



Summer Flounder Commercial Mesh Size Exemptions Framework/Addendum



Summer Flounder, Scup, and Black Sea Bass Board and Mid-Atlantic Fishery Management Council

October 24, 2024



Overview



- Action Overview and Timeline
- Review of Options
- Public Comment Summary
- Advisory Panel Report
- Council Staff Recommendation
- Council/Board Final Action



Considers changes to two exemptions to the summer flounder commercial minimum mesh size requirements:

- Small Mesh Exemption Program
 - Area Boundaries
 - Evaluation Criteria
- Flynet Exemption
 - Definition Modifications



Timeline



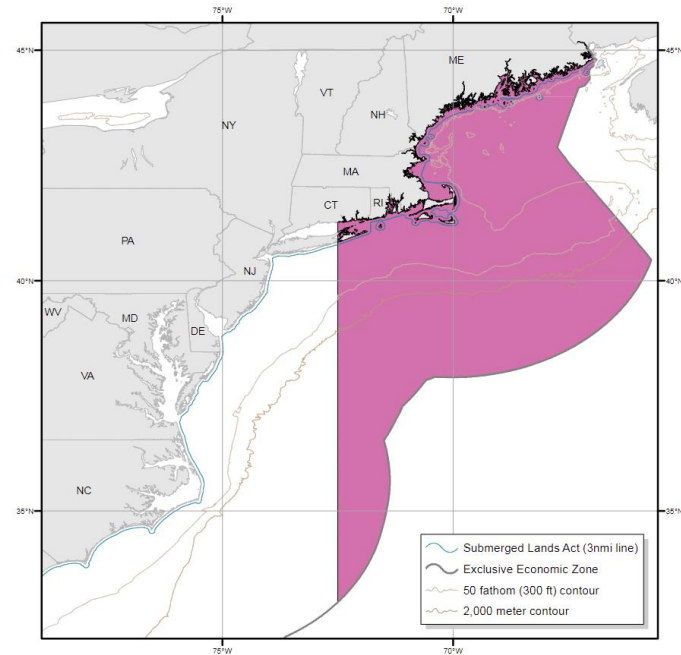
Date	Action
December 2023	Council initiates framework
February 2024	Board initiates draft addendum
February – July 2024	FMAT/PDT develop draft addendum document for public comment
August 2024	Council and Board reviewed, and Board approved, Draft Addendum XXXV for public comment
August 2024 – September 2024	Public comment period, including public hearings
October 3, 2024	Advisory Panel meeting
October 24, 2024	Council and Board review public comment and take final action
Fall 2024-Summer 2025	Finalization of Council Framework document; NOAA Fisheries review; federal rulemaking
Summer/Fall 2025	Effective date



STATEMENT OF THE PROBLEM

Statement of the Problem (**Program Boundary**):

- Small mesh exemption program (SMEP) adopted and last modified in 1993
- Allows authorized vessels to fish east of line using small mesh and retain >200 lb summer flounder, Nov-Apr
- Fall 2023 review industry comments requested an expansion of the western SMEP boundary to enhance economic benefits



Current SMEP boundary:
longitude 72° 30.0'W



Small Mesh Exemption Program



Statement of the Problem (**Evaluation Criteria**):

- Annually reviewed using observer data
- Regional Administrator may terminate the SMEP for the remainder of the season if vessels on average are discarding >10% of summer flounder per trip
- 10% threshold based on early 90s data to signal increased discards of small summer flounder
 - Given current regulatory environment, may no longer be useful for flagging problems with the exemption
- Unnecessarily rescinding the exemption may increase regulatory discards



Flynet Exemption



Statement of the Problem (**Flynet Definition**):

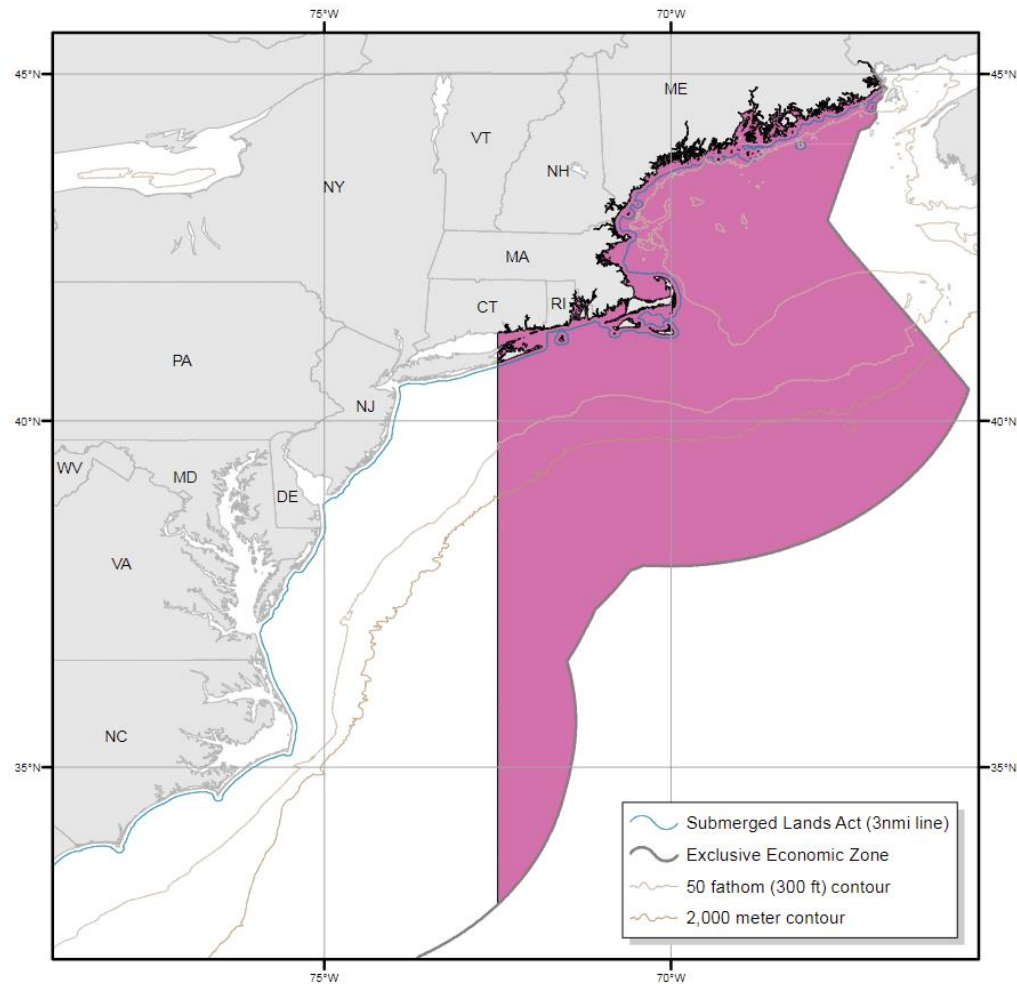
- Original intent to accommodate a specific fishery primarily in North Carolina which is no longer using the exemption
- Other flynet/high-rise gear types with similar configurations using the exemption throughout the Greater Atlantic, but may not comply with the definition
- Fall 2023 review industry comments requested a modernized definition to include these gear types which catch few summer flounder



PROPOSED MANAGEMENT PROGRAM

Section 3.1 Option A: Status Quo

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

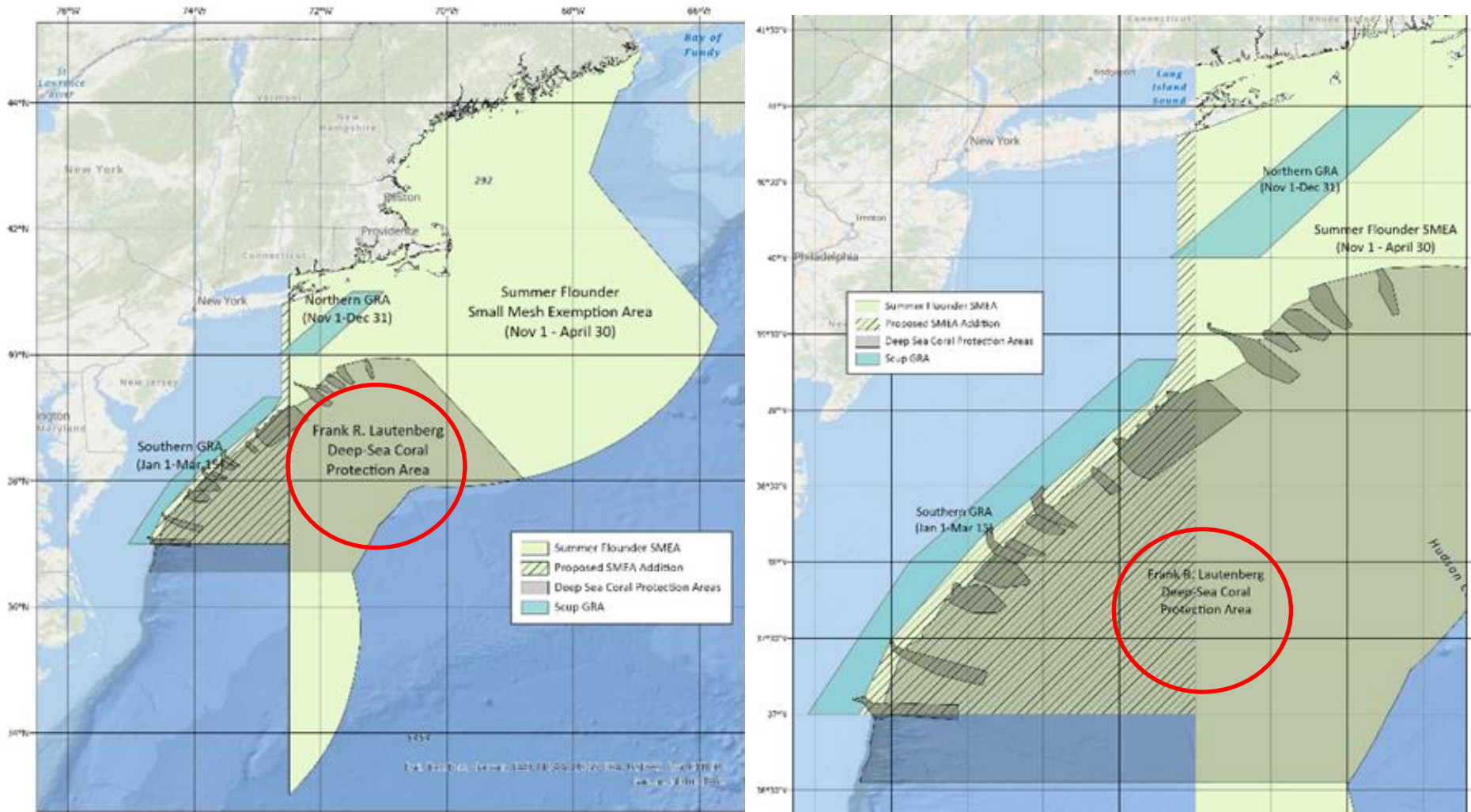




Section 3.1 Option B: Expanded SMEP Area

- Starting south of Long Island, move westward line ~5 miles west to $72^{\circ}37'W$ longitude
- Follow south to northeast corner of the scup Southern GRA ($39^{\circ}20'N$, $72^{\circ}37'W$).
- Follow eastern border of southern GRA to $37^{\circ}N$, forming southern boundary of the expanded area running eastward until intersection with the current SMEP boundary

Section 3.1 Option B: Expanded SMEP Area





Section 3.2 Option A: Status Quo

- Regional Administrator may terminate exemption if observer data indicates that vessels fishing under the exemption are **discarding more than 10 percent, by weight, of their entire catch of summer flounder per trip.**
- Federal Register notice to terminate the exemption for the remainder of the exemption season



Section 3.2 Option B: Modified Discard Trigger

- Revise trigger to: Discarding **more than 25 percent**, by weight, of their entire catch of summer flounder per trip.
- More realistic percent of expected discards % based on revised/more accurate evaluation methodology and modern drivers of regulatory discards
 - Average discards in weight on SMEP trips are relatively low
- Reflects status quo operations over past 10 years for observed small mesh LOA trips and broader trawl fleet



Section 3.2 Option C: Tiered Monitoring Approach

- Revise trigger to **25 percent**, but rather than immediate consideration of rescinding, triggers more in-depth evaluation
- Conducted or reviewed by Technical Committee/Monitoring Committee
- Consider major issues that may need to be addressed (e.g., high discards of undersized summer flounder; increased targeting w/ small mesh)



Section 3.2 Option C: Tiered Monitoring Approach

- Review conducted ASAP but no later than the next specifications cycle
 - Results to Council and Board for recommendation to Regional Administrator
 - Regional Administrator retains ability to rescind exemption, if warranted



Section 3.3 Option A: Status Quo

Vessels fishing with two-seam otter trawl nets with the following configuration are exempt from the minimum mesh size regulations:

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



Section 3.3 Option B: Modified Flynet Definition

Vessels fishing with an otter trawl net with the following configuration are exempt from the minimum mesh size regulations:

- a) The net has large mesh in the wings that measures 8" or greater.
- b) The first body (belly) section of the net has at least 280" of mesh behind the sweep where the mesh size is at least 8".
- c) The mesh decreases in size throughout the body of the net toward the codend.



FLYNET EXEMPTION FUTURE MONITORING AND ADMINISTRATIVE ISSUES



Future Monitoring



- Previously monitored using only NC data; additional information needed to capture other uses
- Future monitoring will use:
 - Observer data (limited coverage and some missing information)
 - VTR data, with flynet/high-rise gear code to be added based on Council/Board recommendation
 - Continued use of NC data where applicable



Regulatory Language Change



- Regulatory language clarifications will be made to address evaluation discrepancy (make regulations consistent with FMP language)
 - FMP: NMFS may withdraw the exemption if the annual average summer flounder catch in the flynet fishery ***exceeds 1% of the total flynet catch***
 - Regulations: vessels discarding more than ***1% of their entire catch of summer flounder per trip***



SUMMARY OF PUBLIC COMMENT AND ADVISORY PANEL REPORT



Public Hearings & Comment Period



Public Hearings

- 2 webinar hearings
 - September 16: Massachusetts, Rhode Island, Connecticut, New York, & New Jersey
 - September 17: Maryland, Virginia, North Carolina
- 5 attendees* and 2 commentators

**not including state staff, ASMFC/MAFMC/GARFO staff, Commissioners/Proxies, & Council Members*

Written Comment

- 4 written comments received from organizations



Public Comment Summary



Management Options	Public Hearings	Letters*
3.1 Option A (Status Quo SMEP Area)	-	-
3.1 Option B (Expanded SMEP Area)	2	3
3.2 Option A (Status Quo SMEP Evaluation Criteria)	-	1
3.2 Option B (Modified SMEP Discard Trigger)	2	2
3.2 Option C (Tiered SMEP Discard Monitoring Approach)	-	1
3.3 Option A (Status Quo Flynet Definition)	-	1
3.3 Option B (Modified Flynet Definition)	2	3

**Some individuals provided comment both at a public hearing and through organization letters.*



Advisory Panel Report



October 3, 2024 Webinar

- Question about main benefits to industry and drivers of this action – how will this impact the industry and the stock?
 - Seems the action will provide some efficiency gains to industry while not negatively impacting stock
- Another advisor asked how this would benefit the average commercial fisherman
 - Did not oppose action but thought benefits may be more for enforcement



Advisory Panel Report



October 3, 2024 Webinar

- Staff and commercial advisors summarized previously offered comments on potential benefits to industry
 - SMEP boundary: currently cannot fish west of line while holding an LOA – with expansion, would encompass most key areas where vessels are targeting smaller mesh species (e.g., squid, whiting, scup)
 - Even minor increases in flexibility and efficiency can incrementally increase economic benefits in a highly regulated system
 - Potential to reduce regulatory discards of summer flounder



Advisory Panel Report



October 3, 2024 Webinar

- Lack of public comments during public webinars likely due to fishing opportunities
 - Poor year for squid fishing; needed to take advantage of availability on those days
 - Many have provided several previous comments on these issues, “fatigue” on this action



COUNCIL STAFF RECOMMENDATIONS



SMEP Boundaries

- **Staff recommend option B: expanded SMEP exemption area**
- Adds flexibility for industry; potential to reduce regulatory discards of legal sized summer flounder
- Low trip level discards in weight for SMEP trips
- Small mesh effort will occur in this area regardless of SMEP exemption status; expansion may not increase effort but should be monitored
- Discards of undersized fish should continue to be closely monitored



SMEP Evaluation Methodology

- **Staff recommend option C: tiered discard monitoring approach**
- Reflects more modern information and methodologies available since original implementation
- Reflects reality of drivers of discards not present when exemption originally implemented
- Option C provides opportunity to enhance understanding of drivers of discards (biological, market, regulatory)
 - Consider whether rescinding exemption is appropriate response



Flynet Exemption

- **Staff recommend option B, revised flynet definition**
- Existing definition appears outdated and is causing compliance and enforcement issues
- These gear types not designed for flatfish and do not catch much summer flounder
 - Majority of trips would not require exemption
 - ~30% of observed trips had summer flounder catch >200 pounds; 46% had catch >100 pounds – potential benefits for reduced regulatory discards on some trips
- Should be closely monitored for issues, using observer and VTR data with new gear code



Action(s) Needed



- Joint motion(s) to select preferred options:

3.1 SMEP Exemption Area

- Option A – Status Quo
- Option B – Expanded SMEP Area

3.2 SMEP Evaluation Criteria

- Option A – Status Quo
- Option B – Modified Discard Trigger
- Option C – Tiered Discard Monitoring Approach

3.3 Flynet Definition

- Option A – Status Quo
- Option B – Modified Flynet Definition

- Commission motion to approve Addendum XXXV
- Council motion to submit framework action to NMFS