



## **Summer Flounder, Scup, and Black Sea Bass Advisory Panel Meeting Summary**

October 3, 2024

The Mid-Atlantic Fishery Management Council's (Council's) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) met jointly with the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass AP on October 3, 2024 via webinar. The objectives of this meeting were to review and provide comments on the draft Summer Flounder Commercial Mesh Size Exemptions Framework/Addendum. This action considers modifications to the exemptions to the commercial summer flounder minimum mesh size, including options for modifying the Small Mesh Exemption Program (SMEP) area boundary, the SMEP annual review methodology, and the gear definition for the flynet exemption.

**Council Advisory Panel members present:** Katie Almeida, Frank Blount, Greg DiDomenico, James Fletcher, Jameson Gregg, Victor Hartley, Robert Pride, Philip Simon, Michael Waive, Charles Witek

**Commission Advisory Panel members present:** Frank Blount, Greg DiDomenico, Ken Neill

**Others present:** Chris Batsavage, Kiley Dancy, Laura Deighan, Corrin Flora, Hannah Hart, Emily Keiley, Elise Koob, Savannah Lewis, Nichola Meserve, Eric Reid, Matt Rigdon, Chelsea Tuohy, Angel Willey, Unknown number

### **Advisory Panel Comments**

Following the staff presentation, one recreational advisor asked about the main benefits and drivers of this action, and requested more information on how the proposed options may impact the stock and the commercial industry. He noted that it did not seem like the options would have a negative impact on the stock or a major economic impact on the commercial sector aside from some increases in efficiency. Another advisor asked whether this action would benefit the average commercial fisherman, stating that he did not oppose the actions, but thought it may be more beneficial to law enforcement than to fishermen.

Staff and several commercial representatives provided perspectives on how the proposed action is intended to benefit the commercial industry by increasing flexibility for the commercial sector while possibly reducing regulatory discards. Staff summarized previous comments noting that even adding relatively minor regulatory flexibilities can incrementally increase economic benefits to the commercial sector. Previous comments have also noted the lack of flexibility to fish west of the SMEP line while vessels hold an active SMEP LOA. This can create inefficiencies as it does not allow them to switch gear and target fish just west of the current line

while holding the LOA. The proposed SMEP expansion will help with this since it incorporates most of the area where they regularly catch the species they are targeting on these trips (i.e., squid, scup, whiting).

A commercial advisor agreed with these explanations for how this action creates additional flexibilities, efficiencies, and stability for industry.

One advisor wondered whether the proposed actions would have an impact on the number of trips taken, specifically, if efficiencies would increase to the point of having a negative impact on fishermen due fewer trips taken. Staff responded that it is not expected that there would be a notable impact on the number of trips taken; however, expected changes in effort have not been specifically estimated for this action. One advisor responded that in many cases crew pay is based on the amount of catch as opposed to the number of trips. As such, the proposed actions shouldn't impact the pay of fishermen if the number of trips were to change. A Board member agreed that the proposed actions should not impact the number of trips.

This Board member also noted that in 2017, the southern scup Gear Restricted Area (GRA) was modified to allow additional access to the squid fishery to important squid grounds, while having minimal impacts on scup. The proposed SMEP area modifications would have a similar effect, allowing commercial vessels to increase efficiency in the expanded area and reduce summer flounder regulatory discards. He also noted that the proposed changes in the flynet definition are intended to modernize the definition to describe nets that are currently in use.

At the conclusion of the meeting, participants discussed that the lack of public comments received at the two public hearings was primarily due to people being out fishing, given that the squid industry has not had a good year and needed to take advantage of squid availability on those days. A Board member noted talking to fishermen who stated their lack of comment is not due to lack of interest, but due to the need to prioritize fishing, as well as providing many previous comments on these issues. Another advisor agreed with this assessment.



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Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** October 10, 2024  
**To:** Chris Moore, Executive Director  
**From:** Kiley Dancy and Hannah Hart, Staff  
**Subject:** Council Staff Recommendations on Summer Flounder Commercial Minimum Mesh Exemption Framework/Addendum

On Thursday, October 24, 2024 the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will consider final action on the Summer Flounder Commercial Minimum Mesh Exemption Framework/Addendum.

Meeting materials for this agenda item are posted on the Commission's website at: <https://www.asafc.org/home/2024-annual-meeting> and also to the Council's website at: <https://www.mafmc.org/council-events/2024/council-asafc-meeting-oct24>. Previous documents for this action can be found on the action page for this Framework/Addendum, at: <https://www.mafmc.org/actions/summer-flounder-commercial-mesh-exemptions>.

### **Council Staff Recommendations**

Council staff recommendations for final action are summarized below, based on review of information included in the draft addendum document and previous analyses, and considering public comments and Advisory Panel comments.

#### ***1. SMEP Area Boundaries***

Staff recommend adopting option B, expanded SMEP exemption area. As noted in the hearing document, the expanded area represents a relatively modest expansion after considering the restrictions on bottom tending gear associated with the overlapping deep sea coral protection zone. Public comments indicated that this expanded area would provide the commercial industry with additional flexibility to retain summer flounder when fishing in this area using small mesh, potentially reducing regulatory discards of summer flounder.

Median discards per trip in the SMEP are low at 30 pounds of summer flounder from 2013 through 2022. Discards in weight, the percentage of trips with discards at various poundage thresholds, and the average percent of summer flounder discarded per trip are all very similar between observed LOA trips compared to all observed trawl trips during November through April.

Because of the smaller mesh sizes used by vessels holding SMEP LOAs, the proportion of summer flounder discards below the legal minimum size (14 inches) tends to be somewhat higher for LOA trips vs. non-LOA trips (see Appendix A in the draft Addendum for public comment). However, expanding the SMEP area would not necessarily increase fishing effort in this area, given that the intent is to reduce regulatory discards of legal sized summer flounder when they are encountered in this area by vessels primarily targeting other species. Assuming effort in the expansion area remains relatively stable, discards of undersized summer flounder with small mesh are likely to remain similar to current levels.

However, changes in fishing behavior are somewhat uncertain, and these aspects of the exemption program should continue to be closely monitored using improved methodologies applied in the development of this action. The Regional Administrator will retain authority to rescind the exemption will remain regardless of the option selected under alternative set 2 (see below). Information on the length frequency of discards, discard reasons, and targeting rates of summer flounder among LOA holders should be considered for regular monitoring where possible to ensure this expansion does not cause increases in discards of undersized fish.

## ***2. SMEP Evaluation Criteria***

Staff recommend adopting option C, tiered discard monitoring approach. The intent of this exemption program is to reduce regulatory discards. As described in the document, this trigger represents a more realistic percent of summer flounder expected to be discarded based on a revised and more accurate methodology for evaluating discards on LOA trips, which uses observer data from trips known to be actively holding an SMEP LOA. This type of monitoring and analysis was not possible at the time this exemption was originally put into place. In addition, many of the regulatory constraints impacting discards today were not present in the years used to evaluate the original 10% threshold. Most LOA trips do not catch large amounts of summer flounder; therefore, it is fairly easy for trips with small summer flounder catch to reach the 10% average discards of summer flounder per trip.

Rescinding the exemption could have unintended consequences of increasing regulatory discards, as vessels would continue to fish for other species using smaller mesh but would not be able to retain more than 200 pounds of summer flounder. Expected changes in regulatory discards would depend on the drivers of discards in the area in a given year, which can vary based on the interaction of various biological factors (e.g., stock size, size distribution), market factors (e.g., price trends, market demand), or regulations (e.g., total quota, state possession limits).

Staff recommend option C as it would allow for an increased understanding of circumstances leading to changes in discard rates and quantities, and allow managers to better predict the consequences of rescinding the exemption. Work that has been conducted through this action could serve as a starting point for this evaluation in years where it is needed. While option C does have a longer timeline for responding to data suggesting changes in discard rates, it allows the Regional Administrator greater flexibility in determining a management response that is most appropriate for the circumstances.

### ***3. Flynet Definition***

Staff recommend adopting option B, revised flynet definition. Previous comments on this issue have indicated that the existing definition is creating compliance and enforcement issues as operators use similar net types that do not meet the regulatory definition.

Public comments and observer data indicate that the types of nets under consideration for an expanded definition are not designed to catch flatfish and generally have very low catch of summer flounder due to their design.

Summer flounder represents a very small proportion (0.7% from 2007-2022) of the total observed catch by weight in these gear types, including 0.6% of observed landings and 0.9% of observed discards. Average total catch of summer flounder in these gear types is about 455 pounds per trip, with discards averaging about 100 pounds per trip. About 30% of these observed trips had summer flounder catch over 200 pounds, and 46% had catch over 100 pounds. Therefore, the majority of trips using these gear types would not require an exemption, but there appears to be some benefit to operators using these gear types who sometimes encounter more than 200 pounds of summer flounder November through April or 100 pounds May through October.

As with the SMEP, this exemption should continue to be closely monitored for any issues. Going forward, with the understanding that North Carolina data is no longer sufficient to monitor the exemption, evaluations will rely on observer and VTR data (once the previously recommended additional gear type field is added to the VTR forms).