



Summer Flounder Draft Addendum XXXV Commercial Mesh Size Exemptions



Atlantic States Marine Fisheries Commission
September 2024

Overview



- Overview of ASMFC
- Background on Draft Addendum XXXV
- Draft Addendum XXXV Overview
 - Statement of the Problem and Timeline
 - Management Options
- How to Provide Public Comment

ASMFC Overview



- Formed in 1942 – Interstate Compact
- 15 Atlantic coast states: ME – FL
- 0 – 3 miles from shore
- Deliberative forum for states
- 3 Commissioners from each state
- Each state has one vote



ASMFC Overview



Summer Flounder Management Unit:

- Maine-North Carolina

Summer Flounder, Scup, and Black Sea Bass Management Board:

- New Hampshire - North Carolina
- Potomac River Fisheries Commission
- National Marine Fisheries Service
- US Fish and Wildlife Service



Management Overview



- Summer flounder is jointly managed by:

**Mid-Atlantic Fishery
Management Council**
(Federal Waters)



**Atlantic States
Marine Fisheries
Commission**
(State Waters)

- Addendum XXXV and a corresponding Council framework will modify the Commission's and Council's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

Draft Addendum XXXV Timeline



Date	Action
February 2024	Board initiates draft addendum
February – July 2024	Plan Development Team and Council’s Fishery Management Action Team developed draft addendum document for public comment
August 2024	Board reviewed and approved Draft Addendum XXXV for public comment
August 2024 – September 2024	Public comment period, including public hearings <i>Current Step: Comments Due 11:59 PM September 28</i>
October 2024	Board reviews public comment, selects management measures, final approval of Addendum XXXV, and Council takes final action on corresponding framework

Draft Addendum XXXV Overview



Draft Addendum XXXV 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



SMALL MESH EXEMPTION PROGRAM (SMEP) BACKGROUND

Small Mesh Exemption Program



Statement of the Problem (Program Boundary):

- Small mesh exemption program (SMEP) adopted and last modified in 1993
- Fall 2023 review industry comments requested an expansion of the western SMEP boundary to enhance economic benefits

Small Mesh Exemption Program



Statement of the Problem (Evaluation Criteria):

- 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 and may no longer be appropriate or useful for flagging problems with the exemption
- Unnecessarily rescinding the exemption may increase regulatory discards

Small Mesh Exemption Program



Administrative Requirements:

- Requires a Letter of Authorization (LOA) and participation for at least 7 days
- Vessels cannot fish west of the line while participating in the program
- GARFO may rescind the exemption if vessels fishing under this program are discarding more than 10% of their summer flounder catch

Small Mesh Exemption Program



SMEP Trigger Background:

- 1990-1991 sea sampling data show vessels fishing east of the line discarded ~8.8% of summer flounder catch
- Rates for trawl vessels in other areas >25% suggesting fewer summer flounder encountered in the exemption area
- 10% threshold was established as a signal for increased discards of smaller summer flounder



FLYNET EXEMPTION BACKGROUND

Flynet Exemption



Statement of the Problem:

- 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

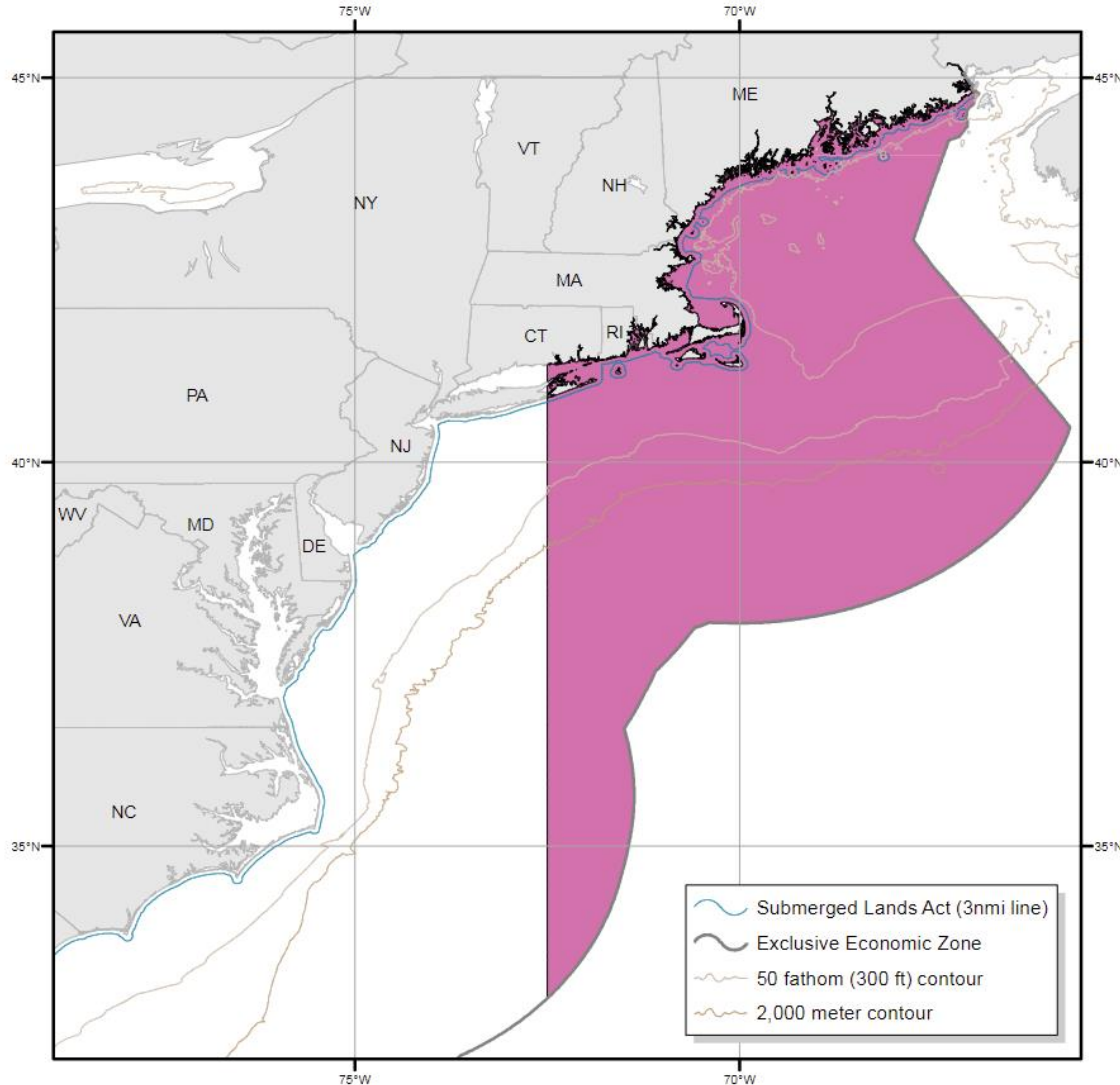
Section 3.1 Option A: Status Quo

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

SMEP Western Boundary



Section 3.1 Option A: Status Quo



SMEP Western Boundary



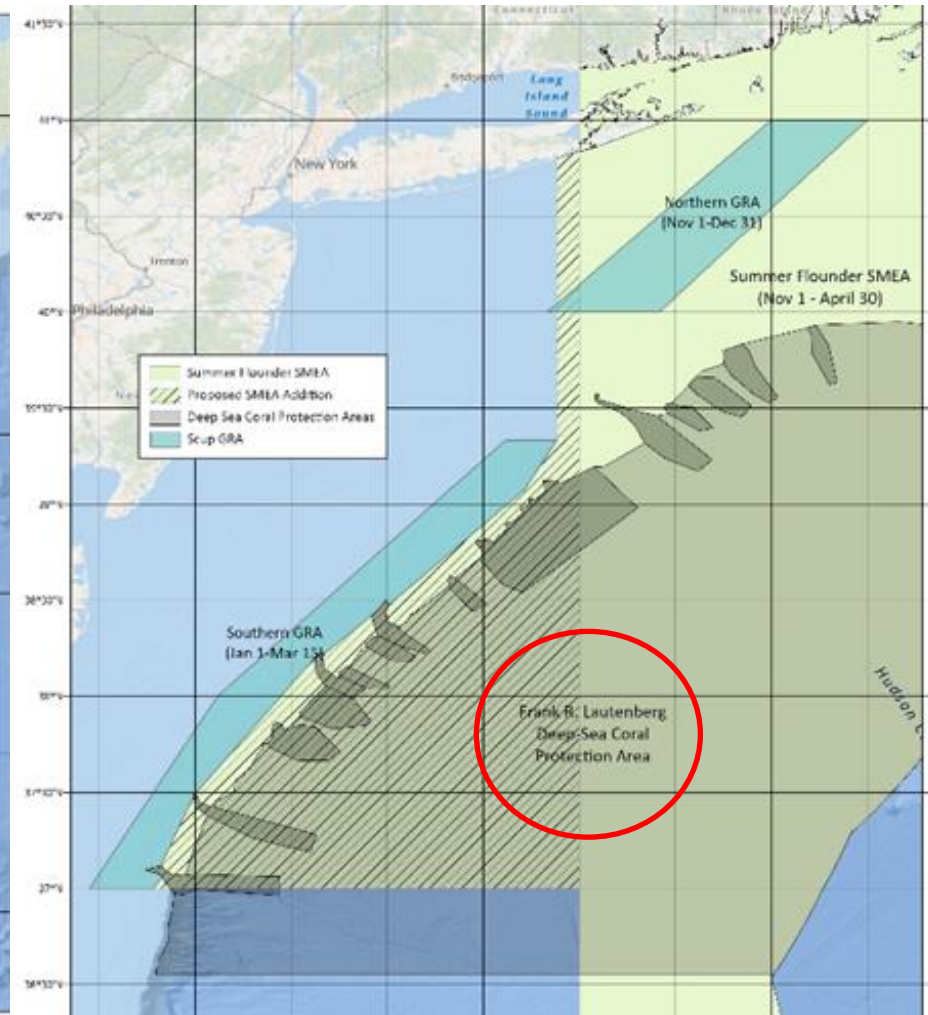
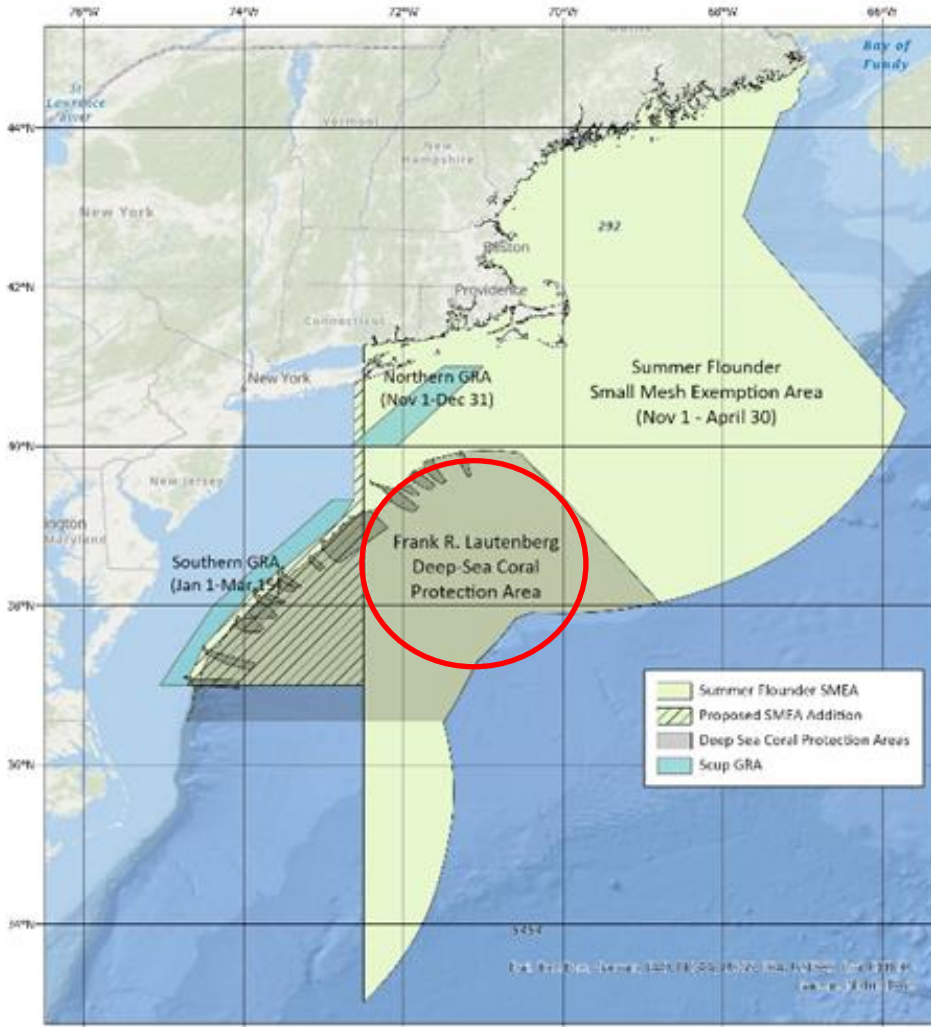
Section 3.1 Option B: Expanded SMEP Area

- 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

SMEP Western Boundary



Section 3.1 Option B: Expanded SMEP Area



SMEP Review Trigger



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

SMEP Review Trigger



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
- Reflects status quo operations over past 10 years for observed small mesh LOA trips and broader trawl fleet

SMEP Review Trigger



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)

SMEP Review Trigger



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

Flynet Exemption



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

Flynet Exemption



Section 3.3 Option B: Modified Flynet Definition

- Modify the definition of a flynet to remove:
 - The reference to two seams; and
 - The reference to the upper range of the mesh size in the wings of 64”
 - Revise the description of amount of large mesh required

Flynet Exemption



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



- Expanding flynet definition will likely make monitoring more challenging due to data availability/quality
- Going forward, expect to use observer data
- Concerns raised with observer data include:
 - “Net type” relies on what is reported by captain
 - Net type terminology can vary by fishery/region
 - “Net type” sometimes blank (~2% of trips) or “unknown trawl” (~43% of trips)

Future Monitoring



In June, Council/Board recommended:

- Add flynet/high-rise gear code to VTR form
- Step GARFO will take in conjunction with rulemaking
- Gathering useful data will depend on awareness & consistent application – communication will be critical

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***



HOW TO PROVIDE PUBLIC COMMENT

Public Hearing Schedule



Date and Hearing Format	State/Agency	Contact
<p>Monday, September 16 Webinar Hearing 6:00 – 8:00 p.m.</p>	<p>Massachusetts Division of Marine Fisheries, Rhode Island Dept. of Environmental Management, Connecticut Dept. of Energy & Environmental Protection, New York State Dept. of Environmental Conservation, New Jersey Dept. of Environmental Protection</p> <p>The webinar registration link is available here, and additional webinar instructions are below.</p>	<p>Nichola Meserve (MA) 978.619.0017</p> <p>Corinne Truesdale (RI) 401.423.1939</p> <p>Matthew Gates (CT) 860.876.4393</p> <p>John Maniscalco (NY) 631.444.0437</p> <p>Joseph Cimino (NJ) 609.748.2020</p>
<p>Tuesday, September 17 Webinar Hearing 6:00 – 8:00 p.m.</p>	<p>Maryland Dept. of Natural Resources, Virginia Marine Resources Commission, North Carolina Division of Marine Fisheries</p> <p>The webinar registration link is available here, and additional webinar instructions are below.</p>	<p>Mike Luisi (MD) 443.758.6547</p> <p>Pat Geer (VA) 757.247.2236</p> <p>Chris Batsavage (NC) 252.241.2995</p>

Resources



**Draft Addendum XXXV on ASMFC Public
Input web page:**

www.asmfc.org/about-us/public-input

Public Hearings on ASMFC Calendar:

www.asmfc.org/calendar/

YouTube Presentation Recording



ASMFCvideos

142 subscribers

Submit Written Comments to:



Chelsea Tuohy, FMP Coordinator

Email: comments@asmfc.org

Subject line:

‘Summer Flounder Draft Addendum XXXV’

Mail address:

1050 N. Highland St. Suite 200A-N

Arlington, VA 22201

**Deadline for Public Comments is 11:59 PM (EST),
September 28, 2024**