

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.

Updated September 20, 2012

Commercial Summer Flounder Information Sheet

The summer flounder fishery in the U.S. operates from Maine to the North Carolina/South Carolina border. Summer flounder is one of the most sought-after commercial and recreational fish along the Atlantic coast. The fishing year is from January 1 through December 31. Summer flounder are managed by the Mid-Atlantic Fishery Management Council, NOAA's National Marine Fisheries Service (NMFS), and the Atlantic States Marine Fisheries Commission. Individual states may set different regulations for the commercial summer flounder fishery than those in place for Federal waters. Information on the summer flounder recreational fishery can be found on a separate information sheet.

What Federal permits are available for summer flounder?

There are two categories of summer flounder vessel permits:

- **Moratorium Permit** – you must have this permit to sell any amount of summer flounder; and
- **Charter/Party Permit** – you must have this permit if carrying passengers for hire (see the Summer Flounder, Scup, and Black Sea Bass Charter/Party and Recreational Information Sheet).

You do not need a moratorium permit if you do not sell summer flounder and you adhere to the established recreational possession limits. If you have both a summer flounder moratorium permit and a charter/party permit, you may not fish under the terms of both permits at the same time. That is, you may not carry passengers for hire and sell summer flounder on the same trip.

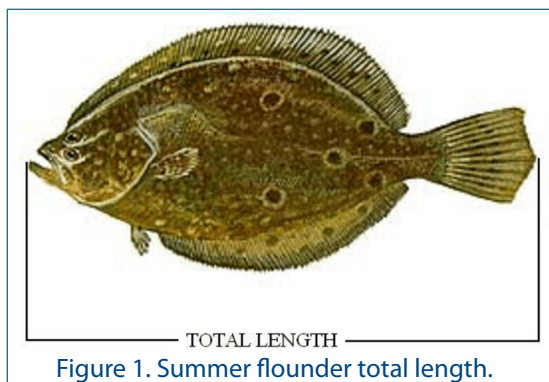


Figure 1. Summer flounder total length.

What is the minimum fish size?

For summer flounder moratorium permit holders, the minimum size is 14 inches total length. 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 side (Figure 1).

What is the possession limit?

Possession of more than the recreational possession limit is only allowed for vessels that have a summer flounder moratorium permit. Only vessels with a summer flounder moratorium permit are allowed to sell summer flounder. Also, see the gear requirements for otter trawls below.

How is the commercial quota determined and monitored?

An annual commercial quota is established by NMFS based on the recommendations of the Mid-Atlantic Fishery Management Council. The total quota is then allocated to each of the 11 coastal states from Maine to North Carolina, based upon fixed percentages. All summer flounder landed in a state are applied against that state's annual commercial quota, regardless of where the summer flounder were harvested. Up to 3 percent of the quota may be set aside for research purposes.

NMFS monitors the state quotas and closes a state to landings of summer flounder when we determine that the state's quota will be fully harvested. NMFS closes Federal waters to commercial summer flounder fishing when all the states are closed. Current quotas and weekly landings reports are available at: www.nero.noaa.gov/ro/fos/reports/reports_frame.htm.

What are the gear requirements?

Otter trawl vessels whose owners are issued a summer flounder moratorium permit and land at least 100 lb of summer flounder per trip from May 1 to October 31, or land at least 200 lb of summer flounder per trip from November 1 to April 30, must use a minimum mesh size of 5.5-inch diamond mesh or 6-inch square mesh applied throughout the net body, extension(s), and codend. Vessels not fishing under the above mesh requirements may retain no more than 100 lb per trip from May 1 through October 31, and no more than 200 lb per trip from November 1 through April 30.

Exemptions From Gear Restrictions

The minimum mesh-size requirements specified above do not apply to:

- Vessels that have a moratorium permit and are fishing from November 1 through April 30 in the exemption area. The exemption area is east of the line that follows 72° 30.0' W longitude until it intersects the outer boundary of the Exclusive Economic Zone (Figure 2). Participation requires a summer flounder small-mesh exemption area letter of authorization (LOA), which may be obtained by contacting the Northeast Region Permit Office at (978) 281-9370.

- Vessels fishing with a two-seam otter trawl fly net with the following configuration, provided that no other nets or netting with mesh smaller than 5.5 inches are on board:
 - Large mesh in the wings that measure 8 to 64 inches;
 - The belly of the net has 35 or more meshes that are at least 8 inches; and
 - The mesh decreases in size throughout the body of the net to 2 inches or smaller.

Turtle Excluder Device (TED)

Summer flounder trawl vessels fishing within the Summer Flounder Fishery-Sea Turtle Protection Area are required to use a TED as detailed at 50 CFR part 223. Vessels fishing north of Oregon Inlet, NC (35° 46.1' N. latitude), are exempted from this requirement from January 15 through March 15 (Figure 2).

What are the reporting requirements?

You need to maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). Instructions for completing the VTR can be found at: www.nero.noaa.gov/ro/fso/vtr.htm. VTRs must be received by NMFS or postmarked within 15 days after the end of the reporting month. Copies of VTRs must be retained on board the vessel for 1 year after the date of the last entry on the log.

If no fishing activity took place during a fishing month, then a VTR must be submitted stating that no fishing trips were taken (referred to as a 'Did Not Fish' (DNF) VTR). DNF VTRs may be submitted electronically up to 3 months in advance on the "Fish-On-Line" website at: www.nero.noaa.gov/MNFSlogin/login/login.

If a party or charter boat owner is issued only a summer flounder charter/party permit, and is carrying passengers for hire, then he/she must complete a VTR for each trip on which summer flounder are landed.

Any change in the permit information such as vessel name, vessel owner, address, etc., must be submitted in writing to NMFS within 15 days of the change, or the permit is void.

All federally permitted seafood dealers are required to submit trip level reports to NMFS via computer, using one of the approved electronic means, unless otherwise directed by the Regional Administrator. For more information on dealer reporting, please call the dealer electronic reporting help desk at (978) 281-9212 or contact your local NMFS Field Office: www.nero.noaa.gov/ro/fso/portoff.pdf.

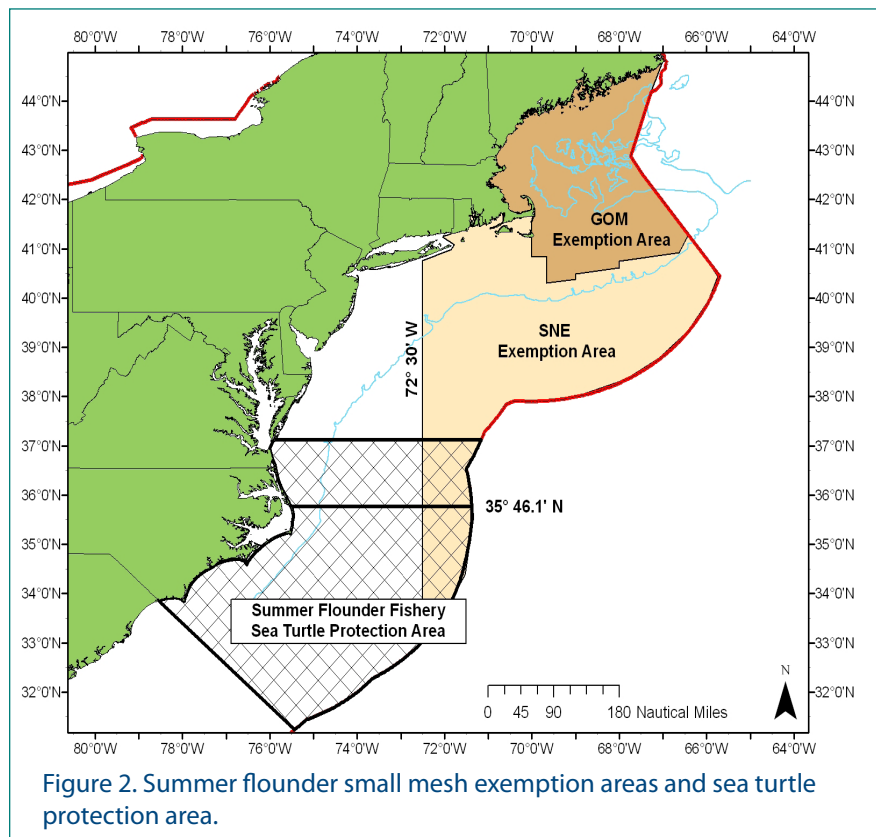


Figure 2. Summer flounder small mesh exemption areas and sea turtle protection area.

Can I transfer summer flounder at sea?

No. No one may transfer, or attempt to transfer, summer flounder from one vessel to another vessel while at sea.

How can I get a summer flounder moratorium permit?

The commercial summer flounder sector operates on a limited entry system. Therefore, to be eligible for a moratorium

permit for summer flounder, a vessel must have been issued a moratorium permit in the previous year, or be replacing a vessel that was issued a moratorium permit for the previous year. No one may apply for a summer flounder moratorium permit for a vessel after the owner retires the vessel from the fishery. All moratorium permits must be issued on an annual basis by the last day of the fishing year for which the permit is required, unless a Confirmation of Permit History has been issued. Failure to renew a moratorium permit in any fishing year bars the renewal of the permit in future years.