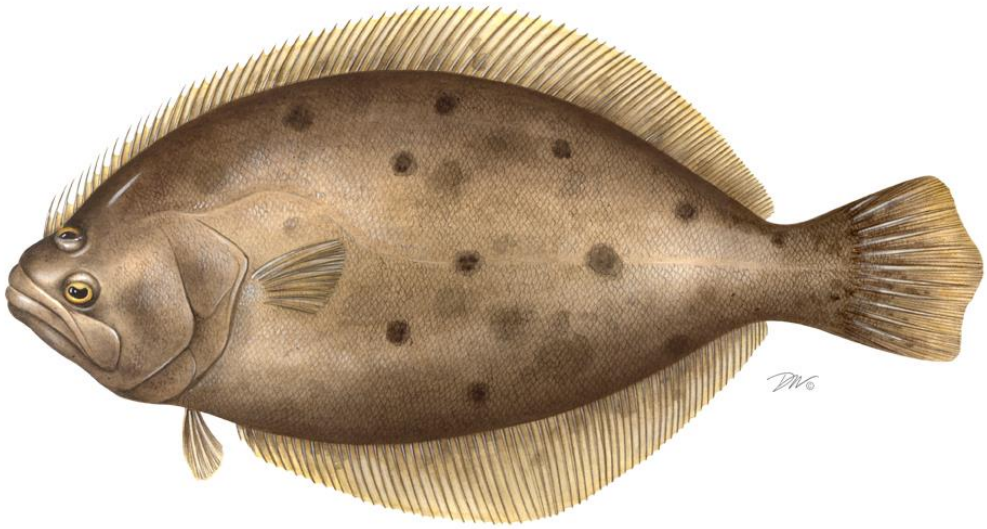
ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR SUMMER FLOUNDER
(Paralichthys dentatus)

2022 FISHING YEAR



Prepared by the Plan Review Team

Approved August 8, 2023

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2022 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 or Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (MAFMC or Council). The original Commission 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-three 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 FMP goals and objectives for summer flounder include:

- 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). A Commission Plan Review Team (PRT), Technical Committee (TC), Plan Development Team/Fishery Management Action Team (PDT/FMAT), Management Board (Board), and Council 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.

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 TC 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 revised the management program's goals and objectives specific to summer flounder and implemented new state-specific commercial allocations. The new state commercial allocations were based upon a 9.55 million pound trigger point. When the annual coastwide commercial quota is at or below 9.55 million pounds state-specific allocation percentages are based on allocations established in Amendment 2[1]. When the annual coastwide quota exceeds 9.55 million pounds, the first 9.55 million pounds is distributed according to the previous 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.

In August 2021, the Board approved Addendum XXXIII and the Council approved Amendment 23 making changes to black sea bass commercial state allocations.

In December 2021, the Board and Council jointly approved changes to the commercial and recreational allocations of summer flounder, scup, and black sea bass. These changes are intended to better reflect the current understanding of the historic proportions of catch and landings from the commercial and recreational sectors. The Board and Council developed this amendment in response to recent changes in how recreational catch is estimated by the Marine Recreational Information Program (MRIP), which resulted in a revised time series of recreational data going back to the 1980s. For summer flounder, the revised catch-based allocations provide a 55% share of the acceptable biological catch to the commercial fishery and a 45% share to the recreational fishery. These new changes took effect January 1, 2023.

In June 2022, the Commission's Interstate Fisheries Management Program Policy Board (Policy Board) and the Council approved Addendum XXXIV and Council Framework 17 which modified the process for setting recreational measures and made minor modifications to the recreational accountability measures. The new process will give greater consideration to stock status when determining whether recreational measures should be restricted, liberalized, or remain unchanged for the upcoming two years (Table 2). The new process for setting recreational management measures began in 2023 and will sunset no later than the end of 2025 with a goal of implementing an improved process by the beginning of 2026.

[1] Amendment 2 established state-specific quota allocations based on 1980-1989 landings. Amendment 4 later revised the quota allocations because the original allocations were calculated based on incomplete historic landings data.

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

II. Status of the Stock

In June 2023, a new summer flounder management track stock assessment was peer reviewed, and the assessment will be reviewed by the Council's Scientific and Statistical Committee (SSC) in July of 2023[2]. The new assessment incorporated data through 2022 and found the stock to be not overfished and overfishing to be occurring. While not used for management in 2022 and 2023, the new assessment will inform summer flounder management in 2024.

The 2021 Summer Flounder Management Track Stock Assessment was the most recent stock assessment information available for management in 2022, informing specifications for the 2022-2023 fishing years and incorporating data through 2019.

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 SSBMSY proxy = SSB35% = 55,217 mt (Figure 1). Fishing mortality on the fully selected age 4 fish was 0.340 in 2019, which was 81% of the updated fishing mortality threshold reference point FMSY proxy = F35% = 0.422.

The average recruitment from 1982 to 2019 was 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 was above average and the largest since 2009, while the 2019 year class was below average at 49 million fish (Figure 1).

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 of 17.26 million pounds in 2005 and 15.89 million pounds in 2011. 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 through 2022 landings increased, largely due to an increase in the commercial quota following the 2018 benchmark stock assessment. Summer flounder commercial landings in 2022 totaled 12.33 million lbs. Table 3 displays state by state commercial landings from 2013-2022. Table 4 displays the 2022 quota, landings, transfers, and overages, which are based on preliminary landings at the time of this report. The Greater Atlantic Regional Fisheries Office (GARFO) address any overages once landings values are validated. States with the largest share of commercial landings in 2022 were New Jersey (19.6%), North Carolina (17.8%), Virginia (17.5%), and Rhode Island (17.0%). The principal gear used in the fishery is the bottom otter trawl.

[2] More information about the 2023 Summer Flounder Management Track Assessment can be found through the Northeast Fishery Science Center's Stock Assessment Support Information query tool: https://apps-nefsc.fisheries.noaa.gov/saw/sasi.php

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 2013 to present reveals an average of 11.17 million pounds with a high of 19.41 million pounds in 2013 and a low of 6.82 million pounds in 2021. Recreational harvest in 2022 represents an increase of 26.7% from the prior year's harvest (Table 5). The total recreational catch (harvest plus live and dead releases) of summer flounder in 2022 was 29.01 million fish, lower than the time series average of 32.23 million fish (Table 6). The assumed discard mortality rate in the recreational fishery is 10%. In 2022, an estimated 72.6% 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 21.9% and 5.5% of the harvest, respectively (Figure 2). In addition, 80.2% of summer flounder harvested by recreational fishermen (in numbers of fish) were caught in state waters and about 19.9% in federal waters (Figure 3).

IV. Status of Research and Monitoring

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).

- 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. 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, the Rhode Island Division of 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. 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 Bay that samples summer flounder, and a nearshore trawl survey from Breezy Point to Block Island Sound in the winter, spring, summer and fall. 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.

- 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 (VMRC) 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 data for the fall aggregate index of abundance for 2022 was not available at the time the compliance report was submitted. Virginia also monitors summer flounder landings from federal waters through the SAFIS reporting system and from state waters through the VMRC Mandatory Harvest Reporting Program, which requires trip level reporting.
- North Carolina annually conducts two otter trawl surveys to sample juvenile fluke in the Pamlico Sound. 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 Developing Issues

Recreational Reform Initiative topics that were agreed upon in December 2022 by the Board and Council for further development include a framework/addenda and amendment, which both began development in 2023.

- The framework/addenda will explore options for a new recreational measure setting process. This new process will serve as a replacement for the Percent Change Approach in Addendum XXXIV after the sunset period, to be in effect for 2026. If the recreational measures setting process is not updated through an addenda/framework or amendment to the Summer Flounder, Scup, and Black Sea Bass and Bluefish FMPs prior to 2026, then the recreational measures setting process will revert back to the processes outlined Addendum XXXII for summer flounder and black sea bass, Addendum XI for scup, and Amendment 1 for bluefish.
- The amendment will consider the following two topics: 1) Options for managing for-hire recreational fisheries separately from other recreational fishing modes (referred to as sector separation), and 2) Options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements.

Updates on ongoing recreational reform work can be found here.

VI. Summer Flounder Compliance Criteria

Commercial Fishery

Management measures imposed upon harvesters of summer flounder include an annual commercial quota, 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 2022, the commercial quota was allocated to each state based on the allocation process outlined in Table 1, and any overages are subtracted from a state's quota for the following year. The state-by-state quota totals for 2022 are included in Table 1 and Table 4.

The following measures may change annually. The 2022 measures are indicated.

Minimum size: 14"

Minimum mesh and threshold:
Mesh: 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

2022 commercial quota: 15.51 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 4).

Recreational Fishery

The Board chose to adopt regional management through conservation equivalency for the 2022 recreational fishery under the provisions of Framework 2 (see Table 7 for state measures)[3]. As such, the Federal recreational bag limit and minimum fish size were waived and the fishing season and anglers were subject only to the regulations in their states.

2022 recreational harvest limit: 10.36 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 - 2022 Summer Flounder FMP Compliance Criteria Timeline

Commercial Fishery

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 Fishery

Regional Management Measures under conservation equivalency	2/2017

[3] Past FMP Reviews are available on the Commissions' summer flounder webpage, which contain prior year's recreational measures.

General

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

VII. 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 and Delaware did not include in their state compliance report regulations outlining prohibition of transfers at sea. This is the third year these issues have been flagged by the PRT.
    - 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. New Jersey staff have indicated that the rulemaking package that contains an update to prohibit transfers at sea is still being processed.
    - 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.
- With the two 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 2023.

VIII. Research Recommendations

Research recommendations were identified during the 2018 Summer Flounder Benchmark Stock Assessment at the 66th SAW (pg. 106)

IX. 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.php

Northeast Fisheries Science Center. 2023. Prepublication copy of the June 2023 management track stock assessment report prepared for the Council and the SSC. Available at: https://apps-nefsc.fisheries.noaa.gov/saw/sasi.php

Table 1. 2022 state-specific shares of commercial summer flounder quota.

State	Allocation of baseline quota ≤ 9.55 mil lbs	Allocation of additional quota beyond 9.55 mil lbs	2022 Initial Quota
ME	0.05%	0.33%	24,488
NH	0.00%	0.33%	19,990
MA	6.82%	12.38%	1,391,846
RI	15.68%	12.38%	2,238,216
CT	2.26%	12.38%	956,043
NY	7.65%	12.38%	1,470,779
NJ	16.72%	12.38%	2,337,728
DE	0.02%	0.33%	-19,173
MD	2.04%	12.38%	935,226
VA	21.32%	12.38%	2,776,242
NC	27.45%	12.38%	3,361,569
Total	100%	100%	15,512,127*

*Summed not including Delaware.

Table 2. Process for determining the appropriate percent change in harvest when developing management measures.

Future RHL vs Harvest Estimate[4]	**Stock Size SSB/SSB_{MSY}**	**Change in Harvest**
Future 2-year avg. RHL greater than upper bound of harvest estimate confidence interval	> 1.5	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	1 – 1.5	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	< 1	10% Liberalization
Future 2-YR avg. RHL within confidence interval of harvest estimate	> 1.5	10% Liberalization
	1-1.5	0%
	< 1	10% Reduction
Future 2-YR avg. RHL less than lower bound of harvest estimate confidence interval	> 1.5	10% Reduction
	1-1.5	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	< 1	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

[4] The two year average MRIP estimate with associated CI is intended as a predictor of future harvest under status quo measures. This may be replaced with statistical model based approaches for predicting harvest.

Table 3. Summer flounder commercial landings by state (2013-2022) in pounds.
Source: Commercial landings summaries for 2013-2022 – non-confidential; using ACCSP Data Warehouse, Arlington, VA. and State Compliance Reports for 2022 data (June 2023).

State	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022***
MA	859,384	696,029	748,432	582,778	420,714	428,610	551,267	700,390	715,347	881,381
RI	2,192,541	2,056,036	1,716,095	1,306,386	896,048	1,022,615	1,661,068	1,704,496	1,893,347	2,089,768
CT	284,173	253,442	286,890	191,133	134,611	177,454	290,519	370,467	713,608	875,892
NY	1,033,285	832,557	829,929	603,522	491,433	462,678	866,403	870,876	1,051,597	1,360,526
NJ	2,004,187	1,825,611	1,683,068	1,296,913	961,840	1,045,566	1,598,740	1,907,392	1,907,973	2,417,589
DE	913	1,687	1,349	2,236	1,438	677	1,260	608	929	1,083
MD	193,757	192,197	188,163	159,176	138,458	143,649	155,974	200,915	349,820	354,120
VA	4,796,443	2,052,400	2,276,292	1,664,400	1,255,794	1,256,607	1,919,231	1,589,592	1,789,911	2,161,408
NC	541,938	2,906,822	2,878,549	2,124,231	1,563,221	1,654,651	2,025,763	1,779,924	2,093,591	2,190,368
Total	11,906,622	10,816,780	10,608,767	7,930,775	5,863,558	6,192,507	9,070,225	9,124,659	10,516,123	12,332,135

*2022 Landings are preliminary, and pulled from compliance reports.

Table 4. 2022 state-specific shares of commercial summer flounder quota and harvest by weight (lbs).
Source: 2022 State Compliance Reports.

State	2022 Initial Quota	2022 Transfers	2022 Final Quota	2022 Landings	Overages	% Quota Used	% Coastwide Total
ME	24,488		24,488	0		0.00%	0.00%
NH	19,990		19,990	0		0.00%	0.00%
MA	1,391,846	1,944	1,393,790	881,381		63.24%	7.15%
RI	2,238,216	16,486	2,254,702	2,089,768		92.68%	16.95%
CT	956,043		956,043	875,892		91.62%	7.10%
NY	1,470,779	-1,944	1,468,835	1,360,526		92.63%	11.03%
NJ	2,337,728	770	2,338,498	2,417,589	79,091	103.38%	19.60%
DE	-19,173		-19,173	1,083	1,083	105.65%	0.01%
MD	935,226		935,226	354,120		37.86%	2.87%
VA	2,776,242	29,432	2,805,674	2,161,408		77.04%	17.53%
NC	3,361,569	-46,688	3,314,881	2,190,368		66.08%	17.76%
TOTAL^	**15,512,127**		**15,512,127**	**12,332,135**		**79.50%**	

^ Totals in table may not match listed quotas due to rounding, and listed quotas are summed not including Delaware.

Table 5. Recreational summer flounder harvest by state (2013-2022) in weight (pounds).
Source: Marine Recreational Information Program (MRIP). These estimates may differ from MRIP estimates depending on query date (data queried June 2023).

State	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**
MA	161,396	575,285	385,987	239,844	171,922	142,540	145,203	175,590	120,806	198,199
RI	646,927	1,112,412	790,640	340,528	596,905	603,752	837,107	479,590	163,105	330,908
CT	1,808,379	935,458	998,509	1,023,887	402,529	549,268	292,453	387,741	465,969	411,598
NY	5,170,966	3,995,846	5,010,599	5,744,430	4,214,222	2,385,310	2,441,732	2,389,690	1,156,832	2,840,199
NJ	9,649,950	7,526,962	3,245,895	4,717,501	3,601,688	3,154,540	3,229,057	5,491,680	3,780,045	3,552,155
DE	319,942	449,033	270,174	435,174	253,703	205,380	224,528	534,247	272,108	253,283
MD	236,911	281,911	251,325	98,357	171,499	121,760	206,373	187,228	192,796	185,647
VA	1,223,570	1,142,384	719,288	528,706	528,350	345,064	368,955	381,165	636,394	839,164
NC	196,002	215,294	157,437	110,392	147,426	92,032	52,872	37,935	27,492	22,151
Total	19,414,043	16,234,585	11,829,854	13,238,819	10,088,244	7,599,646	7,798,280	10,064,866	6,815,547	8,633,304

Table 6. Estimated summer flounder recreational harvest, releases, dead releases, total catch, and total removals in numbers of fish by marine recreational anglers, 2013 to 2022.
Source: MRIP. These estimates may differ from MRIP estimates depending on query date (data queried June 2023).

Year	Total Catch (A+B1+B2)	Harvest (A+B1)	Released (B2)	Dead Releases (10% of B2)	Total Removals (Harvest + Dead Releases)
2013	44,962,178	6,600,546	38,361,632	3,836,163	10,436,709
2014	44,573,678	5,364,891	39,208,787	3,920,879	9,285,770
2015	34,140,115	4,034,036	30,106,079	3,010,608	7,044,644
2016	31,238,379	4,301,669	26,936,710	2,693,671	6,995,340
2017	28,075,234	3,174,950	24,900,284	2,490,028	5,664,978
2018	23,545,864	2,412,514	21,133,350	2,113,335	4,525,849
2019	30,742,791	2,383,228	28,359,563	2,835,956	5,219,184
2020	33,254,607	3,494,607	29,760,000	2,976,000	6,470,607
2021	22,727,155	2,318,610	20,408,545	2,040,855	4,359,465
2022	29,011,327	3,375,473	25,635,854	2,563,585	5,939,058
10 YR AVG	**32,227,133**	**3,746,052**	**28,481,080**	**2,848,108**	**6,594,160**

Table 7. Summer flounder state-by-state recreational management measures for 2022 and 2023.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16.5	5 fish	May 21-September 29
Rhode Island (Private, For-Hire, and all other shore-based fishing sites)	18	4 fish	May 3-December 31
RI Shore Program (7 designated shore sites)	18	2 fish*	
	17	2 fish*	
Connecticut	18.5	4 fish	May 1-October 9
CT Shore Program (45 designated shore sites)	17		
New York	18.5	4 fish	May 1-October 9
New Jersey	Slot limit 17-18	2 fish**	May 2-September 27
	18	1 fish**	
NJ Shore program site (ISBSP)	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16	4 fish	January 1-December 31
Maryland			
PRFC			
Virginia			
North Carolina	15	1 fish	September 1 -30

*Combined possession limit of 4 fish; no more than 2 fish at 17 inch minimum size limit

**Combined possession limit of 3 fish; two fish greater than 17 inches and less than 18 inches, and one fish greater than 18 inches.

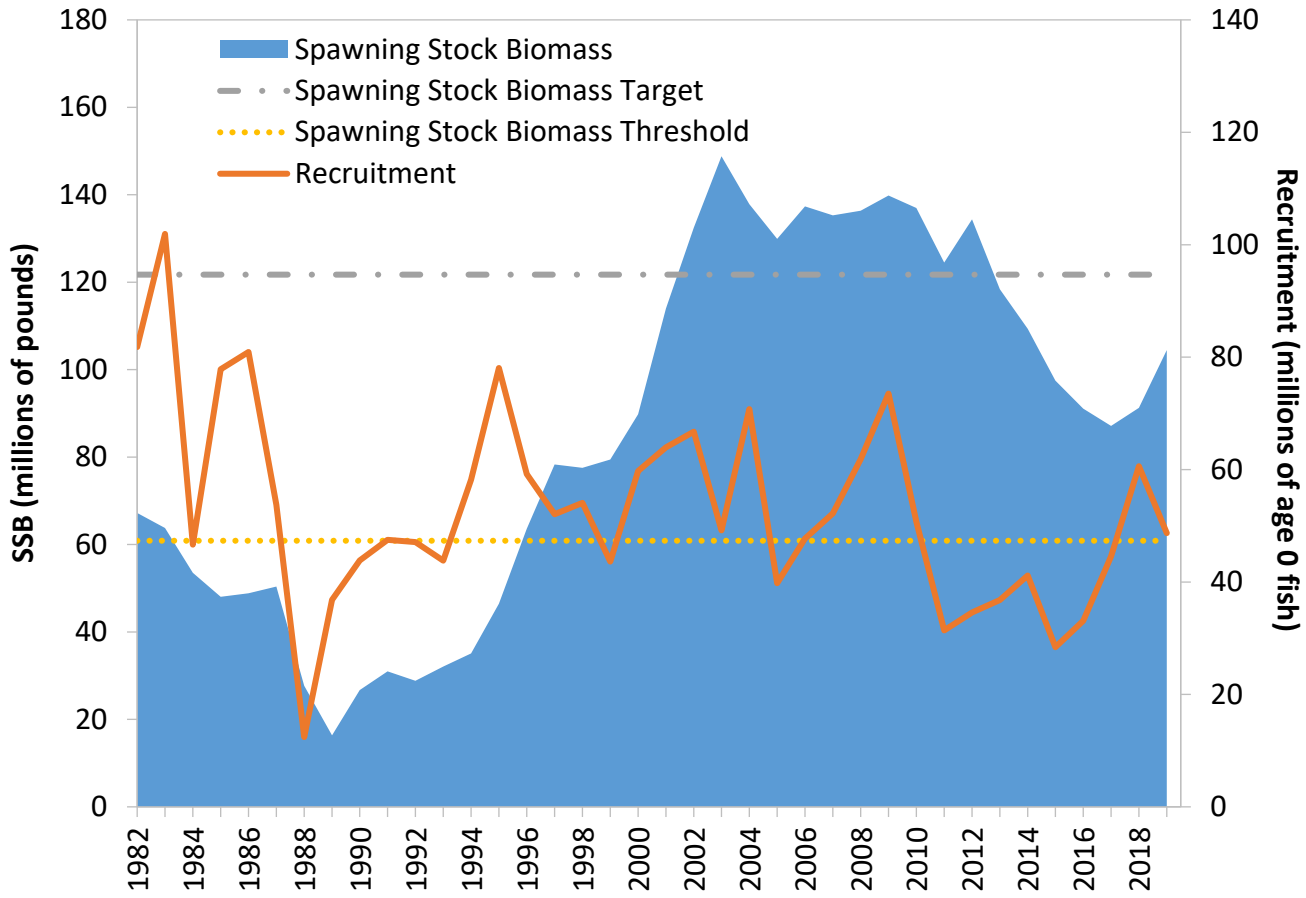


Figure 1. Summer flounder spawning stock biomass and recruitment.
Source: Summer Flounder Management Track Stock Assessment, 2021.

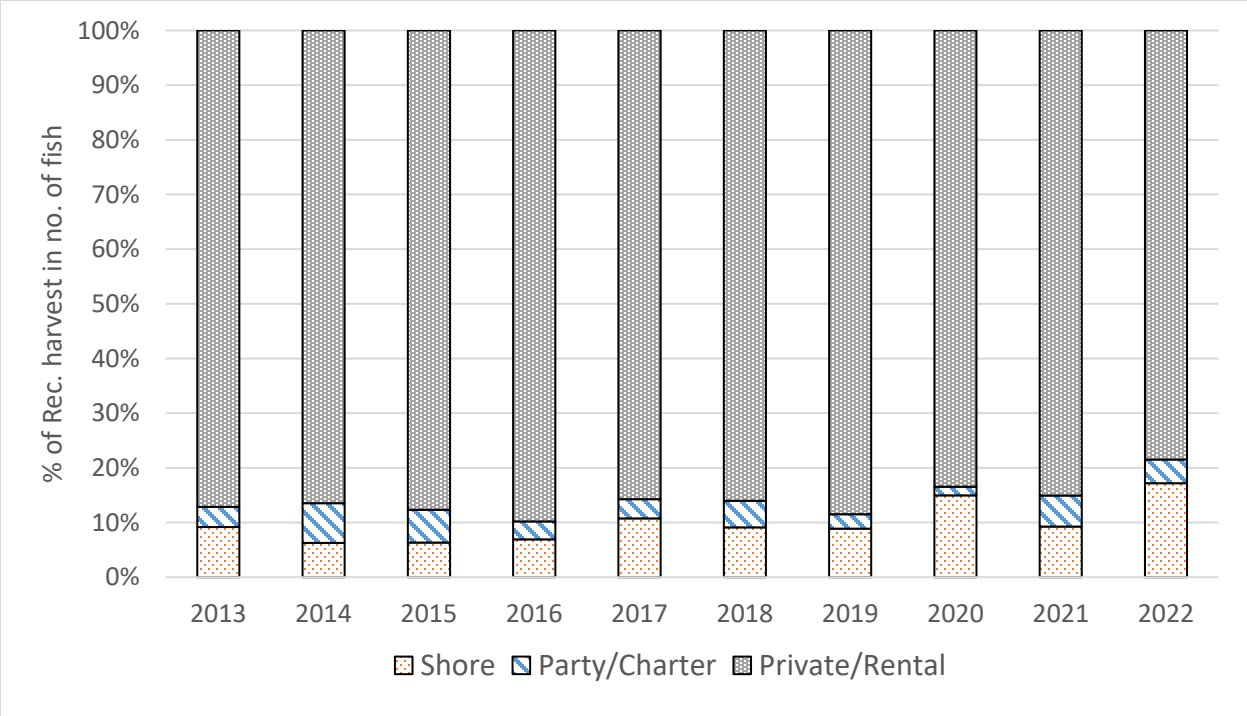


Figure 2. The percent of summer flounder harvested by recreational fishing mode in numbers of fish, Maine through North Carolina, 2013-2022.
Source: Source: MRIP. These estimates may differ from MRIP estimates depending on query date (data queried June 2023).

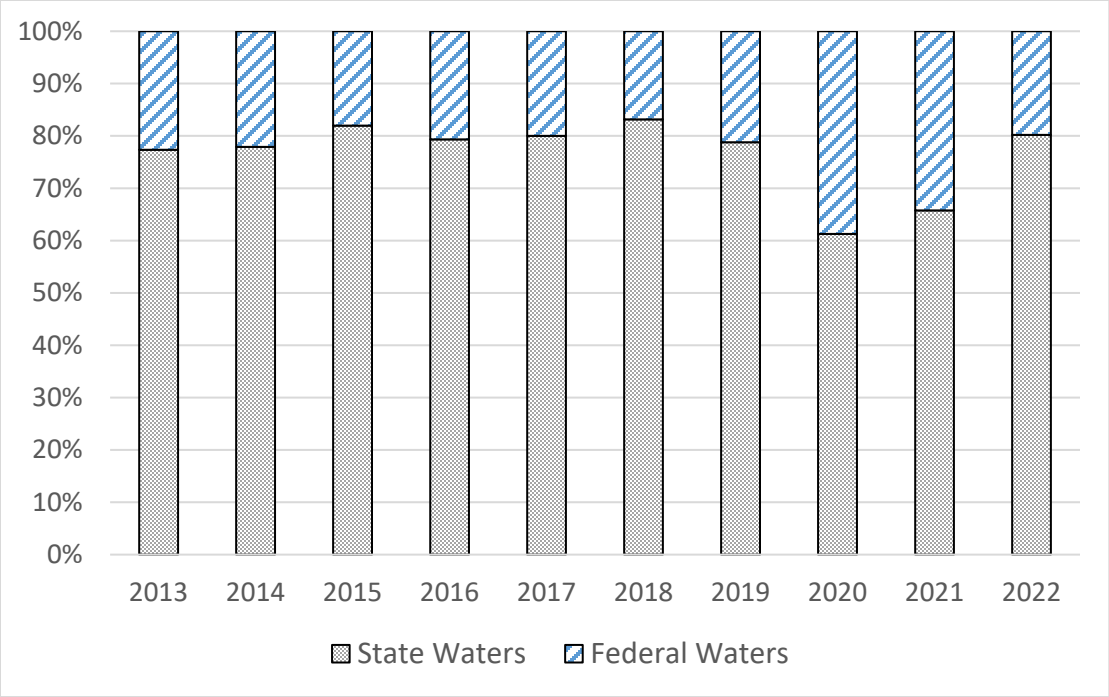


Figure 3. The percent of summer flounder recreational landings (numbers of fish) in state vs. federal waters, Maine through North Carolina, 2013-2022.
Source: Source: MRIP. These estimates may differ from MRIP estimates depending on query date (data queried June 2023).