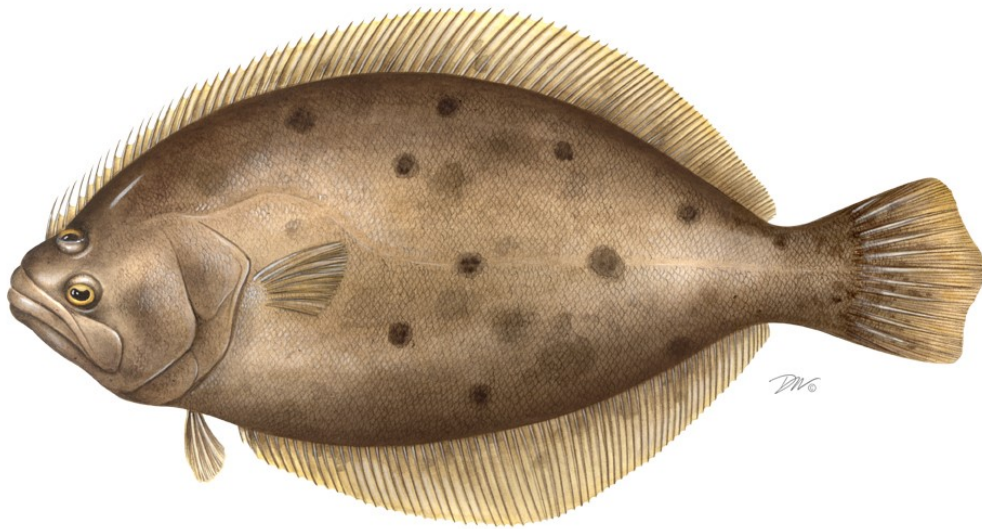


ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR SUMMER FLOUNDER (*Paralichthys dentatus*)

2020 FISHING YEAR



Prepared by the Plan Review Team

Approved August 9, 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Review of the ASMFC Fishery Management Plan for Summer Flounder

I. Status of the Fishery Management Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Status of the Stock

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

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

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

The next management track stock assessment is scheduled for 2023.

III. Status of the Fishery

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

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

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

IV. Status of Research and Monitoring

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

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

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

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

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

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

V. Status of Management Measures and Issues

COMMERCIAL FISHERY

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

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

Minimum size: 14"

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

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

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

2020 Commercial quota: 11.53 million pounds

The following measures are not subject to annual adjustment.

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

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

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

RECREATIONAL FISHERY

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

2020 recreational harvest limit: 7.69 million pounds.

OTHER MEASURES

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

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

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

1993 - 2020 Summer Flounder FMP Compliance Criteria Timeline

COMMERCIAL:

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

RECREATIONAL:

Regional Management Measures under conservation equivalency	2/2017
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GENERAL

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

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

VI. Plan Review Team Comments and Recommendations

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

VII. Research Recommendations

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

VIII. References

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

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

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

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

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

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

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

*2020 Landings are preliminary.

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

Source: 2020 State Compliance Reports.

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

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

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

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

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

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

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

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

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

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

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

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

Table 7. Summer Flounder State-by-State Recreational Management Measures for 2021

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	17	5 fish	May 23-October 9
Rhode Island	19	6 fish	May 3-December 31
7 designated RI shore sites	19	4 fish*	
	17	2 fish*	
Connecticut	19	4 fish	May 4-September 30
41 designated CT shore sites	17		
New York	19	4 fish	May 4-September 30
New Jersey	18	3 fish	May 22-September 19
NJ Pilot shore program 1 site	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16.5	4 fish	All year
Maryland			
PRFC			
Virginia			
North Carolina	15	4 fish	September 1-14

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

Figure 1. Summer Flounder Spawning Stock Biomass and Recruitment

Source: Summer Flounder Management Track Stock Assessment, 2021

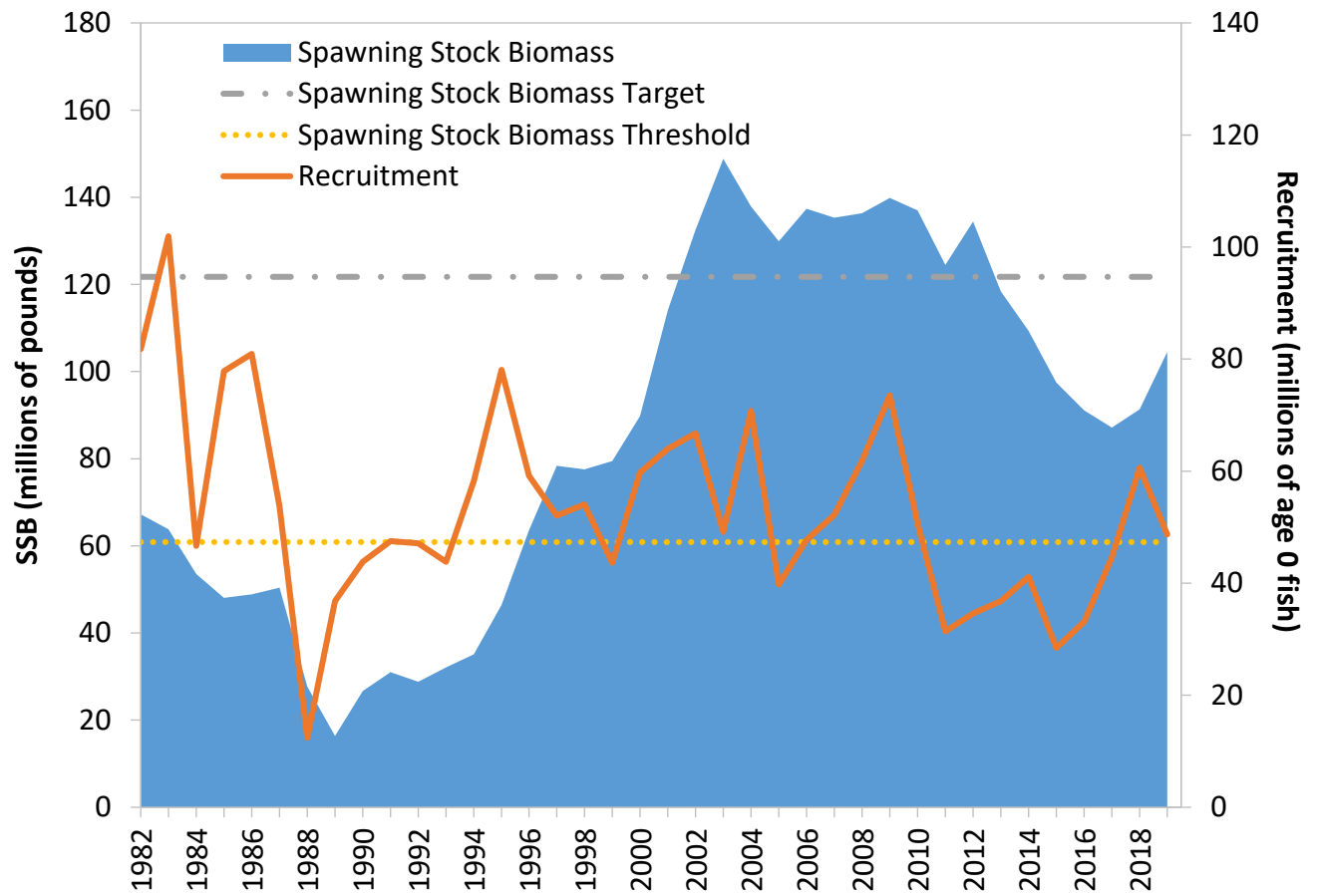


Figure 2. The Percent of Summer Flounder Harvested by Recreational Fishing Mode in Numbers of Fish, Maine through North Carolina, 2011-2020.

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

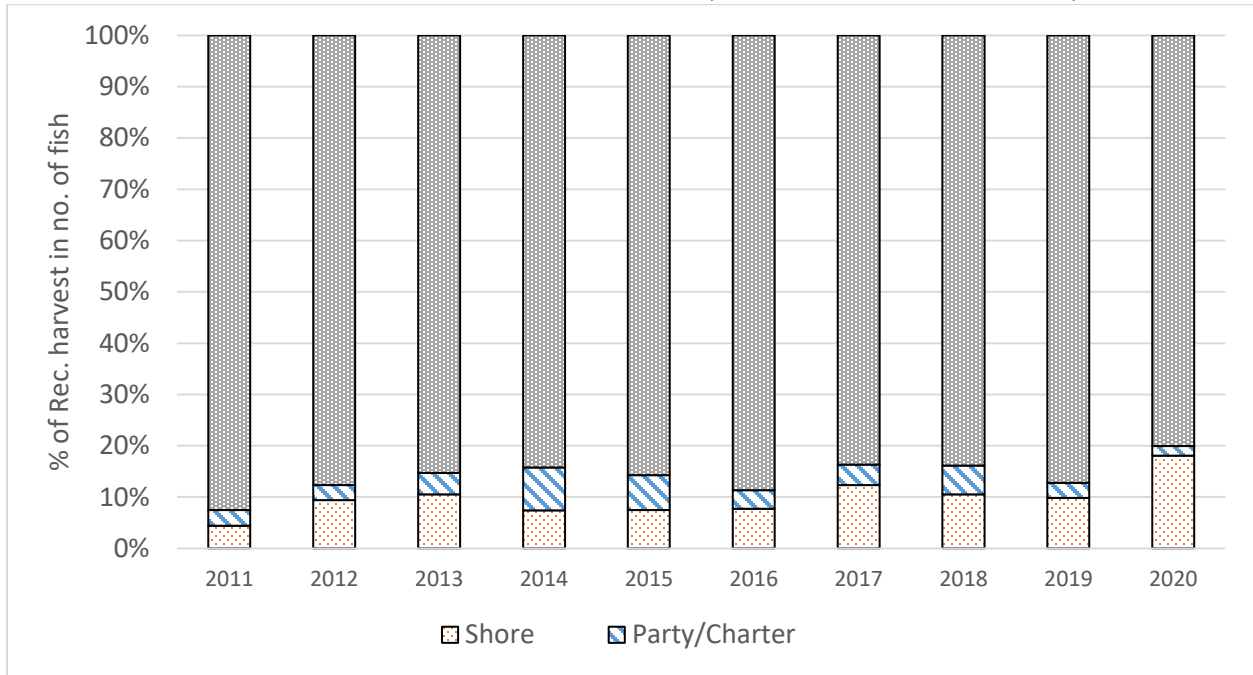


Figure 3. The Percent of Summer Flounder Recreational Landings (numbers of fish) in State vs. Federal Waters, Maine through North Carolina, 2011-2020.

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

