Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

November 12, 2026
11:30 a.m. – 1:15 p.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1.	Welcome/Call to Order (*J. Maniscalco*)	11:30 a.m.
2.	Board Consent • Approval of Agenda • Approval of Proceedings from February 2026	11:30 a.m.
3.	Public Comment	11:35 a.m.
4.	Approve Draft Addendum XXXVII on Scup Commercial Management for Public Comment (*C. Tuohy*) **Action**	11:45 a.m.
5.	Review Black Sea Bass State-by-State Commercial Quota Allocation Performance *(T. Bauer*) **Possible Action**	12:15 p.m.
6.	Other Business/Adjourn	1:15 p.m.

The meeting will be held at Hotel Viking (One Bellevue Avenue, Newport, RI; 401.847.330) and via webinar; click here for details.

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board
November 12, 2026
11:30 a.m. – 1:15 p.m.

Chair: John Maniscalco (NY) Assumed Chairmanship: 12/25	Technical Committee Chair: Rachel Sysak (NY)	Law Enforcement Committee Representative: Scott (NJ)
Vice Chair: Shanna Madsen (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: August 12, 2026 (Joint with Mid-Atlantic Fishery Management Council)
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from March 2026

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Approving Draft Addendum XXXVII on Scup Commercial Management for Public Comment (11:45 a.m.-12:15 p.m.) Action

Background

- In August 2026, the Mid-Atlantic Fishery Management Council (Council) approved Framework 20 for final action. The Framework was submitted to the National Marine Fisheries Service (NMFS) on September 20, 2026, for review and implementation.
- Framework 20, once approved by NMFS, would allow changes to the commercial Winter I trip limit to be implemented based on projected commercial scup landings and would waive repayment requirements for quota period overages if the annual commercial scup quota is not exceeded in the same year.
- Draft Addendum XXXVII is intended to complement Framework 20 and considers changes to the repayment requirements for quota period overages. The Commission's FMP already allows for changes in the trip limit based on projected landings (**Briefing Materials**).

Presentations

- Draft Addendum XXXVII Overview by C. Tuohy

Board Actions for Consideration

- Approve Draft Addendum XXXVII on scup commercial management for public comment.

5. Review Black Sea Bass State-By-State Commercial Quota Allocation Performance (12:15 p.m.-1:15 p.m.) Possible Action

Background

- Addendum XXXIII was initiated to address significant disparities between some states' allocations and current resource availability by modifying the state-by-state black sea bass commercial quota allocations. The addendum was approved by the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in 2021, and implemented in 2022.
- The Addendum states the Board should routinely review the state-by-state commercial quotas, not to exceed 5 years between reviews. Reviewing commercial quotas does not mean a new management document is needed; management documents should only be initiated if the Board determines one is warranted.
- To assist with the Board's review of the black sea bass state-by-state commercial quotas, Commission staff have compiled information on state-by-state quota performance (2015-2025), which are summarized in a memorandum to the Board (**Briefing Materials**).

Presentations

- Black Sea Bass State-By-State Commercial Quota Allocation Performance Overview by T. Bauer

Possible Board Actions for Consideration

- Consider initiating an addendum to modify state-by-state black sea bass commercial quota allocations

6. Other Business/Adjourn

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

SUMMER FLOUNDER, SCUP, and BLACK SEA BASS MANAGEMENT BOARD

WEBINAR

March 5, 2026

These minutes are draft and subject to approval by the Summer Flounder, Scup, and BSB Management Board. The Board will review the minutes during its next meeting.

TABLE OF CONTENT

Call to Order 1

Approval of Agenda 1

Public Comment 1

Consider Final Approval of Proposed Black Sea Bass Recreational Measures for the 2026-2027 Fishing Years 1
- Review Proposed Regional Measures 2
- Consider Final Approval of Proposed Regional Measures 5

Adjournment 12

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).

2. **Main Motion**
   Move to approve regional option combinations D, I, J, L, M, N, O, P, Q, R, and T, as identified in Table 5 of the staff memo (Page 6). Motion by Nichola Meserve; second by Jason McNamee. Motion to substitute.

   Motion to Substitute
   Move to substitute to approve all regional options except A and G (Page 8). Motion by Adam Nowalski; second by Dave Sikorski. Motion fails for lack of majority (Roll Call: In Favor – MD, NH, NY, NJ, DE; Opposed – RI, VA, MA, NC, CT; Abstentions – NOAA) (Page 10).

   Main Motion
   Move to approve regional option combinations D, I, J, L, M, N, O, P, Q, R, and T, as identified in Table 5 of the staff memo. Motion passes (Roll Call: In Favor – RI, NH, VA, MA, NC, NY, CT; Opposed – MD, NJ, DE; Abstention – NOAA) (Page 11).

3. **E-mail Vote: Move to approve regional option combination S as identified in Table 5 of the staff memo.** Motion made by Nichola Meserve; seconded by Jason McNamee. Motion passes (Roll Call: In Favor – RI, NH, VA, MA, NC, NY, CT; Opposed – MD, NJ, DE; Abstentions – NOAA).

4. **Move to adjourn** by consent (Page 12).

ATTENDANCE

Board Members

Renee Zobel, NH (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)
Raymond Kane, MA (GA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Matthew Gates, CT (AA)
Bill Hyatt, CT (GA)
John Maniscalco, NY, proxy for M. Gary (AA)
Emerson Hasbrouck, NY (GA)
Joe Cimino, NJ (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Michael Luisi, MD, proxy for K. Charbonneau (AA)
David Sikorski, MD, proxy for Del. Stein (LA)
Joe Grist, VA (Acting AA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Savannah Lewis, NMFS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Brain Scott, Law Enforcement Committee Rep.

Staff

Bob Beal
Toni Kerns
Tina Berger
Caitlin Starks
Jeff Kipp
Tracey Bauer
Katie Drew
Samara Nehemiah
Chelsea Tuohy

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, March 5, 2026, and was called to order at 1:00 p.m. by Chair John Maniscalco.

CALL TO ORDER

CHAIR JOHN MANISCALCO: Good afternoon, everyone. Welcome to the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Management Board today on March 5, 2025. My name is John Maniscalco; I am an Administrative Proxy for New York.

We have Commission FMP Coordinators Tracey Bauer and Chelsea Tuohy, as well as Toni Kerns to help us get through today's agenda, and I believe we have an hour and a half to do so.

APPROVAL OF AGENDA

CHAIR MANISCALCO: We do have a draft agenda and I'll look for a hand to see if there are any additions or modifications that Board members would like to make to today's agenda. Not seeing any; we'll consider the agenda approved by consent.

PUBLIC COMMENT

CHAIR MANISCALCO: Up next is public comment. This is an opportunity for members of the public to comment on items that are not on the agenda. At this time if there is any public online that would like to comment, please raise your hand on the webinar. I'm not seeing any hands.

CONSIDER FINAL APPROVAL OF PROPOSED BLACK SEA BASS RECREATIONAL MEASURES FOR THE 2026-2027 FISHING YEARS

CHAIR MANISCALCO: We will move on to the main purpose of today's meeting, which is Consider Final Approval of Proposed Black Sea Bass Recreational Measures for the 2026-2027 Fishing Years. This is a final action and I believe we're going to start with a Review of the Proposed Regional Measures by Tracey Bauer.

MS. TRACEY BAUER: For today's presentation I am going to start off with a little bit of background, how we got here. Then I'll move into reviewing the Black Sea Bass Proposed Regional and State Measures and the Coastwide Liberalizations that result from all the different combinations of those measures.

Then the Board action for consideration today is to consider the approval of the 2026-2027 recreational measure options for black sea bass. First, background. Back in December 2025 at the Joint Board and Council meeting, the Board and Council agreed on 20% liberalization for black sea bass.

Summer flounder and scup the Council and Board agreed to remain status quo for 2026-2027, and also at that meeting the Board agreed to meet again in early February to discuss the distribution of the liberalization, based on direction from one of the black sea bass's addenda, Addendum XXXII. Addendum XXXII was approved back in 2018, it had established a 3-region framework for setting recreational measures for black sea bass with the northern region, which is Massachusetts through New York, New Jersey is its own separate region, and then the southern region, which is Delaware through North Carolina north of Cape Hatteras. This addendum has some guidelines for how to set recreational measures for black sea bass, including some direction for states to develop measures to meet the coastwide target in a manner that aims to reduce intraregional and interregional disparities where possible.

On this slide I have the status quo management measures for each region, with size limits ranging from 16 to 16.5 in the northern region, and this is status quo currently what the management measures are. Size limit of 12.5 inches in New Jersey and 13 inches in the southern region and then possession limit range between 2 and 7 fish in the north, 1 and 15 fish in New Jersey and 15 fish in the northern region, and the seasons themselves are all highly variable.

When the Board met again, it was on February 5, 2026, the motion as planned at their December meeting to discuss the distribution of that liberalization and the guidance in Addendum XXXII, to reduce the intra and inter regional disparities where possible.

After much deliberation the Board approved a distribution of the 20% coastwide liberalization, where the southern region would get a liberalization of 16.5%. The northern region would not be able to exceed 27%, and the New Jersey region would receive the remaining liberalization from the northern and southern region.

For this year's methodology, to be able to determine how all the different combinations of the regulations and what regulations are meeting what percentage liberalization we used the Recreation Demand Model, which with that information we calculated the median percent liberalization.

The process this year was a little bit different from previous years, in that this year we actually calculate the median coastwide liberalization for all the combinations of measures from the three regions. In the past we could only calculate the estimated percent change for a few different sets of example measures, so we didn't know the coastwide percent change until the very end of the recreational measure setting process in late spring.

REVIEW PROPOSED REGIONAL MEASURES

MS. TRACEY BAUER: But now we know at this meeting what combinations of measures are actually meeting our liberalization target. Now this is into the proposed 2026-2027 recreational measures for black sea bass starting with the northern region. The northern region submitted one action with specific sets of measures for each state that overall achieve an estimated 26.9% liberalization.

As a reminder, the Board motion has said the northern region cannot exceed 27% liberalization, so each state lowered their size limit by half an inch for both modes or just private and shore for Rhode Island, since their for-hire fishery was already at 16 inches. Then changes were also made to the possession limits and season for some of the states, and all of which the specific details on what has changed you can refer to the staff memo.

The southern region submitted two options, one of which achieves an estimated 13.3% liberalization and the other achieved an estimated 15.6% liberalization. One action lowers the size limit by half an inch for all four states and opens the season a few weeks earlier. The other option only increases the size limit in Delaware and Maryland, but Virginia and North Carolina would have a much earlier season start date, April 1 instead of May 15. New Jersey submitted 10 options, as the state was allowed to utilize all of the remaining liberalization.

We weren't sure how much would be available, and the options they submitted achieved an estimated liberalization between 16.1% and 17.8%. For other options they provided some combination of inter deposit it from 1 to 2 in the summer and then the season within the spring, summer or fall.

They tried out a lot of different combinations, basically, to see what would hit the overall 20% coastwide liberalization of 20%. I have the New Jersey options on these two different slides, and again you can look at the memo to see the differences between each and the results in percent liberalization achieved by each.

Once all of the states submitted all of their options we were able to go back and calculate the coastwide liberalization for every single combination of all of these different options. This came out to 20 total combinations possible that could be achieved by mixing and matching all of the different options.

The coastwide liberalization was rounded to the nearest whole number, just like the allowed liberalization in the motion, which we had some

discussions with GARFO about, and rounding to the nearest whole number recognizes the estimated liberalizations may not be precise after several decimal places.

Two combinations, A and D equaled a 21% liberalization, which I have in red there on the slide. These two options are both cases where the southern region option, the SR2 is combined with either NJ2 or NJ5. If the southern region selects SR3, the other two New Jersey combinations NJ2 and NJ5 come into C and H it would actually equal 20%.

It's only in some cases with these two New Jersey options when a certain southern region option is selected that we hit the 21%. If a different southern region option is selected then we are still at 20. That concludes all of the different options and the resulting coastwide liberalization from all of those options.

In terms of next steps, today again, the Board action for consideration is final approval of the proposed Black Sea Bass Recreational Measure Options for 2026-2027. The states will have a deadline of April 1 to inform Commission staff of their final selection of measures that they wish to implement.

We as Commission staff are aiming for providing the Commission's letter to GARFO with all the final measures by April 15, and then the states will implement their selected black sea bass measures this spring. With that, that is the end of my presentation and I'm happy to take any questions.

CHAIR MANISCALCO: Thanks for the presentation, Tracey. Are there any questions from the Board? Nichola.

MS. NICHOLA MESERVE: Regarding the table that has all the combinations together and the coastwide percent liberalizations shown. The decision that was made to round to the nearest whole number, was that a Technical Committee decision, and was it made at a time in the process that it could apply to each of the regions? For example, I believe the answer is no here. Did the northern region understand that they could aim for 27.2 or 27.3 percent?

MS. BAUER: I'll just jump in here. Nichola, thank you for your question. Rounding, I do not believe was discussed by the TC, it was something with discussions with staff when we were talking about how to present the information. It's more of a more recent decision.

MS. TONI KERNS: Nichola, we just did it for the final product, based off of these principals around what happens when we're finished with the model, like combining all of the regional options together.

MS. MESERVE: As a follow up, might I ask for the table to be shown without that rounding, to get a sense?

MS. KERNS: Certainly can. Tracey, did you have a backup?

MS. BAUER: Yes, there we go.

MS. MESERVE: Okay, thank you, I'm probably going to reference this later in some comments. Thank you for having it available.

CHAIR MANISCALCO: Next hand I see is Adam Nowalsky.

MR. ADAM NOWALSKY: My question here is regarding the Recreation Demand Model's treating of North Carolina harvest. My understanding is that it does not presently parse out the harvest north and south of north of Cape Hatteras. Our management area is the harvest north of Cape Hatteras.

I believe the last three years of MRIP harvest south of Cape Hatteras has varied between, in the neighborhood of a low couple hundred thousand fish averaging about 219,000 pounds of fish. Has there been any conversation about deducting for that number, because I believe that if we backed out that approximately 219,000 pounds of fish, it

would actually bring all of these percentages under 20%. Could you talk a little bit about conversations that have been had about backing out that text south of Cape Hatteras that the RDM is presently including?

MS. BAUER: Yes, thanks, Adam. That was something that the TC did discuss. Where we ended that conversation of what the TC concluded was not to deduct that harvest out, because it is still in the model that harvest south of Cape Hatteras in North Carolina. But to use it as sort of like to be risk averse by including it, basically.

CHAIR MANISCALCO: Next hand is David Sikorski.

MR. DAVID SIKORSKI: I'm wondering about the decimal points here, and trying to think about this from a risk perspective. Having the decimal points is fine, but not having them seems fine to me as well. I'm thinking about kind of our resolution here, how it zoomed in early, thinking back to December when we discussed anywhere from 0 to, I think 39% liberalization.

We ended up in the middle. Is there a way to describe this kind of for the public and the Board to think about this on a scale level and how it relates to risk, and then can we measure that? Is it even something we should really be considering those small decimal points? That is where my head is right now. I think it's a question/comment, but I think there are questions in there. What do the decimal points mean here? What a big picture risk?

CHAIR MANISCALCO: David, is that a question for staff or for other Board members?

MR. SIKORSKI: I think staff, I'm thinking the technical folk, but I'm happy to hear from anyone, because I just want to kind of wrap my head around it in that frame of thinking.

MS. BAUER: It's a good question, and it's one I think currently, at least on the staff perspective we're viewing it as that the RDM is great, but we are unsure that it really has the level of precision out to like 2.11 or whatever. Multiple decimal places we're not sure if the precision is there, and that is sort of where we landed, at least in our discussions.

In past years we would say like a reduction of 20.7. Our reduction liberalization table is a whole number, so we thought you know, there is some uncertainty in the data so we go with just rounding to the nearest whole number and say that these numbers are 20%, essentially. Not consider those decimal places other than you know using it to round to the nearest whole number.

MR. SIKORSKI: Thank you, I appreciate that. There was a lot of heartburn with the decimal points here in Maryland with their favorite fish the striped bass. It's really helpful and thank you.

CHAIR MANISCALCO: Joe Cimino.

MR. JOE CIMINO: I appreciate a chance to follow up to David's question, because I think what New Jersey was trying to show with their supplemental memo, and I think what it boiled down to is about a half a percentage in this, the difference between one of our options it says 20.5 and one that is right at 20 is about 12,000 pounds for half a percentage. Some of these are even fractions in that. We're talking about 2/10 of a percentage.

Even at half a percent we're talking about 20,000 pounds. As we mentioned, the North Carolina harvest that is in there that shouldn't be is closer to 200,000 pounds, so about 10 times what these percentages over are looking at. That's the worst offenders here, so that is what we were trying to show with those tables and the scale of the fractions of a percent. Thank you.

CHAIR MANISCALCO: Any other Board members want to comment on rounding and decimal points? Not seeing any other hands.

CONSIDER FINAL APPROVAL OF PROPOSED REGIONAL MEASURES

CHAIR MANISCALCO: I'll just offer my own perspective. I mean rounding is a convention that is used commonplace. I don't think we'll find ourselves in any trouble rounding to the nearest whole number. While I recognizes New Jersey's assertion that half a percent is maybe 12,000 pounds and really, you're right. That is a relatively small amount I think, going beyond the 20% that we agreed to in December would put all the states totals in some danger of rejection from NOAA. That would cause quite a bit of chaos. Matt Gates.

MR. MATTHEW GATES: Thanks for the presentation today. To offer a slightly different perspective. For some of the smaller states 12,000 pounds is a significant amount of fish. If we were looking at this earlier on in the process with what we do, that could have made the difference between for a state like Connecticut possibly going even smaller on minimum size or something, which is a probably significant impact. I think there is some significant impact to even small decimal point changes.

CHAIR MANISCALCO: Jason McNamee:

DR. JASON McNAMEE: I'll just quickly work off what Matt just offered. I'll offer the perspective of the northern region. We had four states trying to come to consensus on you know something to put forward. We encountered the same thing where we were getting variations that were slightly over the amount that we were trying to achieve. We held ourselves to kind of sticking to the letter of the law there, and it was meaningful.

You know it could have meant extra time in Massachusetts or smaller size in Connecticut, or more fish in the bag in Rhode Island. We all kind of compromised. I don't dispute anything anybody said about rounding, and these discussions are always kind of hilarious in hindsight, how nuanced we get with this stuff. I don't disagree with the 12,000 pounds and whether that is biologically meaningful. It's really not the point. We in the northern region kind of went into the process with hard threshold and stuck to that, so that is kind of the perspective that I'm approaching this.

CHAIR MANISCALCO: I'm not seeing any, oh Nichola Meserve.

MS. MESERVE: I was just going to offer that I have a motion when you feel like the discussion has resolved.

CHAIR MANISCALCO: Okay, noted. I do see a hand from Mike Luisi.

MR. MICHAEL LUISI: I appreciate the comment that you made, and I wonder if NOAA is online maybe to comment. You know coming into this meeting I was sitting here thinking about the efforts that we've all made to do one of the hardest liberalizations, I think, that we've ever had to do with black sea bass in recent years.

We all made a solid attempt to try to maintain the level of liberalization that we walked out of the meeting with in December, or I guess that was when we decided on the 20%. You know New Jersey was the one state that didn't have a number to shoot for, they had a written number. I don't even know if the range that was presented today was available to New Jersey while they were preparing theirs. That would be something that maybe Joe or Adam could help me understand. But if we were faced with this table and we were sitting at the table talking about how much we would liberalize, if we did it backwards. I would easily be convinced that we could achieve a 21% liberalization and then everybody's options would be okay, and I don't see there being a whole lot of risk in that.

I do, my level of concern raised, John, when you mentioned that if we were to submit a series of regulatory actions by the states that exceeded that 20% that we could all be in jeopardy based on what

NOAAs decision would be, whether that is I guess conservationally equivalent. That concerns me.

I don't know if there is anymore information that we can hear from the Service on, on where they stand with this rounding. I was inclined to support the options as they were presented and not take any of them out today. I'm getting a sense that that is the direction we're going, but it would be helpful to hear from the Service if they are able to comment.

CHAIR MANISCALCO: Savannah Lewis, I see your hand up.

MS. SAVANNAH LEWIS: Just to comment on this briefly. This is largely a discussion for the Board and for the states themselves. But overall, the way we look at it is that the motion in December was move to adopt conservation equivalency with a 20% liberalization from status quo measures.

You know the motion wasn't 21% nor was it really vague in terms of what the increase is. Our standard of review is what this Board decides, so we will review what the Commission will send us in a letter and the documentation that they provide to support that decision, that all states have achieved the requirement in the motion that was passed by both this body and the Council. That is kind of the insight I can provide. I hope that that is helpful.

CHIAR MANISCALCO: Thanks, Savannah. Okay, so we're about 30 minutes in. Mike Wain, your hand has been up for a while, is this a question regarding the presentation?

MR. MIKE WAIN: Yes.

CHAIR MANISCALCO: Okay, we'll allow one question from the public on the presentation.

MR. MIKE WAIN: Thank you for the opportunity, Mr. Chairman. Mike Wain with the American Sportfishing Association. I'm wondering if staff has a slide that shows what the RHL is compared to what the expected harvest is under the RDM runs that occurred to create this table.

MS. BAUER: Hi, Mike, good question. I do not have any real harvest estimates in this presentation, mainly because we were calculating the percent liberalization a little differently than what we have in the past this year. We were calculating everything. The RDM puts out 100 draws of information, and before that we were taking a median of the estimated harvest from those hundred draws. We had some conversations with the RDM team and the Decision Support Tool was outputting information a certain way, so we this year are calculating everything at the draw level, not just the harvest but also the percent liberalization. For each individual draw we are calculating the percent liberalization, comparing coastwide harvest for status quo and the proposed regulations in that individual draw.

Then we take the median of every single of a 100% liberalization we're taking the median. These coastwide percent liberalizations are median numbers based on all the median calculations and so it is not really a one-to-one ratio between this and the harvest. There is a little bit of a disconnect there.

But this, as you recall from the RDM team was a more specifically accurate way of calculating the coastwide percent liberalization. That is the way we move forward this year. Sorry, I do not have those numbers.

CHAIR MANISCALCO: Thanks, Tracey, are there any more questions for Tracey on her presentation? Not seeing any hands, Nichola, you mentioned you had a motion.

MS. MESERVE: I will get it up on the board and then hope to provide rationale if I get a second to it. I would **move to approve regional option configurations D, I, J, L, M, N, O, P, Q, R and T as identified in Table 5 of the staff memo.**

CHAIR MANISCALCO: I see a hand from Jason McNamee, is that a second?

DR. McNAMEE: Yes, Mr. Chair.

CHAIR MANISCALCO: Nichola, please justify your motion. Yes.

MS. KERNS: Nichola, just because you can't circle on the fly. I think these are all of the ones that fall less than the 20% or less, correct?

MS. MESERVE: That is correct, anything that shows here as 20.0% or less are those corresponding letters. I'm making this motion, not because I think that there is a significant difference between 20.0 and 20.1 % or that there is a risk to the resource of overfishing from approving the full range of options, but because it is consistent with my understanding of what the assignment was given to the regions in the Board's prior motion.

It seemed to me that from the comment from GARFO that they had a similar understanding. As Jason McNamee pointed out, the northern region worked really hard to get to an option that was 27% and no more. That was difficult because we were dealing with some equity issues in the region and went through a pretty funky series of calls to get to that.

I'm sure that had we thought that 27.4% was allowed for our region, we would have submitted a different option. That would have had a couple more days here or there, and while those might sound like inconsequential differences, if you look at the range of options submitted by New Jersey, like the actual measures. What you see is that there are multiple versions of essentially the same option that only differ by a day. They are essentially asking for that leeway that the northern region said we didn't have, and that we had to stick specifically to 27%. I believe that it's my perception that in removing some of these options, as this motion does, it still leaves New Jersey with the three or four basic options that it seems they want to be able to take out to public comment and consider the options that look at 2 fish instead of 1 fish in that summer period or an option that reopens the closures or gets to 10 fish for a longer time period in the spring.

I don't see that removing a couple of these options that are over that line that we drew is a significant hindrance to anyone here. Lastly, I don't see that the argument about the North Carolina south of Hatteras data being really relevant to this part of it, as those estimates were included in both the status quo runs and the alternative runs here. I think it is a little bit of misleading to be talking about any type of 4% coastwide overestimation from those estimates being included.

I guess, you know I said lastly, but while I have the microphone, I would just like to acknowledge the cooperation and collaboration that the northern region states used when developing our option, and it makes a lot of significant progress towards better regional alignment. I just wanted to thank Rhode Island, Connecticut and New York for the process that we undertook. Thank you.

CHAIR MANISCALCO: Jason, did you want to add anything?

DR. McNAMEE: Nicola hit every single point that I've got on the notebook there, so I won't retread that ground. But maybe I actually appreciated here last comment there. We had a really good process, you know a lot of good iteration between the states, you know frank discussions but collegial discussions. It was a good process, so my appreciation to the other northern region states as well.

CHAIR MANISCALCO: David, I see your hand is up.

MR. SIKORSKI: I just wanted to speak in opposition to this motion. I think removing all the options makes sense. We talked about the risk today and that is the most important, I think. Given the size of the biomass of this fishery, I think there is some wiggle room. This Board, if I heard NOAA correctly can make its own decisions today. Our hands are

not tied by what we did in December and what we did in the previous meeting.

We can talk about this an make this decision to say that there is really a negligible difference between any of the options because of this decimal point component and in the imprecision of all of this. We know that. We know it exists in all our fisheries. I think it's unfortunate that we'll have to spend time debating this over this back and forth. Because if the northern states had been the region that received the uncertainty like New Jersey ended up with after our last meeting.

I would be sitting here using the same exact logic asking, is it a risk and if it's not a risk to the biomass biologically, let's just move on and accept the fact that things get lost in the margins, because guess what, our margins are really, really wide here. I think this is a key example of where the public really kind of just gets like, oh my gosh, this is exhausting, because frankly, it's exhausting. I totally understands where everybody is coming from, and that's why if the shoe was on the other foot and if the north didn't really know what they were trying to get and came back with something else, I would have given them wiggle room there too, because it's only fair. You know the biomass can take it and I think we need one less point of conflict across all of our lives. Frankly, I don't support this. I'm not prepared to make a motion, but I hope somebody does, I would gladly second it.

CHAIR MANISCALCO: I'm going to go to Matt Gates next and then Adam Nowalsky.

MR. GATES: I think I'll speak in support of the motion. I understand the tough position we put New Jersey in, by having them sort of get the scraps after the other states figured out what they needed. They didn't know exactly what they were shooting for. I think it was appropriate for them to put forward a whole bunch of options with small degrees of variation, because they don't really know how things are going to work out with the RDM and the percent that they get.

But now that we know that some of those options came out over 20%, I think it's appropriate to eliminate those options now. It still leaves them with a bunch of options that they can go out to public with that have different management outcomes. I think I can end up supporting this.

CHAIR MANISCALCO: Adam.

MR. NOWALSKY: I am prepared to substitute and I'll speak to it if I can get a second. I **move to substitute to approve all regional options except A and G.**

CHAIR MANISCALCO: David Sikorski, is that a second?

MR. SIKORSKI: Yes, Sir.

CHAIR MANISCALCO: Adam, would you like to speak to it?

MR. NOWALSKY: Yes, thank you very much. I think Mr. Sikorski's comments about approving all of these, in particular in light of the North Carolina harvest is a reasonable way forward. However, I am going to choose a middle ground here deferring to the Technical Committee's position on leaving the harvest in and that the status quo was calculated with it in originally.

I can understand the case that we do have to draw a line somewhere. However, what I'm concerned with the original motion is that it basically sets a precedent that says we can't round decimal points that equate to a couple thousand pounds of fish, which I think is just ludicrous. The motion back in December did not say up to it said a 20% liberalization. Staff clearly found that they could make the case for the rounding that has taken place here.

I'm highly confident that if we went back in time and looked, we would find similar cases of rounding would be allowed. While I understand the original

motion's makers comments and concerns about, well if we're going to round why couldn't we do 27.1, 2 or 3 in the northern region. My response to that is at the joint meeting last month we explicitly set the northern region at up to 27%. That is what was included there at that time. I think that by going forward with this motion that I'm comfortable with, it still gives New Jersey flexibility to potentially implement Options 2 and 5 if the southern region goes ahead and chooses 3, we would be in contact with the southern region to try to get a sense. Our states, Marine Fishery's Council will meet later this month.

I am confident that we can still go ahead and get our option in by April 1. Our state would not choose Option 2 or 5 until we knew whether or not it would conflict with the southern region. We certainly don't want to put this entire plan at risk. I think this is a reasonable way forward at this time, and I hope the Board can support this motion. Thank you very much.

CHAIR MANISCALCO: Thanks, Adam. David, would you like to add anything?

MR. SIKORSKI: No, I think Adam's comments and my previous comments speak for themselves, thank you.

CHAIR MANISCALCO: Is there any further discussion from the Board on this motion? Nichola, I see your hand.

MS. MESERVE: I just wanted to respond to one part of Mr. Nowalsky's comments, and that the motion previously approved set the northern region at no more than 27%. By the same logic, the southern region was explicitly given 16.5% in that motion. If that is a compelling rationale for anyone then we should also be only assigning, we should be assigning 16.5 to the southern region and leaving whatever is left from that number. I'll second the comment that it's strange how much harder it is to liberalize than to reduce.

CHAIR MANISCALCO: Joe.

MR. CIMINO: I disagree with a lot of what Nichola said, but I agree that we can't say exactly what that North Carolina harvest included means. But originally the Technical Committee came to the Board and said it's a buffer. Now they're saying its more risk averse. They obviously think that it would change these percentages if it was left out.

Again, what we are arguing for in this motion isn't to move above the line that we all set, it is simply to say that we're not 100% sure where that line is, and we believe that this option still would if the data was run correctly, get us there.

CHAIR MANISCALCO: Okay, anymore discussion from the Board? I'm not seeing any hands, so I'm wondering if there is anyone from the public who would like to speak on this motion before we call a vote. Stephen, I see your hand, Stephen Machalaba.

MS. KERNS: Still showing that you are muted on your end. Maybe John go to the next.

CHAIR MANISCALCO: Yes, we'll go over to Mike Wain and we'll come back to you and give it another try. Mike Wain, please.

MR. WAIN: Thank you, Mr. Chairman. Mike Wain with the American Sportfishing Association. I just want to take a step back from that and remind the Board that through the Recreational Reform Initiative, specifically the Harvest Control Rule, and then the Rec Measure Setting Process that implemented the percent change approach.

The whole intent of that action was to try to acknowledge that there is significant imprecision in the catch data, and chasing decimal point levels of precision is a fool's errand. Yet here we are, doing exactly the same thing and fighting over decimal places later in the process. It just seems very inconsistent with the entire intent of this action, which is the recreational catch data are not precise enough to drive these types of calculations.

There is no statistical difference between any of those options. I'm not sure why staff was unable to answer the question I asked previously, because I was simply asking what is the target that this increase would equate to relative to the RHL? Is there a distance between that? Is there a buffer? I believe the answer to that question is yes, considering we were previously considering increases all the way up to 39%.

The 20% is already a conservative target. The level of precision that is being debated right now is eroding the credibility of this process. I think it's silly that we continue to do this. I would recommend that the Board, really sit down after this decision and this spec setting and think more specifically about that so we don't end up in this place again. Thank you.

CHAIR MANISCALCO: All right, Steve, I've going to try you again. Try to unmute yourself, please. Okay, Stephen, apologies. Maybe we could work offline at sometime in the future and figure that out for you. Okay, anything further from the Board before we take a vote? Can I see hands if anyone needs to caucus? I'm not seeing any hands, so I'm assuming that no caucus is necessary. Toni, would you mind handling the vote?

MS. KERNS: Not at all. **All in favor raise your hand. I'm just going to give it a second to let everyone's hands go up. I have Maryland, New Hampshire, and this is to the substitute motion, I didn't say that, I apologize. New York, New Jersey, Delaware. New Hampshire took their hand down; Renee are you not in favor of the substitute?**

MS. RENEE ZOBEL: Toni, we are in favor of the substitute.

MS. KERNS: Okay, just making sure, thank you. I'm going to put your hands down for you. Those that are against the substitute motion. I have Rhode Island, Virginia, Massachusetts, North Carolina and Connecticut. Going to put the hands down. Any null votes? Any abstentions; NOAA Fisheries. Tracey, am I right on the count is 5, 5, 0, 1?

MS. BAUER: That's what I got.

MS. KERNS: Mr. Chair, that would be the motion would not carry for lack of majority.

CHAIR MANISCALCO: Thank you, Toni, so back to the original motion then. Any further discussion on this motion? Not seeing any hands, I am going to request a minute for caucus. Toni, is there a timer set you could show on the presentation?

MS. KERNS: I started one on my cell phone. I'll let you know when a minute is up and if you need more time that is fine. It's been a minute, let me know if you need another minute.

CHAIR MANISCALCO: Okay, looking for any hands that feel they need additional time. Not seeing any. **All who support the motion, please raise your hand.**

MS. KERNS: I have Rhode Island, New Hampshire, Virginia, Massachusetts, North Carolina, New York and Connecticut.

CHAIR MANISCALCO: Okay, putting your hands down now. All opposed, please raise your hand.

MS. KERNS: I have Maryland, New Jersey and Delaware.

CHAIR MANISCALCO: Okay, hands down, null votes. Not seeing any, and abstentions.

MS. KERNS: NOAA Fisheries abstains. John, I do have one question for Tracey and Nichola, and I apologize that I did not ask this beforehand, I meant to. I think Option F shows at 20.0 in the table. I think it should be included, but I might have misread it or missed saw my lines not lining up. Am I wrong?

MS. BAUER: I am doublechecking right now.

CHAIR MANISCALCO: I have it as 20.04.

MS. KERNS: Okay, thank you.

CHAIR MANISCALCO: Tracey, I don't know if you want to confirm that.

MS. BAUER: Yes, that sounds right.

MS. KERNS: Okay, thanks, sorry about that.

CHAIR MANISCALCO: I believe the motion passed.

MS. BAUER: Yes, it did. I **got 7 to 3 with 1 abstention**. Toni, is that what you?

MS. KERNS: I did not do the count, so you just read them there. Thanks, Chelsea.

CHAIR MANISCALCO: **Motion passes** and I believe that concludes the business on this particular item. I will just look to the Board to see if anyone has anything final to say. Jay McNamee, I see your hand.

DR. McNAMEE: I just wanted to offer two things so that we don't loose track of them, and I think they are a request for a task to the Technical Committee. The first is, if folks remember back to the, I think it was at the joint meeting where we had a long, tortured discussion on the uncertainty bounds and which size of uncertainty bounds we should be using.

In the end I think our motion sort of detached itself from that discussion, which was fine. But I think that is something that will come up again, and so it would be good to be out ahead of that. I am hoping, at least starting with the Technical Committee to kind of look into some way to optimize what the confidence limits should be, so that is one thing.

I think there is enough in that previous discussion to kind of provide a little more guidance than I just did now. Then the other thing, which is our task for the Technical Committee is, I have developed a little calculation to figure out and compare when the region is getting closer or further apart by way of regulations across the different states.

I think it's fairly straightforward, but I would love for the Technical Committee to take a look at that and vet it as a tool. It probably has some application beyond black sea bass, maybe not a ton of application, but I think it would be worthwhile for them to vet that.

The other aspect is there is a couple of bells and whistles within there where you can upweight certain components and down weight them and things like that. That could use some additional vetting and guidance, so I'm hoping we could put those two things in front of the Technical Committee, so that we're prepared with some information for them next go at this.

CHAIR MANISCALCO: Thank you, Jay. Tracey and Chelsea, is that clear enough for the tasking for the TC for you to move forward on?

MS. CHELSEA TUOHY: Yes, I think so. Thank you.

CHAIR MANISCALCO: Thanks. Matt Gates, I see your hand. Matt, I don't hear anything, your hand appears to be down.

MR. GATES: Yes, that's because I pressed the wrong button, sorry about that. I just wanted to comment on a process we used this time. We used the RDM sort of in this regional context. I thought it was productive to work with the other states in generating options. But I feel like it sort of left out the public comment period portion of it.

We could only really generate one option for the northern region, and you couldn't come up with state-specific options because each state's actions influenced the percent liberalization in the different states. I think maybe if we just think about that when we do this process again in the future, how we can get a little bit more public participation in the process. Thanks.

MS. KERNS: John, can I speak to that?

CHAIR MANISCALCO: Of course, Toni.

MS. KERNS: Matt, we can try to explore ways to do that. What we have been relying on is for the states to utilize your administrative processes to get as much public input as you can on possibilities. The timeline is so tight in between all of when we make these decisions. For us to hold public hearings or something like that is virtually impossible.

We are happy to try to explore options with you all. It is not that we are trying to exclude the public from these decisions, it's just that we have been relying on the state process, in order to glean what your regional or state folks are looking for. We don't have the information soon enough, like Tracey was still working and running the numbers up until last week. It is very tight timelines for this process.

MR. GATES: Yes, I agree, the state timelines are tight even in the state processes it's tough. Hopefully there is enough brainpower in the group here to just come up with a little bit better system.

ADJOURNMENT

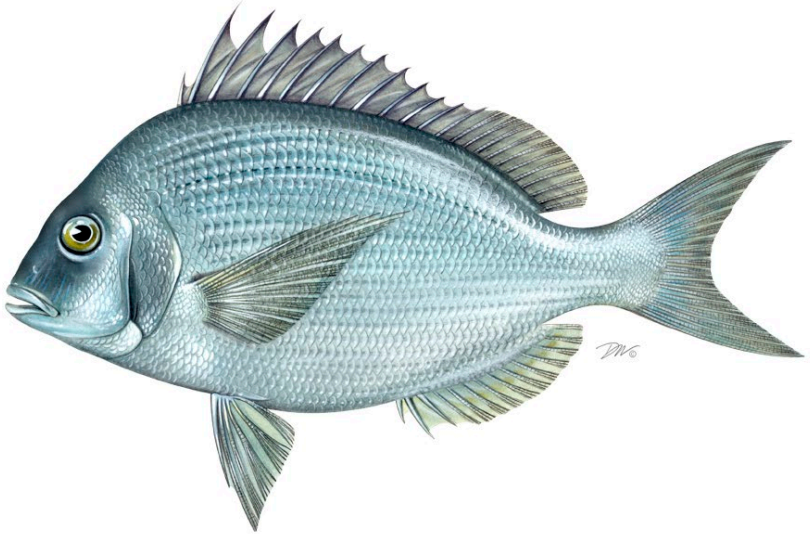
CHAIR MANISCALCO: Thanks for that. Is there any other business to come before the Board before we adjourn? I'm not seeing anything, so I think we're done here today. I want to thank of course all my Commission staff that worked to get this meeting together. Thank you.

(Whereupon the meeting adjourned at 2:00 p.m. on Thursday, March 5, 2026)

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM XXXVII TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN FOR BOARD REVIEW

Scup Commercial Quota Management



November 2026

This draft document was developed for Board review and discussion at the Commission's 2026 Annual Meeting. This document is not intended to solicit public comment as part of the Commission/State formal public input process. However, comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public Comment.

Atlantic States Marine Fisheries Commission Seeks Your Input on Scup Commercial Management

In August 2026, the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated this Draft Addendum to complement Framework 20, approved by the Mid-Atlantic Fishery Management Council (Council) for final action at the same meeting. Draft Addendum XXXVII considers whether quota period overage paybacks for the commercial scup fishery should be waived in years when the annual quota is not exceeded. This document provides background on commercial scup management and presents options for addressing quota period overage paybacks for public review and comment. The addendum development process and proposed timeline are summarized in the figure below.

Commission's Process and Timeline

Date	Action
Summer-Fall 2026	Draft Addendum Developed for Board Review
November 2026	Board to Review and Approve Draft Addendum for Public Comment – ***Current Step***
November-December 2026	Public Comment Period
January 2027	Board Reviews, Selects Management Options, and Final Approval

Public comment may be submitted via public hearings or through written comments and will be accepted until **Month Day, 2026 at 11:59 p.m.** If you have any questions or would like to submit a comment, please use the contact information below.

Submit Comments to:

Mail: Chelsea Tuohy, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject: Draft Addendum XXXVII)

Table of Contents

1.0 Introduction 3
2.0 Overview 4
__2.1 Statement of Problem 4
__2.2 Background 4
__2.3 Status of the Stock 7
__2.4 Status of the Fishery 8
3.0 Proposed Management Options 9
__3.1 Commercial Quota Period Management 9
4.0 Compliance 11
5.0 Literature Cited 11

1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC or Commission) coordinates the management of summer flounder, scup, and black sea bass fisheries in state waters (0–3 miles) and the Mid-Atlantic Fishery Management Council (MAFMC or Council) and NOAA Fisheries coordinate management in federal waters (3–200 miles). The management unit for scup includes U.S. waters from Cape Hatteras, North Carolina, north to the Canadian border. This Draft Addendum considers changes only to the commercial fishery for scup.

On August 12, 2026, the Council approved Framework 20, which includes changes to commercial scup Winter I trip limit requirements and landings-based accountability measures. The changes are intended to increase management flexibility during the Winter I quota period and, when practicable, preserve harvest opportunities across all three quota periods: Winter I, Summer, and Winter II.

In 2026, unusually rapid landings, combined with data and management challenges, resulted in early closure of the Winter I period and a 23% overage of the period's quota. Under existing regulations and provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP), the overage must be deducted from the 2027 Winter I quota. Fishery participants have raised concerns that requiring repayment of the overage could impose an unnecessary economic burden on industry without a corresponding conservation benefit to the scup stock if the 2026 annual commercial scup quota is not exceeded.

To address these challenges, Framework 20, once approved by the National Marine Fisheries Service (NMFS), would allow changes to the Winter I trip limit to be implemented based on projected commercial scup landings, rather than requiring NMFS to wait for actual landings data. It would also provide the NMFS Regional Administrator (RA) with discretionary authority to forgo a trip limit reduction if the reduction is expected to prevent full harvest of the Winter I quota. Together, these changes are intended to support timely trip limit reductions when needed to prevent overages, while avoiding unnecessary restrictions when the risk of exceeding the Winter I quota is low.

Framework 20 would also waive repayment requirements for quota period overages if the annual commercial scup quota is not exceeded in the same year. This provision is intended to preserve harvest opportunities across quota periods while maintaining the annual quota as a constraint on overall commercial harvest. The Council has submitted Framework 20 to NMFS for review and implementation. This Draft Addendum is intended to complement the Council's framework action and considers changes to the repayment requirements for quota period overages. The Commission's FMP already allows for changes in the trip limit based on projected landings.

2.0 Overview

2.1 Statement of Problem

Under current management provisions, commercial scup quota period overages must be repaid through deductions from the corresponding quota period in the following year, even when the annual commercial scup quota is not exceeded. These payback requirements may unnecessarily constrain harvest opportunities and disrupt the fishery when quota period overages do not result in an annual quota overage. Draft Addendum XXXVII considers modifications to the quota period overage payback provision to provide greater management flexibility while maintaining constraints on overall annual commercial harvest so as not to pose a risk to the health of the scup stock.

2.2 Background

The scup commercial quota period system was established in 1996 through Addendum I to Amendment 8 to the Summer Flounder, Scup, and Black Sea Bass FMP. The system was developed in response to concerns that the seasonal nature of the fishery and differences in vessel size could result in uneven access to the annual commercial quota. To address these concerns, the Commission and Council established three quota periods, each allocated a percentage of the total commercial quota: Winter I (January-April, 45.11%), Summer (May-October, 38.95%), and Winter II (November-December, 15.94%). Addendum XXIX to the FMP, adopted in 2017, moved October from the Summer period to the Winter II period. During the two winter periods, coastwide quotas and possession limits apply, while the Summer period quota is allocated to each state. The Winter I possession limit initially allows higher landings and is reduced once a specified percentage of the quota has been landed. This tiered system is intended to distribute landings throughout the period and reduce the risk of quota overages.

The commercial scup quota monitoring system, overseen by NOAA Fisheries' Greater Atlantic Regional Fisheries Office (GARFO), includes in-season management measures during the winter quota periods. The specific possession limits and rollover provisions are not prescribed in the FMP or federal regulations; instead, regulations provide for these measures to be established through the annual specifications process. Under current measures, the Winter I possession limit begins at 50,000 pounds and is reduced to 1,000 pounds once 80% of the Winter I quota has been landed. The NMFS RA monitors landings to determine when the threshold has been reached. Winter II begins with a 12,000-pound possession limit, which may increase if unused Winter I quota is rolled over.

Scup management measures have generally been effective in constraining commercial scup landings to the annual commercial quota and seasonal quota allocations at both the state and federal levels. From 2015 through 2025, commercial landings did not exceed the annual commercial quota, with the exception of 2017 and 2023 when the commercial annual catch limit (ACL) was exceeded due to higher-than-expected dead discards. Seasonal quota allocations were also generally not exceeded during this period. In 2026, however, the Winter I quota was exceeded (Tables 1 and 2).

Table 1. Coastwide commercial scup landings, dead discards, and catch (millions of pounds) compared to the annual quota and commercial ACL, 2015-2026. Note: 2026 data are preliminary. Landings data pulled from the CAMS database on May 19, 2026.

Year	Commercial Landings[a]	Commercial Quota	Quota Underage/Overage	Commercial Dead Discards	Commercial Catch	ACL	ACL Overage/Underage
2015	17.05	21.23	-20%	3.79	20.84	26.35	-21%
2016	15.78	20.47	-23%	6.12	21.90	24.26	-10%
2017	15.52	18.38	-16%	10.43	25.95	22.15	+17%
2018	13.39	23.98	-44%	7.26	20.65	30.53	-32%
2019	13.81	23.98	-42%	6.13	19.94	28.42	-30%
2020	13.70	22.23	-38%	5.81	19.51	27.90	-30%
2021	13.16	20.50	-36%	4.18	17.34	27.15	-36%
2022	12.17	20.38	-40%	5.14	17.31	25.05	-31%
2023	13.02	14.01	-7%	7.09	20.11	19.29	+4%
2024	14.48	21.15	-32%	8.87	23.35	28.48	-18%
2025	14.27	19.54	-27%	5.09	19.36	26.85	-28%
2026*	10.28	17.70	-42%	1.25	11.53	27.36	-58%
2027	-	15.57	-	-	-	24.06	-

[a] Commercial landings for 2015-2026 and dead discards from 2020-2026 are based on CAMS data. Commercial dead discards for 2015-2019 are from the 2025 Management Track Assessment.

Table 2. Coastwide commercial scup landings (millions of pounds) compared to the Winter I, Summer, and Winter II quota period allocations, 2021-2026. Revised quotas reflect rollover of unused quota from Winter I to Winter II within a given year. Note: 2026 data are preliminary. Data provided by GARFO staff, CAMS database accessed on May 12, 2026.

Year	Quota Period	Commercial Landings	Quota Allocation	Revised Period Quota	Quota Overage/ Underage
2021	Winter I	5.85	9.25	-	-37%
	Summer	4.84	7.99	-	-39%
	Winter II	2.47	3.27	6.68	-63%
2022	Winter I	5.00	9.19	-	-46%
	Summer	4.56	7.94	-	-43%
	Winter II	2.60	3.25	7.47	-65%
2023	Winter I	5.79	6.32	-	-8%
	Summer	4.46	5.46	-	-18%
	Winter II	2.77	2.23	3.04	-9%
2024	Winter I	7.86	9.54	-	-18%
	Summer	4.39	8.24	-	-47%
	Winter II	2.23	3.37	5.07	-56%
2025	Winter I	7.79	8.81	-	-12%
	Summer	4.28	7.61	-	-44%
	Winter II	2.20	3.11	4.16	-47%
2026*	Winter I	9.78	7.98	-	**+23%**
	Summer	-	6.89	-	-
	Winter II	-	2.82	-	-

Preliminary data as of May 2026 indicate commercial scup landings exceeded the 2026 Winter I quota by approximately 23% (Table 2). Under the existing management system, the Winter I possession limit should have been reduced once landings reached 80% of the quota to constrain harvest and preserve fishing opportunities throughout the remainder of the period. However, unusually rapid landings and an increased frequency of late dealer reports exacerbated the typical delay in confirming that the threshold had been reached. By the time

available data indicated the threshold had been reached, projections showed the full quota would be harvested before a trip limit reduction could be implemented. As a result, the fishery was closed on March 16, 2026, rather than a trip limit reduction (91 FR 12511). Industry members have suggested the increased fishing effort during the 2026 Winter I period may have been a result of increased demand and processing capacity in the frozen seafood market, as well as limited harvest opportunities in other fisheries, including mackerel, squid, and butterfish.

Under the commercial scup management provisions in the FMP and federal regulations, quota period overages must be deducted from the corresponding quota period in a subsequent year. For Winter I and Summer, the regulations specify overages are deducted from the appropriate quota period in the following year, based on landings through September 30 of the current year (50 CFR 648.123(a)(2)(ii)). For Winter II, overages are deducted from the subsequent year's Winter II quota, with the deduction based on landings through June 30 of the following year (50 CFR 648.123(a)(2)(iii)).

Preliminary data indicate the 2026 Winter I quota was exceeded by approximately 1.8 million pounds. Under the current payback provisions, this overage would reduce the expected 2027 Winter I quota from 7.02 million pounds to approximately 5.22 million pounds, subject to confirmation of the final landings and quota figures. Stakeholders have expressed concern that, if the 2026 annual commercial scup quota is not exceeded, requiring repayment of the Winter I overage could impose additional economic hardship on industry and reduce harvest opportunities in 2027 without providing a corresponding conservation benefit to the scup stock. Therefore, this Draft Addendum considers waiving period overages repayments in years where the annual commercial fishery quota is not exceeded.

2.3 Status of the Stock

The most recent scup management track stock assessment was completed in June 2025, using data through 2024 (NEFSC 2025). The assessment approach is a statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2025 assessment indicated the stock was not overfished, with biomass 322% of the biomass target, and overfishing was not occurring in 2024 (Figure 1). Fishing mortality was 56% of the overfishing threshold proxy.

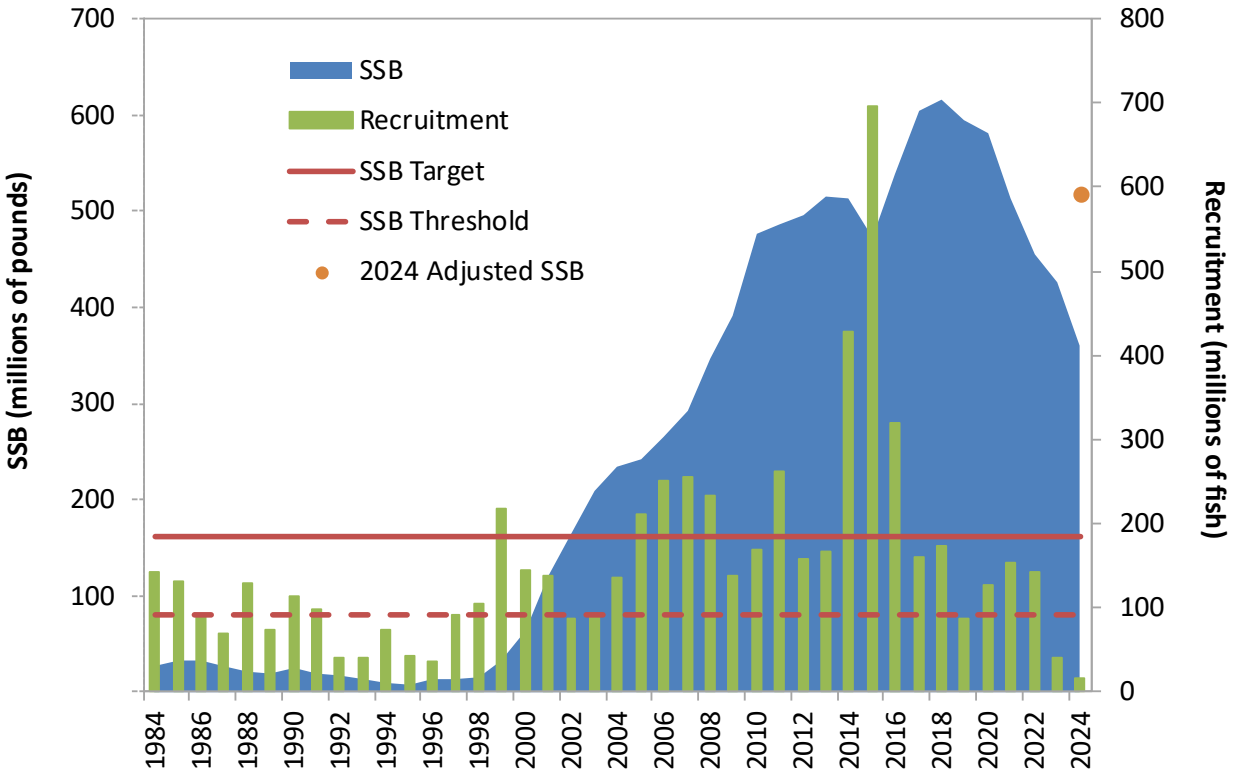


Figure 1. Scup spawning stock biomass and recruitment. 2025 spawning stock biomass was adjusted for a retrospective pattern with both the unadjusted and adjusted values shown above. The adjusted value was used in management. Source: 2025 Scup Management Track Assessment Report, Northeast Fisheries Science Center.

2.4 Status of the Fishery

Note: Since the draft addendum considers management of the commercial fisheries for scup, the following information focuses on commercial fisheries only. For information on the recreational fisheries, see the Review of the Scup FMP for the 2025 Fishing Year (ASMFC 2026).

Commercial scup landings experienced a general declining trend from a peak of 21.73 million pounds in 1981 to the time series low of 2.66 million pounds in 2000, according to data pulled from the ACCSP Data Warehouse. Since 2001, commercial landings increased nearly every year to about 17.87 million pounds in 2013. Commercial landings have declined slightly since, subsiding to 14.27 million pounds in 2025, accounting for about 73% of the commercial quota.

As described above, as of May 2026, preliminary data show the 2026 Winter I quota was exceeded by 23% (Table 2). The number of high-volume scup trips (i.e., trips landing at least 30,000 pounds of scup) during 2021-2025 increased gradually from 36 to 97 trips annually (3-8% of total trips). During those same years, trips reaching the 50,000-pound possession limit remained rare, ranging from 4 to 19 trips annually (<1-1% of total trips). In 2026, 160 trips each landed at least 30,000 pounds, representing an increase of 151% relative to the 2021-2025

average (64 trips). Trips reaching the 50,000-pound limit increased sharply, rising by 542% compared to the 2021-2024 average (8 trips, MAFMC 2026).

Viewed alongside the landings trajectory shown by GARFO's quota monitoring system, this pattern suggests Winter I landings were concentrated at higher trip thresholds in 2026 than in recent years, driving a rapid pace of landings which resulted in earlier attainment of the 80% threshold and the full Winter I quota (and associated closure). As discussed in Section 2.2, industry has shared that heightened fishing effort during the 2026 Winter I period may be attributed to increased demand and processing capacity in the frozen market and limited harvest opportunities in other fisheries.

3.0 Proposed Management Options

The Commission is considering changes to the payback provision for the commercial scup period quotas. The Council has already taken final action on Framework 20 to address payback requirements for quota period overages. The Council is bound by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including requirements for ACLs, accountability measures (AMs), and prevention of overfishing. NOAA Fisheries, which has final approval authority for Council management documents, will not approve measures inconsistent with the MSA. NOAA Fisheries provides guidance throughout development of Council actions to ensure the preferred options selected for implementation are consistent with the MSA and other applicable laws.

When the Board takes final action on the addendum, they may select any measure within the range of options that went out for public comment.

3.1 Commercial Quota Period Management

Option A. Status quo commercial quota period payback provision

Under this option, no changes would be made to the commercial scup quota period overage payback requirements. This option would not allow Winter I, Summer, or Winter II landings overage repayments to be forgiven based on annual commercial quota performance.

Option B. Forgive quota period overages in years where the annual commercial quota is not exceeded

This option would allow landings overages for the Winter I, Summer, and Winter II quota periods to be forgiven if the annual commercial scup quota was not exceeded during the same year. The following language from Addendum I would be modified to read as follows where bold text represents additions to the current language:

"**If the annual commercial scup quota is exceeded,** any landings in excess of the quota that occurred during the winter periods would be subtracted from the following year's quota for that period. For example, if the **annual quota was exceeded and the Winter I** quota was

exceeded by 30,000 pounds in **2026**, 30,000 pounds would be subtracted from the quota for that period in **2027**. **If the annual quota is not exceeded, quota period overages would be forgiven…**During the second period, when the state-by-state system is in effect, all scup landed for sale in a state would be applied against the state's annual commercial quota regardless of where the scup were harvested. **If the annual commercial scup quota is exceeded,** any overages of the commercial quota landed in a state would be deducted from that state's annual quota for the following year. **If the annual commercial scup quota is not exceeded, state overages in the Summer period would be forgiven.** Vessel's with moratorium permits could not land scup in any state that had not been allocated a commercial quota."

Note from the Plan Development Team (PDT) **-** *It is possible that if Option B is chosen, in-season adjustments may occur. The rationale and an example of notification timing of this change is as follows:*

Under Option B, GARFO would determine whether the annual quota had been exceeded before requiring any landings overage paybacks by quota period. This presents a potential timing challenge because commercial catch information from a given year is typically finalized the following fall (e.g., final 2026 catch would be available in fall 2027). As a result, the Winter I and Summer periods would likely end before GARFO could confirm whether paybacks in those periods were necessary.

GARFO would aim to set the period-specific quotas with the best available data while mitigating negative impacts on the industry from changing quotas. In years when proposed specifications are published, they are typically publicly available during the Winter II period (i.e., early to mid-fall). Neither final data nor accurate projections for the Winter II and total annual landings are available at that time. However, data on the Winter I and Summer landings are reasonably accurate. Based on this data, the proposed rule could announce the total Winter I and Summer landings overages, which would represent the maximum overage repayments for those quota periods.

The final specifications are typically published later within the Winter II period (i.e., late fall to early winter). While final Winter II and annual landings are still not available, more accurate projections can be made at that time. If projections indicate the annual landings are expected to be below the annual quota, the paybacks would be waived. If projections indicate an annual quota overage is expected, the projected overage amount would be deducted proportionally from the periods in which the quotas were exceeded.

Near-final Winter II and annual landings data are typically available in the spring of the following year. This landings data can generally be used to determine the overall underage or overage of the annual scup quota. If available data indicate the final rule overestimated the paybacks due (i.e., the final rule deducted more quota than necessary), the period-specific quotas may be adjusted upward through an in-season action during the Winter I or Summer quota periods. If data indicate the final rule underestimated paybacks (i.e., the final rule did not deduct enough to repay the overage), any additional overage repayment would be taken out of the following year's specifications to avoid disruptions to state management and business

plans, as state agencies and members of industry rely on accurate quota information to set state regulations and business plans.

In November or early December each year, the Commission sends a memorandum to states outlining the quota period allocations and state-specific summer quota allocations. The timeline for quota notification outlined above may alter the way states are notified about Summer period state quotas. If GARFO makes no modifications to the quota period allocations between the proposed and final specifications rule (i.e., no paybacks are required or paybacks are equal to those outlined in the proposed rule), no action in addition to the typical process will be needed by the Commission or the states. However, if the quota period allocations are adjusted between the proposed and final specifications rules and/or quotas are adjusted upward through an in-season action during the Winter I or Summer quota periods (i.e., paybacks are adjusted), the Commission would send an updated memorandum to the states outlining the updated quota period allocations and resulting Summer period state-specific quotas. Following this memorandum, states would be required to adjust their regulations accordingly. Note, if changes are made between the proposed and final specifications rules or through in-season adjustments, paybacks would only be reduced (i.e., state changes would be adjusting quota period allocations and state-specific Summer period quotas upwards only, if needed).

4.0 Compliance

Draft Addendum XXXVII does not implement any changes to current compliance requirements.

5.0 Literature Cited

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Atlantic States Marine Fisheries Commission

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MEMORANDUM

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

FROM: **Tracey Bauer, Fishery Management Plan Coordinator**

DATE: **October 26, 2026**

SUBJECT: **Review of Black Sea Bass Commercial State-by-State Quota Allocation Performance**

Black sea bass commercial state-by-state quota allocations were originally implemented in 2003 through Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and extended indefinitely through Addendum XIX (2007). The state-by-state allocations were loosely based on historical landings from 1980-2001, allocating 67% of the coastwide commercial quota among the states of New Jersey through North Carolina (north of Cape Hatteras), and 33% among the states of New York through Maine (Table 1). These state commercial allocations were in place between 2003-2021. Also of note, Addenda XII and XIX (2004 and 2007, respectively) allowed for the transfer of black sea bass commercial quota among states, and Addendum XX (2009) established the process for state-to-state quota transfers.

However, the black sea bass stock (north of Cape Hatteras) distribution has changed since the state-by-state allocations were originally implemented in 2003, as biomass north of New Jersey has significantly increased. In some cases, expansion of the black sea bass stock into areas with historically minimal fishing effort created significant disparities between some state's allocations and current abundance and resource availability.

Addendum XXXIII (2021) was meant to address this issue by modifying the allocations of the coastwide black sea bass commercial quota among states. New baseline allocations were established through this Addendum, which increased Connecticut's quota allocation from 1% to 3% and New York's quota allocation from 7% to 8% (Table 1). The Addendum also established that 75% of the coastwide quota would be distributed using these new baseline allocations, and the remaining 25% of the quota will first be allocated regionally based on the regional biomass proportions from the most recent stock assessment (see Table 2), after which the regional quotas will be distributed to the states within each region in proportion to their baseline allocations. Maine and New Hampshire were two exceptions to this, as they each received 1% of the northern region quota. More information on how the quota allocations are currently calculated can be found in Addendum XXXIII.

Lastly, Addendum XXXIII also stated state-by-state commercial quotas will be reviewed by the Commission in a timely manner, not to exceed 5 years between reviews. Review of commercial quotas does not mean a new management document is needed; management documents should only be initiated if the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) determines one is warranted.

To assist with the Board's review of the black sea bass state-by-state commercial quotas, this memo provides a summary of available information on state-by-state quota performance (2015-2025). Utilization of each state's respective state-by-state quota allocation will be discussed without consideration of transfers that occurred, unless otherwise noted. State-specific commercial regulations for black sea bass in Fishing Year 2025 are also provided in Appendix 1.

Utilization Summary

Generally, lower quotas appear to correspond with higher utilization. From 2015-2019, the annual coastwide commercial quota ranged between 2.21 million pounds and 4.12 million pounds (Table 3), averaging approximately 3.21 million pounds. During this same period, total coastwide commercial quota utilization ranged between 94% to 101% (Table 3).

In contrast, the lowest percent utilization of the coastwide quota occurred in 2020 and 2021 (75% and 74%, respectively), which corresponded with a substantial increase in the quota to 5.58 million pounds in 2020 and 6.09 million pounds in 2021 (Tables 3 & 4). In 2023, when the commercial quota declined to 4.8 million pounds, coastwide utilization rose to 94%. However, in 2022, 2024 and 2025, when the coastwide quota was greater than or equal to 6 million pounds, the utilization fell again to 80%, 84%, and 81%, respectively.

At the state level, outside of Maine and New Hampshire, North Carolina and Virginia had the lowest utilization of their assigned quota (before transfers), particularly following the increase of the coastwide quota in 2020 (Tables 3 & 4; Figures 1 & 2). Between 2020-2025, disregarding transfers in any given year, North Carolina utilized an average 30% of its annual quota, and Virginia utilized an average of 51% of its annual quota.

In contrast, the northern states (New Jersey through Massachusetts) consistently had the highest quota utilization, ranging between 90% and 177% across the available time series (Table 3; Figures 1 & 2). Connecticut harvested the highest percentage of their assigned state-by-state annual quota (not considering any quota transfers that occurred) between 2015-2025, with an average percent utilization of 125% (Table 3). New York and Massachusetts utilized an average of 108% and 104% of their quota, respectively, followed by New Jersey and Rhode Island, which utilized an average of 100% and 99% of their quota, respectively.

Summary of Transfers

Of the 76 quota transfers approved between 2015 and 2025, 45 quota transfers occurred for reasons other than safe harbor (Table 5; Appendix 2). Reasons provided in available quota transfer request letters included to maintain an active fishery in that respective year, prevent mid-season closures, and prevent overages. Between 2015 and 2025, Maine and New Hampshire each donated a portion of their quota 7 out of the 11 years to one or more states for reasons other than safe harbor, with donations ranging between 15,000 pounds and 29,000 pounds (or between 72% to 100% of their allocated quota; Table 6). North Carolina donated a portion of their quota to one or more states in 4 of the 11 years, with donations ranging between 90,000 and 345,000 pounds (or between 23% to 83% of their quota). Virginia donated quota twice, and Massachusetts and Delaware each donated quota once during this same period.

Between 2015 and 2025, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey all requested and received quota transfers for reasons other than safe harbor (Table 7). Rhode Island and Connecticut each received quota transfers in 7 of the 11 years. Total annual quota amounts transferred to Rhode Island ranged between 4,300 pounds in 2023 to 50,000 pounds in 2025. Total annual quota amounts transferred to Connecticut ranged between 15,000 pounds in 2025 to 84,000 pounds in 2023. New York received the highest single-year quota amount in the 2015-2025 time period, 125,000 pounds in both 2024 and 2025.

Table 8 provides a “revised” percent utilization by state, taking all quota transfers into account, illustrating the impact of quota transfers on individual state quota utilization.

Next Steps

Addendum XXXIII states a review of the black sea bass state-by-state quota allocations does not necessitate a new management document; management documents should only be initiated if the Board determines one is warranted. As a result, the Board may choose to keep the state-by-state commercial allocations status quo, and so no action would be needed by the Board. However, if the Board determines changes to the state-by-state commercial allocations are needed, the Board may choose to initiate an addendum.

Tables

Table 1. The baseline allocation by state, as implemented in Addendum XXXIII, compared to the historical allocation percentages.

	Historical Allocation	Change in Allocation	New Baseline Allocation
ME	0.5%	-0.25%	0.25%
NH	0.5%	-0.25%	0.25%
MA	13.0%	-0.38%	12.62%
RI	11.0%	-0.32%	10.68%
CT	1.0%	2.00%	3.00%
NY	7.0%	1.00%	8.00%
NJ	20.0%	-0.58%	19.42%
DE	5.0%	0.00%	5.00%
MD	11.0%	-0.32%	10.68%
VA	20.0%	-0.58%	19.41%
NC	11.0%	-0.32%	10.68%

Table 2. Comparison of state-by-state quota allocations, historically (2003-2021) and post-Addendum XXXIII (2022-2026). The regional biomass distribution (the northern region in red and southern region in light blue) as estimated by the most recent black sea bass management track stock assessment was used as part of quota allocation calculations post-Addendum XXXIII (2022-2026).

		2022		2023		2024		2025		2026	
State	Historical (2003-2021) Allocation	Regional Biomass Distribution (2021 Assessment)	Final 2022 Allocation	Regional Biomass Distribution (2021 Assessment)	Final 2023 Allocation	Regional Biomass Distribution (2021 Assessment)	Final 2024 Allocation	Regional Biomass Distribution (2024 Assessment)	Final 2025 Allocation	Regional Biomass Distribution (2025 Assessment)	Final 2026 Allocation
ME	0.5%	85%	0.40%	85%	0.40%	85%	0.40%	52%	0.32%	52%	0.32%
NH	0.5%		0.40%		0.40%		0.40%		0.32%		0.32%
MA	13.0%		15.44%		15.44%		15.44%		13.12%		13.12%
RI	11.0%		13.06%		13.06%		13.06%		11.10%		11.10%
CT	1.0%		3.67%		3.67%		3.67%		3.12%		3.12%
NY	7.0%		9.79%		9.79%		9.79%		8.32%		8.32%
NJ - N	20.0%		19.81%		19.81%		19.81%		19.47%		19.47%
NJ - S		15%		15%		15%		48%		48%	
DE	5.0%		4.09%		4.09%		4.09%		4.83%		4.83%
MD	11.0%		8.73%		8.73%		8.73%		10.32%		10.32%
VA	20.0%		15.88%		15.88%		15.88%		18.76%		18.76%
NC	11.0%		8.73%		8.73%		8.73%		10.32%		10.32%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table 3. Percent utilization (not considering any transfers) by state and year, 2015-2025. Red boxes denote when less than 50% of a state's quota for that year was utilized. Yellow boxes denote when greater than 50% but less than 90% of quota was utilized. Overall percent utilization by year, as well as the total landings (pounds) and the quota (pounds) by state. Addendum XXXIII was implemented beginning in 2022.

State	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ME	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
NH	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
MA	121%	101%	101%	105%	116%	100%	96%	92%	110%	102%	106%
RI	98%	99%	101%	97%	103%	90%	99%	98%	101%	104%	104%
CT	111%	108%	106%	108%	177%	153%	150%	116%	145%	92%	109%
NY	98%	98%	105%	111%	120%	106%	103%	102%	120%	112%	118%
NJ	106%	97%	109%	99%	102%	96%	91%	95%	109%	98%	91%
DE	101%	72%	57%	98%	98%	66%	85%	91%	97%	130%	91%
MD	97%	91%	90%	97%	95%	65%	72%	68%	85%	63%	70%
VA	95%	102%	87%	86%	92%	47%	40%	51%	76%	44%	46%
NC	99%	76%	86%	82%	72%	35%	30%	19%	15%	37%	42%
Overall Utilization	101%	94%	94%	95%	99%	75%	74%	80%	94%	84%	81%
Landings (lbs)	2,242,277	2,534,988	3,878,957	3,336,459	3,473,882	4,173,160	4,498,156	5,146,594	4,491,389	5,059,650	4,857,201
Quota (lbs)	2,212,923	2,702,867	4,120,400	3,520,000	3,520,000	5,580,000	6,090,000	6,470,000	4,800,000	6,000,000	6,000,000

Table 4. Utilization of quota in pounds (not considering any transfers) by year and state between 2015-2025. Green (negative) values denote the amount of underage in pounds of that state's quota, positive values denote overages in pounds. Overall percent utilization by year is also provided, as well as the total landings (pounds) and the quota (pounds) by state. Addendum XXXIII was implemented beginning in 2022.

State	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ME	-11,065	-13,514	-20,602	-17,600	-17,600	-27,900	-30,450	-25,880	-19,199	-24,000	-19,050
NH	-11,065	-13,514	-20,602	-17,600	-17,599	-27,897	-30,450	-25,880	-19,200	-24,000	-19,050
MA	60,140	2,658	6,280	23,546	73,170	-2,972	-29,866	-82,874	72,031	20,068	44,478
RI	-4,775	-2,972	4,887	-12,563	10,702	-60,051	-9,867	-20,879	7,178	32,001	26,754
CT	2,462	2,207	2,616	2,712	27,061	29,813	30,298	38,279	78,981	-17,112	16,089
NY	-3,496	-4,672	13,051	27,714	49,933	24,417	12,820	14,830	91,935	73,340	92,120
NJ	25,663	-14,926	74,585	-3,870	15,544	-39,407	-105,553	-58,258	88,349	-20,189	-104,830
DE	862	-38,349	-88,568	-3,820	-3,262	-96,185	-45,425	-22,559	-6,306	74,540	-24,749
MD	-7,239	-25,803	-43,650	-13,209	-17,693	-216,597	-187,617	-179,196	-64,271	-191,631	-182,709
VA	-20,252	12,918	-105,054	-97,634	-58,183	-594,108	-726,399	-505,021	-180,880	-531,971	-612,664
NC	-1,884	-71,910	-64,386	-71,217	-108,192	-395,953	-469,335	-455,967	-357,228	-331,398	-359,188
Overall Utilization	101%	94%	94%	95%	99%	75%	74%	80%	94%	84%	81%
Landings (lbs)	2,242,277	2,534,988	3,878,957	3,336,459	3,473,882	4,173,160	4,498,156	5,146,594	4,491,389	5,059,650	4,857,201
Quota (lbs)	2,212,923	2,702,867	4,120,400	3,520,000	3,520,000	5,580,000	6,090,000	6,470,000	4,800,000	6,000,000	6,000,000

Table 5. Number of quota transfers by year, broken down by those which were safe harbor transfers and those which were requested for any reason other than as a safe harbor transfer.

Reason for Transfer	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
Safe harbor	2	4	6	3	6	2	1	1	4	2	0	31
Non-safe harbor transfers	0	0	2	0	6	4	5	6	9	8	5	45
Total	**2**	**4**	**8**	**3**	**12**	**6**	**6**	**7**	**13**	**10**	**5**	**76**

Table 6. Amount of quota in pounds donated by state and year, excluding safe harbor transfers, between 2015-2025. Rhode Island, Connecticut, New York, New Jersey, and Maryland did not donate any quota during this period.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ME			-18,100		-17,599	-20,000	-29,000	-23,000	-19,100	-20,000	
NH					-16,000	-25,000	-25,000	-25,000	-19,200	-23,000	-15,000
MA								-50,000			
RI											
CT											
NY											
NJ											
DE			-50,000								
MD											
VA					-10,000					-10,000	
NC					-90,000				-345,000	-100,000	-225,000
Total	0	0	-68,100	0	-133,599	-45,000	-54,000	-98,000	-383,300	-153,000	-240,000

Table 7. Amount of quota in pounds received by state and year, excluding safe harbor transfers, between 2015-2025. Maine, New Hampshire, Delaware, Maryland, Virginia, and North Carolina did not receive any donated quota during this period.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ME											
NH											
MA					75,000	15,000			75,000		50,000
RI			18,100		8,800		7,000	25,000	29,300	28,000	50,000
CT					24,799	30,000	47,000	73,000	84,000	25,000	15,000
NY					15,000				75,000	125,000	125,000
NJ			50,000		10,000				120,000		
DE											
MD											
VA											
NC											
Total	0	0	68,100	0	133,599	45,000	54,000	98,000	383,300	153,000	240,000

Table 8. Percent utilization factoring in all quota transfers by state and year, 2015-2025. Red boxes denote when less than 50% of a state's quota for that year was utilized. Yellow boxes denote when greater than 50% but less than 90% of quota was utilized. Addendum XXXIII was implemented beginning in 2022.

State	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
ME	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%
NH	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%
MA	121%	101%	101%	105%	100%	97%	96%	97%	100%	102%	99%
RI	98%	99%	95%	97%	98%	90%	97%	95%	100%	100%	97%
CT	111%	108%	106%	108%	104%	100%	85%	89%	98%	88%	101%
NY	98%	98%	104%	110%	113%	106%	103%	102%	99%	96%	95%
NJ	106%	95%	103%	99%	101%	96%	91%	95%	96%	98%	91%
DE	101%	72%	75%	98%	98%	66%	85%	91%	97%	130%	91%
MD	97%	96%	90%	97%	96%	65%	72%	68%	93%	63%	70%
VA	95%	102%	88%	86%	93%	47%	40%	51%	73%	45%	46%
NC**	99%	76%	86%	82%	97%	36%	30%	19%	86%	46%	66%

Figures

Figure 1. Percent utilization of quota by year (2015-2025) for each state, not considering quota transfers. North Carolina is North of Cape Hatteras.

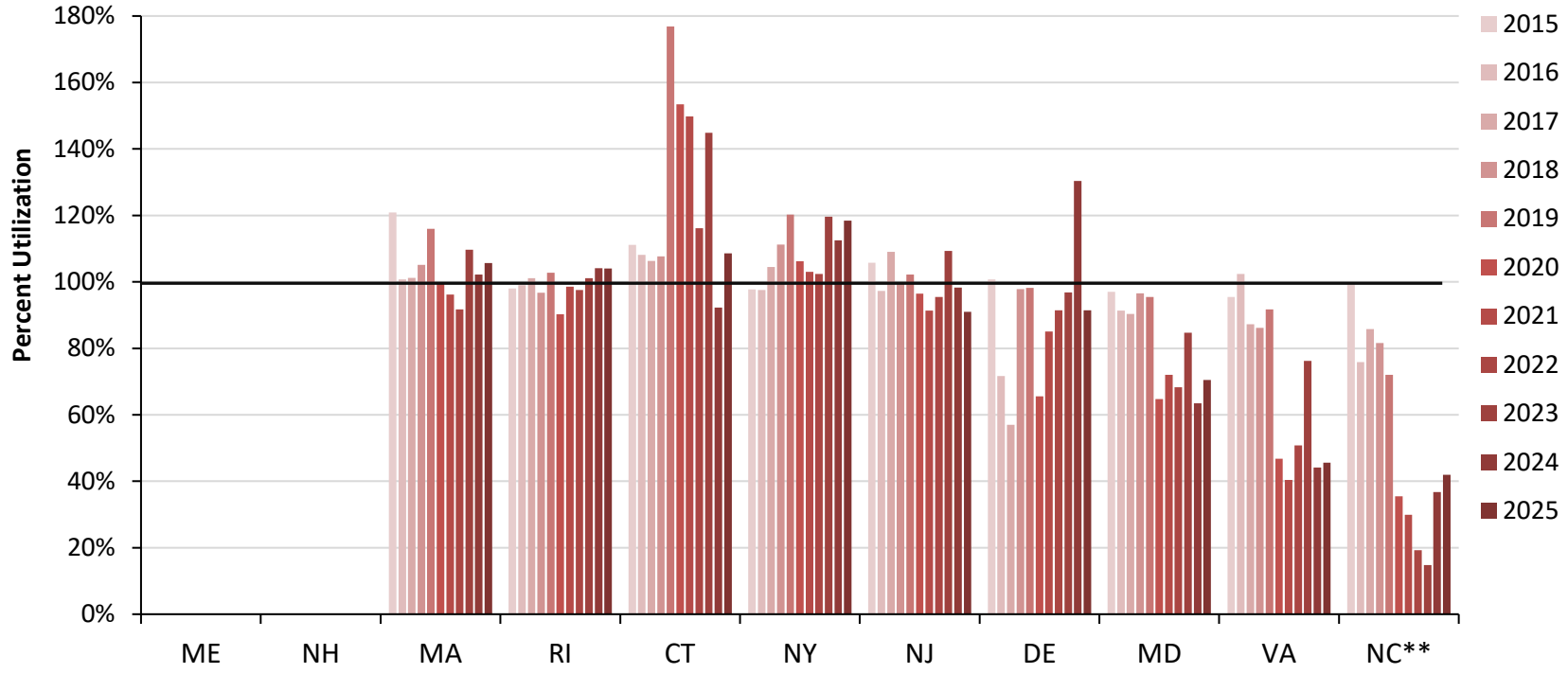
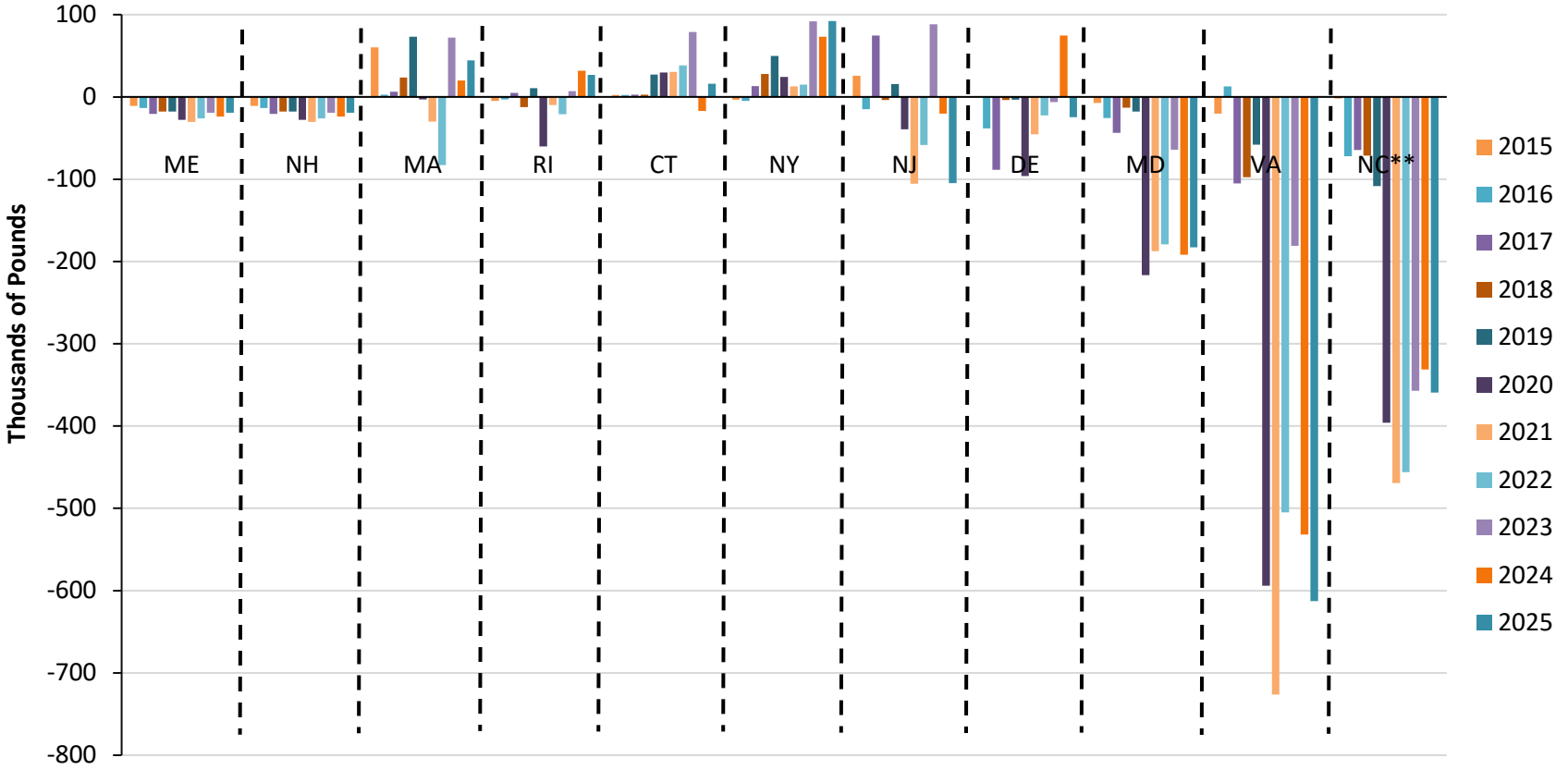


Figure 2. Overages (positive values) and underages (negative values) in thousands of pounds by year (2015-2025) for each state, not considering quota transfers. North Carolina is North of Cape Hatteras.



<u>Appendix 1</u>: Black sea bass commercial fishing regulations by state (ME-NC north of Cape Hatteras) in 2025, as reported in the compliance reports for Fishing Year 2025.

Maine

- 13-inch minimum size
- 50 lbs/day possession limit

New Hampshire

- 11-inch minimum size
- No possession limit

Massachusetts

- 12-inch minimum size

Fishery	Season	Open Days	Trip Limit
Winter – All Gears	Jan 1 – Mar 31	Sun – Sat	100 lbs
Weir	Apr 1 – Quota	Sun – Sat	No limit (24,000 lbs quota)
Trawl	Apr 23 – Quota	Sun – Sat	100 lbs
Fish Pot	Jul 1 – Sep 14/Quota	Sun – Thu	500 lbs
Fish Pot	Sep 15 – Quota[2]	Sun – Sat	600 lbs if ≥ 15% quota remains; otherwise 500 lb[1]
Hooks / Other	Jul 1 – Sep 14/Quota	Sun – Thu	250 lbs
Hooks / Other	Sep 15 – Quota[2]	Sun – Sat	300 lbs if ≥ 15% quota remains; otherwise 250 lb[1]

[1] In 2025, limits increased to 600 lbs for pot fishers and 300 lbs for hook/other fishers on September 15 because >15% of the quota remained.

[2] In 2025, the quota closure was effective October 21.

Rhode Island

- 11-inch minimum size

Season	Allocation	Possession limit
Jan 1 - Apr 30	15% of the quota	500 lbs per person and per vessel per week
May 1 - Jun 30	30% of the quota	100 lbs per person and per vessel per day
Jul 1 - Aug 15	22% of the quota	100 lbs per person and per vessel per day
Aug 16 - Sept 15	10% of the quota	100 lbs per person and per vessel per day
Sept 16 - Oct 15	10% of the quota	100 lbs per person and per vessel per day
Oct 16 - Dec 31	13% of the quota	100 lbs person and per vessel per day

Connecticut

- 11-inch minimum size

Effective Date	Trip limit
1/1/2025	1,250 lbs bi-weekly, 60 lbs by lobster pot
5/1/2025	225 lbs, 60 lbs by lobster pot
7/13/2025	300 lbs, 60 lbs by lobster pot
8/24/2025	500 lbs, 60 lbs by lobster pot
10/12/2025	1,500 lbs, 60 lbs by lobster pot
11/16/2025	3,000 lbs, 60 lbs by lobster pot
12/7/2025	5,000 lbs, 60 lbs by lobster pot

New York

- 11-inch minimum size

Period	Dates	% Distribution	Trip limits (lbs)
1	Jan 1 – Apr 30	10%	130 daily / 800 bi-weekly
2	May 15 – Jun 30	40%	180 daily
3	Jul 1 – Aug 31	25%	180 daily
4	Sep 1 – Oct 31	20%	180 daily
5	Nov 1 – Dec 31	5%	180 daily

New Jersey

- 11-inch minimum size

Period	Season	% Distribution	2025 Weekly Trip Limits	2025 Trip Limit Mods
1	Jan 1- Feb 28	21.96%	500 lbs x4 or 1,000 lbs x2 or 2,000 lbs x1	
2	Mar 1- Apr 30	20.9%	500 lbs x4 or 1,000 lbs x2 or 2,000 lbs x1	
3	May 1- Jun 30	16.53%	1,000 lbs x6 or 2,000 lbs x3 or 3,000 lbs x2	
4	Jul 1- Aug 31	9.1%	1,000 lbs x6 or 2,000 lbs x3	
5	Sept 1- Oct 31	13.53%	1,000 lbs x6 or 2,000 lbs x3 or 3,000 lbs x2	
6	Nov 1- Dec 31	17.97%	750 lbs x4 or 1,500 lbs x2 or 3,000 lbs x1	1,500 lbs x4 or 2,000 lbs x3 or 3,000 lbs x2

Delaware

- 11-inch minimum size
- Managed using individual fishing quotas
    - 96% of quota allocated to the black sea bass pot fishery and 4% allocated to the commercial hook-and-line fishery

    - Black sea bass landing permit holders assigned an equal share of the allocation for their particular fishery
    - Individual shares of pot fishery are transferable to other participants, with a maximum of 1 transfer per year per person allowed

Maryland

- 11-inch minimum size
- Managed using individual fishing quotas
    - Quota reallocated equitably among black sea bass landing permit holders based on proportion of the total black sea bass harvest allocated to the permit holder in the previous year
    - Permit holders may annually transfer up to 100% of their individual quota to another permittee; however, no individual can hold more than 20% of total fishery allocation
- Without a black sea bass landing permit, may not catch, possess, or land more than 50 lbs/day

Virginia

- 11-inch minimum size
- Commercial black sea bass bycatch fishery allocated 40,000 lbs of annual quota each calendar year
- Remaining quota managed using individual fishing quotas
    - A black sea bass directed fishery permit holder's ITQ=their percentage of the total landings of black sea bass in Virginia from July 1, 1997-December 31, 2001, multiplied by the commercial black sea bass directed fishery quota for the current calendar year
    - Transfers of a permit holder's ITQ allowed, any transfer must be greater than 200 lbs. No permit holder may hold more than 20% of the annual directed fishery quota.

North Carolina

- 11-inch minimum size
- 2025 harvest limits by fishery and season:
    - Trawl fishery:
        - 7,500 lbs per trip: January 1 to April 25
        - 5,000 lbs per trip: April 26 to October 31
        - 7,000 lbs per trip: November 1 to December 31
    - Fish pot and hook and line fisheries:
        - 3,000 lbs per trip: January 1 to December 4
        - 4,500 lbs per trip: December 5 to December 31
    - All other fisheries:
        - 100 lbs per trip: January 1 to December 31

<u>Appendix 2</u>: Complete list of quota transfers between 2015-2025. Reasons provided in quota transfer request letters, if a transfer was not for safe harbor, included to maintain an active fishery in that respective year, prevent mid-season closures, and prevent overages.

Quota Year	Date Approved	State From	State To	Amount (lbs)	Other
2015	2/4/2015	NC	NJ	342	safe harbor
2015	2/13/2015	NC	VA	167	safe harbor
2016	2/5/2016	NC	RI	238	safe harbor
2016	2/5/2016	NC	VA	1,540	safe harbor
2016	2/26/2016	MD	NJ	14,005	safe harbor
2016	3/8/2016	NC	NJ	45	safe harbor
2017	2/3/2017	NC	VA	115	safe harbor
2017	8/11/2017	NJ	NY	927	safe harbor
2017	9/26/2017	NJ	RI	1,239	safe harbor
2017	11/9/2017	VA	RI	9,335	safe harbor
2017	12/7/2017	ME	RI	18,100	
2017	12/22/2017	VA	MA	330	safe harbor
2017	12/22/2017	DE	NJ	50,000	
2017	1/3/2018	NC	VA	14,797	safe harbor
2018	2/27/2018	NC	MA	45	safe harbor
2018	10/16/2018	NC	NY	2,272	safe harbor
2018	1/7/2019	NC	VA	1,115	safe harbor
2019	5/8/2019	NC	VA	6,512	safe harbor
2019	8/22/2019	NH	CT	16,000	
2019	9/5/2019	ME	RI	8,800	
2019	9/5/2019	ME	CT	8,799	
2019	9/20/2019	NC	RI	7,094	safe harbor
2019	10/8/2019	NC	VA	297	safe harbor
2019	10/24/2019	NC	NY	15,000	
2019	10/25/2019	MD	NJ	1,870	safe harbor
2019	12/12/2019	VA	NC	7,030	safe harbor
2019	12/18/2019	NC	VA	2,971	safe harbor
2019	1/14/2020	VA	NJ	10,000	
2019	1/27/2020	NC	MA	75,000	
2020	2/11/2020	NC	VA	839	safe harbor
2020	6/2/2020	NC	MA	3,165	safe harbor
2020	6/29/2020	ME	CT	15,000	
2020	6/30/2020	NH	CT	15,000	
2020	11/2/2020	NH	MA	10,000	
2020	11/3/2020	ME	MA	5,000	
2021	5/10/2021	NH	CT	15,000	
2021	5/10/2021	ME	CT	15,000	
2021	8/1/2021	ME	CT	7,000	

Quota Year	Date Approved	State From	State To	Amount (lbs)	Other
2021	8/18/2021	ME	RI	7,000	
2021	9/21/2021	NH	CT	10,000	
2021	11/8/2021	VA	RI	790	safe harbor
2022	5/9/2022	ME	CT	15,000	
2022	5/11/2022	NH	CT	15,000	
2022	8/5/2022	NC	VA	5,000	safe harbor
2022	11/16/2022	MA	CT	25,000	
2022	11/16/2022	MA	RI	25,000	
2022	12/15/2022	NH	CT	10,000	
2022	12/15/2022	ME	CT	8,000	
2023	2/15/2023	VA	NJ	8,607	safe harbor
2023	5/15/2023	MD	VA	37,985	safe harbor
2023	6/14/2023	ME	CT	10,000	
2023	6/14/2023	NH	CT	16,000	
2023	6/26/2023	NC	RI	1,720	safe harbor
2023	7/26/2023	ME	CT	8,000	
2023	7/26/2023	NC	CT	50,000	
2023	7/31/2023	NC	NY	25,000	
2023	11/7/2023	ME	RI	1,100	
2023	11/7/2023	NH	RI	3,200	
2023	11/28/2023	NC	NY	50,000	
2023	12/5/2023	NC	VA	522	safe harbor
2023	12/8/2023	NC	NJ	120,000	
2023	1/11/2024	NC	NY	25,000	
2023	1/17/2024	NC	MA	75,000	
2024	3/14/2024	NH	CT	15,000	
2024	3/14/2024	ME	CT	10,000	
2024	5/14/2024	NC	NJ	3,920	safe harbor
2024	8/29/2024	NC	RI	29	safe harbor
2024	9/9/2024	NC	NY	100,000	
2024	11/8/2024	ME	RI	10,000	
2024	11/12/2024	NH	RI	8,000	
2024	11/12/2024	VA	RI	10,000	
2025	5/14/2025	NH	CT	15,000	
2025	5/16/2025	NC	MA	50,000	
2025	5/16/2025	NC	RI	50,000	
2025	5/16/2025	NC	NY	50,000	
2025	12/5/2025	NC	NY	75,000	