

Summer Flounder, Scup, and Black Sea Bass Charter/Party and Recreational Information Sheet

NOAA FISHERIES SERVICE

This summary provides a broad overview of restrictions and requirements; the regulations summarized here may be found at 50 CFR part 648. Please contact the Sustainable Fisheries Division at (978) 281-9315 for more information.

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Summer flounder, scup, and black sea bass are among the most popular recreationally caught fish along the Atlantic coast. Each year, recreational harvest limits are established for each of these fisheries. The recreational fisheries for these species are managed using seasons, bag limits, and minimum fish sizes. Summer flounder, scup, and black sea bass are managed jointly by NOAA's National Marine Fisheries Service (NMFS), the Mid-Atlantic Fishery Management Council, and the Atlantic States Marine Fisheries Commission.

What Federal permits are required for charter/party vessels?

There are two types of summer flounder, scup, and black sea bass vessel permits—one for vessels for hire (charter/party permit) and one for commercial fishing vessels (moratorium permit). The operator of any vessel issued one of the permits described below must possess a valid vessel operator's permit.

- **Charter/Party Permit** – You must have a summer flounder, scup, or black sea bass permit for the respective fishery if carrying passengers for hire. Fish retained while operating under a charter/party permit may not be sold.
- **Moratorium Permit** – You must have a summer flounder, scup, or black sea bass moratorium permit to retain any amount of summer flounder, scup, or black sea bass for sale.

A vessel owner with both a moratorium permit and a charter/party permit may not fish under the terms of both permits at the same time. The owner, operator, and crew of a charter/party vessel issued a summer flounder, scup, or black sea bass moratorium permit in addition to a charter/party permit for the respective fishery may not possess more than the recreational possession limit for the respective fishery when carrying passengers for hire or if the crew size exceeds five for a party boat or three for a charter vessel. A commercial vessel that does not have a summer flounder, scup, or black sea bass moratorium permit may retain only the recreational possession limit for the respective fishery, and may not sell any of the summer flounder, scup, or black sea bass caught on that trip.

What is the minimum fish size?

The minimum fish size is measured as the total length of the fish. The total length is the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its size (see Figure 1 on page 2). For black sea bass, the total length measurement does not include the filament/tail extension. Retention of undersized fish for any purpose (e.g., for bait) is prohibited. A charter/party vessel may possess summer flounder or black sea bass filets smaller than the minimum size specified if it possesses a valid state permit and all state requirements are met.

What happens when the state and Federal regulations are different?

Federal regulations apply to the Exclusive Economic Zone (EEZ), north of the latitude of the North

Carolina/South Carolina border for summer flounder, and north of 35° 15.3' North latitude (Cape Hatteras) for scup and black sea bass.

When state recreational measures for scup and black sea bass differ from Federal regulations, a federally permitted charter/party vessel is required to abide by the more restrictive state or Federal measure. For example, if the Federal possession limit is 20 fish and a state has adopted a possession limit of 30 fish, a federally permitted charter/party vessel is required to abide by the 20-fish per person possession limit when landing recreationally caught fish in that state. For summer flounder, see the Summer Flounder Conservation Equivalency summary.

What is the Summer Flounder Conservation Equivalency?

Conservation equivalency allows each state to establish its own recreational management measures (possession limits, minimum fish size, and fishing seasons), as long as the combined effect of all of the states' management measures achieves the same level of conservation as would Federal coastwide measures. Each year, following confirmation that the proposed state measures would

achieve conservation equivalency, NMFS may waive the permit condition that requires a federally permitted vessel to comply with the more restrictive management measures when state and Federal measures differ. A federally permitted charter/party vessel or recreational vessel fishing for summer flounder in the EEZ would then be subject to the recreational fishing measures implemented by the state in which it lands summer flounder, rather than the Federal coastwide measures.

If NMFS determines that the combined state measures do not achieve conservation equivalency, then default coastwide measures go into effect. The default coastwide measures for summer flounder consist of a 20-in minimum fish size, and a possession limit of two fish from May 1-September 30. Conservation equivalency was approved for 2012.

Can you transfer fish at sea?

No. All persons aboard charter/party vessels are prohibited from transferring, or attempting to transfer, summer flounder, scup, and black sea bass from one vessel to another vessel while at sea.

2012 Federal Scup and Black Sea Bass Recreational Management Measures

Species	Minimum Size (inches)	Possession Limit (number of fish)	Open Season
Scup	10.5	20	All year
Black Sea Bass	12.5	15	January 1-End of February
		25	May 19-October 14, November 1-December 31

Reminder: If state regulations differ, you must follow the most restrictive regulations.

2012 State and Federal Recreational Management Measures for Summer Flounder

State of Landing	Minimum Size (inches)	Possession Limit (number of fish)	Open Season
Massachusetts	16.5	5	May 22-September 30
Rhode Island	18.5	8	May 1-December 31
Connecticut*	18	5	May 15-October 31
New York	19.5	4	May 1-September 30
New Jersey	17.5	5	May 5-September 28
Delaware	18	4	January 1-October 23
Maryland	17	3	April 14-December 16
Virginia	16.5	4	All year
North Carolina	15	6	All year

*At 44 designated shore sites in CT, anglers may keep 5 fish at 16.0 inches, May 1-September 30.

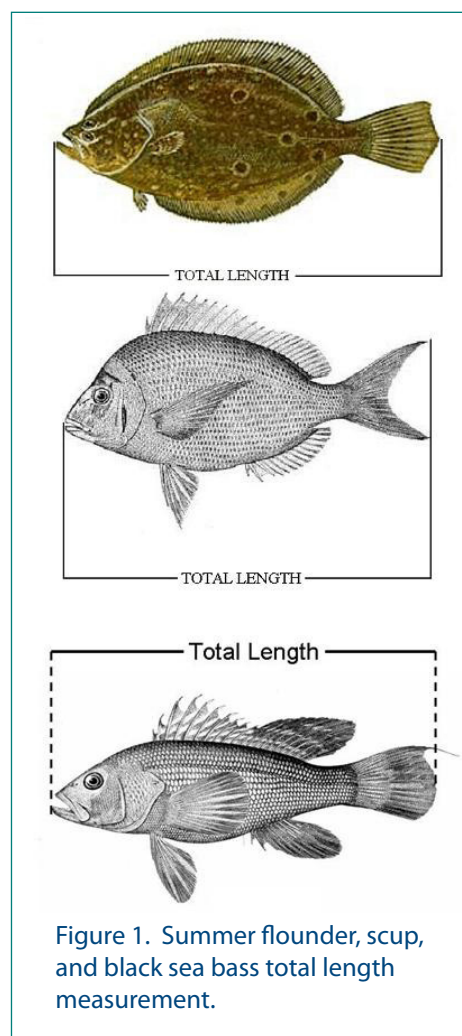


Figure 1. Summer flounder, scup, and black sea bass total length measurement.