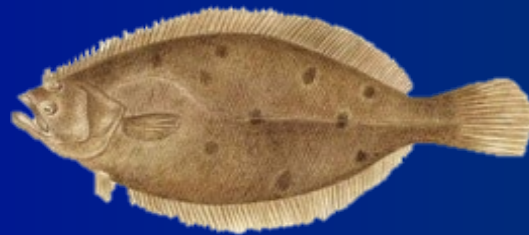




Summer Flounder Small Mesh and Flynet Exemptions



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Summer Flounder, Scup, and Black Sea Bass
Monitoring Committee

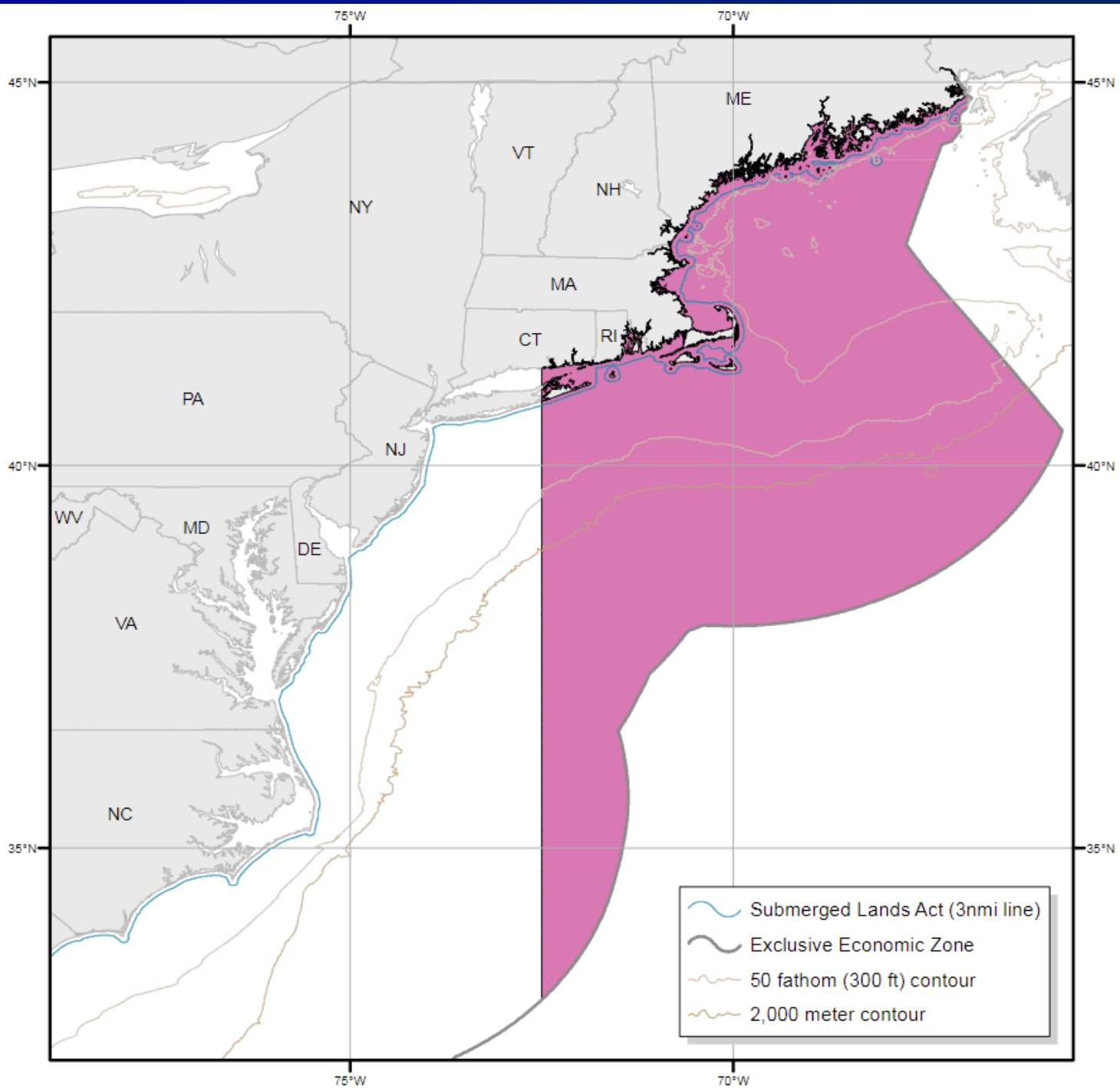
Meeting

November 13, 2023

SMALL MESH EXEMPTION PROGRAM (SMEP)

Small Mesh Exemption – History

- Implemented 1993 (Amendment 2).
- Vessels fishing east of longitude $72^{\circ} 30.0'W$ 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.



Small Mesh Exemption – Admin

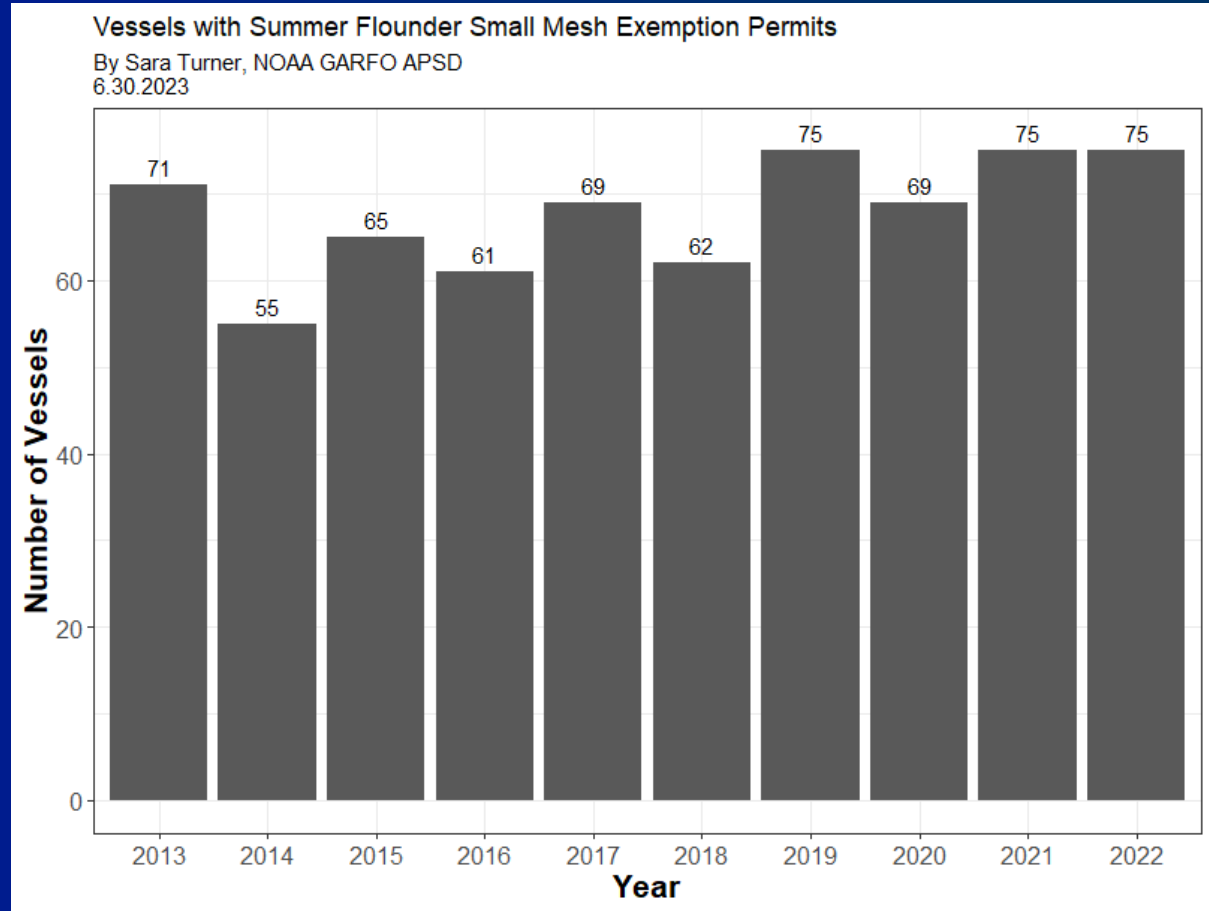
- Requires a Letter of Authorization and participation for at least 7 days.
- Vessels cannot fish west of the line while participating in this program.
- GARFO may rescind **if vessels fishing under this program** are discarding more than 10% of their summer flounder catch (50CFR).

Small Mesh Exemption – Utilization

- Approximately 75 LOA's issued each year (most are active).
- Approximately 6% of observer trips met criteria for assumed SMEP trip (area, gear, pounds landed) and discarded more than 10% of their summer flounder catch using methodology in FMP.
- Number of vessels participating and % of trips observed meeting the criteria have remained relatively stable over time.

Small Mesh Exemption Program

- The number of vessels issued a LOA has remained stable since 2013 (average = 68 vessels)



SMEP Observed Trips

Number of observed trips meeting specific criteria based on NEFOP data

Criteria		Nov. 1, 2015 – April 30, 2016	Nov. 1, 2016 – April 30, 2017	Nov. 1, 2017 – April 30, 2018	Nov. 1, 2018 – April 30, 2019	Nov. 1, 2019 ~March 19, 2020 ^a	Nov. 1, 2020 – April 30, 2021	Nov. 1, 2021 – April 30, 2022
A	NEFOP observed bottom trawl trips over this time frame (Nov-April)	398	398	741	657	403	151	232
B	Observed trips with at least one catch record east of 72° 30' W Longitude	302	302	598	534	322	122	190
C	That met the criteria in row B <u>and</u> used small mesh at some point during their trip	177	177	271	261	145	33	99
D	That met the criteria in rows B-C <u>and</u> landed more than 200 pounds summer flounder on whole trip	67	67	90	114	63	22	50
E	That met the criteria in rows B-D <u>and</u> discarded >10% of summer flounder catch east of 72° 30' W Longitude	12	12	35	33	18	4	11
F	% of observed trips with catch east of 72° 30' W Longitude that also used small mesh, landed >200 pounds of summer flounder, and discarded >10% of summer flounder catch (row E/row B)	3.97%	3.97%	5.85%	6.18%	5.59%	3.28%	5.79%
G	Total summer flounder discards (pounds) from trips meeting criteria in B-E	10,992	10,992	22,798	9,925	6,547	1,605	4,775
H	Total summer flounder landings (pounds) from trips meeting criteria in B-E	10,523	10,523	44,711	23,038	13,340	9,165	20,080
I	Total catch (pounds) from trips meeting criteria in B-E	21,515	21,515	67,508	32,963	19,887	10,770	24,856

Industry Feedback

- SMEP is very (critically) important
 - Particularly to southern New England fleets
 - Has successfully reduced regulatory discards
- Recommend moving SMEP line ~5 miles westward (align with the northeast corner of scup Southern Gear Restricted Area)

Observations/Recommendations

- Additional data analysis is needed to determine whether a shift of the line would increase the number of small summer flounder encountered .

Observations/Recommendations

GARFO Administrative Matters

- Some confusion may exist about the requirement that “Vessels fishing under the LOA shall not fish west of the line .”
 - No fishing west of the line at all while enrolled in the program? Or.....
 - No fishing west of the line during a single trip where the SMEP was used?

Observations/Recommendations

Calculation of Decision Point (Row F)

- Current (and past 10 + years) methodology follows language in Amendment 3:

“If the Regional Director determines after a review of Sea Sampling data that **vessels fishing seaward of the line** described above are discarding more than 10% of their summer flounder catch, the Regional Director may rescind the exemption.”

- Row E/Row B

SMEP Observed Trips

Number of observed trips meeting specific criteria based on NEFOP data

Criteria		Nov. 1, 2015 – April 30, 2016	Nov. 1, 2016 – April 30, 2017	Nov. 1, 2017 – April 30, 2018	Nov. 1, 2018 – April 30, 2019	Nov. 1, 2019 ~March 19, 2020 ^a	Nov. 1, 2020 – April 30, 2021	Nov. 1, 2021 – April 30, 2022
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Observations/Recommendations

Calculation of Decision Point (Row F)-Regulation

- 50 CFR 648.108

“The Regional Administrator may terminate this exemption if he/she determines, after a review of sea sampling data, that vessels **fishing under the exemption** are discarding more than 10 percent, by weight, of their entire catch of summer flounder per trip.”

- Row E/Row D (or Row C)

SMEP Observed Trips

Number of observed trips meeting specific criteria based on NEFOP data

Criteria		Nov. 1, 2015 – April 30, 2016	Nov. 1, 2016 – April 30, 2017	Nov. 1, 2017 – April 30, 2018	Nov. 1, 2018 – April 30, 2019	Nov. 1, 2019 ~March 19, 2020 ^a	Nov. 1, 2020 – April 30, 2021	Nov. 1, 2021 – April 30, 2022
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Questions to Consider

- Was this methodology discussed in the past?
- Has the language in the regulation been consistent since 1993?
- Is there a reason for the inconsistent language in the original Amendment compared to the regulations?
- • Why was this methodology chosen and should there be additional evaluation of it?
- BUT, consider.....

Should data sources be modernized to better utilize current technologies?

- Current analysis relies heavily on assumptions of whether an observer trip is fishing under SMEP.
- Can observer trips be tied to LOAs issued through vessel ID or other variables?
 - If not, can LOAs be altered to collect necessary information?
- Is there value in tying LOAs to electronic Vessel Trip Reports?

FLYNET EXEMPTION

Flynet Exemption – History

- Implemented in 1993 (Amendment 2).
- Vessels fishing with a two-seam otter trawl flynet (specifically defined) are exempt from the summer flounder minimum mesh size requirements.

Flynet Exemption – Definition

1. A two-seam otter trawl with the following configuration:
 - a) The net has large mesh webbing in the wings with a stretch mesh measure of 8" to 64".
 - b) The first body (belly) section of the net consists of 35 meshes or more of 8" (stretch mesh) webbing or larger.
 - c) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2" (stretch mesh).

Flynet Exemption – Purpose

- Designed primarily to accommodate flynet fisheries targeting other species and catching very limited amounts of summer flounder, particularly Delaware to North Carolina (Atlantic croaker, weakfish, Atlantic mackerel, and bluefish fisheries).

Flynet Exemption – Admin

- NMFS Regional Administrator may withdraw the exemption if the annual average summer flounder catch in the flynet fishery exceeds 1% of the total flynet catch.

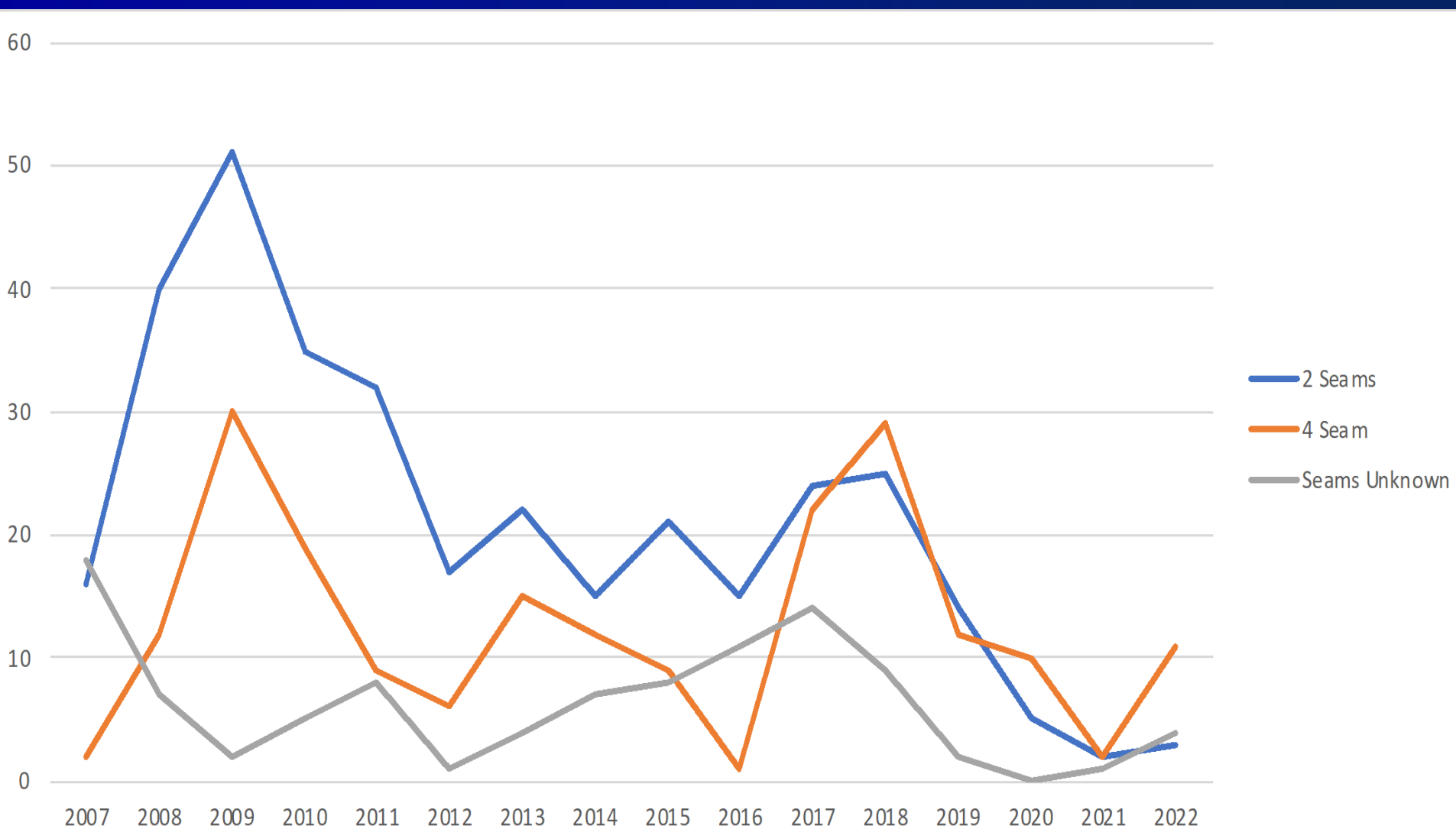
Fly Net Exemption – Utilization

- Landings in the North Carolina flynet fishery have declined over time; little to no summer flounder have been landed in this fishery in recent years.
- In 16 years (2007-2022), 325 observer trips recorded "Fly Net" (<5 observed trips in each of the past 3 years).
- Public comments from industry suggest that the flynet exemption is being used to fish with "high rise" nets (that may not meet the regulatory definition) in states other than North Carolina.

North Carolina Flynet Summer Flounder Landings

Year	Summer Flounder Flynet Landings (lbs.)	% of Total NC Flynet Landings	% of total NC commercial summer flounder landings
2005	4,102	0.05%	0.10%
2006	5,752	0.07%	0.15%
2007	7,067	0.13%	0.26%
2008	3,147	0.08%	0.07%
2009	2,842	0.05%	0.10%
2010	<2,000 lbs.	<0.05%	<0.06%
2011	<2,000 lbs.	<0.05%	<0.07%
2012	<2,000 lbs.	<0.05%	<0.18%
2013	0	0%	0.00%
2014	<2,000 lbs.	<0.05%	<0.07%
2015	0	0%	0.00%
2016	0	0%	0.00%
2017	0	0%	0.00%
2018	0	0%	0.00%
2019	0	0%	0.00%
2020	0	0%	0.00%
2021	0	0%	0.00%
2022	0	0%	0.00%

Number of distinct observed trawl trips using flynet gear, by seam number, 2007-2022



FMP and Regulatory Discrepancy

- FMP stipulates that NMFS may withdraw the exemption if the annual average summer flounder catch in the flynet fishery *exceeds 1% of the total flynet catch*.
- Language in current federal regulations regarding this criteria refers to “vessels fishing under the exemption, on average, are discarding more than 1 percent of their entire catch of summer flounder per trip.”

Industry Feedback

- Strong support for keeping the flynet exemption.
 - Provides flexibility to switch between fisheries like summer flounder, scup, black sea bass, and squid.
- “High rise” net is regional terminology for a flynet even if it doesn’t meet the regulatory definition.
- No identified differences in fishing characteristics.

Industry Feedback

- Update Definition of flynet:
 - Must have “at least 2-seams” rather than specifying exactly 2-seams.
 - The large mesh portion of the wings should be “greater than 8 inches” without specifying an upper limit (currently 64”).

Observations/Recommendations

GARFO Administrative Matters

The discrepancy between language in the FMP and that in current regulations regarding the 1% evaluation criteria for rescinding this exemption is an administrative matter that should be addressed by GARFO.

Observations/Recommendations

- Original intent of the regulation to accommodate the use of a specifically defined gear in a specific fishery, is no longer being utilized today in that area/fishery.
- No data available to evaluate the extent that this exemption is being used in other areas with non-compliant gear given that no permitting or reporting are required.

Observations/Recommendations

- Industry feedback indicated that where the exemption is being used, it provides important economic benefits by fostering flexibility in fishing practices.
- The Monitoring Committee should address whether action should be taken to accommodate a practice which has become important for industry under the presumption that they were complying with regulations