Summer Flounder Commercial Mesh Exemptions Framework/Addendum

Overview of Action Purpose and Draft Alternatives Quick Reference
Public Input Webinar, April 2, 2024

1. Introduction and Action Purpose

This management action is being developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Board (Board) in response to a review of summer flounder commercial minimum mesh size exemptions conducted in the fall of 2023. The action will consider the two issues below, including evaluating suggested revisions made by stakeholders last fall.

- **Small Mesh Exemption Program (SMEP) Area Revisions:** Modifications to the area associated with the SMEP for summer flounder.
- **Flynet Exemption Gear Definition Updates:** Modifications to the regulatory definition of a flynet as it relates to the flynet exemption to the summer flounder commercial minimum mesh size.

The draft alternatives below have been developed by the Fishery Management Action Team/Plan Development Team (FMAT/PDT) but have **not yet been reviewed or approved by the Council and Board. Public input is sought to inform the Council and Board's consideration of these draft alternatives at their April 2024 joint meeting.**

2. Small Mesh Exemption Program Area Revisions

Vessels issued an LOA for the SMEP may fish west of the demarcation line from November 1 through April 30 using mesh smaller than the required summer flounder minimum mesh sizes (5.5-inch diamond or 6.0-inch square) and retain more than 200 pounds of summer flounder. Participation in this program requires an LOA obtained through GARFO. Vessels must be enrolled in the program for a minimum of 7 days and may not fish west (landward) of the line.

All SMEP area alternatives overlap portions of the Frank R. Lautenberg Deep Sea Coral Zone, where all bottom tending fishing gear is prohibited year-round. As such, any portions of the SMEP area overlapping with the coral zone are unable to be fished by bottom trawl vessels in possession of the LOA.

<u>Draft Alt 1A: No Action/Status Quo</u>.
Maintain the SMEP demarcation line at longitude 72° 30.0'W (Figure 1).

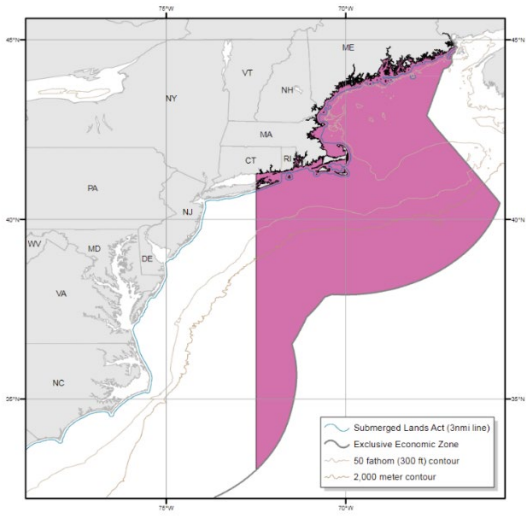

Figure 1: Status quo SMEP area (Alternative 1A).

<u>Draft Alt 1B: Industry proposed revisions to SMEP area linked to coral zone boundaries</u>.
Move the westward demarcation line approximately 5 miles west to 72°37'W longitude, starting south of Long Island. Follow this longitude south until intersection with the northeast corner of the scup Southern Gear Restricted Area (GRA) at 39°20'N and 72°37'W and then follow along the eastern border of the southern scup GRA to about 37°N latitude (Figure 2).[1] The calculated additional area, <u>excluding</u> the deep-sea coral zones where bottom tending gear is prohibited, is 4,943 km^2 (1,441 nmi^2).

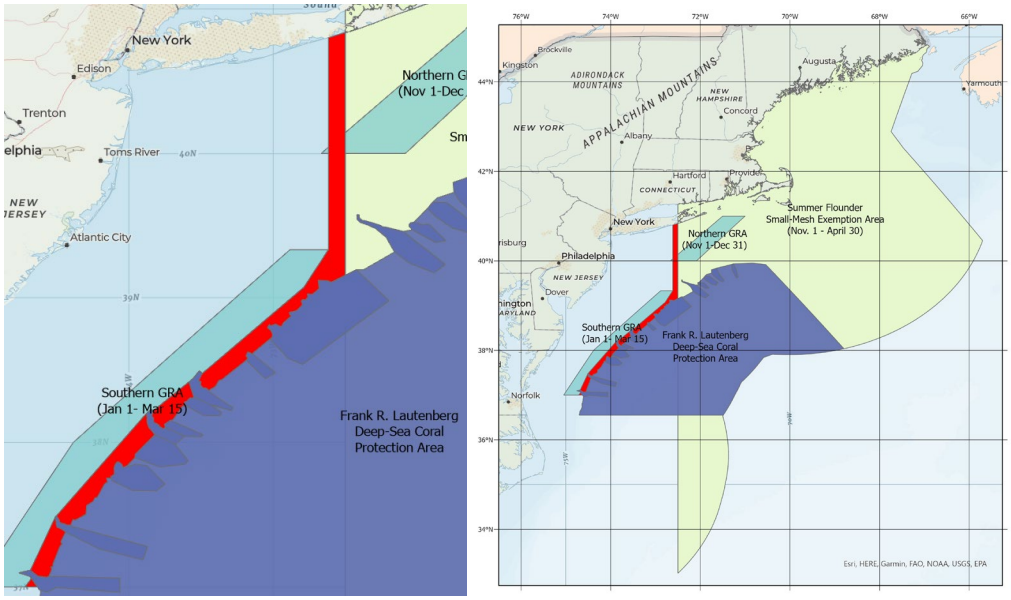

Figure 2: Draft Alternative 1B, industry proposal, for SMEP area.

[1] Note that this alternative as currently drafted does not extend the line westward in Long Island Sound nor does it modify the southern portion of the SMEP south of the deep sea coral protection area *(public and Council/Board feedback is sought on whether this is appropriate)*.

Draft Alt 1C: Extension of SMEP area without referencing coral zone boundaries.

Alternative 1C proposes a simplified extension of the SMEP to the eastern boundary of the southern scup GRA, without following the deep-sea coral line boundary to reduce regulatory complexity and potentially simplify compliance and enforcement (Figure 3). The effective change in terms of area able to be fished is the same as alternative 1B given the restrictions on bottom tending gear in the deep-sea coral area.

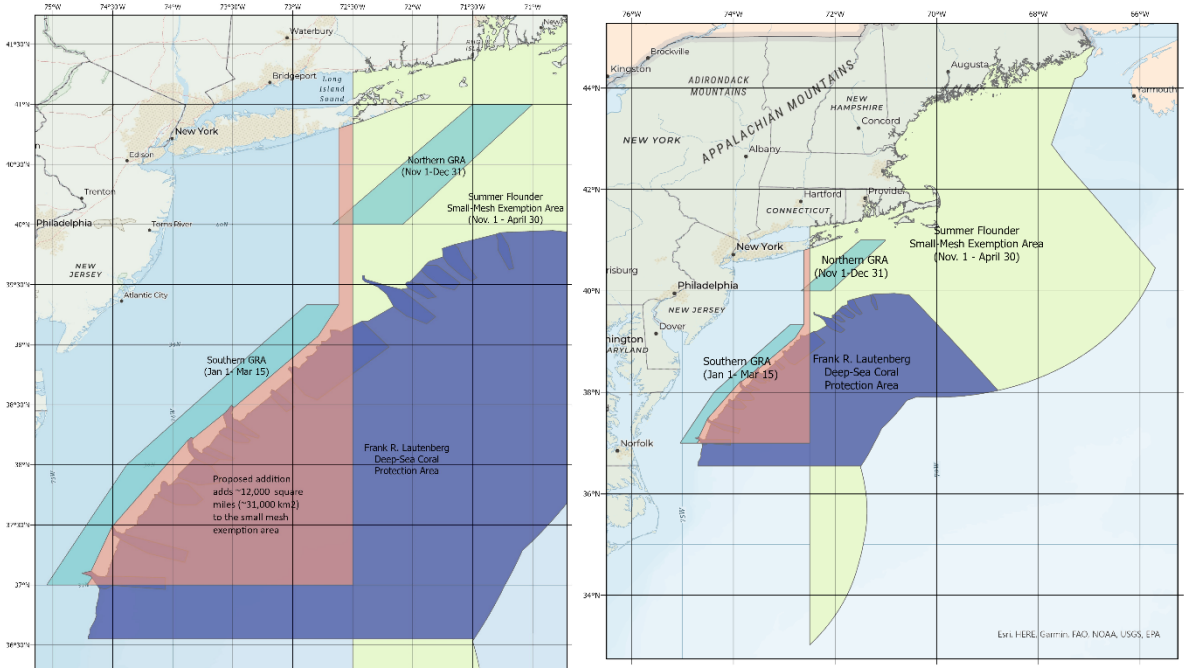

Figure 3: Draft alternative 1C, simplified proposed boundary modification that does not follow the coral area boundaries.

Discussion Questions

- Do you support consideration of modifying the SMEP area?
- Do you have concerns or preferences as to how the deep-sea coral line boundaries are dealt with in alternatives 1B and 1C above?
- Should the portion of the area below the deep-sea coral zone (off North Carolina) also be expanded westward?
- Are there other concerns or suggestions related to how the lines are drawn?
- Are there concerns with vessels using this exemption to target summer flounder?
  - Observer data indicate that about 25% of observed hauls using mesh <5.5 inches reported targeting summer flounder.
- Are there concerns with quantities or rates of discarding of summer flounder under this exemption?
  - Observed discards are typically low in weight (average of 165 pounds/trip for mesh <5.5 inches) but can be notable as a proportion of summer flounder catch (average of 24% per trip for mesh <5.5 inches).
- How are vessels using this exemption (e.g., generally targeting multiple species and/or using multiple gear types on each trip vs. using more for a single fishery)?
- Are there concerns about impacts to the summer flounder stock from expanding the area?

3. Flynet Exemption Revisions

Since 1993, the flynet exemption in the Summer Flounder FMP, has provided an exemption to the minimum mesh size requirements for vessels fishing with a two-seam otter trawl flynet with specifications defined in regulation (see draft Alternative 2A). No permits or special reporting are required to utilize this exemption.

This exemption was originally developed for a specific fishery, primarily off of North Carolina for bluefish and sciaenids, but is no longer being utilized today in that area/fishery. Fishing industry feedback indicates the flynet exemption is being used more widely with "high rise" nets that may not comply with the regulatory definition of a flynet. Feedback from the Fall 2023 mesh exemptions review suggested modernizing the regulatory definition of exempted gear types under the flynet exemption.

Draft Alt 2A: No Action/Status quo.
Vessels fishing with a two-seam otter trawl flynet are exempt from the summer flounder minimum mesh size requirements. The regulatory definition of a flynet is a two-seam otter trawl with the following configuration:

- The net has large mesh in the wings that measures 8" to 64".
- The first body (belly) section of the net has 35 or more meshes that are at least 8".
- The mesh decreases in size throughout the body of the net to 2 inches (5 cm) or smaller towards the terminus of the net.

Draft Alt 2B: Modified flynet definition to remove references to two seams and 64" upper bound of mesh in wings.
Modify the flynet definition to remove 1) the reference to two seams and 2) the reference to the upper range of the mesh size in the wings of 64", as indicated in the highlighted portions of the definition below.

Vessels fishing with an ~~two-seam~~ otter trawl flynet are exempt from the summer flounder minimum mesh size requirements. The regulatory definition of a flynet is an ~~two-seam~~ otter trawl with the following configuration:

- The net has large mesh in the wings that measures 8" ~~to 64"~~ or greater.
- The first body (belly) section of the net has 35 or more meshes that are at least 8".
- The mesh decreases in size throughout the body of the net to 2 inches (5 cm) or smaller towards the terminus of the net.

Draft Alt 2C: Rewrite definition to apply to flynet and high-rise gear with large mesh in the wings, with specifications informed by additional industry feedback and public comment.
Modify the flynet definition to describe flynet and high-rise nets with large mesh in the wings, with additional specific configuration details to be informed by industry feedback and public comment. This alternative may be preferable if it is determined that the definition in alternative 2B does not adequately describe these net types. Preliminary input from industry and gear experts indicate that some components of the definition of trawl gear types are particularly important to distinguish gear types that are unlikely to target or catch substantial amounts of summer flounder, but additional input is needed to more precisely define these gear types. This revised definition could include listing specific net types, however, certain details on mesh configuration (mesh sizes and number of meshes in specific net locations) will be important to avoid any ambiguity in the definition that would exempt gear types that may catch summer flounder in greater amounts.

Potentially Applicable Net Types

Several otter trawl net types used in the Greater Atlantic region may be relevant to an expanded or modified definition of a flynet for the purposes of the flynet exemption. Table 1 provides a preliminary list of specialized trawl net types that may be appropriate to include in a redefinition, based on industry input in Fall 2023. In summary, these net types are either two- or four-seam high-rise nets that have large mesh in the wings with mesh sizes that gradually decrease to the codend. The large mesh in the wings allows many flatfish to escape and is not ideal for targeting or catching summer flounder. Generally, summer flounder catch in these net types is very low. Observer data indicate that summer flounder represents about 0.7% of the total observed catch by weight in these gear types, including 0.6% of observed landings and 0.9% of observed discards. Average total catch of summer flounder in these gear types is about 455 pounds per trip, with discards averaging about 100 pounds per trip.

Table 1: Possible flynet/high-rise net types recommended for consideration by some fishing industry comments during Fall 2023 mesh exemptions review. Definitions are from the 2021 Observer Operations Manual.

Net type	Description
Balloon Trawl	A two-seam trawl with a high mouth, lighter net material, and floats attached to the headrope so the footrope floats just above the bottom.
Eliminator Trawl	Typically a four-seam, three-bridle trawl with large mesh in the forward part of the net. Large meshes in the bottom belly act as a separator device for the escape of non-target groundfish species. Mesh sizes decrease as the net tapers towards the codend.
Flynet	A high profiled trawl with large wing mesh sizes that slowly taper to smaller mesh sizes in the body extension and codend. The headrope is usually slightly larger than the footrope. Uses a large number of floats to keep the net slightly off the bottom. *Regulatory definition for this exemption specifies two seams, but observer data show some reported use of four seam flynets.
Haddock Separator Trawl	A groundfish trawl with two codend extensions arranged one over the other. A codend is attached to the upper extension, and the bottom extension is left open with no codend attached. A horizontal mesh panel separates the upper and lower extensions.
Millionaire Trawl	A four-seam trawl typically used in the squid fishery. Very large openings in the mouth and large mesh in the wings.
Rope Separator Trawl	A four-seam bottom trawl net modified to include both a horizontal separator panel (consisting of parallel lines of fiber rope) and an escape opening in the bottom belly of the net below the separator panel.
Ruhle Trawl	A four-seam groundfish net with large meshes (8-foot meshes) in the wings and bottom belly of the net. The trawl must have kite panels that meet the regulated minimum surface area. The Ruhle Trawl is a specific type of Eliminator Trawl.

Discussion Questions

- Do you support consideration of including these gear types in a revised flynet exemption?
- What are the key defining features of a flynet/high rise trawl net that should be referenced in a revised regulatory definition?
- Which are the most important elements of a trawl configuration that limit catch and targeting of summer flounder with these gear types?
- Are there other net types not listed above that should be considered for this exemption? Net types listed above that should not be included?
- Are there concerns with or comments on the net type definitions in the table above?
- Do you have any concerns about a revised exemption definition notably increasing summer flounder catch or discards?