvest (in numbers of fish) originated from private/rental boats, while shore-based anglers and party/charter boats accounted for an average of 27.9% and 10.5% of the harvest, respectively (Figure 2). In addition, 90.2% of scup harvested by recreational fishermen (in numbers of fish) were caught in state waters and about 9.8% in federal waters (Figure 3).

IV. Status of Research and Monitoring

Commercial landings data are collected by the NOAA Fisheries Vessel Trip Report system and by state reporting systems. The Northeast Fisheries Science Center (NEFSC) sea sampling program collects commercial discard information. Biological samples (age, length) from the commercial fishery are collected through the NEFSC weighout system, the observer program, and by the state of North Carolina. Recreational landings and discard information is obtained through the Marine Recreational Information Program (MRIP). Fishery-independent abundance indices are available from surveys conducted by the NEFSC, Massachusetts, Rhode Island, Connecticut,

New York, New Jersey, Delaware, and the Virginia Institute of Marine Science. All surveys, with the exception of Delaware's, are included in the species stock assessment.

COVID-19 impacted several aspects of fishery dependent and independent monitoring. All New England and Mid-Atlantic states suspended the Access Point Angler Intercept Survey (APAIS) sampling starting in late March or April 2020. APAIS sampling resumed between May and August 2020, depending on the state. However, NOAA Fisheries was able to fill gaps in 2020 catch data with data collected in 2018 and 2019. These imputed data—also known as proxy, or replacement, data—match the time, place, and fishing mode combinations that would have been sampled had the APAIS continued uninterrupted. Imputed data were combined with observed data to produce catch estimates using MRIP's standard estimation methodology. To ensure imputed data weren't over-represented against observed data, the original sample weights for the 2018 and 2019 catch records were down-weighted. The use of imputed catch data had minimal impact on the effort estimates, as the mail and telephone surveys that collect effort data continued largely uninterrupted.

While commercial effort and markets were impacted to various degrees, data collection for commercial landings from seafood dealers continued uninterrupted. However, 2020 commercial discard estimates will be affected by missing observer data. Commercial discard estimates are developed using Standardized Bycatch Reporting Methodology approaches that rely heavily on observer data. On March 20, 2020, NOAA Fisheries temporarily waived the requirement for vessels with Greater Atlantic fishing permits to carry a fishery observer or at-sea monitor. This waiver was extended several times before observers were redeployed on August 14, 2020. At this time it is not clear whether alternative methodologies will be developed to generate 2020 commercial discard estimates for scup and other species.

Several fishery independent surveys were also affected by the pandemic in 2020. New Jersey's Ocean Stock Assessment Survey was suspended. The Massachusetts semiannual trawl survey's spring and fall components were cancelled. Connecticut's spring and fall Long Island Sound Trawl Survey sampling was suspended. The spring Northeast Area Monitoring and Assessment Program aggregated age index of abundance for 2020 is also unavailable due to COVID-19.

V. Status of Management Measures and Issues

COMMERCIAL FISHERY

The following management measures are for 2020 and may change annually.

Minimum size of possession: 9" Total Length

Minimum mesh: Otter trawls must have a minimum mesh size of 5" for the first 75 meshes from the terminus of the net and a minimum mesh size of 5" throughout the net for codends constructed with fewer than 75 meshes.

Threshold to trigger minimum mesh requirements: Trawl vessels are subject to the minimum mesh requirements if possessing 1,000 pounds or more of scup from October 1 through April

14, 2,000 pounds or more of scup from April 15 through June 15, and 200 pounds or more of scup from June 16 through September 30.

Maximum roller rig trawl roller diameter: 18"

Pot and trap escape vents: 3.1" round, 2.25" square

Pot and trap degradable fastener provisions: a) untreated hemp, jute, or cotton string 3/16" (4.8 mm) or smaller; b) magnesium alloy timed float releases or fasteners; c) ungalvanized, uncoated iron wire of 0.094" (2.4mm) or smaller

2020 Commercial quota: 22.23 million pounds

ASMFC Summer Quota: 8,658,277 lbs (State by State Shares in Table 4)

Winter I and II Quotas and landing limits: Winter I = 10,027,597 lbs; 50,000 lb trip limit, 1,000 lbs trip limits when the quota reaches 80%; Winter II = 3,543,336 lbs, 24,000 pounds trip limit (both increased from initial amounts by rollover of unused quota from Winter I;

Table 5)

The following required measures are not subject to annual adjustment:

Vessel and dealer permitting requirements: States are required to implement a permit for fishermen fishing exclusively in state waters, and for dealers purchasing exclusively from such fishermen. In addition, states are expected to recognize federal permits in state waters, and are encouraged to establish a moratorium on entry into the fishery.

Vessel and dealer reporting requirements: States are required to implement reporting requirements for state permitted vessels and dealers and to report landings from state waters to NOAA Fisheries.

Scup pot or trap definition: A scup pot or trap will be defined by the state regulations that apply to the vessels principal port of landing.

Quota management requirements:

Winter I and II: States are required to implement landing limits as specified annually. States are required to notify state and federal permit holders of initial period landing limits, in-period adjustments, and closures. States are required to prohibit fishing for, and landing of, scup when a period quota has been landed, based on projections by NOAA Fisheries. States must report landings from state waters to NOAA Fisheries for counting toward the quota

Summer: States are required to implement a plan of trip limits or other measures to manage their summer share of the scup quota. States are required to prohibit fishing for, and landing of, scup when their quota share is landed. States may transfer or combine quota shares. States must report all landings from state waters to NOAA Fisheries for counting toward the state shares.

RECREATIONAL FISHERY

Addendum IX (2003) established a state-specific management program for Massachusetts through New York (inclusive), and specific management measures for the states of New Jersey, Delaware, Maryland, Virginia, and North Carolina. The states have continued this approach since 2004.

The following measures may change annually: Recreational Measures¹

2020 & 2021 Minimum size, possession limits and seasonal closure: Table 6

2020 Recreational Harvest Limit: 6.51 million pounds

OTHER MEASURES

Reporting: States are required to submit an annual compliance report to the Chair of the ASMFC Scup Plan Review Team (PRT) by June 1 of each year. This report should detail the

¹ Past FMP Reviews are available on the [Commissions' scup webpage](#), which contain prior year's recreational measures.

state’s management program for the current year and establish proof of compliance with all mandatory management measures. It should include landings information from the previous year, and the results of any monitoring or research programs.

De minimis: A state is granted *de minimis* status if the commercial scup landings for the last preceding calendar year for which data are available for the summer period are less than 0.1% of the summer period’s quota. *De minimis* status allows for minimal allocations equal to 0.1 % of the quota for the summer period to these states. The total amount of quota allocated to these *de minimis* states is subtracted from the summer quota before the remainder is allocated to the other states. States desiring *de minimis* classification must make a formal request in writing through the Plan Review Team for review and consideration by the Scup Management Board.

This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Scup FMP and any Amendments thereto.

Scup FMP Compliance Schedule

Commercial Fishery

Management Measures	
Ability to implement and enforce period landing limits	1/1/97
Ability to notify permit holders of landing limits and closures	5/1/97
Ability to close the summer fishery once the state share is harvested	5/1/97
Ability to close the winter fisheries once the period quota is harvested	5/1/97
9” total length minimum size limit	6/30/96
Minimum mesh size of 5” diamond mesh throughout codend	1/1/05
Pot and trap escape vents (min 3.1” square/rectangular; each side at least 2.25” in length), degradable fasteners	6/30/96
Roller diameter restriction (maximum of 18”)	6/30/96
Vessel permit and reporting requirements, state	1/1/97
Dealer permit and reporting requirements, state	1/1/97

Recreational Fishery

Management Measures	
Size limit	6/30/96

Possession limit	6/30/96
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General

States submit annual monitoring and compliance report	6/1 annually
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Annual Specifications

Commercial		
Winter I Landing Limits	11/1/05	1/1/16
Winter II Landing Limits	11/1/05	11/1/16

Recreational

Massachusetts– New York (inclusive)	
State specific minimum size, possession limit and season	3/16
New Jersey – North Carolina (inclusive)	
Federal coastwide minimum size, possession limit and season	12/15

VI. Plan Review Team Comments and Recommendations

- The PRT notes that after reviewing state compliance reports, most states are compliant with the FMP requirements with only one issue identified: Delaware’s regulations regarding pot and trap escape vents are consistent with the requirements in the black sea bass FMP, but not consistent with the large escape vent requirement under the scup FMP. In 2021, Delaware staff informed Commission staff that Delaware’s management section decided against making any changes to their pot regulations since Delaware has no directed scup fishery with minimal incidental landings. Additionally, the Delaware management section said that larger scup escape vent requirements would interfere with their lobster pot regulations.
- The PRT discussed Delaware’s escape vent regulations, and didn’t highlight this as a high priority compliance issue for two reasons. 1) The PRT recognizes that Delaware has very minimal landings of less than 0.1% of annual coastwide landings. 2) In addition, the PRT noted that the current *de minimis* status does not exempt a state from specific gear regulations within the FMP. However, the ISFMP Policy Board is currently reviewing *de minimis* status with the potential to expand the policy to allow for states to apply for specific gear exemptions, which could potentially resolve this issue.
- With the one exception noted above, the PRT determined that all states have implemented regulations consistent with the FMP requirements.
- Delaware has requested *de minimis* status and meets the requirements for 2020.

VII. Research Recommendations

Research recommendations are summarized on page 4 of the [2021 Scup Management Track Stock Assessment](#)

VIII. References

Northeast Fisheries Science Center. 2021. Prepublication copy of the June 2021 management track stock assessment report prepared for the Council and the SSC. Available at:
https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/2021_scup_MTA_report.pdf

Table 1 Scup Commercial Landings by State 2011-2020 in Pounds.

Source: ACCSP. 2011-2020. Commercial Landings Summaries; generated by Dustin Colson Leaning; using ACCSP Data Warehouse, Arlington, VA. State Compliance Reports for 2020 data (May 2020).

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020**
MA	1,243,808	2,005,267	1,402,830	1,187,763	1,380,263	1,535,946	2,560,120	1,486,676	1,247,961	788,612
RI	6,335,920	6,310,689	7,345,771	6,948,870	6,793,854	6,808,917	5,973,305	4,713,742	4,583,835	4,302,325
CT	644,443	906,821	1,194,761	811,106	983,042	941,532	748,285	792,737	1,141,067	1,353,411
NY	3,728,937	4,306,996	4,574,421	3,174,867	4,050,297	3,504,265	3,464,504	3,348,867	4,067,582	4,795,794
NJ	1,966,479	978,531	2,035,138	2,351,643	2,981,573	2,336,172	1,841,315	2,475,986	1,836,807	1,977,938
DE	C	C	C	C	C	C	C	C	C	C
MD*	C	C	C	C	C	C	C	C	C	C
VA	620,479	339,862	902,063	694,281	509,334	447,203	559,187	441,160	461,965	327,739
NC*	C	C	C	C	C	C	C	C	C	C
Total	14,903,210	14,860,387	17,810,202	15,859,804	16,953,958	15,739,531	15,433,704	13,380,927	13,778,273	13,675,608

C= Confidential

*MD & NC landings are not confidential; they were marked as such in order to comply with the rule of three for maintaining confidentiality for other state commercial landings totals

**2020 Landings are still preliminary

Table 2 Recreational Scup Harvest by State (2011-2020) in Pounds.

Source: "Personal Communication with NOAA Fisheries, Statistics Division June 2021."

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
MA	3,670,012	2,752,114	3,949,812	3,238,337	1,955,270	2,156,731	2,363,921	3,021,959	1,924,202	1,174,791
RI	1,269,888	1,119,378	2,622,654	2,650,482	1,370,141	1,552,395	1,113,035	2,030,258	2,856,459	1,330,398
CT	2,581,001	1,887,141	2,228,809	1,245,734	1,148,402	1,373,235	1,712,421	2,574,308	2,242,548	2,951,959
NY	2,630,105	2,244,903	3,535,433	3,085,237	7,607,418	4,252,716	6,626,060	4,906,043	6,970,873	6,253,478
NJ	154,089	259,235	292,315	49,283	87,658	480,660	1,708,355	443,700	118,832	1,200,941
DE	32	393	0	30	674	0.9	119	362	0	316
MD	7	0	0	0	207	147	6	370	444	578
VA	16,817	3,851	6,344	0	4081	183,405	0	0	229	0
NC	690	2280	515	1340	405	0	508	420	2637	1346
Total	10,322,641	8,269,295	12,635,882	10,270,443	12,174,256	9,999,290	13,524,425	12,977,420	14,116,224	12,913,807

Table 3 Estimated Scup Recreational Harvest, Releases, Dead Releases, Total Catch, and Total Removals in Numbers of Fish by Marine Recreational Anglers, 2011 to 2020.

Source: Personal Communication with NOAA Fisheries, Statistics Division June 2021.

Year	Total Catch (A+B1+B2)	Harvest (A+B1)	Released (B2)	Dead Releases (10% of B2)	Total Removals (Harvest + Dead Releases)
2011	18,520,338	7,598,242	10,922,096	1,638,314	9,236,556
2012	21,237,852	7,334,846	13,903,006	2,085,451	9,420,296
2013	25,878,520	11,547,028	14,331,492	2,149,724	13,696,752
2014	20,886,569	9,493,668	11,392,901	1,708,935	11,202,603
2015	25,154,964	11,498,780	13,656,184	2,048,428	13,547,208
2016	31,493,863	9,143,576	22,350,287	3,352,543	12,496,119
2017	41,203,847	13,825,024	27,378,823	4,106,823	17,931,847
2018	30,376,757	14,546,552	15,830,205	2,374,531	16,921,083
2019	28,666,419	14,954,156	13,712,263	2,056,839	17,010,995
2020	27,274,159	14,498,805	12,775,354	1,916,303	16,415,109
10 YR AVG	27,069,329	11,444,068	15,625,261	2,343,789	13,787,857

Table 4 State by State Summer Period Quota for 2020

State	Share	2020 ASMFC Final Quota
ME	0.12101	10,477
MA	21.58729	1,869,087
RI	56.19456	4,865,481
CT	3.15399	273,081
NY	15.82466	1,370,143
NJ	2.91667	252,533
MD	0.0119	1,030
VA	0.16502	14,288
NC	0.0249	2,156
Total	100	8,658,277

Table 5 Scup Landings by Period.

Source: ACCSP Data Warehouse May 2021.

Year	Period	Commercial Quota	Trip Limits	Landings (lbs)	Date Closed	% of Quota Landed
2011	Winter I	6,897,648	30,000/1,000*	5,685,724	--	82.4
	Summer	7,930,504	--	5,159,370	--	65.1
	Winter II	3,245,500	2,000/1,000	4,058,117	--	125.0
2012	Winter I	12,589,558	50,000/1,000*	5,395,403	--	42.9
	Summer	10,870,390	--	5,114,705	--	47.1
	Winter II	11,635,321	8,000	4,350,279	--	37.4
2013	Winter I	10,613,157	50,000/1,000*	7,420,568	--	69.9
	Summer	9,163,877	--	6,713,261	--	73.3
	Winter II	6,932,998	8,000	3,676,386	--	53.0
2014	Winter I	9,900,000	50,000/1,000*	6,107,429	--	61.7
	Summer	8,548,364	--	6,402,229	--	74.9
	Winter II	7,232,471	12,000	3,350,155	--	46.3
2015	Winter I	9,578,008	50,000/1,000*	7,400,159	--	77.3
	Summer	8,269,322	--	6,426,593	--	77.7
	Winter II	5,468,726	12,000	3,127,206	--	57.2
2016	Winter I	9,232,987	50,000/1,000*	6,079,576	--	65.8
	Summer	7,972,176	--	5,950,690	--	74.6
	Winter II	3,262,554	18,000	3,709,271	--	113.7
2017	Winter I	8,291,190	50,000/1,000*	5,916,146	--	71.4
	Summer	7,458,013	--	6,547,858	--	87.8
	Winter II	5,160,914	18,000	2,969,709	--	57.5
2018	Winter I	10,820,000	50,000/1,000*	4,854,809	--	44.9
	Summer	9,340,986	--	5,743,433	--	61.5
	Winter II	3,822,816	28,500	2,782,690	--	72.8
2019	Winter I	10,820,000	50,000/1,000*	5,547,739	--	51.3
	Summer	9,340,986	--	5,119,736	--	54.8
	Winter II	3,822,816	27,000	3,110,798	--	81.4
2020	Winter I	10,027,597	50,000/1,000*	5,176,489	--	51.6
	Summer	8,658,277	--	5,616,534	--	64.9
	Winter II	3,543,336	24,000	2,799,449	--	79.0

*The first number indicates the trip limit until 80% of the quota is caught; the second number is the trip limit after that threshold is exceeded.

** Scup landings by period pulled from the ACCSP Data Warehouse may differ from compliance reports and federal dealer data records. All 2020 data listed in this report are preliminary.

Table 6 Scup State-by-State Recreational Management Measures for 2020 & 2021

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts (Private Vessel & Shore)	9	30 fish; 150 fish/vessel with 5+ anglers on board	January 1-December 31
Massachusetts (Anglers aboard For-hire Vessels)	9	30 fish	January 1-April 30; July 1-December 31
		50 fish	May 1-June 30
Rhode Island (Private Vessel & Shore)	9	30 fish	January 1-December 31
RI Shore Program (7 designated shore sites)	8		
RI (Anglers aboard For-hire Vessels)	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
Connecticut (Private Vessel & Shore)	9	30 fish	January 1-December 31
CT Shore Program (45 designed shore sites)	8		
CT (Anglers aboard For-hire Vessels)	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
New York (Private Vessel & Shore)*	9	30 fish	January 1-December 31
NY* (Anglers aboard For-hire Vessels)	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1- October 31
New Jersey	9	50 fish	January 1- December 31
Delaware	8	50 fish	January 1-December 31
Maryland	8	50 fish	January 1-December 31
Virginia	8	30 fish	January 1-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	8	50 fish	January 1-December 31

Figure 1. Scup Spawning Stock Biomass and Recruitment

Source: Scup Management Track Stock Assessment, 2021.

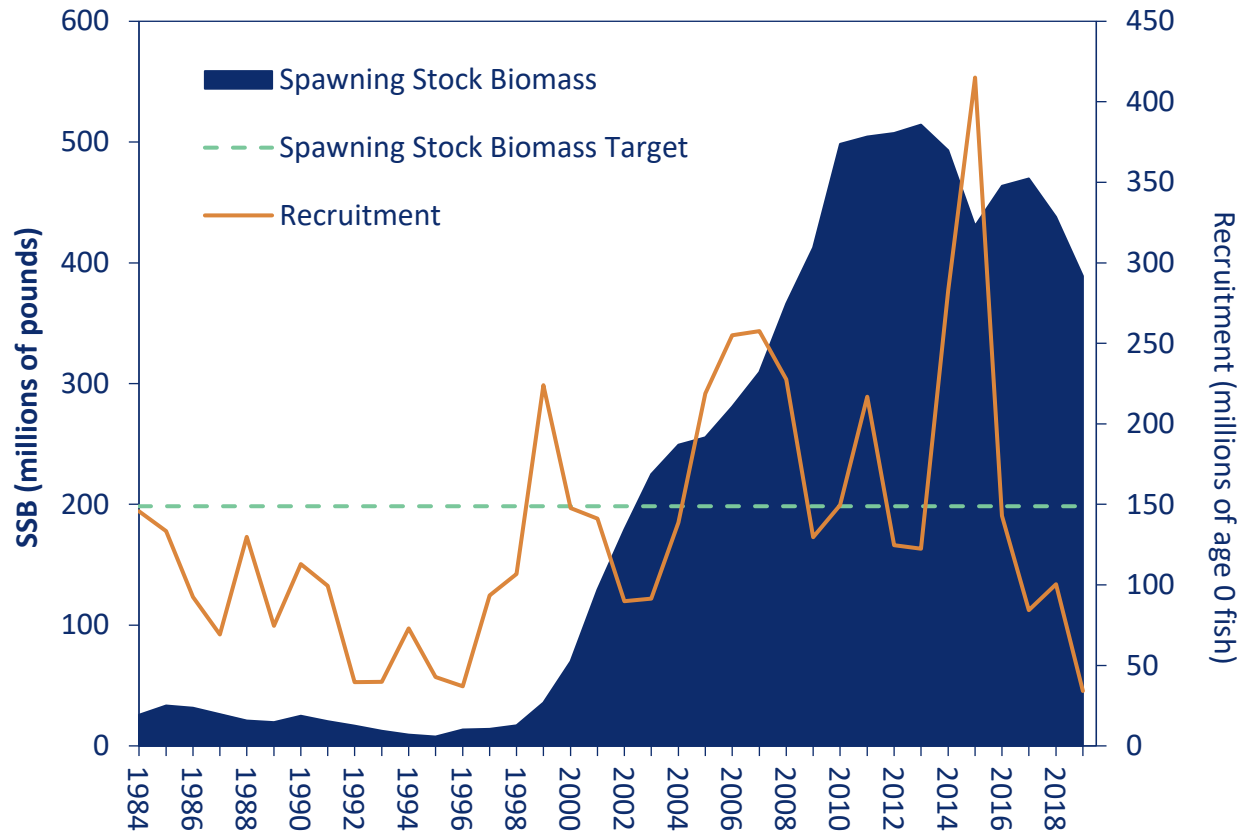


Figure 2. The Percent of Scup Harvested by Recreational Fishing Mode in Numbers of Fish, Maine through North Carolina, 2011-2020.

Source: Personal Communication with NOAA Fisheries, Fisheries Statistics Division, June 2021.

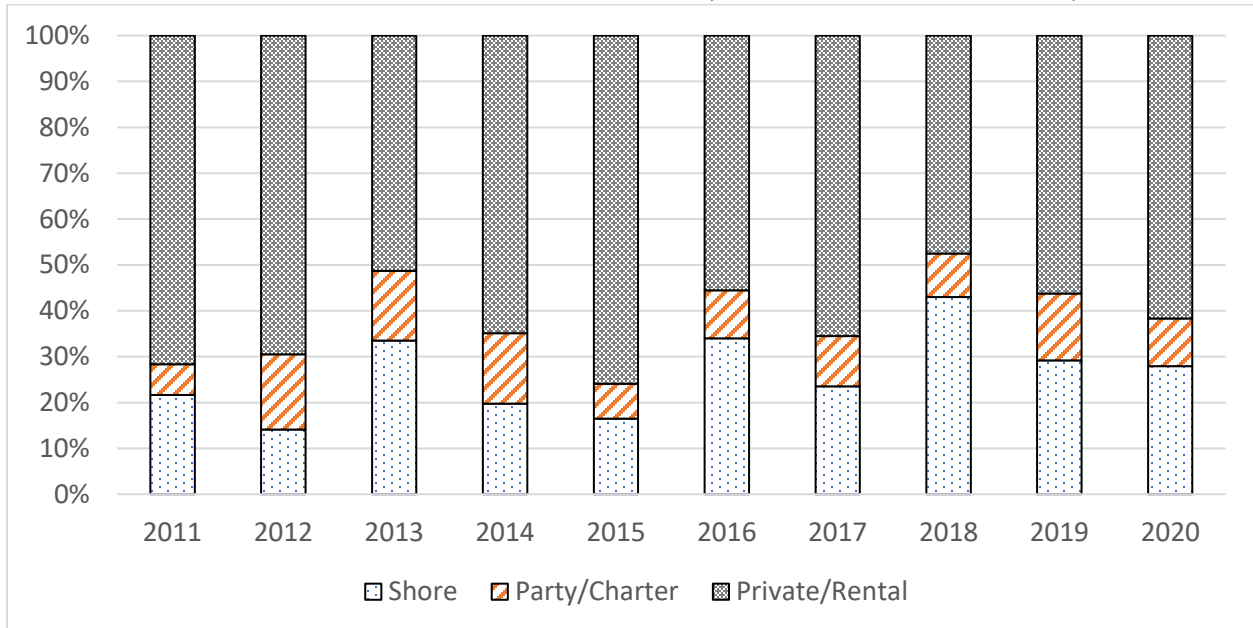
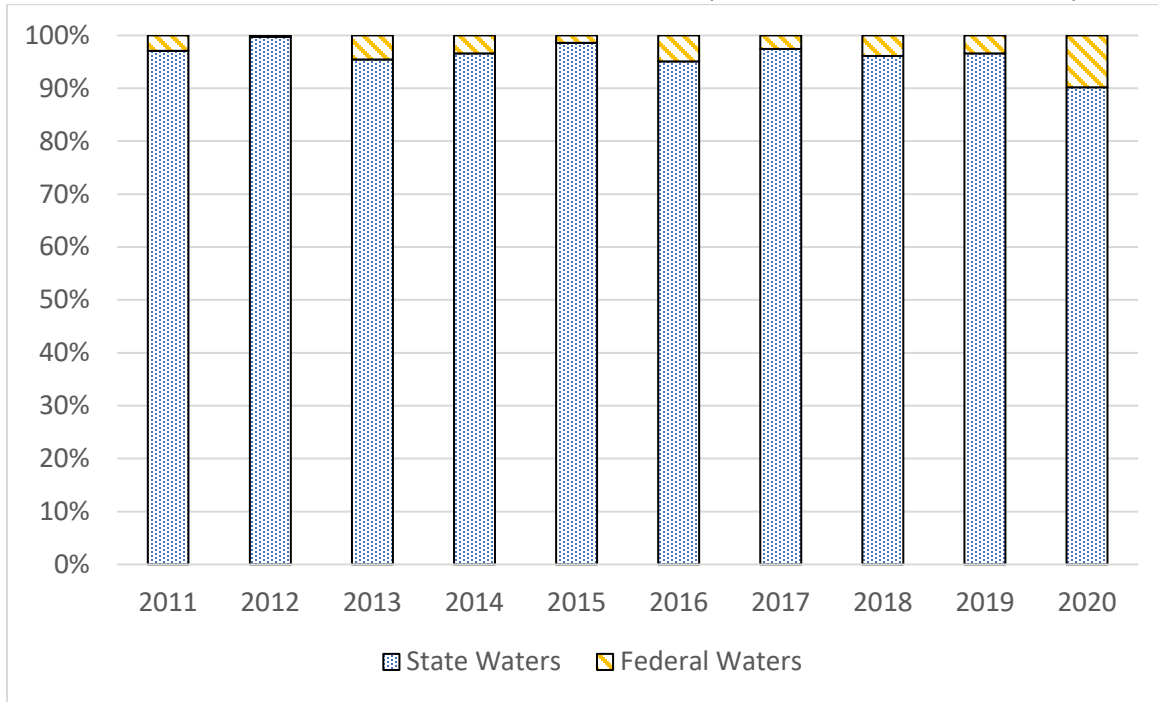


Figure 3. The Percent of Scup Recreational Landings (numbers of fish) in State vs. Federal Waters, Maine through North Carolina, 2011-2020.

Source: Personal Communication with NOAA Fisheries, Fisheries Statistics Division, June 2021.



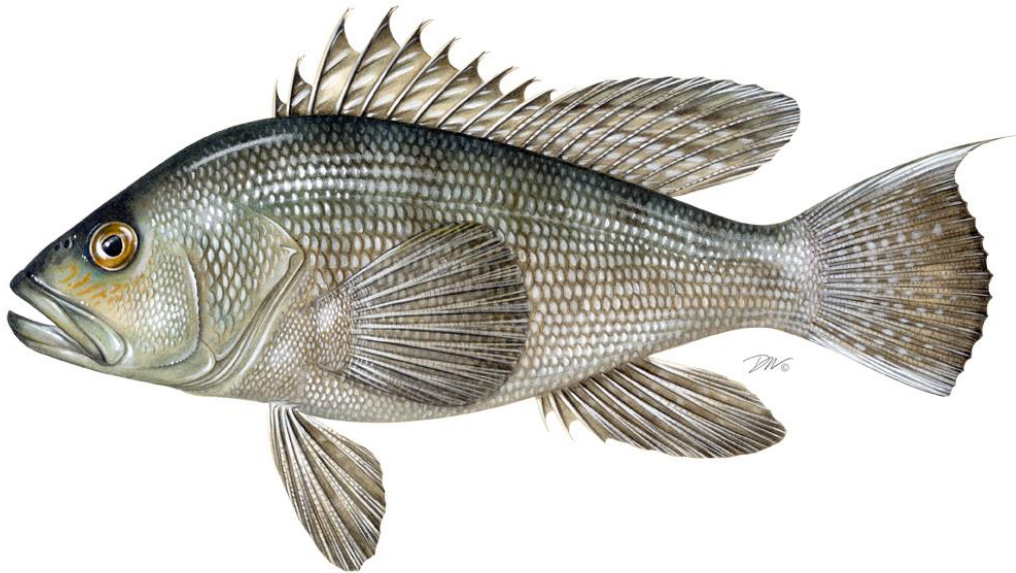
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ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR BLACK SEA BASS
(Centropristis striata)

2020 FISHING YEAR



Prepared by the Plan Review Team
Drafted June 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

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2020 Review of the ASMFC Fishery Management Plan for Black Sea Bass

I. Status of the Fishery Management Plan

Atlantic States Marine Fisheries Commission (ASMFC or Commission) management of black sea bass was initiated as one component of a multi-species fishery management plan (FMP) addressing summer flounder, scup, and black sea bass. In 1990, summer flounder was singled out for immediate action under a joint ASMFC and Mid-Atlantic Fishery Management Council (MAFMC or Council) plan. Further action on the scup and black sea bass plan was delayed until 1992 to expedite the summer flounder FMP and subsequent amendments. The joint Black Sea Bass FMP was completed and approved in 1996. The MAFMC approved regulations for black sea bass as Amendment 9 to the Summer Flounder FMP in May 1996.

The management unit of the Black Sea Bass FMP includes all black sea bass in U.S. waters in the western Atlantic Ocean from Cape Hatteras, North Carolina north to the Canadian border. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (or Board) and the MAFMC guide development of the FMP. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina have declared an interest in black sea bass; Maine and New Hampshire declared interest in 2014, then declined interest in the fishery in 2017 and 2018, respectively. New Hampshire re-declared an interest in 2020 and rejoined the Board in 2021. The Black Sea Bass Plan Review Team conducts annual reviews and monitors compliance, and the Summer Flounder, Scup and Black Sea Bass Advisory Panel provides industry input and advice. Technical issues are addressed through the Summer Flounder, Scup, and Black Sea Bass Technical and Monitoring Committees.

The objectives of the FMP are to reduce fishing mortality to ensure overfishing does not occur, reduce fishing mortality on immature black sea bass to increase spawning stock biomass, improve yield from the fishery, promote compatible regulations among states and between federal and state jurisdictions, promote uniform and effective enforcement, and minimize regulations necessary to achieve the stated objectives. The initial [black sea bass FMP \(1996\)](#) aimed to reduce fishing mortality using a coastwide commercial quota allocated into quarterly periods beginning in 1998, and a recreational harvest limit constrained through the use of minimum size, possession limit, and seasonal closures.

[Amendment 12](#) to the Summer Flounder, Scup, and Black Sea Bass FMP was approved by the Commission and MAFMC in October 1998. The Amendment revised overfishing definitions, identified and described essential fish habitat, and defined the framework adjustment process.

[Addendum IV](#), approved in 2001, provides that upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will decide state regulations rather than forward a recommendation to NMFS. Addendum IV also made the states responsible for implementing the Board's decisions on regulations.

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Starting in 1998, the fishery was subject to lengthy closures and had some significant quota overages in the commercial sector. Fishery closures occurring as a result of exceeded quotas resulted in increased discards of legal sized black sea bass in mixed fisheries for the remainder of the closed period. A significant financial hardship for the fishing industry resulted from a decrease in market demand caused by a fluctuating supply. To address these issues, the Board enacted a series of Emergency Rules in 2001 that established initial possession limits, triggers, and adjusted possession limits. These measures helped reduce the length of fishery closures, but the rapidly changing regulations confused fishermen and added significant administrative burden to the states. To simplify the process for all parties, the Board approved Addendum VI to provide a mechanism for initial possession limits, triggers, and adjusted possession limits to be set during the annual specification setting process without the need for further Emergency Rules.

[Amendment 13](#), approved by ASMFC and MAFMC in 2002, implemented a federal, annual coastwide commercial quota that is managed in state waters by ASMFC using a state-by-state allocation system. The Amendment was implemented for 2003 and 2004. State-specific commercial shares are listed in Table 1. Amendment 13 also removed the necessity for fishermen who have both a Northeast Region (NER, now referred to as the Greater Atlantic Region) Black Sea Bass permit and a Southeast Region (SER) Snapper Grouper (S/G) permit to relinquish their permits for a six-month period prior to fishing south of Cape Hatteras during a northern closure.

[Addendum XII](#), approved in 2004, continued the use of an annual coastwide commercial quota managed by the ASMFC through a state-by-state allocation system.

[Addendum XIII](#) and the MAFMC's complementary Framework 5, approved in 2004, modified the FMP so that Total Allowable Landings (TALs) for the summer flounder, scup, and/or black sea bass can be specified for up to three years.

[Addendum XIX](#), approved in 2007, continued the state-by-state black sea bass commercial management measures, without a sunset clause. This addendum, and the MAFMC's complementary Framework 7, also broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. It established acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Commission directly into the annual management measures for each species, rather than requiring a modification to the FMP.

[Addendum XX](#), approved in 2009, set policies to reconcile commercial quota overages to address minor inadvertent quota overages. It streamlined the quota transfers process and established clear policies and administrative protocols to guide the allocation of transfers from

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states with underages to states with overages. It also allowed for commercial quota transfers to reconcile quota overages after the year's end.

Beginning in 2011 due to concerns about equitable access to the resource, a series of addenda replaced the use of uniform coastwide measures to manage the recreational fishery.

[Addendum XXI](#) established state shares of the recreational harvest limit (RHL) for 2011.

[Addenda XXII](#), [XXIII](#), [XXV](#), and [XXVII](#) implemented an ad hoc regional management approach for 2012-2017, whereby the northern region states of Massachusetts through New Jersey individually crafted state measures aimed at liberalizing or reducing harvest by the same percent to achieve the RHL, while the southern region states of Delaware through North Carolina largely set regulations consistent with the measures set for federal waters.

For 2018, [Addendum XXX](#) established a regional allocation of the coastwide RHL to address state concerns regarding equity and accountability in recreational black sea bass management. Based on a combination of exploitable biomass information from the latest stock assessment and historical harvest, the RHL was allocated to three regions: 1) Massachusetts through New York, 2) New Jersey as a state-specific region, and 3) Delaware through North Carolina. The 2018 state recreational measures were then revised in May 2018 following an appeal of the Addendum to the ISFMP Policy Board by Massachusetts, Rhode Island, Connecticut and New York.

In December 2018, the Board approved [Addendum XXXI](#) (and the Council approved corresponding Framework 14), which modified the FMP to allow federal conservation equivalency (i.e., waiving federal waters measures in favor of state waters measures) as an option for the recreational black sea bass fishery beginning in 2020, and implemented transit provisions for Block Island Sound for recreational and commercial fisheries for summer flounder, scup, and black sea bass in the same area as the existing striped bass transit zone. The Council's framework action also modified the Council's FMP to allow a maximum size limit to be used in the recreational fisheries for summer flounder and black sea bass.

[Addendum XXXII](#), approved in December 2018, established a new process for developing recreational management measures for black sea bass and summer flounder whereby measures will be set annually through a specifications process, rather than addenda. The Board will approve measures in early spring each year, based on Technical Committee analysis of stock status, resource availability, and harvest estimates. To further aid in setting specifications, the Addendum established standards and guiding principles intended to structure the development of recreational measures on a regional basis. Public input on specifications will be gathered by states through their individual public comment processes.

In February 2021, the Board approved [Addendum XXXIII](#) jointly with the Council making changes to black sea bass commercial state allocations. These changes have not been implemented. Connecticut's baseline allocation increased to 3% of the coastwide quota. State allocations will be calculated by allocating 75% of the coastwide quota according to new, adjusted baseline quotas after the increase to Connecticut. The other 25% of quota will be

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allocated to three regions (Maine-New York, New Jersey, and Delaware-North Carolina) based on the most recent regional biomass distribution from the stock assessment. The Council approved a complementary amendment to include the state specific commercial allocations in the Council FMP, along with modifications to regulations for federal in-season closures; this amendment has not yet undergone NOAA Fisheries review. Currently, the baseline quotas are undergoing an appeal from the state of New York, and will change pending a review by the Board.

In April 2021, the Commission and Council considered final action on the Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment which considers potential modifications to the allocations of catch or landings between the commercial and recreational sectors for the three species. The current commercial and recreational allocation percentages for all three species do not reflect the current understanding of the recent and historic proportions of catch and landings from the two sectors. This amendment will consider whether changes to these allocations are warranted. The Commission and Council postponed final action on the amendment until December 2021 to allow for further development of the recreational reform initiative.

II. Status of the Stock

The most recent benchmark stock assessment for black sea bass was peer reviewed in December 2016 (SAW-62). The assessment found black sea bass was not overfished nor experiencing overfishing in 2015, the terminal year of the assessment. The assessment used an age-structured assessment model (ASAP) that partitioned the resource into two spatial sub-units separated at approximately Hudson Canyon. This approach was accepted as the best scientific information available for determining stock status for black sea bass; however, it should be noted that the two sub-units were not considered separate stocks by the stock assessment working group, peer review panel, nor the MAFMC Scientific and Statistical Committee.

A management track assessment that incorporated fishery-dependent and -independent data through 2019, including revised recreational estimates from MRIP, was peer reviewed in July 2021¹. The management track assessment was limited to data through 2019 due to the COVID-19 pandemic. Data from 2020 was either not available or limited. Based on the prepublication version of the July 2021 Management Track Assessment Report, the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2019 relative to the revised reference points. Spawning stock biomass (SSB) in 2019 was 65.63 million pounds (adjusted for retrospective bias), 2.1 times the updated biomass reference point (i.e., $SSB_{MSY\ proxy} = SSB_{40\%} = 31.84$ million pounds). To account for the fact that black sea bass are protogynous hermaphrodites, changing sex from female to male, the assessment defines SSB as the combined male and female mature biomass. The average fishing mortality on fully selected ages 6-7 fish in 2019 was 0.39 (adjusted for retrospective bias), 85% of the updated fishing

¹ The prepublication report for the 2021 Operational Assessment can be found here: https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/BSB_Operational_assessment_2021-iii.pdf

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mortality threshold reference point (i.e., $F_{MSY\ proxy} = F_{40\%} = 0.46$). Recruitment (R) of the 2018 year class as age 1 in 2019 was estimated at 4.62 million (79.4 million with the retrospective adjustment), above the 1989-2018 time series average of 39 million fish. The 2011 year class was estimated to be the largest in the time series at 170.4 million fish and the 2015 year class was the second largest at 93.8 million fish. The 2019 estimates of SSB, F, and R were adjusted for internal model retrospective error.

III. Status of the Fishery

The commercial fishery is allocated 49% of the total allowable landings (TAL) for black sea bass, loosely based on the proportion of recreational to commercial landings from 1983-1992. The principal gears used in the fishery are otter trawls, fish pots (or traps), and handlines. After peaking at 21.8 million pounds in 1952, commercial landings markedly decreased in the 1960s and have ranged from 1.14 to 3.9 million pounds since 1981. In 1998, a commercial quota system was incorporated into management and state-by-state shares were introduced in 2003. From 2006-2016 commercial landings ranged between 1.14 million pounds in 2009 to 2.53 million pounds in 2016 (Tables 2 and 3). In 2018 and 2019, higher quotas resulted in commercial landings of approximately 3.33 million pounds, and 3.52 million pounds, respectively. The 2020 landings were under the coastwide quota of 5.58 million pounds by approximately 25% (Tables 2 and 3)¹.

The recreational fishery is allocated 51% of the TAL for black sea bass, loosely based on the proportion of recreational to commercial landings from 1983-1992. In 2018, recreational harvest estimates from the Marine Recreational Information Program (MRIP) were recalibrated based on the new Fishing Effort Survey (FES). In general the recalibration resulted in higher harvest estimates throughout the time series, with more divergence in recent years. After a drastic peak in 1986 at 11.19 million pounds, recreational harvest averaged 5.02 million pounds annually from 1987 to 1997. Recreational harvest limits were put in place in 1998 and harvest generally increased from 1.92 million pounds in 1998 to 9.06 million pounds in 2015 (Table 4). In 2016 and 2017 harvest jumped up to 12.05 and 11.48 million pounds, respectively; however the 2016 and 2017 estimates are regarded as implausibly high outliers by the Technical Committee. In 2020, recreational harvest was estimated at 9.12 million pounds, a 5% increase from 2019. Recreational live discards as a proportion of total catch have generally increased over the time series, averaging 46% in the 1980s, and 85% over the last decade. According to MRIP, total live recreational discards from Maine to Virginia were 29.79 million fish in 2020. Assuming 15% hook and release mortality, estimated recreational discard losses were projected to be 4.47 million fish, equal to 51% of the total recreational removals (harvest plus dead discards) in 2020. However, it is worth noting that due to COVID-19 pandemic, shore-side sampling was interrupted and some MRIP values contain imputed data.

Starting in 2018, the Council and Commission have provided states the opportunity to open their recreational black sea bass fisheries during the month of February under specific

¹ Commercial landings for 2020 are preliminary and are derived from state compliance reports.

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conditions. States must opt into this fishery. Participating states are required to have a 12.5 inch minimum fish size limit and a 15 fish possession limit during February (identical to the federal recreational measures during May 15 - December 31). Participating states are required to adjust their recreational management measures during the rest of the year to account for expected February harvest to help ensure that the participation in this optional opening does not increase the total annual harvest. Expected February harvest by state is pre-defined based on an analysis of vessel trip report data from federally permitted for-hire vessels in February 2013, the last year that the recreational fishery was open in February prior to 2018. Only Virginia and North Carolina participated in 2020. Estimated February 2020 harvest was 14,236 pounds for Virginia and 50,692 pounds for North Carolina. As part of the 2020 conservation equivalency (CE) proposal, Virginia forfeited 14 days from wave-3 (May/June) and North Carolina forfeited 31 days from wave 6 (November/December) to account for the recreational landings that occurred in February of that year.

IV. Status of Assessment Advice

A management track stock assessment was peer reviewed in June 2021, and may be accepted for management use in July 2021. According to the assessment, the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2019 compared to the revised reference points. The next stock assessment will be a research track assessment that will be peer reviewed in late 2022.

V. Status of Research and Monitoring

Commercial landings information is collected by the Vessel Trip Reporting system and dealer reports. States are also required to collect and report landings data. The Northeast Fisheries Science Center (NEFSC) uses observer data to estimate discards for the trawl and gill net fisheries, and VTR data is used to estimate discards from pots and hand lines if observer data are insufficient. The NEFSC weigh-out program provides commercial age and length information. Recreational landings and discards were estimated through the Marine Recreational Fisheries Statistics Survey (MRFSS) until it was replaced by MRIP, which has provided recreational landings and discards from 2008 to present. In 2018, MRIP released recalibrated harvest estimates derived from a new mail-based fishing effort survey (FES), rather than the Coastal Household Telephone Survey. Recreational discards in weight are estimated by the NEFSC. New York conducts fishery-dependent surveys of the recreational and commercial fishery, and North Carolina conducts dockside commercial sampling.

Fishery-independent surveys are conducted by Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia. The Virginia Game Fish Tagging Program has targeted black sea bass since 1997. Recruitment and stock abundance data are also provided by the NEFSC spring, autumn, and winter trawl surveys.

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VI. Status of Management Measures and Developing Issues

To address broad management issues for the recreational fishery, the Board and Council formed a joint work group in March 2019. The Board and Council identified the development of a Harvest Control Rule for the recreational fishery as their top priority, and a joint PDT/FMAT is currently working on revisions. Updates on ongoing recreational reform work can be found on [here](#).

VII. Black Sea Bass Compliance Criteria

2020 Commercial Fishery Requirements

Minimum size of possession: 11"

Minimum mesh: Nets must possess a minimum of 75 meshes of 4.5" diamond mesh in the codend, or the entire net must have a minimum mesh size of 4.5" throughout; for codends with fewer than 75 meshes, the entire net must have 4.5" diamond mesh or larger throughout

Threshold to trigger minimum mesh requirements: 500 lbs for January-March and 100 lbs for April-December

Maximum roller rig trawl roller diameter: 18"

Pot and trap escape vents: 2 ½" for circular, 2" for square, and 1-3/8 x 5-3/4" for rectangular. Must be 2 vents in the parlor portion of the trap.

Pot and trap degradable fastener provisions: a) untreated hemp, jute, or cotton string 3/16" (4.8 mm) or smaller; b) magnesium alloy timed float releases or fasteners; c) ungalvanized, uncoated iron wire of 0.094" (2.4mm) or smaller. The opening covered by a panel affixed with degradable fasteners is required to be at least 3" x 6".

Commercial quota: 5.58 million lbs

Pot and trap definition: A black sea bass pot or trap is defined as any pot or trap used by a fisherman to catch and retain black sea bass.

2020 Recreational Fishery Requirements

Recreational harvest limit: 5.81 million lbs

2020 recreational measures were held status quo from 2019. See Table 5 for 2020 state recreational measures.

Other Measures

Reporting: States are required to submit an annual compliance report to the Chair of the Black Sea Bass Plan Review Team by June 1st. The report must detail the state's management program for the current year and establish proof of compliance with all mandatory management measures. It should include landings information from the previous year and the results of any monitoring or research programs.

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Black Sea Bass FMP Compliance Schedule*

Commercial	
11" Size Limit	1/1/02
4.5" diamond minimum mesh throughout codend and threshold provisions	1/1/02
Pot and trap escape vents and degradable fasteners	1/1/97
Maximum 18" roller diameter restriction	1/1/97
States must report to NMFS all landings from state waters	1/1/98
Recreational	
Size Limit	1/1/97
Harvest Limit	1/1/98
Ability to implement possession limits and seasonal closures	1/1/98
General	
Annual compliance report	Annually, 6/1

*This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Black Sea Bass FMP and any Amendments thereto. Management measures may change annually.

VIII. Status of Implementation of FMP Requirements

For 2020, states and jurisdictions required to comply with the provisions of the Black Sea Bass FMP are: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, and North Carolina. New Hampshire did not, but they were not on the Board until 2021. Therefore, they will be required to be in compliance for the 2021 fishing year review.

Most states appear in compliance with the FMP provisions for fishing year 2020; however, the following issues were noted:

- Massachusetts regulations do not specify that the opening covered by the panel affixed with biodegradable fasteners must be at least 3" x 6". This was adopted prior to the start of the 2021 pot fishery season.
- Rhode Island regulation does not specifically state that the opening covered by the panel affixed with biodegradable fasteners must be at least 3" x 6". This will be rectified during the regulatory cycle leading up to the November 2021 public hearing.
- New Hampshire was new to the SFSBSB Board in 2021, and were not subject to the same compliance requirements in 2020. The PRT notes that they would be out of compliance with the FMP regarding several commercial regulations in the 2021 fishing year review.

Therefore, the PRT determined that all states have made a good faith effort to implement regulations in compliance with the requirements approved by the Board.

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In addition, the PRT made the following recommendations to improve compliance reports:

- State compliance reports should explicitly list all required regulations and whether they are in compliance with the FMP.
- State compliance reports should either include a web link to current regulations, or a copy of the regulations in effect for the relevant fishing year to facilitate the review process. Not all states provided their regulations. When regulations encompass multiple species, the portions that apply to black sea bass should be highlighted in some way.
- Pots/traps should be separated from other types of gear in the commercial harvest by gear tables included in compliance reports.

IX. Research Recommendations

Research recommendations were identified during the [2016 Black Sea Bass Benchmark Stock Assessment at the 62nd SAW](#) (pg. 65)

X. References

NEFSC (Northeast Fisheries Science Center). 2017. 62nd Northeast Regional Stock Assessment Workshop (62nd SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 17-03; 822 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://nefsc.noaa.gov/publications/>.

NEFSC. 2021. Prepublication copy of the July 2021 operational stock assessment report prepared for the Council and the SSC. Available at: https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/BSB_Operational_assessment_2021-iii.pdf

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Table 1. State by state allocation of annual commercial quota for 2020 fishing year.

State	% Allocation
Maine	0.50%
New Hampshire	0.50%
Massachusetts	13%
Rhode Island	11%
Connecticut	1%
New York	7%
New Jersey	20%
Delaware	5%
Maryland	11%
Virginia	20%
North Carolina	11%

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Table 2. Black Sea Bass Commercial Landings by State (2011-2020) in pounds. Source: State Compliance Reports & ACCSP (June 2021).

Year	ME	NH	MA	RI	CT	NY	NJ	DE & MD	VA	NC*	TOTAL
2011		49	287,662	211,597	20,496	183,420	293,609	267,787	274,699	98,505	1,637,823
2012			292,010	204,360	18,158	153,338	310,842	226,525	392,332	61,187	1,658,752
2013			328,393	265,691	23,066	180,694	421,310	342,619	495,938	88,242	2,145,954
2014			307,046	267,703	26,957	223,677	493,775	354,003	387,518	212,488	2,273,167
2015			347,820	238,647	24,591	151,409	468,248	347,691	422,333	241,538	2,242,277
2016			354,031	294,343	29,236	184,529	525,647	368,306	553,491	225,405	2,534,987
2017			541,932	458,153	43,798	301,774	898,665	527,046	745,087	388,858	3,888,660
2018			481,146	371,948	39,408	270,680	698,665	599,614	606,240	317,565	3,391,484
2019			530,770	399,075	78,023	297,472	718,360	542,245	590,526	279,008	3,473,933
2020**			722,415	553,750	81,367	385,130	1,074,957	620,373	521,691	217,847	4,154,762

* Landings from NC are from north of Cape Hatteras

**2020 landings are preliminary from state compliance reports

Delaware and Maryland landings have been combined to protect confidentiality.

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Table 3. 2019 Commercial Landings and 2020 Black Sea Bass State by State Quotas (pounds). Source: State Compliance Reports, June 2021

State	% Allocation	2020 ASMFC Initial Quota	2020 Quota After Transfers	Preliminary 2020 Landings
Maine	0.005	27,900	7,900	0
New Hampshire	0.005	27,900	2,900	0
Massachusetts	0.13	725,400	743,565	722,415
Rhode Island	0.11	613,800	613,800	553,750
Connecticut	0.01	55,800	85,800	91,198
New York	0.07	390,600	390,600	385,130
New Jersey	0.2	1,116,000	1,116,000	1,074,957
Delaware	0.05	279,000	279,000	C
Maryland	0.11	613,800	613,800	C
Virginia	0.2	1,116,000	1,116,839	521,691
North Carolina	0.11	613,800	609,796	217,847
Coastwide Total	100%	5,580,000	5,580,00	4,164,593

* Landings from North Carolina are from North of Cape Hatteras

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Table 4. Black Sea Bass Recreational Harvest Estimates by State (2011-2020) in pounds.

Source: MRIP, 2020. NC estimates for North of Cape Hatteras from Personal communication with NOAA Fisheries, June 2021

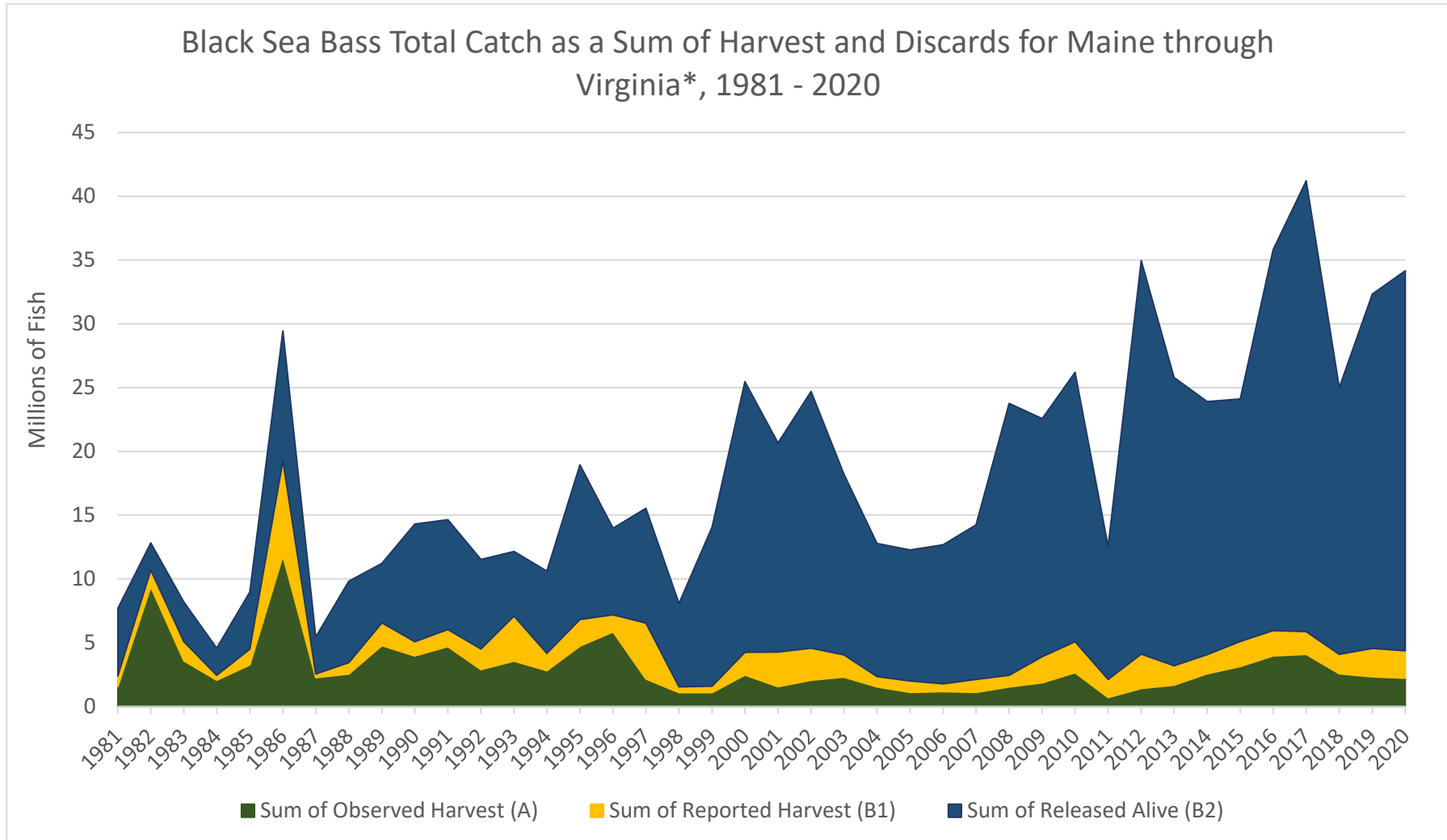
State	ME	NH	MA	RI	CT	NY	NJ	DE	MD	VA	NC*	Coastwide
2011			1,251,169	236,607	41,727	855,115	423,606	131,177	171,402	48,340	111,538	3,270,681
2012		19,130	2,839,821	645,039	429,493	936,640	1,778,079	173,628	198,815	11,278	8,231	7,040,154
2013		64,478	1,228,732	313,316	413,558	2,106,973	1,389,868	56,384	35,802	58,919	21,617	5,689,647
2014			2,148,079	659,562	1,063,682	2,224,755	892,307	62,504	79,659	109,054	1,269	7,240,871
2015			1,629,169	807,840	1,011,926	4,722,098	596,811	59,710	118,061	104,944	6,224	9,056,782
2016			1,765,705	1,124,414	1,364,242	6,547,541	693,808	127,182	274,441	148,818	1,591	12,047,742
2017			1,444,180	749,965	1,102,722	5,515,386	2,088,631	150,530	239,715	156,810	33,421	11,481,361
2018			1,818,682	1,628,875	873,055	1,726,555	1,440,761	109,365	189,711	123,937	9,494	7,920,435
2019			1,361,112	1,225,057	1,180,400	3,126,473	1,117,658	61,974	156,986	371,523**	11,639**	8,612,821
2020		3,388	1,537,990	1,480,782	905,145	2,808,726	1,147,599	188,978	103,461	796,053**	74,150**	9,199,643

*Harvest is from north of Hatteras.

**These states participated in the February 2018-2020 black sea bass recreational fishery, and the February harvest estimate is not included in the state total for 2019 and 2020.

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Figure 1. Black Sea Bass Total Recreational Catch, Harvest, and Discards. Source: MRIP, June 2021. Note that this figure includes live and dead discards. It is assumed that 15% of all recreational black sea bass discards later die.



*Discard estimates for NC north of Cape Hatteras are not yet available.

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Table 5. 2020 Black Sea Bass Recreational Management Measures by State

State	Minimum Size (inches)	Possession Limit	Open Season
Maine	13	10 fish	May 19-September 21; October 18-December 31
New Hampshire	13	10 fish	January 1-December 31
Massachusetts	15	5 fish	May 18-September 8 (private & shore); May 25-September 21 (for-hire only)
Rhode Island	15	3 fish	June 24-August 31
		7 fish	September 1-December 31
Connecticut (Private & Shore)	15	5 fish	May 19-December 31
CT (Authorized party/charter monitoring program vessels)	15	5 fish	May 19-August 31
		7 fish	September 1-December 31
New York	15	3 fish	June 23-August 31
		7 fish	September 1-December 31
New Jersey	12.5	10 fish	May 15-June 22
		2 fish	July 1-August 31
		10 fish	October 8-October 31
	13	15 fish	November 1-December 31
Delaware	12.5	15 fish	May 15 – September 21; October 22 – December 31
Maryland	12.5	15 fish	May 15-December 31
Virginia	12.5	15 fish	February 1-29
	12.5	15 fish	May 29-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	February 1-29
	12.5	15 fish	May 17-November 30
Minimum Federal Measures	12.5	15 fish	February 1-28 May 15-December 31



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Summer Flounder, Scup, and Black Sea Bass Board

FROM: Toni Kerns, Fisheries Policy Director

DATE: July 26, 2021

SUBJECT: Upcoming Board Action

Summary

In February 2021, the Summer Flounder, Scup and Black Sea Bass Board (Management Board) approved [Addendum XXXIII](#), which made modifications to the state allocations of the commercial black sea bass quota. The Mid-Atlantic Fishery Management Council (Council) took the same action via a separate management document. One of the allocation changes was to increase Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters. The allocations for all states are then calculated by allocating 75% of the coastwide quota according to the new baseline allocations (i.e., the historical allocations modified to account for Connecticut's increase to 3%) and 25% to three regions based on the most recent regional biomass distribution information from the stock assessment.

In March, the State of New York [appealed](#) the allocation changes approved by the Management Board. The appeal argued that New York's baseline quota should increase similarly to that of Connecticut as it too had experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound, which is shared by New York and Connecticut.

The Interstate Fisheries Management Program Policy Board (Policy Board) [considered the appeal and found it was justified](#). The Policy Board has remanded section 3.1.1 of Addendum XXXIII (which addresses only baseline allocations) back to the Management Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. The Policy Board specified the Management Board's corrective action should not result in a decrease in Connecticut's 3% baseline allocation nor decrease the percentage of quota allocated according to regional biomass distribution (i.e., 25%).

The Policy Board's action specifies the Management Board must increase New York's baseline allocation by up to 2%, while maintaining Connecticut's baseline allocation of 3% (more details provided below). No other aspects of these allocations, and no other alternatives in the associated Addendum, may be revised by the Management Board.

In June, the Council agreed to revisit its recommendations for the allocation percentages with the intent of maintaining the same final recommendations as the Management Board.

Clarification of the Policy Board Motion

Policy Board Motion to Remand Action to the Management Board: *Move to remand Addendum XXXIII, specifically Section 3.1.1. Baseline Quota Allocations, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board*

M20-93

should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

In the above motion the Policy Board stated, "...corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a Connecticut baseline allocation less than 3%..." as part of the corrective action. A question was raised if Connecticut's base line could be changed because the motion used "should" vs will not. After review of the minutes, the Policy Board Chair concluded it was the Policy Board's intent to not adjust Connecticut's baseline quota.

Summer Flounder, Scup, and Black Sea Bass Management Board voting procedures with the Mid-Atlantic Fishery Management Council for August 4th meeting.

The Board will be meeting in early August to determine the appropriate increase in New York's baseline quota as a result of the appeal filed by the state. The traditional "joint" voting process presents some challenges under the Commission's appeal process. Linking the Commission's and Council's votes may limit the Board's ability to make the changes required for this appeal.

To address the difficulties resulting from the joint voting process, the below modified voting process will be used for the meeting on August 4th.

*****This voting process will only be used for this unique meeting to address the appeal.*****

- Following the presentation and discussion of the background on Policy Board remand, the Management Board will be given the opportunity to make the first motion. Once a motion is made by the Management Board, the Council will then be given the opportunity to make a like motion.
- The Management Board and Council will jointly discuss the motions. If the Council does not make a like motion, the Management Board's motion will be discussed.
- After the discussion on the motion the Management Board will conduct a roll call vote.
- If the Management Board passes the motion, the Council will then vote (if a like motion was made).
- If the motion fails the Management Board vote, the Board (and Council) will need to make a new motion(s). The Board will have the first opportunity to make the next motion and after discussion on the motion the Board will conduct a roll call vote (this process will repeat until the Management Board passes a motion).
- If the Council passes the motion, then both bodies have approved like motions.
- If the motion fails the Council vote, the Management Board motion is still valid and stands approved.