

Summer Flounder

Regulation .12 adopted as an emergency provision effective March 1, 1993 (20:6 Md. R. 577); emergency amended effective May 6, 1993 (20:11 Md. R. 910); emergency status extended at 20:18 Md. R. 1427 and 21:4 Md. R. 272; emergency amended and status extended at 21:9 Md. R. 743.

Regulation .12 adopted effective August 1, 1994 (21:15 Md. R. 1303)

1995 Proposed	.08.02.15 amended to modify the reference from Natural Resources Article §4-735, to §4-734, Annotated Code of Maryland. It also amends the commercial catch limit. It modifies the annual commercial quota for the Atlantic Ocean and its coastal bays and their tributaries from 306,368 pounds to 269,551 pounds. It also modifies the amount during any quarter that may not be exceeded from 76,592 pounds to 67,387 pounds. The annual commercial quota for the Chesapeake Bay and its tidal tributaries was also amended from 20,000 pounds to 30,000 pounds.
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Regulation .12 amended as an emergency provision effective April 7, 1995 (22:9 Md. R. 641)

1995 April	.12 is amended to change the article reference from §4-735 to §4-734, it also took out the recreational constraint. The annual quotas were also changed. The annual quota for the Atlantic Ocean and its tributaries was amended from 306, 368 to 269,551. Also, the amount a harvest cannot exceed during a quarter was amended from 76,592 to 67,387. And if the harvest does not exceed 67, 387 (changed from 76,592) then the difference may be added to the allowable harvest per quarter. For annual commercial quota of the Chesapeake Bay, the quota was changed from 20,000 to 30,000.
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Regulation .12 amended effective July 31, 1995 (22:15 Md. R. 1118).

1995 July	.12 amended the cull size for oysters caught for noncommercial purposes using any type of diving apparatus. It was amended from 4 inches to 3 inches.
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Regulation .12C amended effective June 17, 1996 (23:12 Md. R. 870)

1996 June .12 is amended to change the annual quota for the Atlantic Ocean and its tributaries from 269,551 to 206,570. Also, the amount a harvest cannot exceed during a quarter was amended from 67, 387 to 51,642. For the Chesapeake Bay, the annual quota was reduced from 30,000 to 20,000.

Regulation .12 amended as an emergency provision effective March 1, 1997 (24:6 Md. R. 481)

1997 March Recreational Size Change: Size limit went from **14** to 14 ½ inches.
Commercial Size Change: Size went from **13** to 14 inches.
Recreational Catch Limit Change: (Unless the person has a commercial License) The change went from **8** to 10 Summer Flounder Daily.
Commercial Catch Limit Change: Went from **700** to 200 pounds.
Commercial Restriction change: Commercial cannot catch, posses, or land more than 3%, by number, of flounder under (change) **13** to 14 inches in daily limit.
Commercial Restriction: Cannot use trawl net with stretched mesh size less than change **5 ½** to 6 inches or (**take out mesh size**) 6 inches diamond.

Regulation .12 amended effective July 28, 1997 (24:15 Md. R. 1061)

1997 July Commercial Restriction: Trawl net **6** change to 5 ½ inches diamond.
Addition to text: to E(2) *For the purposes of measuring the required mesh sizes, at least 20 meshes shall be measured, of which:*
(a) At least 12 meshes shall measure the minimum size or larger; and
(b) The remaining meshes may not measure more than ¼ inch less than the minimum mesh size.

Regulation .12C, D amended effective December 29, 1997 (24:26 Md. R. 1756)

1997 December Text Change to Commercial Catch Limit: 08.02.05.12 C(3). Added daily to 200 pound limit.
Commercial Restriction: Landing permit in accordance with change **d(3)** to D(2) of this regulation, may not catch, posses or land more than 2,000 pounds (added) daily.

Addition of Text: to D(2)(b) During the period of 1989-1992, held a commercial tidal fish license in at least 1 year in which the owner landed In this State at least 2,000 pounds of summer flounder.

Regulation .12 amended as an emergency provision effective April 13, 1998 (25:10 Md. R. 741); amended permanently effective May 18, 1998 (25:10 Md. R. 745)

1998 May Emergency Regulation was passed. Emergency Regulation in March 13, 1998

Regulation .12A, B amended as an emergency provision effective August 28, 1998 (25:19 Md. R. 1495); amended permanently effective October 19, 1998 (25:21 Md. R. 1573)

1998 August Recreational Size Change: Change **14 ½** inches to 15 inches in total length.
Recreational Catch Limit Change: Change **10** to 8 Summer flounder daily.

Regulation .12 amended as an emergency provision effective April 15, 1999 (26:10 Md. R. 792); emergency status expired December 31, 1999

1999 May Restructured Regulation
Established Recreational Season: April 15 through November 30 in the Atlantic Ocean, its coastal bays and their tributaries; May 8 through December 31 in the Chesapeake Bay and its tributaries.
Change Recreational Size: 15 ½ inches in the Atlantic Ocean, its coastal bays and their tributaries. 15 inches in the Chesapeake Bay and its tributaries.
Changed commercial quota: Quotas is 223,124 pounds from **190,863**
Established landing limits: Atlantic Ocean: 189,124 pounds. Chesapeake Bay and its tributaries, except for the Potomac River 30,000 pounds. Potomac river 4,000 pounds.
Commercial Catch Limit Change: the landing permit is in accordance with §C not **§D**.
Change in Commercial Catch Limit: Landing more than 5% (change from **3**) by number, of summer flounder under 14 inches total length as part of the daily limit.
Change in Commercial Catch Limit Text: Change land 5 percent by, Weight of summer flounder in excess of the daily landing limit set forth in §B(4) of this regulation from **§C(7) and (8)**.

Regulation .12 amended as an emergency provision effective April 15, 2000 (27:10 Md. R. 962); amended permanently effective October 2, 2000 (27:19 Md. R. 1725)

2002 August Recreational Season Change: Change from **April 15 through November 30** to January 1 through July 24 and August 12 through December 31 in the Atlantic Ocean. Change **May 15** to January 1 through July 24 and August 12 through December 31 in the Chesapeake Bay.

Recreational Size Change: Change **15 ½** to 17 inches in the Atlantic Ocean. Change **15** to 17 inches in the Chesapeake Bay.

Commercial Size Change: B(2)(a) Took out **An** and made it say except for flounder caught by hook and line, an individual licensed to catch fish for commercial purposes may not catch or possess a summer flounder less than 14 inches total length. Added B(2)(b) saying *An individual licensed to catch fish for commercial purposes may not catch or possess a summer flounder caught by hook and line less than 17 inches total length.*

Text change to (4)(b)(i)

Commercial Catch Limit: Added (4)(b)(ii). *Number of summer flounder under 17 inches total length as part of the daily limit for flounder caught by hook and line; or.*

Regulation .12A amended as an emergency provision effective June 9, 2003 (30:13 Md. R. 850); amended permanently effective August 13, 2003 (30:16 Md. R. 1073)

2003 June .12A was revised to remove the season closer of July 25 to August 11 on summer flounder.

Regulation .12A, B amended as an emergency provision effective May 24, 2004 (31:12 Md. R. 907); emergency status extended at 31:23 Md. R. 1649; emergency status expired January 25, 2005

2004 May ****Emergency Regulation**** in November 2004 it was extended to January 25, 2005.

Recreational Size Change: Change from **17** to 16 inches in the Atlantic Ocean. And from **17** to 16 in the Chesapeake Bay.

Recreational Catch Limit Change: Change from **8** to 3 summer flounder per day.

Change Commercial Quota: from 226000 pounds to *for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.* Took out (1)(a)(i-iii) and (c).

Change Commercial Landing Limits: Commercial quota for *Maryland waters of the Chesapeake Bay and its tributaries, the*

Atlantic Ocean, its coastal bays and their tributaries, and the Potomac River is determined annually as a proportion of the total Maryland commercial quota.

Change Commercial Size: an individual licensed to catch fish for commercial purposes can't catch by hook and line- change from **17** to **16** inches.

Change Commercial Licensee Land (4)(b). A commercial licensee cannot land more than 5% by: Number of summer flounder under change **17** to **16** inches total length as part of the daily limit for flounder caught by hook and line.

2004 October

Change Recreational Size Limit: Atlantic Ocean: **17** to **16** inches. Chesapeake Bay: **17** to **16** inches. And change to say Chesapeake Bay and its *tidal* tributaries.

Change Recreational Catch Limit: Change **8** to Three summer flounder per day.

Change Commercial Quota: (B)(1)(a): from 226000 pounds to *for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.* (b): took out **landing limits by area are** and added *commercial quota is divided into an allocation for:* (i) took out **192,000 pounds for the** (ii) took out **30,000 pounds for the** and **except for the Potomac River and** (iii) took out **4,000 pounds for the** and **and its tributaries.** And added (iv) *the harvest of summer flounder provided for in §B(3)(a) and (4) of this regulation.* (1)(c) took out **landing limits** and added *allocations.* Added (d-f).

Change Commercial Size: took out all the previous minimum size regulation. Added. *An individual licensed to catch fish for commercial purposes may not catch or possess a summer flounder less than: (a) 16 inches total length if caught by hook and line; or (b) 14 inches total length if caught by gear other than hook and line.*

Change Commercial Catch Limit: took out all of the previous catch limits. Added, *An individual licensed to catch fish for commercial purposes may not catch, possess, or land more than: (a) 10 pounds of summer flounder per day from the Atlantic Ocean, its coastal bays, and their tributaries unless in possession of a Maryland summer flounder landing permit upon which the engaged vessel is declares; and (b) 50 pounds of summer flounder per day from the Chesapeake Bay and its tidal tributaries.*

Change in General Provisions: (4) took out **General Provisions. A commercial licensee** and added *"An individual licensed to catch fish for commercial purposes"*. Took out (b) (ii) and changed (iii) to (ii) and took out **landing limit** and made it catch limits.

Change in Dealer: added (a) and (b) *a. Summer flounder harvested for commercial purposes from Maryland waters for the Atlantic Ocean or from the waters of the Exclusive Economic zone (EEZ) and landed in Maryland shall be sold to a dealer with a federal permit. (b) A dealer shall transmit information weekly, or as requested, on each summer flounder transaction through the Department-approved reporting system.*

Change in Licenses and Permits: took out (C)(1) and (2). Added (1)-(6).

Change General: (E)(1) took out **a season or** and **limit** and made it *limits or open or close a season.* And added (2)-(5).

Regulation .12 amended effective January 17, 2005 (32:1 Md. R. 26)

2005 January Change in Commerical Quota: added (e) *Equal individual allocations shall be established for the portion of the annual commercial quota provided for in §B(1)(b)(i) of this regulation and allocated by permit to an individual that meets the requirements set forth in [[§C(4)]] §C(5) of this regulation.* Added (3) *Daily Catch Limits. An individual licensed to catch fish for commercial purposes may nto catch, possess, or land more than:*
(a) 100 pounds of summer flounder per day from the Atlantic Ocean its coastal bays, and their tributaries unless in possession of a Maryland summer flounder landing permit [[upon which the engaged vessel is declared]].
Change Licenses and Permits: Added (C)(3) and (4). Made existing (4) (5) and added (a)-(d).

Regulation .12A, B proposed April 29, 2005 (32:0 Md. R. 851-852), amended effective July 4, 2005 (32:13 Md. R. 1110)

2005 July Recreational Size Change: Change from **16** to 15 ½ in both Atlantic and Chesapeake Bay Areas.
Recreational Catch Limit Change: Change from 3 summer flounder a day to *Four summer flounder in the Atlantic and two summer flounder in the Chesapeake Bay.*
Commercial Size Change: Change from **16** to 15 ½ in the Atlantic Ocean and 15 in the Chesapeake Bay if caught by Hook and Line.

Regulation .12A, B amended as an emergency provision effective April 1, 2008 (35:9 Md. R. 891); amended permanently effective June 30, 2008 (35:13 Md. R. 1198)

2008 April Recreational Size Change: Change from **15 ½** to *17 ½* inches in the Atlantic and **15** to *16 ½* in the Chesapeake Bay.
Recreational Catch Limit Change: Atlantic: change from **four** to *three* Chesapeake Bay: change from **two** to *one*.
Commercial Size Change: By hook and line: Atlantic- from **15 ½** to *17 ½* Chesapeake Bay- from **15** to *16 ½*.

Regulation .12A, B proposed in 36:10 Md. R. 721-722 (May 8, 2009), amended effective July 16, 2009 (36:14 Md. R. 984)

2009 July Recreational Season Change: An individual may recreationally catch and possess summer flounder only from April 15 through September 13

Commercial Size Change: .12B(2)(a) From *17 ½* inches in total length if caught by hook and line in the Atlantic Ocean, its coastal bays, and their tributaries to **18 inches**.

Regulation .12E amended effective October 19, 2009 (36:21 Md. R. 1590)

2009 October Allows for the Secretary to modify size limits. The amendment changes his ability to modify “quota” to “quotas”.

Regulation .12C proposed in 36:26 Md. R. 2003 (December 18, 2009), amended effective February 22, 2010 (37:4 Md. R. 338)

2010 February .12C(7) amended to require that an individual in possession of a Maryland summer landing permit shall not only record the harvest of summer flounder on the permit daily, but submit the completed permit to the department within 14 days from the end of the summer flounder season. Also, amended so that the Department may deny an application for a summer flounder landing permit for failing to comply with C(7) of the regulation during the previous season.

Regulation .12A, B amended as an emergency provision effective April 9, 2010 (37:10 Md. R. 718)

2010 May

.12 amended to change from 18 to 19 inches, rule no longer distinguishes between flounder from the Atlantic Ocean waters and the Chesapeake Bay waters in any manner, three flounder a day may be caught; also to amend some grammatical errors. It also extends the recreational season from April 15 through September 13, to April 17 to November 22. It also amends the size limit in commercial fishing to the size set for in recreational fishing (19 inches).

NOTE

May 2010 Regulations were Emergency/Proposed Regulations Instead of Finalized N&C Regulations.
