

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

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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 then 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 then 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 then 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