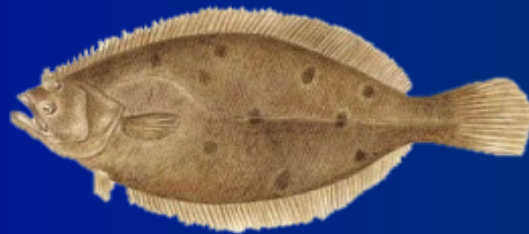




Summer Flounder Commercial Minimum Mesh Size and Exemptions



Update for Advisory Panel

December 4, 2023

Overview

- Council staff and Andy Loftus (contractor) have been working on evaluation of 3 commercial summer flounder mesh issues:
 1. Summer flounder 5.5" diamond or 6.0" minimum mesh regulation
 2. Small Mesh Exemption Program (SMEP)
 3. Flynet exemption
- Today: update for Advisory Panel and seek any additional comments for Council and Board consideration next week

Timeline

- **June/July 2023:** Preliminary discussions with Monitoring Committee and Advisory Panel
- **Fall 2023:** Continued analysis and discussions with industry
- **Nov. 1:** Public input webinar targeting relevant industry participants
- **Oct. 19-Nov. 17:** Public comment form open
- **Nov. 13-14:** Monitoring Committee meeting
- **Dec. 4:** Advisory Panel meeting

1. SUMMER FLOUNDER COMMERCIAL MINIMUM MESH SIZE

Problem Summary

- Since 1993, FMP requires min. 5.5" diamond or 6.0" square mesh for trawl gear
- Recent mesh size study ([Hasbrouck et al. 2018](#)) indicates 5.5" diamond/6.0" square may not be equivalent
 - 6.0" square appears closer to 5.0" diamond
- The SFSBSB Monitoring Committee has expressed concern about retention of undersized summer flounder with 6.0" square
 - Recommendation to seek feedback from industry on use/need for square mesh nets and evaluate possible phase out or modification of 6.0" square option

Diamond vs. Square Mesh

Observed Trawl Hauls, 2007-2022

Where Primary Target Species = Summer Flounder

Mesh Type	Proportion of Total Hauls	Total Hauls
Diamond	68.07%	17,423
Square	31.10%	7,961
Unknown	0.65%	167
Combination	0.10%	25
Square/ Wrapped	0.07%	18
Grand Total	100.00%	25,594

Public Feedback

Key Take-aways

- Choice of mesh type used influenced by state regulations, personal preference, target species, anticipated non-target species, and bottom type
- Concern about cost associated with change to mesh requirements
 - Net replacements can cost tens of thousands of dollars
 - 6" square nets are still being purchased and represent large investments
 - Change would result in significant financial burden
- Most support **no change** to current requirements
 - 6" square reduces discards and retains market size fish
 - One recommendation to investigate a larger square mesh
 - Recommendation to implement 5-inch mesh from Nov.-April for summer flounder, scup, and black sea bass

MC Feedback/Recommendations

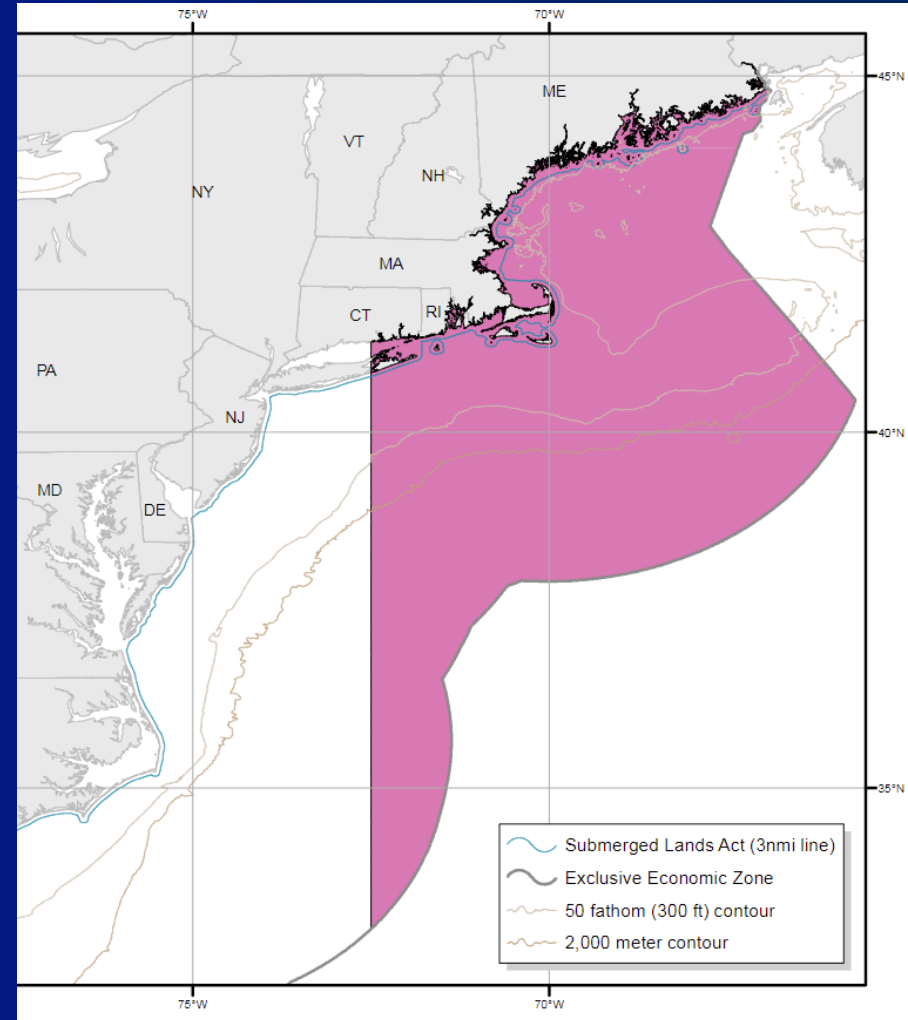
- Recommended **no change** to minimum mesh regulations at this time
 - Square mesh still commonly used in this fishery; removal would impose substantial financial burden on industry
 - Limited data on which to base change/identify alternative square mesh size
- If Council/Board consider changes (now or in future), MC recommended a longer phase-in time to help alleviate cost
- Recommended additional mesh size studies as research priority
- Recommended additional evaluation of biological and economic impacts if changes are desired

2. SUMMER FLOUNDER SMALL MESH EXEMPTION PROGRAM (SMEP)

Report by Andrew Loftus, MAFMC Contractor,
Aloftus@andrewloftus.com

Small Mesh Exemption Program (SMEP)

- Implemented 1993 (Amendment 2)
- Vessels fishing east of longitude 72° 30.0'W November 1 - April 30, and using mesh smaller than 5.5-inch diamond or 6.0-inch square, may land more than 200 pounds of summer flounder

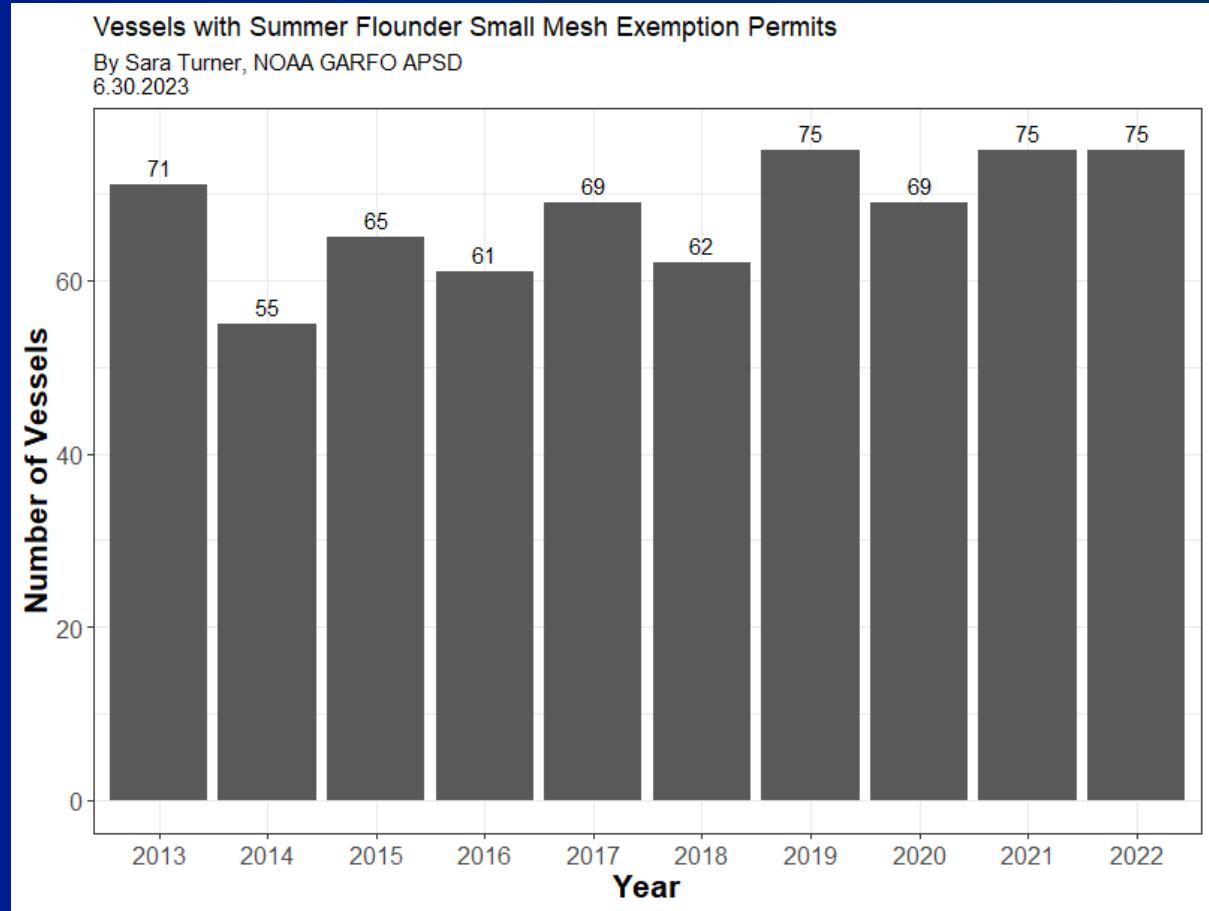


Small Mesh Exemption (SMEP)

- Requires a Letter of Authorization; vessels must be enrolled for at least 7 days
- Vessels cannot fish west of the line while participating in this program
- GARFO may rescind if vessels fishing under this program are discarding more than 10% of their summer flounder catch

Small Mesh Exemption Program

- The number of vessels issued a LOA has remained stable since 2013 (average = 68 vessels)

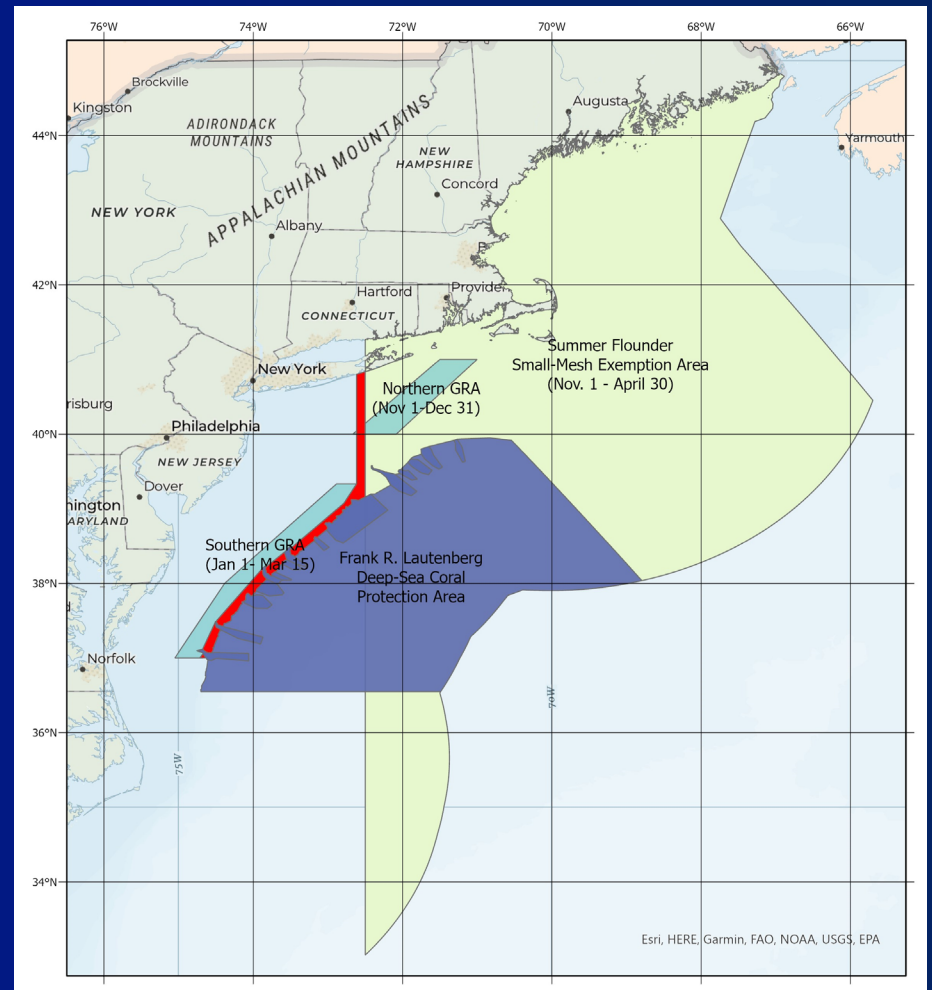
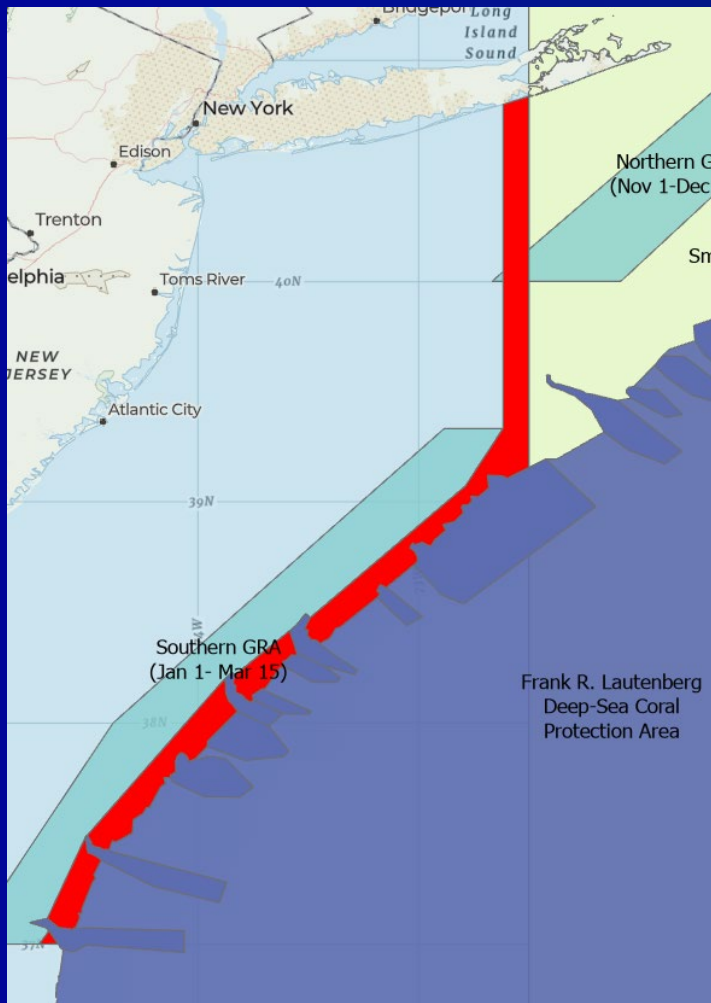


Industry Feedback

- SMEP is critically important
 - Particularly to southern New England fleets
 - Provides critical flexibility to participating vessels
 - Has successfully reduced regulatory discards
- Recommend moving SMEP line ~5 miles westward (align with the northeast corner of scup Southern Gear Restricted Area, follow that border down)

SMEP Area Modifications: Industry Proposal

- Additional area (excluding coral zones) = 4,943 km² or 1,901 mi²



Monitoring Committee Feedback

- Supportive of further evaluation of proposal to change the line
 - Additional analysis needed, particularly on biological impacts (e.g., number of small summer flounder encountered/discarded)
- Suggest exploring new methods of analysis/data sources to help evaluate use of this exemption annually
 - Evaluation methods could potentially be modernized/expanded to avoid relying solely on observer data and assumed LOA use

3. FLYNET EXEMPTION

Report by Andrew Loftus, MAFMC Contractor,
Aloftus@andrewloftus.com

Flynet Exemption – History

- Implemented in 1993 (Amendment 2)
- Vessels fishing with a two-seam otter trawl flynet with below configuration are exempt from the summer flounder minimum mesh size requirements:
 - a) The net has large mesh webbing in the wings with a stretch mesh measure of 8" to 64"
 - b) The first body (belly) section of the net consists of 35 meshes or more of 8" (stretch mesh) webbing or larger
 - c) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2" (stretch mesh)

Flynet Exemption – Purpose

- Designed primarily to accommodate flynet fisheries targeting other species and catching very limited amounts of summer flounder
 - Delaware to North Carolina fisheries for Atlantic croaker, weakfish, Atlantic mackerel, and bluefish
 - Landings in the NC flynet fishery have declined over time; no summer flounder landed recently
- Flynet exemption is being used to fish with "high rise" nets (that may not meet the regulatory definition) in states other than North Carolina

Industry Feedback

- Strong support for keeping the flynet exemption.
 - Provides flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid.
- “High rise” net is regional terminology for a flynet even if it doesn’t meet the regulatory definition.
 - No identified differences in fishing characteristics.

Industry Feedback

- Suggested definition changes reviewed by MC:
 - Must have “at least 2-seams” rather than specifying exactly 2-seams
 - The large mesh portion of the wings should be “greater than 8 inches” without specifying an upper limit (currently 64”)
- Other suggestions made following MC meeting:
 - Addition of “Highrise” to flynet definition
 - Removal of number of meshes (“35 or more”) in the belly of the net
 - Clarification that stretch mesh decreases to the extension of the codend (part C of regulatory definition)

Monitoring Committee Feedback

- Exemption is not being used in fishery/area it was originally intended for
- Agreed regulatory definition update may be need to reflect changes in fisheries and gear configuration
 - However, need to better understand if expanding definition would simply codify existing practices or expand use of exemption
- Need to consider use of additional data sets in the future to evaluate use of exemption

Council and Board Discussion Next Week

- Some changes can be made through specifications, others might require framework action/addendum
- Council and Board could:
 1. Make no changes
 2. Adopt specific changes, if within range of specifications changes
 3. Identify additional information for reconsideration in August
 4. Initiate a framework action/addendum to further consider changes

Advisory Panel Feedback?

1. Commercial minimum mesh size regulations of 5.5" diamond or 6.0" square
2. Small Mesh Exemption Program
 - Industry-proposed area change
 - Other?
3. Flynet exemption
 - Definition change
 - Other?