

Commercial Summer Flounder Fishery; Summary of Regulations:



The following is a summary of the regulations that apply to the Exclusive Economic Zone (EEZ), north of the latitude of the North Carolina/South Carolina border, and is not a substitute for the actual regulations:

PERMITS:

Any vessel that fishes for summer flounder in the EEZ (Federal waters) must have a valid summer flounder permit, except for recreational vessels or commercial vessels possessing eight (8) or less summer flounder. There are two types of summer flounder vessel permits:

- C **Charter and Party Permit:** All charter and party vessels must have this summer flounder permit if carrying passengers for hire.
- C **Moratorium Permit:** Vessels must have a summer flounder moratorium permit to retain more than eight (8) summer flounder.

A vessel owner with both a summer flounder moratorium permit and a charter or party permit may not fish under the terms of both permits at the same time.

QUOTA:

An annual commercial quota is established by the Mid-Atlantic Fishery Management Council and 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 three percent of the quota may be set aside for research purposes.

The National Marine Fisheries Service (NOAA Fisheries) monitors the state quotas and closes a state to landing of summer flounder when data indicate that the state's quota will be harvested. NOAA Fisheries closes the EEZ to commercial summer flounder fishing when all the states are closed. Weekly landings reports are available at: www.nero.noaa.gov.

MINIMUM FISH SIZES:

For moratorium permit holders, the minimum size is **14 inches total length**.

For non-moratorium permit holders, the minimum size is **17 inches total length**.

For charter and party vessels, the minimum size is **17 inches total length**.

Notes: 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). A party or charter vessel may possess fillets smaller than the size specified if all state requirements are met.

GEAR RESTRICTIONS:

Otter trawlers whose owners are issued a summer flounder permit and land at least **100 pounds** of summer flounder per trip from **May 1 to October 31**, **or** land at least **200 pounds** of summer flounder per trip from **November 1 to April 30**, must have a minimum mesh size of **5.5-inch diamond mesh or 6.0-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 pounds from May 1 through October 31, and no more than 200 pounds from November 1 through April 30. Summer flounder on board otter trawl vessels must be stored in standard 100-pound totes or fish boxes having an 18.2-gallon liquid capacity (or volume of not more than 2.5 cubic feet).

Exemptions from gear restrictions

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

- C 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 EEZ.
- C Vessels fishing with a two-seam otter trawl fly net with the following configuration:
 - 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.

NET MODIFICATIONS:

No fishing vessel shall use any device on the top of the net except one splitting strap and one bull rope of line not more than 3 inches in diameter, and one rope no greater than 0.75 inches in diameter extending the length of the net from the belly to the codend along the top, bottom, and each side of the net.

MESH OBSTRUCTION OR CONSTRICTION:

A fishing vessel shall not use any method to block meshes of the net or cause the mesh size to decrease to a size smaller than the minimum size established above. The bars entering or exiting the knots may not twist around each other.

NET STOWAGE:

For vessels subject to the minimum mesh size requirements above, any net on board that does **not** meet the above mesh requirements must be stowed properly as follows:

- C Net stowed below the main working deck, with towing wires detached, and the net folded, **or**
- C Net stowed on deck, with towing wires detached, net folded, and fastened to the deck or rail, **or**
- C Net stowed on reel, covered with canvas, with towing wires detached, and codend removed and stored below deck, **or**
- C Another method authorized in writing by the NOAA Fisheries Regional Administrator (RA).

POSSESSION RESTRICTIONS:

No person shall possess more than eight (8) summer flounder from the EEZ unless aboard a vessel issued a moratorium permit, or is issued a summer flounder dealer permit. A commercial vessel that

does not have a moratorium permit may retain only the recreational limit of eight (8) summer flounder. The owner, operator, and crew of a party or charter boat issued a summer flounder moratorium permit in addition to a summer flounder charter/party permit may not possess more than eight (8) summer flounder when carrying passengers for hire, or if the crew size exceeds five for a party boat or three for a charter. Otter trawl vessels: See gear restrictions above for possession limit information.

REPORTING REQUIREMENTS:

The owner or operator of any vessel issued a summer flounder moratorium permit shall maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). In the future these reports may be submitted electronically if authorized by the RA. Instructions for completing the VTR can be found at:
<http://www.nero.noaa.gov/ro/fso/vtr.htm>.

If the owner of a party or charter boat is issued only a summer flounder charter/party permit, and is carrying passengers for hire, then they must complete a VTR for each trip on which they land summer flounder.

Log reports must be received by NOAA Fisheries or postmarked within 15 days after the end of the reporting month. Copies of reports 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.

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

Federally permitted dealers shall report weekly via the interactive voice response (IVR) system to report landings of summer flounder. Instructions for this reporting system can be found at:
<http://www.nero.noaa.gov/ro/fso/quota.htm>.

Note: NOAA Fisheries is expecting to implement a new Dealer Electronic Reporting system on May 1, 2004. The proposed rule for this reporting requirement was published in the Federal Register on January 21, 2004 (69 FR 2870).

REQUIREMENTS FOR SALE/PURCHASE:

Summer flounder may be sold only to persons possessing a valid summer flounder dealer permit. Summer flounder must be purchased only from vessel owners possessing a valid summer flounder moratorium permit.

TRANSFERS AT SEA:

All persons are prohibited from transferring, or attempting to transfer, summer flounder from one vessel to another vessel while at sea.

PERMIT RENEWAL:

To be eligible for a moratorium permit for summer flounder, a vessel must have been issued a moratorium permit in a previous year, or be replacing a vessel that was issued a moratorium permit for a previous year. No one may apply for a summer flounder moratorium permit for a vessel after the owner retires the vessel from the fishery.

REPLACEMENT VESSELS:

To be eligible for a moratorium permit, the replacement vessel must meet the following criteria:

- C The replacement vessel's horsepower may not exceed by more than 20 percent the horsepower of the vessel that was initially issued a moratorium permit as of January 2, 1998;
- C The replacement vessel's length, gross registered tonnage, and net tonnage may not exceed by more than 10 percent the length, gross registered tonnage, and net tonnage of the vessel that was initially issued a moratorium permit as of January 2, 1998;
- C The vessel's size (length, gross registered tonnage, and net tonnage) may be increased (upgraded) through replacement only once. If any one of these specifications is increased, any increase in the other two must be performed at the same time; and
- The vessel's horsepower may be increased (upgraded) through replacement only once.

Note: Size and horsepower increases can be done independently of one another.

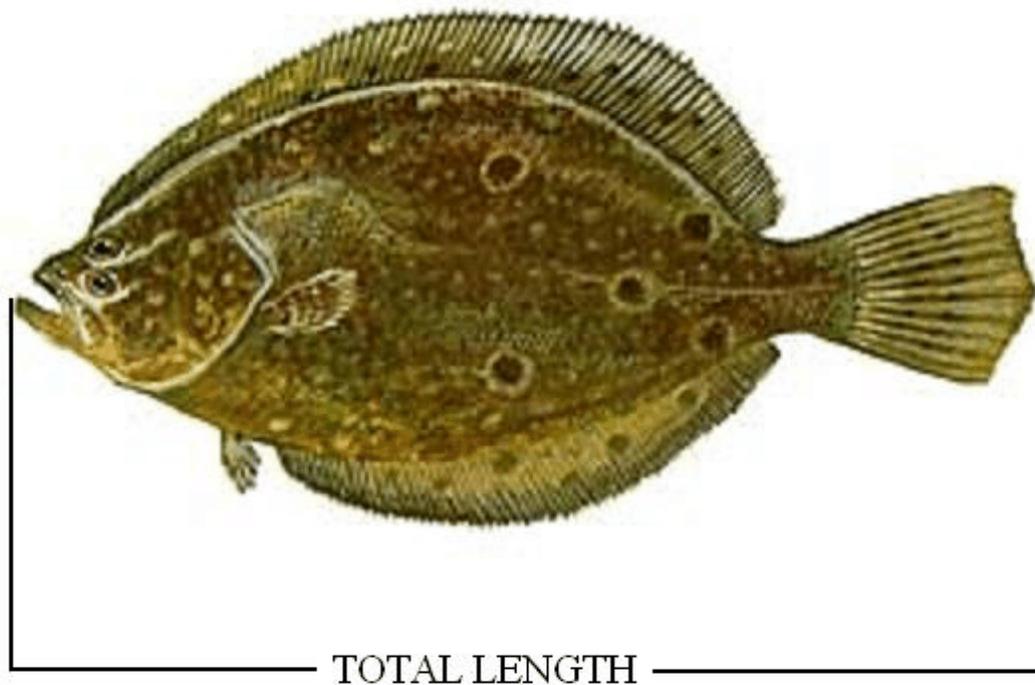


Figure 1. Summer flounder total length.