



Seized Commercial Catch and the Quota Monitoring/Accountability Process

MAFMC December 2019



- Federal interpretation is to require illegal summer flounder to be reported
- This rule may not be consistently applied across all states.
- Discuss a process to ensure the regulation is applied consistently across the states.

Federal Regulation



- §648.103 Summer flounder accountability measures.
- (b)(2) Commercial landings overage repayment. All summer flounder landed for sale in a state shall be applied against that state's annual commercial quota, regardless of where the summer flounder were harvested. Any landings in excess of the commercial quota in any state, inclusive of any state-to-state transfers, will be deducted from that state's annual quota for the following year in the final rule that establishes the annual state-by-state quotas, irrespective of whether the commercial sector ACL is exceeded.

State Process for Illegal Harvest



1. Is illegal harvest reported?
2. Is it entered into SAFIS or a state reporting system?
 - Varies by state
 - If the illegal harvest is sold via a dealer it will be reported.
 - Harvest sold to a federal dealer will go into SAFIS
 - Harvest sold to a state dealer will be counted via SAFIS or a state reporting system

State Process for Illegal Harvest



- Generally most states only report on commercial illegal harvest. There are a few states that report recreational illegal harvest
- MRIP does pick up non-compliant harvest and can be pulled from the data set

State Process for Illegal Harvest



Does illegal harvest come off of your state quota?

- Varies by state and species
- Generally harvest reported via a federal dealer will come off a quota
- If harvest is reported via a state dealer it depends on the state rules, it may not be counted against the quota but is reported via annual state compliance reports
- Some states do not take illegal harvest off the state quota regardless of where it is reported

Next Steps



- Continue to collect information from the states on their process for illegal harvest
- Determine if there is need of a regulatory clarification, administrative procedure document/white paper
- Working between now and the next joint meeting to start a discussion of a consistent process that may vary by FMP or species