



Public Input Webinar on Summer Flounder Mesh Regulations and Exemptions Meeting Summary November 1, 2023

Attendees: Alexa Galvan (VMRC), Wes Townsend (MAFMC Chair), Scot Mackey (Garden State Seafood Association), Mike Waine (ASA), Laura Deighan (NOAA), Emily Keiley (NOAA), Dan Malone (Boat owner), Meghan Lapp (SeaFreeze), Eric Reid (NEFMC), Luca McGinnis (Commercial Fisheries Research Foundation), James Fletcher (United National Fisherman’s Association), Emerson Hasbrouck (Cornell Marine Program), Dan Farnham (MAFMC), Sam Martin (Atlantic Capes Fisheries Inc.), Chris Batsavage (NCDMF and MAFMC), Bonnie Brady (LICFA), Scott Curatolo-Wagemann (Cornell Cooperative Extension of Suffolk County), Nichola Meserve (MADMF), Kiley Dancy (MAFMC staff), Hannah Hart (MAFMC staff), Andy Loftus (MAFMC Contractor), Jason Didden (MAFMC staff), Chelsea Tuohy (ASMFC staff), Todd Smith, Jesse Hornstein, Jeffrey Brust, Katie Almeida (Town Dock), Tara McClintock, Alan Bianchi (NC DMF), Haley Clinton, Gus Lovgren, Kristin Gerbino, Tracey Bauer (ASMFC staff), Steve Doctor (MD DNR), Victor Hartley, Jared Silva, Mike Roderick, Hank Lackner, Dan Farnham Jr., and 6 unidentified phone participants

The Mid-Atlantic Fishery Management Council hosted a public input webinar on Wednesday, November 1, 2023 to solicit stakeholder input on several summer flounder regulations related to commercial minimum mesh sizes and their exemptions. Council staff and Andy Loftus (contracted by the Council) are currently evaluating whether modifications to these measures are needed, and feedback from fishing industry participants and other stakeholders is critical to a successful review of these regulations. The Council and Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board will review the provided feedback and consider next steps at their joint December 2023 meeting.

Meeting materials considered and discussed during the meeting are available at:

<https://www.mafmc.org/council-events/2023/public-input-webinar-on-summer-flounder-mesh-regulations-and-exemptions>.

Minimum Mesh Size

Council staff provided an overview of the minimum mesh requirements and a summary of the 2018 mesh size selectivity study for summer flounder, scup, and black sea bass. Results of this study indicated that the current minimum mesh sizes for summer flounder of 5.5-inch diamond or 6.0-inch square do not appear to be equivalent to each other in terms of selectivity.¹ The 6.0-inch square mesh releases less than 50% of fish at or below the minimum size, and its selectivity appears more similar to a 5.0" diamond mesh. Council staff also presented some preliminary analysis on net type (square vs. diamond) use based on the Northeast Observer Program data from 2007-2022.

¹ Hasbrouck et al. 2018 is available at: http://www.mafmc.org/s/Tab08_SFSBSB-Mesh-Selectivity-Study-Apr2018.pdf.

Following the presentation a participant asked whether vessel trip report (VTR) data could be used to expand the preliminary analysis. However, staff responded that VTR data does not include the specific information on mesh size or mesh type fished.

Participants provided the following specific comments on the minimum mesh size regulations:

Gus Lovgren: A larger size of square mesh should be investigated, such as 6.5” square. Any changes in regulations would be expensive and place a large financial burden on fishery participants. A regulation change for just the cod end would cost thousands to tens of thousands of dollars, and if the regulation change was to the entire net, that could cost anywhere from \$30,000-50,000.

Meghan Lapp: The current 5.5-inch diamond or 6.0-inch square minimum mesh requirements have been in place for decades, including during the period when the summer flounder stock was rebuilt. Recent discussions with three primary net builders in the southern New England area indicated that they continue to build new nets to the 6-inch square mesh specification. Changes to the mesh requirements could immediately render those investments obsolete, placing significant financial burden on the industry. Additionally, the square vs. diamond mesh issue does not seem pressing, and if changes are recommended, the recreational sector should also be held accountable for recreational harvest limit overages.

Emerson Hasbrouck: Note that in the 2018 study, the L50 for summer flounder length retention using 6-inch square mesh was about 1 centimeter below the legal minimum size limit. Recommend that the Monitoring Committee examine the summer flounder Table 4 in the 2018 mesh study report, which shows the p-values to determine the statistical significance of the model fit. The p-value for 6-inch square mesh of 0.06 was barely significant, while the p-values for all other mesh sizes tested had a much stronger significance.

Small Mesh Exemption Program

Andy Loftus gave an overview of the Summer Flounder Small Mesh Exemption Program (SMEP), which includes the area east of 72°30’W longitude from November 1 to April 30. He noted that around 75 letters of authorization (LOA) are issued annually for the program with an average of 68 vessels actively landing summer flounder. Approximately 6% of observed trips have met the criteria by fishing in the exempted area using small mesh while landing over 200 pounds of summer flounder, with discard rates remaining under the 10% limit.

Multiple participants noted the importance of the SMEP, particularly to southern New England fleets. Some noted the program has successfully reduced regulatory discards and overall maintaining the program was critical to industry. All participants who commented on this issue supported moving the SMEP line to the west to provide further flexibility for industry, and believed this would not negatively impact summer flounder.

Participants provided the following specific comments on the SMEP:

Meghan Lapp: This program is very important to Southern New England vessels. It gets a lot of use out of Rhode Island fleets and reduces discards. Recommend moving the line west. This would provide

increased flexibility and access to the continental shelf edge where fisheries operate in the winter, given the requirement about not fishing west of line while enrolled in the program. Allowing this flexibility to industry is important especially with diesel costs around \$4/gallon, because otherwise those enrolled in the program need to steam back to port or change their gear if they want to fish west of the current line. The program does reduce discards and maximize profitability, and moving the line west would enhance that, she felt that this shift would not increase discards of smaller summer flounder.

Eric Reid: Agree that the line should be moved west, and specifically propose moving the line about 5 miles west to about 72°37'W longitude, then dropping south to align 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. This would better reflect current fishing practices, similar to how the scup southern GRA was previously adjusted to accommodate the squid fishery. Boats fishing in this area primarily target squid using trawl nets with at least 8–10-foot mesh in the wings and 8-inch mesh in the belly. Summer flounder is bycatch in that fishery and there are not a lot of small fish caught or fish discarded. The administrative requirement for the LOA to fish only east of the line for the time enrolled (minimum of 7 days) is very inconvenient and creates unnecessary paperwork. Consider modifying this rule to increase flexibility for industry without any negative impacts on summer flounder fishery.

Meghan Lapp: Supports Eric's proposed line to follow. This would allow access to the edge where small mesh fisheries are happening at that time of year. In the winter, most gear in that fishery use 10-foot mesh in the wings. Summer flounder are not being targeted with that gear, as flatfish fall out of it. That's why nets of similar configuration are used to reduce flatfish bycatch in other Northeast fisheries.

Bonnie Brady: Speaking on behalf of Dave Aripotch, in support of Eric Reid's recommendations for a modified line. The SMEP is very important economically to fishermen.

Gus Lovgren: Supported Meghan and Eric's comments and recommendations.

Flynet Exemption

Andy Loftus presented an overview of the flynet exemption, which was originally intended to accommodate limited summer flounder catch in North Carolina flynet fisheries targeting other species. He noted that landings under this exemption have declined in recent years. However, there have been industry comments that the exemption may now be used more widely than data shows, with nets that may not meet the regulatory definition.

Participants who spoke on this issue generally supported keeping the flynet exemption but updating the definition to better reflect current gear use and fishing practices.

Participants provided the following specific comments on the flynet exemption:

Eric Reid: The definition of a flynet needs to be updated to reflect how the gear and its use have changed over the years. The requirement for a net to have only 2 seams is outdated, as 4-seam (or high rise nets) are now commonly used. The flynet definition text including mesh size in the wings ranging from 8 to up to 64 inches is also not reflective of the much larger mesh sizes now used (e.g., 10-feet in the wings)

compared to the past. The definition should require at least 2-seams, but not cap the maximum at 4-seams. The definition should also describe the largest mesh portions of the net as being greater than 8 inches without an upper limit. There does not seem to be a difference between a “flynet” and “high rise” net; that is a colloquialism difference up and down the coast. The nets handle the same, and nets with large seam are more fuel efficient which helps the bottom line.

Gus Lovgren: Agreed with Eric Reid’s points and recommended specifically updating the definition to a requirement for a minimum of 8-inch mesh in the wings regardless of the number of seams, graduating down to 2-inch mesh in the body. Speaking for Fishermen’s Dock Coop, this exemption is very important to provide flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid. The exemption should be left in place with an improved definition, and there should also be better knowledge of the exemption among enforcement. The number of seams does not impact fluke catch rate, but rather just net rise within the water column.

Emerson Hasbrouck: Agree with Eric Reid that the term “flynet” seems to be regional. Further north, the term “high rise” is used. The term “flynet” seems to refer to how the net opens up with a large overhang compared to the footrope/sweep. Many consider a high rise net to be a type of flynet. The Ruhle Trawl was developed from a 4-seam flynet, so a definition not restricted to 2 seams makes sense. Based on several selectivity studies, panels with larger mesh sizes over 32 inches release most summer flounder that enter the net.

Comments on Other Issues

Emerson Hasbrouck noted that his group’s 2018 study included several objectives, one of them being to investigate a common mesh size for summer flounder, scup, and black sea bass. The results from their study indicated that although there may not be a feasible common mesh size for all three species, a 4.5 or 5-inch diamond mesh could be a feasible option for scup and black sea bass. He questioned whether the Monitoring Committee and/or Council and Board were still considering these types of changes or whether the focus was only on the diamond vs. square mesh portion of their study for summer flounder. He recommended the Monitoring Committee further consider a common mesh size for scup and black sea bass.



**Summer Flounder Minimum Mesh Size Requirements and Exemptions
Compiled Written and Phone Public Comments, as of November 17, 2023**

Web Form Comments

Name	Burl Self
Email Address	b_e_self@yahoo.com
Affiliation	Fisherman
What is your primary area(s) of fishing activity?	Bottom species
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Small mesh is not a problem and conservation focus
Issue #2: Small Mesh Exemption Program	Phase out larger mesh over three seasons
Issue #3: Summer Flounder Flynet Exemption	No exemptions
Additional Comments	Conservation and enforcement out to our EEZ should be the norm

Name	Thomas P Anderson
Email Address	tanderson705@comcast.net
Affiliation	Fishy Business Inc., F/V Amber Waves
What is your primary area(s) of fishing activity?	Coastal NJ out to Hudson Canyon, south to Cape May and East to Block Island
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	<p>Dear Mid-Atlantic Council,</p> <p>My name is Thomas P Anderson and I've been fishing out of Fishermen's Cooperative, Point Pleasant, NJ since 1979. I started as a crewman for my father, Andreas Anderson, on the F/V Snow White and bought the boat in 1989. I later replaced the Snow White in 2006 with my current boat, F/V Amber Waves.</p> <p>I didn't comment on the 6" square cod end (we fish with 5" diamond) and the</p>

small mesh exemption program, since they really have no bearing on the fishing I do. But the Flynet Exemption is very important to myself and others that fish out of my dock. I'm not a scientist, but I have fished for over 40 years so I feel I have a little knowledge on the subject.

1) What does industry consider a flynet for the purpose of fishing under this exemption (2-seam net, 4-seam net, etc.)?

Personally, I consider a net with at least 8" twine (whether it is 2-seam or 4-seam) in the wings and at least 35 meshes in the first body section behind the sweep to be a flynet (what we call a high rise). It can graduate down to 2" twine in the extension (a lot of guys use these nets for squid), but it doesn't have to. I use 4" twine in my extension to let out small porgies and sea bass, since I don't do a lot of squidding these days.

My net has 16" twine in the wings and 20 meshes of 16" twine in the first belly panel and then 50 meshes of 8" twine in the next section. In other words, way more than is needed to be considered exempt under the flynet exemption. It is a 4-seam net, but we only started putting a panel in the side in recent years, to make the net fish higher for porgies and bass. This modification didn't make the net retain more summer flounder. So, I don't feel that just having a 2-seam net would make a difference.

2) Is the flynet exemption widely used?

- a. In what areas, and for which target species, is this exemption being used?
- b. To what extent is industry using a 4-seam "high rise" otter trawl under this exemption program?

I can't speak for other docks, but I know that the exemption is used at ours by most boats at one time or another. From fall until spring, when fluke, bass and scup can be found together, from the Cholera Bank (in the fall) out to Hudson Canyon and waters north and south out to 80 Fathoms (late fall, winter, and spring). We only use a flynet (high rise) in the colder months. I would say most, if not all boats are using a 4-seam net under this exemption. Like I said earlier, the side panels don't help to catch more summer flounder, but they help with other species like bass and scup, that tend to be off the bottom.

3) What is the difference between a flynet and a "high rise" otter trawl in terms of net handling characteristics and fishing efficiency?

I would say that the only difference between the two is the name. Down south they call it a flynet and we call it a high rise in the north. We have added a side panel making it a 4-seam net, but that just gives it more lift.

4) What are industry recommendations on the flynet exemption? Is there a need to change or modify this exemption?

The flynet exemption is very important in our fishery. We don't target summer flounder with a high rise, but there are times when we catch quite a few. If there was no flynet exemption, we would have to discard these fish and waste a commodity that we'll have to later catch (on the same trip) in a net with a 5.5" cod end. Having all that big twine in the front of the net eliminates discards (of small summer flounder), so we're not wasting the resource by throwing over dead fish.

Another reason the flynet exemption is important is not having to worry

about being compliant with the 5.5" cod end mesh size requirement for summer flounder. There are times, for one reason or another, that we catch our fluke quota first on a trip (with a 5.5" bag) and then switch over to a flynet (high rise) for bass and scup with a 5" cod end. Even though we are not targeting summer flounder at that point, if we are boarded by the coast guard we can be found to be out of compliance for summer flounder, since we have a 5" cod end on the net. The 5" is legal for bass and scup, but not for summer flounder. There are other times when you may start out fishing for bass and scup and you are catching summer flounder with them. So if you are only allowed to retain the by-catch of summer flounder until you put on a net with a 5.5" cod end, you would have to discard all summer flounder in excess of the by-catch limit. This would be a waste of the resource and just make the trip that much longer (burning more fuel and making it harder for me and my crew).

I would say that the flynet exemption should allow the retention of summer flounder with a 2 or 4 seam net, that has at least 8" twine in the wings and the first 35 meshes in the first belly of the net.

I've been doing this a long time, and I don't feel that anyone (including myself) uses the flynet exemption to try to catch more summer flounder with a smaller cod end. But rather retain legal fish that would otherwise be wasted if they were to be discarded and caught at a later time (on the same trip) with a net with a 5.5" cod end. I probably won't be in this business much longer, but feel this exemption is not only important to the fishermen that use it, but also for the resource.

Sincerely,

Thomas P Anderson
President
Fishy Business Inc.
Captain
F/V Amber Waves

Additional Comments

Name	Paddy mc glade
Email Address	Erin15@cox.net
Affiliation	Owner of F/v Cody and enterprise out of point judith
What is your primary area(s) of fishing activity?	SNE
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Personally I prefer the 5.5 inch diamond but don't think a change is needed on either size.
Issue #2: Small Mesh Exemption Program	<p>In my opinion the discards are not the problem but the insanely high quota amount that we have been given this last year with boats able to stay and drill on 20/30k trip limits for the southern states while the other states may be on a 2k trip limit bi weekly during the winter.</p> <p>A .my boats use the exemption to target squid , whiting etc plus Sumer flounder till we get our limit of SF and then go for off load . Smaller boats are limited with weather and being able to catch some mix can make it pay for expenses</p> <p>B.. shorter trips which is less time on bottom with no discards and less fuel.</p> <p>C . I think there would be more discards if we did not have the exemption so I think leave as is</p> <p>Would like to see the council look at quota division among states as 20/30 k a trip for some states is crazy . Last month I got .75 cents a lb for SF . I'm glade quota is getting cut so maybe we can get \$3/4 a lb</p>
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	I see absolutely see more discards if we don't have it which means more time on bottom as in switching nets to catch SF or mix . A trip on my boats might be 1/2 days but may turn into 3/4 days if we take the exemption away as we need to have the mix otherwise it won't be worth leaving the dock .

Name	Shawn hinds
Email Address	Fvscottnathan@aol.com
Affiliation	Fv scott nathan
What is your primary area(s) of fishing activity?	Nj coast , mud hole, Hudson canyon
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	6 inch square works just fine to filter small fish, 5.5 diamond holds much smaller fish, if any change keep 6 inch square and get rid off 5.5 diamond
Issue #2: Small Mesh Exemption Program	No change
Issue #3: Summer Flounder Flynet Exemption	No change
Additional Comments	

Name	Aaron Williams
Email Address	Tradfisheries@gmail.com
Affiliation	FV Tradition
What is your primary area(s) of fishing activity?	South of New England
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	I think we should remain status quo on mesh size, it has worked for numerous years.
Issue #2: Small Mesh Exemption Program	Small mesh program has worked well for years I think it should remain status quo, but also maybe look into having the exemption be a macro on VMS you could code in via VMS instead of through NOAA port agent.
Issue #3: Summer Flounder Flynet Exemption	I believe the flynet seam size shouldn't matter as long as minimum mesh size of twine is met.
Additional Comments	

Name	Gus Lovgren
Email Address	gus.glove@gmail.com
Affiliation	Lilly Rose Fisheries LLC, Fishermans Dock Co-Operative
What is your primary area(s) of fishing activity?	otter trawl
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	<p>Dear Mid Atlantic Council,</p> <p>My name is Gus Lovgren, owner and operator of the F/V Lilly Rose and a member of the Fisherman's Dock Co-Operative in Point Pleasant Beach, NJ. I am a fourth-generation commercial fisherman that has worked within the industry for almost 25 years, and I've been involved, at some level for the entirety of my life. My written comments represent that of myself, my business, Lilly Rose Fisheries LLC, as well as the entirety of the Fisherman's Dock Co-operative.</p> <p>We have little experience using square mesh cod ends, we typically fish with diamond mesh. And although plans may change soon, the small mesh exemption program has been seldom, if ever, used by myself or other members. I will refer to my comments expressed at the webinar on November 1, 2023, on both these issues. What is most important to us is the Flynet Exemption, so I will reiterate my spoken comments and add anything I may have missed.</p> <p>1) What does industry consider a flynet for the purpose of fishing under this exemption (2-seam net, 4-seam net, etc.)?</p> <p>We consider a net with at least 8" twine (whether it is 2-seam or 4-seam) in the wings</p>

and at least 35 meshes in the first body section behind the sweep to be a flynet, or what we call a high rise. It can graduate down to 2" twine in the extension, which a lot of guys use for squid, but it doesn't have to. The number of seams should not matter. Typically, the more seams a net has, the more of a likelihood that the nets are targeting higher swimming species and decreasing fluke by-catch. Nets are now evolving with more and more seams. Many fishermen are having nets built with bottom panels using mesh sizes 10 feet or larger to assure the escape of bottom fish. Limiting the number of seams in the flynet exemption would be doing an injustice to the exemption.

2) Is the flynet exemption widely used?

a. In what areas, and for which target species, is this exemption being used?

b. To what extent is industry using a 4-seam "high rise" otter trawl under this exemption program?

From fall until spring, when fluke, bass and scup can be found together, from the Cholera Bank (in the fall) out to Hudson Canyon and waters north and south out to 80 Fathoms (late fall, winter, and spring), we only use a flynet (high rise) in the colder months.

I would say most, if not all boats are using a 4-seam net under this exemption. Like I said earlier, the side panels don't help to catch more summer flounder, but they help with other species like bass and scup, that tend to be off the bottom.

3) What is the difference between a flynet and a "high rise" otter trawl in terms of net handling characteristics and fishing efficiency?

I would say that the only difference between the two is the name. Down south they call it a flynet, and we call it a high rise in the north. We have added a side panel making it a 4-seam net, but that just gives it more lift.

4) What are industry recommendations on the flynet exemption? Is there a need to change or modify this exemption?

The flynet exemption is very important in our fishery. We don't target summer flounder with a high rise, but there are times when we catch quite a few. If there was no flynet exemption, we would have to discard these fish and waste a commodity that we'll have to later catch (on the same trip) in a net with a 5.5" cod end. Having all that big twine in the front of the net eliminates discards (of small summer flounder), so we're not wasting the resource by throwing over dead fish.

This exemption also allows us to switch between fisheries for any number of reasons. Sometimes we have gear damage and to salvage a trip need to switch fisheries. More often we find that between our fisheries for black sea bass, scup, and summer flounder we may find it more efficient to catch one species during the day and another at night, then return to the original fishery upon sunrise. This allows us to be more economical burning less fuel and resources, while increasing our time on land spent with families and loved ones.

I don't feel that anyone, including myself, uses the flynet exemption to try to catch more summer flounder with a smaller cod end. But we would rather retain legal fish that would otherwise be wasted if they were to be discarded, only to be caught at a later time on the same trip with a net with a 5.5" cod end. I feel this exemption is not only important to the fishermen that use it, but also for the resource.

Sincerely,
Gus Lovgren
Owner/Operator
Lilly Rose Fisheries LLC
Treasurer
Fisherman's Dock Co-Operative
Cell (732)597-8742

Name	Bill Amaru
Email Address	ironbill70@gmail.com
Affiliation	Commercial fisherman from Massachusetts. Current member of Massachusetts Marine Fisheries Advisory Commission, and former NEFMC member.
What is your primary area(s) of fishing activity?	Have fished multiple gears over 50+ years of commercial fishing activity in both state and federal waters. Primarily focused on mixed-species trawl fishery south of Cape Cod now.
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	Massachusetts state regulations establish a minimum trawl mesh of 6.5"; most fluke fishermen here use a 6.5" or even 7" square mesh to comply with this regulation. Dropping the square mesh alternative from the fluke FMP would have an economic cost to switch to diamond for dual state/federal permit holders. With other costs rising (fuel, dockage, etc.), the industry cannot sustain such a change for negligible conservation benefit. Importantly, it must be considered that square mesh doesn't pull evenly and over time becomes elongated and thus more diamond in shape; accordingly, the 6.0" square alternative in the FMP becomes more equivalent to the 5.5" diamond over time than the recent mesh study indicates. The 6.5" square mesh used mostly in the MA fluke fishery is really like a 6" diamond.
Issue #2: Small Mesh Exemption Program	
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	

Name	Corey Harris
Email Address	Cwh6k12@aol.com
Affiliation	Owner/Operator FV Bulldog
What is your primary area(s) of fishing activity?	Southern new england
Issue #1: Summer Flounder Minimum Mesh Size: 5.5" Diamond or 6.0" Square	No changes needed
Issue #2: Small Mesh Exemption Program	I believe that the small mesh exemption area be extended to follow Eric Reid's proposal as it would greatly reduce regulatory discards in the fall and winter small mesh fisheries
Issue #3: Summer Flounder Flynet Exemption	
Additional Comments	

Email and Phone Comments

From: bucktail <bucktail8@aol.com> **Sent:**

Thursday, October 19, 2023 1:06 PM **To:**

Chelsea Tuohy <CTuohy@asmfc.org>

Subject: [External] Re: MAFMC Seeks Public Input on Summer Flounder Mesh Regulations and Exemptions

IF you are going to loosen up the Commercial regulations YOU ALSO need to loosen up RECREATIONAL REGULATIONS

TWO suggestions for recreational summer flounder

#1 Recognize that 80% of Summer Flounder migrate a little further north after spawning well offshore in winter every year which results in the average size is larger New York and further north than average size in New Jersey/Delaware

#2 With regulations of 17 1/2" and larger all that is being removed are females which will never allow the population to return to it's past numbers

#3 Set regulations by area and acknowledge the fact that off NJ and Delaware the average size is smallest

#4 Recognize that largest summer flounder of the year arrive in inshore waters of New Jersey and Delaware in mid April and ONLY remain inshore 8 to max of 10 weeks before moving back offshore and returning to spawning areas . The number of larger fluke arriving inshore drops significantly in late May and June . In July thru August the smallest fluke of the year are inshore with very few legal fluke getting caught in inshore waters

#5 Open season earlier or have a 360 day season for inshore summer flounder and different seasons for off shore ,Keep number of fish kept at 3 until population returns to higher numbers

As one who has fished for summer flounder in South New Jersey area and tagged and released over 12,000 summer flounder with a 9% return of tags my comments come from the results of my tagging data

Managing the Summer Flounder Coast Wide is wrong and will not allow for a population growth

I recognize these comments probably will go no where but felt they needed to be stated from someone who has actually caught summer flounder and kept the data

Based on some of the decisions that have been made over past 30 years I have my doubts if the decision makers do a lot of fishing

thank you for listening

Bill Shillingford

Cape May County ,New Jersey

email bucktail8@aol.com

From: James Fletcher <unfa34@gmail.com>
Sent: Thursday, October 19, 2023 5:35 PM
To: Kiley Dancy; Moore, Christopher; Hare, Jon
Subject: Re: FW: MAFMC Seeks Public Input on Summer Flounder Mesh Regulations and Exemptions

KILEY PLEASE -PLEASE GO BACK TO 1989 PRE NET SIZE (SUMMER FLOUNDER REGULATIONS) INTRODUCTION! REVIEW PUBLIC COMMENT OPPOSED TO 5 1/2 TAIL BAG.

United National Fisherman's argued for a 5 inch web size for summer flounder, FROM PRE COUNCIL IN 1976 First net size request for net size to ASMFC came from Carolina Fishermen mid 70's
5 inch is still the correct size to allow sea bass Scup & croaker to be landed in a mixed fishery.

JUST GO BACK AND LOOK WHAT THE FISHING INDUSTRY ASK FOR! pre 1989 when 5 1/2 was implemented. 5 INCH AND 12 INCH FISH WOULD HAVE WORKED AT THE TIME! **(WILL WORK NOW)**
THINK OF BOFFFF AND THE IGNORANT SCIENCE PRESENTED AT THE LAST COUNCIL MEETING.
31 years later and over half the fishermen and boats are out of business Perhaps the time has come for a 5 inch tail bag and 12 inch fish WHY 12 YOU ASK
THE SOUTHERN FLOUNDER IS NOW IN CHESAPEAKE BAY AND FEW MALE GROW TO 15 INCHES! THIS IS EXTREMELY FRUSTRATING ASK DR. MOORE ABOUT 5 INCH FROM INDUSTRY!

BEFORE THE NET SIZE A VESSEL WOULD LAND 65% FLOUNDER, REST OF CATCH WOULD HAVE BEEN BLACK SEA BASS GRAY TROUT, CROAKER' SCUP, SQUID the extra catch was eliminated by the 5 1/2 net size instead of 5 inch STUPID SCIENCE OR DESIGN TO KILL BOFFFF FEMALE FLOUNDER. The water bucket affect allowed large female to escape. Those dumb fishermen did not know anything WE HAD BEST AVAILABLE SCIENCE TRYING TO DESTROY U.S. FISHERIES BY TARGETING BOFFFF. the same scientist that said in report that large FEMALE FLOUNDER DID NOT AFFECT REPRODUCTIVE STOCK.

Be sure to invite Mark Wuenschel & crew to explain BOFFFF and **SOUTHERN FLOUNDER INSTEAD OF YELLOW TAIL FLOUNDER THAT WERE NEVER PART OF THE FLOUNDER (SOUTHERN & SUMMER) FISHERY.**

As you can tell i am upset 52 years and the science is still being used to make America import seafood!

GO BACK AND REVIEW THE RECORD

From: Hart, Hannah
Sent: Monday, October 23, 2023 9:42 AM
To: Kiley Dancy; Chelsea Tuohy
Subject: FW: Summer Flounder VS Southern Flounder MOVEMENT NORTH

FYI

From: James Fletcher <unfa34@gmail.com>
Sent: Monday, October 23, 2023 9:41 AM
To: Hart, Hannah <hhart@mafmc.org>; hkindsvater@vt.edu; Didden, Jason <jdidden@mafmc.org>; Ross Butler <Ross.Butler@oceanfleetservices.com>
Subject: Summer Flounder VS Southern Flounder MOVEMENT NORTH

Discussion of net size regulations IS NOT THE PROBLEM:::
PROBLEM POOR SCIENCE & MANAGEMENT. This does not address dead recreational discards BUT TOTAL LENGTH FOR RECREATIONAL WOULD!

Ms. kindsvater; Have the Southern Flounder (*paralichthys lethostigma* moves north ? Now off Delaware and Growing in Chesapeake Bay? IF SO CONSIDER :

Could the Bastard Halibut of Japan family Paralichthyidae two families be introduced to U.S. waters to increase flat fish production off N.C. & Virginia (Yamaha Fishery Journal No. 37) IF SUMMER FLOUNDERS HAVE MOVED NORTH? OR SHOULD NET SIZE & FISH SIZE BE REDUCED TO HARVEST MALE SOUTHERN FLOUNDERS

is science & management following *GROUP THINK?*

WHEN WAS THE LAST TIME THE GILL RAKES OF FLOUNDER FROM BAY COUNTED? Are the fish southern or summer flounders off VA & NC ?

Southern Flounder migrate in tighter groups thus are not located off N.C. Or Virginia

PLEASE SOMEONE **THINK!**

--

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473- 3287 cell 757-435-8475

From: Hart, Hannah
Sent: Monday, October 23, 2023 9:59 AM
To: Kiley Dancy; Chelsea Tuohy
Subject: FW: Summer Flounder Discussion

-----Original Message-----

From: James Fletcher <unfa34@gmail.com>
Sent: Monday, October 23, 2023 9:57 AM To:
Hart, Hannah <hhart@mafmc.org> Subject:
Summer Flounder Discussion

Consider;;; go down on net size to 5 inch. Go down of fish size to 12 inch TARGET MALE FLOUNDERS BOTH SOUTHERN & SUMMER. prevent small importing of flat fish.

CALL 757 435 8475 to discuss. NOT GROUP THINK!

--

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land
252-473-3287 cell 757-435-8475

From: James Fletcher <unfa34@gmail.com>
Sent: Tuesday, October 31, 2023 11:59 AM
To: Kiley Dancy; Hart, Hannah; Moore, Christopher
Subject: Committee or plan development BEHIND DISCUSSION OF NET SIZE CHANGES

WHO ----- please supply a list of gropes BEHIND THE REVIEW OF NET SIZE DISCUSSION?

-- NAME AND QUALIFICATION OF CONTRACTOR REVIEWING MESH REGULATION! PAST EMPLOYMENT OF CONTRACTOR.

IWhat data is being utilized to support THIS REVIEW?

BOFFFF indicates the MAFMC & ASMFC have allowed a smaller slower growing summer flounder to be genetically developed! SO why change net size GO SMALLER NET SMALLER FISH SIZE.

DISCUSS CHANGING FIEH SIZE TO 12 INCHES TO MATCH THE SMALLER SLOWER GROWING FISH DEVELOPED BY MAFMC & ASDMFC CONSERVATION EQUIVLENCE .

United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473- 3287 cell 757-435-8475

From: Steve Doctor -DNR- <steve.doctor@maryland.gov>
Sent: Wednesday, November 1, 2023 3:09 PM
To: Hart, Hannah; Kiley Dancy
Subject: mesh size meeting

I emailed Sam Martin a trawler from Maryland and he would prefer to be able to keep the 6 inch square mesh. He says the fleet uses the 6 inch square mesh and the 5.5 inch diamond mesh both. He uses the 6 inch square when he wants to reduce 'trash' bycatch in the catch.

Thank you

Steve Doctor Fisheries
Biologist Ocean City,
Maryland
Maryland Department of Natural Resources
12917 Harbor Rd. Ocean City, MD 21842
443-365-0243
steve.doctor@Maryland.gov

From: Hank Lackner <jdhlcl@aol.com>
Sent: Saturday, November 4, 2023 2:40 PM
To: Kiley Dancy
Subject: summer flounder mesh regulations and exemptions

Hello Kiley,

I would like to start off by commenting on the mesh sizes..I do not believe there is any need at this current time to make any changes to the cod end mesh size Keep the current 5.5 inch diamond or 6 inch square as the minimum size .

I would like to support keeping the small mesh exemption program in place and in fact expand it..During these times of warming water, fish are moving north and deeper so I believe it is time to adapt some of these old, but very important exemptions. Slightly modifying the current small mesh exemption boundaries will reduce discards and add some flexibility to the struggling squid fleet.

I would like to see the boundary shifted west on the north end to 72* 37.0W and connect to the northeast corner of the southern scup GRA and follow that offshore line south..The loligo squid fleet primarily fishes with large mesh nets in this area and occasionally encounters summer flounder and discarding them is just a waste.

I also support keeping the flynet exemption with some modifications made to its definition..It should include nets with more than two seams as well as mesh sizes greater than 64 inches in the wings..

By keeping and amending these two exemptions to more adequately represent todays fishing fleet, discard numbers will drop and the fleets efficiency will slightly improve..These are trying times for most and I hope you can make these few revisions to make things a little easier for all..

Thank You, Hank

Lackner

F/V Jason & Danielle Montauk NY

Comments from James Fletcher 11/1/23

In the 1970's was shoveling over flounder that were less than 10 inches. A 5-inch net and a 12 inch fish would work. The Council is now discussing the net size and not discussing changing the min. fish size. Summer flounder is going for 1 dollar/ pound. Nothing in the US is going down in price other than fish. The department of Comm. is manipulating the price of fish to benefit the foreign market.



November 3, 2023

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Chris Moore, Executive Director
Mid Atlantic Fishery Management Council
88 North State Street, Suite 201
Dover, DE 19901

Re: Summer Flounder Mesh Regulations and Exemptions

Dear Chris,

We are writing to express our support for the Small Mesh Exemption program, which is an important exemption utilized by many vessels in Southern New England. It reduces discards and enables fishing flexibility for these vessels, including several of our vessels. To increase this flexibility and reduce regulatory discards, we support moving the current Small Mesh Exemption 72° 30.0 W longitude line to the west, beginning a new line with a starting point at 72° 37.0 W connecting to the northeast corner of the Southern Scup GRA, then following down the eastern border of the Scup GRA. This would allow the small mesh fisheries operating on the edge of the continental shelf in the winter months to access the area between the Southern Scup GRA line to the west and the Coral Zone line to the east. As these vessels are already typically using gear with large meshes in the mouth of the net, designed to shed non-target species, no impact to the fluke resource would occur, other than to reduce a small amount of discards, but the change would provide flexibility to the vessels utilizing the exemption. Currently, vessels utilizing the Exemption are prevented from continuing a trip started east of the current 72° 30.0W to the west of that line; the vessel would be required to return to port and then start another new trip to the west of the line. This reduces flexibility and increases fuel consumption. Moving the line to the west would allow the fisheries to operate in a more efficient manner and reduce high fuel costs.

We also support amending the flynet exemption language to include nets with more than two seams, as well as mesh sizes greater than 64 inches in the wings. Many current nets include meshes much larger than 64 inches in the wings, and inclusion of larger mesh sizes than currently allowed should not present any conservation issue. Neither should inclusion of nets with more than 2 seams, as the number of seams has no bearing on flatfish retention. In fact, in the New England groundfish fishery, four seam nets with large mesh in the wings were adopted into regulation after demonstrating significant reduction in flatfish catch.²

Thank you for the opportunity to comment.

Sincerely,
Meghan Lapp
Fisheries Liaison
Seafreeze Shoreside and Seafreeze Ltd.

² See [Bycatch reduction in the Northeast USA directed haddock bottom trawl fishery - ScienceDirect](#).

Kiley Dancy

From: Jim Lovgren <jlovgren3@gmail.com>
Sent: Thursday, November 9, 2023 4:38 PM
To: Hart, Hannah; Kiley Dancy
Subject: summer flounder issues
Attachments: fly net.docx

Hanna, Kiley, attached are comments I submitted to the council in 2020, in regard to the fly net exemption, and mesh sizes for demersal species. I wasn't available for the webinar last week, so I would like these comments to go on record and also be presented in the briefing book for December's council meeting, especially since there are new members who are unaware of these comments. Thanks, Jim

Possible changes to Summer Flounder net regulations

At this fall's council meeting in Durham, N.C. I brought up a couple of issues in concern to Summer Flounder management relating to the Fly Net Exemption, and mesh sizes themselves. I would like to refresh your minds on these two issues as they are of critical importance to the Summer Flounder fishery, especially the winter off shore fleet.

The first issue I brought up was concerning the Fly Net exemption, which was stated by staff to be little used by the industry. I commented that that was wrong, many Mid Atlantic fishermen have been using the fly net criteria to allow them the flexibility to pursue multiple species while on an offshore trip of multiple days. Due to the use of trip limits in many species, fishermen of various states find themselves in the position of having trip limits of some species that are not economically worthwhile due to the increased distances they need to travel to catch them in the winter season. Because of the 200 pound bycatch limit in effect from November 1 to April 31, fishermen once they reach that limit must either discard anymore Summer Flounder they catch, or change nets to the now required five and a half inch mesh throughout. As a former council member I was familiar with the Fly Net exemption and recognized that it could be utilized on these offshore trips so that our fishermen could retain summer flounder in amounts exceeding the 200 Lb bycatch as long as their nets met the requirements of the Fly Net exemption, which all of our high rise nets do, [industry in the north east calls these nets High Rise, not fly net although they are the same thing]

Consequently boats from Point Pleasant, and other ports have been fishing using the fly net exemption for years, but because there was never any requirements needed to utilize this exemption, it went unnoticed by management. This utilization all gets down to versatility, the ability that all boats used to have to change from one fishery to another depending on many variables, including, weather, market prices, fish availability, damaged gear, ect. Once a bycatch limit of summer flounder was reached, the fisherman is forced to use 5 ½ inch mesh throughout. If he has 500 lbs of summer flounder aboard and tears up his net, he has to try to catch scup, sea bass or squid with 5 ½ inch mesh which will result in a broker, he might as well go home. By utilizing the fly net exemption, the fisherman can just change to his high rise and continue fishing, although his targeted fishery would change to Scup, Sea Bass, or squid. The fisherman should utilize a second VTR since he has changed his gear, but not all fishermen do this although they are required to.

So there are a few things that I request in regard to the fly net regulations, first being to change the description of the fly net to include not only two seam nets but also four seam nets. When this exemption was created four seam nets were not in wide spread use, now almost everyone uses them. And to be clear in regard to a four seam net, the four seams generally only go half way down the length of the nets body, they are designed to make the nets mouth, open higher, to

target fish higher in the water column, Scup, Sea Bass, and squid. Also some of these nets have ten foot mesh, or they are rope nets in which there are no meshes until further behind the sweep, therefore the mesh size definition of the fly net should also state 35 meshes or more of 8 inch OR LARGER behind the sweep. Also the storage language should be changed because it reads no mesh smaller than 5 ½ inches can be onboard the vessel. This should be changed to add “unless properly stored”. Remember, a fly net has a number of different meshes, one common version would have a graduated change from 32 inch to 16, to 8, to four and then to 2 inch, this is how they are constructed. If a fisherman cannot have 2 or four inch mesh

properly stored on his vessel, then when he tears up, if there is twine missing, his net is useless until he goes home and fixes it with the size twine that he is presently not allowed to have onboard. Lastly, if the NMFS or the council is so inclined I think that a review of VTR's and observer data will prove the wide spread use of the fly net exemption.

The second issue is related to the first and it regards the use of 3 different mesh sizes for the demersal species of Scup [five inch], Summer Flounder [five and a half] and Black Sea Bass, [four and a half]. These species are rightfully managed together, as they are very frequently caught together, in the same tow, or on the same trip. The mesh sizes have been very effective and have been the primary reason these stocks are presently so healthy. I do not propose any changes to the mesh sizes in these fisheries for the May 1 to October 31st fishery, which is defined by the increase in the bycatch limit for these fish. What I do propose though is that a uniform cod end mesh size of five inches be adopted for the offshore winter season from November 1st to April 30. This would mean that the Black Sea Bass mesh size would increase to five inches, while the Summer Flounder mesh size would be reduced to Five inches, while Scup stays the same.

This will allow fishermen the flexibility to target all three species on the same trip without having to worry about if he is legal or not. By increasing the Sea Bass mesh size to Five inches it will reduce discards and fishermen will retain larger fish. Most fishermen in the winter season are already targeting the Bass with five inch mesh. The reduction of the Summer Flounder mesh to five inches during the winter season will not in anyway create more bycatch of summer Flounder, It should be pretty well documented by Observer data that very few fish smaller than 14 inches are caught in the offshore fishery, they simply do not migrate that far offshore, the winter fishery is dominated by large mature fish usually bigger than 15 inches and the deeper the water the bigger the fish. This is also the reason the small mesh exemption exists east of the 72 30 line. One area of possible concern would be the southern area off Virginia and North Carolina. I do not have much expertise in fishing down south, so I don't know much about the size of the fish caught in the winter south of Baltimore canyon. The continental shelf narrows there, so the water gets deeper faster than off the northern Mid Atlantic. Also the southern fish generally are smaller than the northern fish so this may be an area to look into. If it is a problem it may be solved by using the southern boundary of the Scup GRA, or simply the 42500 line.

Emerson Hasbrouck has been doing research on this issue for a while so I'm sure he has valuable information regarding this mesh size issue. The regulatory relief that this change in meshes would create would be enormous, and a welcome relief to the fishermen that are presently stuck constantly changing nets or cod ends, many times in cold and dangerous conditions. Changing nets generally involves hoisting the net 30 feet or more in the air so it can be placed somewhere else on the deck, or in the fish hold. The net swings back and forth, and the floats and sweep become a dangerous weapon that have hurt many fishermen. Changing cod ends in the winter is brutal as the twine is wet, and its usually freezing or below, after a few minutes exposed to this your fingers become numb and you must go inside to thaw them out. Changing a cod end usually take 15 to 30 minutes.

So I request that the council and the Demersal committee pursue these proposals in an expediated manner. I don't believe that they require a Framework, I think it could be accomplished under annual Specifications. Thank you for your efforts in regard to fishery management,

Sincerely; Jim Lovgren

Kiley Dancy

From: Katie Almeida <kalmeida@towndock.com>
Sent: Thursday, November 16, 2023 2:04 PM
To: Kiley Dancy
Subject: fluke comments

Hi Kiley,

I'd like to add a couple of comments to consider on the fluke mesh size and fluke exemption.

-We use the 6" square net for fluke fishing as it works well in reducing discards and retaining the larger fish while letting the smaller ones go. The 5 ½ diamond can stretch a bit letting marketable fish escape.

-We support the suggestion of moving the small mesh exemption line west and perhaps allowing it to be used year- round to continue to reduce discards.

Thank you,
Katie

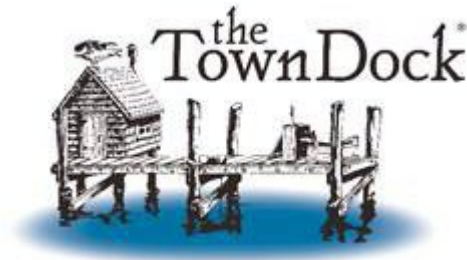
Katie Almeida

**Senior Representative, Government
Relations and Sustainability**

45 State Street | Narragansett, RI 02882 USA O:

401-789-2200 x143 | C: 508-930-2633

www.towndock.com



The contents of this e-mail message and any attachments are confidential and are intended solely for the recipient. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please notify the sender by reply e-mail and delete all copies of this message and its attachments, if any.

From: Malcolm McClintock <mjmcclintock3@gmail.com>
Sent: Thursday, November 16, 2023 10:21 AM
To: Kiley Dancy; Hart, Hannah
Subject: Small Mesh Exemption
Attachments: Summer Flounder Mesh Regulations and Exemptions 11.16.23.pdf

I would specifically like to comment on the small mesh exemption regulation and say that i would be in full support of the idea that Eric Reid had about moving the western border of the line to the 72'37.00, starting at the shore of Long Island running south to the northeast corner of the southern GRA, and then following that border all the way down. This would dramatically reduce the regulatory discards. As it stands now, any boat that is squid fishing in the fall and winter, east of said line (where we typically squid fish in the fall and winter), and west of the 72'30, has to throw back any fluke they might catch over the 200 pound limit, only to then steam back to the northeast, east of the 72'30 at the end of the squid trip to then catch the fluke that they had already thrown back. It would just be a common sense solution to a regulatory discard problem and could easily be implemented thanks to the existing line of the southern GRA and should be done so as soon as possible.

As far as the 6" square bag issue goes, from the MAFMC's website, under which regulations are under review, it states that; "6.0" square mesh may be retaining too many undersized fish". The word that should be highlighted there is "may". Clearly more cooperative research needs to be done to determine whether or not 6" mesh is retaining undersized fish. Boats made significant investments building 6" square cod ends, let's not throw them all in the dumpster before we know for sure.

Also, it seems like a no-brainer that rope nets should be included as part of the flynet exemption and the language should be amended to reflect that.

Sincerely,
Malcolm J
McClintock F/V
Bulldog

Seafreeze Ltd.



November 3, 2023

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Chris Moore, Executive Director
Mid Atlantic Fishery Management Council
88 North State Street, Suite 201
Dover, DE 19901

Re: Summer Flounder Mesh Regulations and Exemptions

Dear Chris,

We are writing to express our support for the Small Mesh Exemption program, which is an important exemption utilized by many vessels in Southern New England. It reduces discards and enables fishing flexibility for these vessels, including several of our vessels. To increase this flexibility and reduce regulatory discards, we support moving the current Small Mesh Exemption 72° 30.0 W longitude line to the west, beginning a new line with a starting point at 72° 37.0 W connecting to the northeast corner of the Southern Scup GRA, then following down the eastern border of the Scup GRA. This would allow the small mesh fisheries operating on the edge of the continental shelf in the winter months to access the area between the Southern Scup GRA line to the west and the Coral Zone line to the east. As these vessels are already typically using gear with large meshes in the mouth of the net, designed to shed non-target species, no impact to the fluke resource would occur, other than to reduce a small amount of discards, but the change would provide flexibility to the vessels utilizing the exemption. Currently, vessels utilizing the Exemption are prevented from continuing a trip started east of the current 72° 30.0W to the west of that line; the vessel would be required to return to port and then start another new trip to the west of the line. This reduces flexibility and increases fuel consumption. Moving the line to the west would allow the fisheries to operate in a more efficient manner and reduce high fuel costs.

We also support amending the flynet exemption language to include nets with more than two seams, as well as mesh sizes greater than 64 inches in the wings. Many current nets include meshes much larger than 64 inches in the wings, and inclusion of larger mesh sizes than currently allowed should not present any conservation issue. Neither should inclusion of nets with more than 2 seams, as the number of seams has no bearing on flatfish retention. In fact, in the New England groundfish fishery, four seam nets with large mesh in the wings were adopted into regulation after demonstrating significant reduction in flatfish catch.¹

Thank you for the opportunity to comment.

MALCOLM J. MELNTOCK FIVE BULLDOGS

Sincerely,

¹ See [Bycatch reduction in the Northeast USA directed haddock bottom trawl fishery - ScienceDirect](#).

Chris Moore, Executive Director

Nov 15, 2023

Mid Atlantic Fisheries Council

88North State Street, Suite201

Dover DE 19901

Dear Chris,

I support keeping the 6" square, most of the boats that have gone groundfishing use their old yellowtail flounder bags that are useless now.

I support moving the 72'30 line west to the scup GRA line to make it simpler with one less line. We were boarded once by a cutter unfamiliar with the rules and he told me I had to have the 72'30 LOA to fish west of 72'30 and I had to explain it all to them multiple times that I was right and they were wrong I got through to the boarding team but someone on the cutter didn't believe me or the papers I had. 3.5 hours later they finally realized they made a mistake.

I also support changing the wording in the fly net exemption to meshes 64" or greater and eliminating the 2 seam requirement or adding 4 seam to it. Eliminating 2 seam preferable.

Thank you

Mark S Phillips

F/V Illusion