

Atlantic States Marine Fisheries Commission

Winter Flounder Management Board

*January 31, 2017
12:45 – 1:15 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|---|------------|
| 1. Welcome/Call to Order (<i>M. Gibson</i>) | 12:45 p.m. |
| 2. Board Consent | 12:45 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2016 | |
| 3. Public Comment | 12:50 p.m. |
| 4. Consider Specifications for the 2017 Fishing Year (<i>A. Harp</i>) Final Action | 1:00 p.m. |
| 5. Other Business/Adjourn | 1:15 p.m. |

The meeting will be held at the Westin Alexandria; 400 Courthouse Square; Alexandria, VA; 703.253.8600

Vision: Sustainably Managing Atlantic Coastal Fisheries

MEETING OVERVIEW

Winter Flounder Management Board

January 31, 2017

12:45 – 1:15 p.m.

Alexandria, Virginia

| | | |
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| Chair: Mark Gibson (RI) <i>Assumed Chairmanship:</i> 05/15 | Technical Committee Chair: Paul Nitschke (NEFSC) | Law Enforcement Committee Representative: Kurt Blanchard |
| Vice Chair: David Pierce | Advisory Panel Chair: Bud Brown | Previous Board Meeting: February 4, 2016 |
| Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, NMFS, USFWS (10 votes) | | |

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2016

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Specifications for the 2017 Fishing Year (Final Action)

- The state sub-component remains unchanged from those established as of May 1, 2016 for fishing years 2016-2018.
- The Board can adjust the following management measures:
 - Recreational (size limit, bag limit, season)
 - Commercial (size limit, season, trip limit, trigger trip limit, and area closures)
- Briefing document on current specifications is in **Briefing Materials**

Presentation

- Winter Flounder Specification Overview by A. Harp.

5. Other Business/Adjourn

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
WINTER FLOUNDER MANAGEMENT BOARD**

The Westin Alexandria
Alexandria, Virginia
February 4, 2016

These minutes are draft and subject to approval by the Winter Flounder Management Board.
The Board will review the minutes during its next meeting.

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1. **Approval of agenda** by consent (Page 1).
2. **Motion to adjourn** by consent (Page 15).

ATTENDANCE

Board Members

| | |
|--|--|
| Terry Stockwell, ME, proxy for P. Keliher (AA) | Rep. Craig Miner, CT (LA) |
| Steve Train, ME (GA) | Lance Stewart, CT (GA) |
| Doug Grout, NH (AA) | Steve Heins, NY, proxy for J. Gilmore (AA) |
| G. Ritchie White, NH (GA) | Pat Augustine, NY, proxy for Sen. Boyle (LA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Emerson Hasbrouck, NY (GA) |
| Bill Adler, MA (GA) | Russ Allen, NJ, proxy for D. Chanda (AA) |
| Jocelyn Cary, MA, proxy for Rep. Peake (LA) | Tom Fote, NJ (GA) |
| Dan McKiernan, MA, proxy for D. Pierce (AA) | Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA) |
| Mark Gibson, RI, proxy for J. Coit (AA) | Roy Miller, DE (GA) |
| David Borden, RI (GA) | John Clark, DE, proxy for D. Saveikis (AA) |
| Eric Reid, RI, proxy for Sen. Sosnowski (LA) | Kelly Denit, NMFS |
| David Simpson, CT (AA) | Sherry White, USFWS |

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

| | |
|--|------------------------------------|
| Paul Nitschke, Technical Committee Chair | Harold Brown, Advisory Panel Chair |
|--|------------------------------------|

Staff

| | |
|-------------|-------------|
| Robert Beal | Megan Ware |
| Toni Kerns | Ashton Harp |

Guests

| | |
|----------------------------|----------------------------|
| Bill Goldsborough, MD (GA) | David Bush, NCFCA |
| Derek Orner, NMFS | Jamie Courname, NEFMC |
| Wilson Laney, USFWS | Greg Murphy, PFBC |
| Dave Hoskins, USFWS | Raymond Kane, CHOIR |
| Mike Millard, USFWS | Arnold Leo, E. Hampton, NY |
| Jack Travelstead, CCA | |
| Jason McNamee, RI DEM | |

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 4, 2016, and was called to order at 9:00 o'clock a.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: I am going to call the Winter Flounder Board to order, just to keep on track with a little bit of an early start, but other business to take care of today. We're only going to have one hour today for this board so let's roll through this agenda. The first thing I would like to introduce, recognize Sherry White from the U.S. Fish and Wildlife Service. I think she wants to introduce somebody to us.

MS. SHERRY WHITE: I would like to introduce Mr. David Hoskins to the board. Mr. Hoskins is a member of our Fish and Wildlife Service Directorate and he is the Assistant Director for Fish and Aquatic Conservation. I'll turn it over to David for a few remarks.

MR. DAVID HOSKINS: Good morning everyone. As Sherry mentioned, I am David Hoskins; I am the Assistant Director for Fish and Aquatic Conservation at the U.S. Fish and Wildlife Service. I've held that position for nearly three years, after spending decades working on Fish and Wildlife policy issues in the NGO Committee and on Capitol Hill, and as a trial lawyer at the Department of Justice in the Environment Section.

I have extensive background, but this is my first meeting with all of you; happy to be here. As you know the Fish and Aquatic Conservation Program within the Service has about 700 staff nationwide spread out across a total of eight regions, as well as staff here in headquarters at Main Interior and in our new office in Falls Church.

We have a budget of about \$150 million in total and focus, as you know on species conservation

through propagation at our 70 hatcheries through the technical support we provide through our fish health and technology centers, as well as the work that we do on species and habitat conservation through important programs like our Fish Passage Program and NFHP

I am delighted to be here, and certainly a significant emphasis in my tenure in this position has been working closely with the states. We just last year released a strategic plan, a five-year strategic plan for the fish and aquatic conservation program. We work closely with our partners in the states through AFLA as well as Tribes and many others to develop that strategic plan.

It has seven core goals that really focus on working collaboratively to move forward our shared objectives for fish and other aquatic species conservation. I look forward to talking with you over the break and again, I appreciate the opportunity to be here. The Service is as you know been engaged in the work of the Atlantic States Marine Fisheries Commission for many years, through the leadership of Region 5 and Sherry White. We look forward to continuing to work with you here to advance the work of the commission. Thanks again for having me here.

CHAIRMAN GIBSON: Thank you for that and welcome. Tom Fote.

MR. THOMAS P. FOTE: I think it is important to point out to a lot of the newcomers that haven't been on the commission that long that when we first started doing striped bass in the eighties, it was the Fish and Wildlife Service that put up a lot of the money that basically did all the research, and put a lot of valuable data together.

When I came here as a commissioner in 1990 I asked well, where do we get our money from? We were getting most of our funds

out of funds that came out of the U.S. Fish and Wildlife Service. We were actually operating at that point on the budget. The biggest part of our budget was the money you were giving. Rich Christenson, who works for you now, was actually helping secure some of that money.

It wasn't until we passed the Atlantic Coastal Conservation Act that we stopped depending that much for the money. I hope to see the Service back into the fisheries. Some years it has not been as supportive in the last ten years, I can understand because of budget constraints and things like that. But we look forward because you have been a faithful partner for years, and guys like Wilson Laney, Bill Cowen, and people that have been here at the table; so thanks for coming.

APPROVAL OF AGENDA

CHAIRMAN GIBSON: The first order of business is the agenda itself. Is there anyone wishing to offer modifications or edits, additional items for the agenda? Seeing none; is there any opposition to approving the agenda as presented? Seeing none; okay the agenda stands approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN GIBSON: The second item we need for approval is proceedings from the November, 2015 annual meeting.

Are there any requests for edits or changes to the proceedings? Seeing none; is there any objection to approving those? Seeing none; the proceedings stand approved from our annual meeting in November.

PUBLIC COMMENT

CHAIRMAN GIBSON: Third item is public comment, and this would be for comment on issues that are not on the agenda.

I am not aware that anyone has signed in to comment, but I'll offer the opportunity for

anyone wishing to address this board on winter flounder; and that would be again on items that are not on the agenda. Seeing none; we'll move on.

TECHNICAL COMMITTEE REPORT ON THE SOUTHERN NEW ENGLAND AND GULF OF MAINE FISHERY MANAGEMENT PROGRAM UNDER ZERO POSSESSION LIMITS

CHAIRMAN GIBSON: You will recall we started this discussion at the annual meeting with a view towards potentially taking action on specifications, with a 2016 fishing year that starts May 1st.

We didn't have all the information at hand at that time relative to council actions, and we also tasked the Technical Committee with some evaluations of what had happened in the interim during years of no possession and reallocation to the sectors in the general categories. Paul is going to report to us on that.

MR. PAUL NITSCHKE: My name is Paul Nitschke; I am Chair of the Winter Flounder TC. I will be going over the summary of the TC memo from the task that we were assigned at the last meeting in November. Just to remind the board, these are the tasks that we were assigned. Number one, basically to review the stock assessments for both Southern New England and Gulf of Maine winter flounder to the TC. Review the current management measures. Suggest alternatives if necessary. The second task was to take a look at the effects of the zero possession limits in the federal fishery to see if this had any positive impact on the stock. The zero possession in the federal fishery occurred from May 1, 2009 to April 30, 2013.

It is also important to note that during this time the stock wasn't allocated. It was no possession, but not allocated; so there was no incentive actually to avoid the stock at that time. We had two conference calls, one

on December 9, to review the assessments and figure out what we need to do in terms of data analysis.

We did the work, had another call on January 8, to interpret the analysis and come to some conclusions. We reviewed the assessments; we investigated input data sources for the zero possession limits in the federal fishery. We also took a look at some fishery dependent data for what affects the management measures are having on the stock right now.

The TC approached this by doing this trend examination. Basically we tried to break up the period into three different periods, and use an average for each period so that we could easily see the trends and the data. As you know there are many different survey indices going into this assessment and it can be difficult to look at them all at once.

This was a way of simplifying that. We had a period before the moratorium from 2005 to 2008, during the moratorium from '09 to '12 and then after the moratorium from '13 to '15. We also examined some of the age structure in some of the surveys to see if there was any indication of rebuilding in the age structure.

We took a look at the New Jersey Oceans Trawl Survey, the Connecticut Trawl Survey, and the Rhode Island Trawl Survey. The last thing we did was did a commercial trip composition analysis to see what effect management measures are having presently. On the federal side we used ASM and NEFOP data, and from the state side we used the Mass state vessels landings data.

Just to remind everyone, this assessment was updated in September during the operational update for all the groundfish stocks. On the left here is the spawning stock biomass trend coming out of the model. As you can see, the spawning stock biomass has been low and has been low for over three decades below the overfished threshold.

We don't see much evidence of rebuilding in the stock. At the end of the time series you see a little bit of an increase in the spawning stock biomass. I believe this is where that question came up on perhaps there were some improvements in the stock from the zero possession in the federal fishery. On the right is the fishing mortality rate.

Over the last six or seven years of the time series we are not overfishing the stock. At this point it doesn't seem to be that it is overfishing that is causing the issues. The real concern this assessment is the trend in the recruitment coming out of the model. We just see this long decline in recruitment. We haven't seen any positive signs over the entire time series.

It seems like every time we update the assessment, recruitment just continues on its downward trajectory. It appears production in this stock has declined. It is no longer fishing; it doesn't appear to be fishing since we're not overfishing this stock. We are uncertain exactly why production is low. That is a big question. One of the first things that TC did was look at using this trend analysis to look at the actual catch data, and then some of the outputs from the model. The top plot here is the catch trend.

You can see there was a large decline from the first period to the no possession years, and then a slight increase since then when the stock became allocated. I want to point out; that no possession doesn't mean there is no fishing mortality. There is still on average over 500 metric tons of removals during the no possession years.

The second plot is the spawning stock biomass. When you look at that there is a slight increasing trend in the SSB. However, when you compare that to the abundance coming out of the model, we actually have a declining trend in the January 1, total

numbers. This raises a question on what is occurring within the model.

In the model we assumed dome shaped selectivity in both the surveys and in the commercial fishery. This results in some cryptic biomass in the model, which can be seen when you look at the spawning stock biomass trends. This is spawning stock biomass by age. You can see that the seven plus category in brown is actually increasing over time.

A proportion of this age class now is in that cryptic category, so it is fish that are not seen by the surveys or the fishery. That increase at the end of the time series is mostly due to this increasing trend in the cryptic component. When you look at the numbers at age stock bar graph, you get quite a different picture.

This is a real concern to the stock. You can see here that it is the recruitment coming in that is declining. Eventually this will work its way into the population if recruitment doesn't increase. If recruitment doesn't increase there really isn't much hope for the stock. If the recruitment continues on the trend it is going, there is not going to be anything left.

Eventually spawning stock biomass will follow. Here is the trend analysis looking at the surveys. We looked at the New Jersey Trawl Survey, the Connecticut; the two Connecticut surveys the Rhode Island survey, the Mass Spring Survey, and the Center Survey indices. All these lines basically show a declining trend over the three time periods.

There wasn't really much evidence of improvements in the stock from the moratorium, when you look at these trends. We also took a look at young of the year indices. Of course with young of the year indices they are more variable. They also tend to capture more local conditions.

In some of the areas you do see some increases, but most of the indices are showing a decline.

In the Mass Seine Young of the Year Survey, you do see a slight increase now; also in the Little Neck Bay, New York Survey there is a little bit of an increase. We also saw an increase in New Jersey Oceans Trawl Survey for recruitment.

However, from the model itself the overall recruitment in this stock is declining. This is an examination of the age structure in three of the surveys. ON the left are New Jersey, then Connecticut and then Rhode Island. The blue bars here represent the moratorium years. Overall there are some mixed signals when you look at these plots. There perhaps is an indication of rebuilding when you look at the New Jersey Trawl Survey. If you look at the blue bars it could make an argument that there is some rebuilding occurring over that time period. You can kind of see that also in the Rhode Island Trawl Survey. However, there is less evidence of that in the Connecticut Trawl Survey.

The other interesting note is in the New Jersey Trawl Survey during the moratorium, recruitment was very low. There appears to be some improvements in recruitment in the last two years, in 2014 and '15, after the moratorium was lifted. This increase in recruitment can't really be contributed to the moratorium, since those fish have reproduced from SSB after the moratorium happened.

Another way to look at it is just simply look at these indices at age graphs. You still see a little bit of evidence in the Rhode Island and New Jersey. It is a little more difficult to see improvements directly related to the moratorium, but there appears to be some improvement during that time period, and then a drop off at the end.

You can also see that Age 1 increase in the New Jersey Trawl Survey. I just quickly want to go through the management measures on

the ASMFC side. As you know the management in state waters is based on the input control system; based on these effort controls. The main controls presently are a 50 pound trip limit in the commercial side for Southern New England, and a two fish bag limit.

Keep in mind in 2014 there were more restrictive seasonal limits in the recreational fishery. That has been opened up to most of the year being open now. This table is also in the TC report. This is on the federal side. I am not going to go into the gory details on the federal numbers. Jamie has come down to go through that.

I just wanted to mention that on the federal side it is a different management system. It is now an output control system. It is not really using effort controls, although there still are some effort controls in place, like the closed areas. Even in the common pool fishery, it is still an output control system.

There are trip limits that get implemented over the course of the year, but those are more used to control or prevent derby fisheries occurring over the course of a year. This plot here just summarizes the recent catches and the ABCs that were in place since 2010. In 2006 the catch was around 2,000 tons.

It dropped to around 500 tons during the no possession years when the ABCs were reduced at that time from the GARM III Assessment. Another assessment occurred at SARC 52, which produced higher ABCs. That is that flat line increase. Those were held constant for three years. Now with the new assessment in September, the ABCs had over a 50 percent cut from those levels. There has been a pretty dramatic decline in the ABCs.

That is the '16, '17, and '18 ABCs. The ABCs now are in line with recent catches, but also in line with the ABCs during the no possession days. Catches coming out of these ABCs should be below that black line at this point. This is the

Mass State Vessel data from Division of Marine Fisheries. I had a little dilemma this morning. Last night I got an e-mail that there might be an error in this data source, so I guess I need some guidance on whether to present this information. I think it is valuable to go through it, because some of the TC recommendations are directly coming off this analysis. It may not change. I'm not sure exactly what the error is, but I don't really like showing information when I'm not totally sure. I don't know.

CHAIRMAN GIBSON: First of all it is news to me, other than our sidebar before the meeting started. I guess it would be my sense that since we don't know what the magnitude of the error is and I haven't heard from the state of Massachusetts, which I guess I will do now and then we will proceed from there.

MR. DANIEL McKIERNAN: Some of this data was brought to my attention on Sunday, and I looked at it and I had a lot of questions, because I think what Paul is about to show is some implications of noncompliance with the trip limit. But what we discovered is that a lot of these trips that appeared to be noncompliant were actually landed on the cusp of the two stocks.

Forty-two degrees east of Cape Cod, north is considered the Gulf of Maine stock, and south is considered the Southern New England stock. A lot of these trips that appear to be in excess of the Southern New England trip limit were landed by Provincetown and Plymouth based boats that were coming around the corner of Provincetown.

Stat areas don't line up exactly with the delineation of the stock. We believe that is most of the apparent noncompliance. The vessels were actually in compliance with the Gulf of Maine limits, and so it is really a parsing problem of where do you attribute

the landings. But clearly they were not in Southern New England as we think of it, they were up off Provincetown.

CHAIRMAN GIBSON: Thanks for that, Dan. I guess I would suggest that we move on from this one. I don't think our decisions today are going to be pivotal relative to this information. Paul, do you want to respond?

MR. NITSCHKE: If we ignore the compliance issues, I think the overall trends in this data make sense and are valuable for interpretation of the trip limits or the effects of the trip limit. Is that okay?

CHAIRMAN GIBSON: Given that explanation, Dan, are you comfortable with him going through this?

MR. McKIERNAN: It all depends on what recommendations come out of the analysis, so sure. Again, I didn't see this until Sunday. Go ahead let's hear it out.

MR. NITSCHKE: Yes, you shouldn't check your e-mails late at night before you do a presentation. Anyway this plot here basically the landings are proportionate winter flounder on state vessels in Massachusetts. The first three plots on the left are in the beginning of the time series from '06, '07, and '08. Early on in the time series most of the landings on trips were winter flounder.

It appears it was a lot of directed trips on winter flounder early on. The trip limit came in and distribution changes fairly dramatically. Winter flounder is more of a minor component of the landings on these trips. Most of the trips it is around less than 10 percent. This suggests that these trips are targeting on other species. Lowering the trip limit from the present level would likely just result in converting landed fish into discards, increased uncertainty. It may not actually lower mortality on the stock. This is some additional analysis that was done using the same data, except here on the X axis is just

poundage of winter flounder; 1 to 10, 11 to 30, 31 to 50, and then over 50 pounds.

Early on of course, most of the trips had landings above the 50 pound mark. Later on in the time series you can see that most of the trips now are on that limit of the 50 pounds. This is another reason to not lower the trip limit, since it would probably cause discarding problems; if you don't already have discarding problems at the level we have now, because most of the trips seem to be hitting that limit.

This is now the NEFOP and ASM Observer Data. What we looked at here was total catch, so total catch of winter flounder kept and discarded to (K) all ratios. We had to do this because we had zero possession in '09, '11 and '12. The first four plots here there was no possession. Then the stock became allocated in 2013, so you can see there is a slight shift in that distribution from no possession above where the blue arrows are.

There is a slight increase, and that is basically the tagging behavior in the federal fishery. It is a very subtle thing, but there is some targeting occurring and it is not obvious on the federal side, because it is such a mixed stock fishery. Getting into the conclusions, the TC is concerned about the declining trends in recruitment and the lower production in the stock.

If recruitment doesn't improve or continues on its declining trend there is not much hope really for the stock. The TC concluded from that analysis that we have some questions about, these last two bullets come from that. Basically that the ASMFC trip limit should not be reduced, if it is reduced it will likely result in increase in discarding, since these trips seem to be targeting other species.

This would increase the uncertainty in the assessment and fishing mortality rates. It may not actually lower fishing mortality in

reality. The TC felt the trip limits are near their effective controls at the present level. However, if further conservation measures are needed to increase the probability of improvements in recruitment, the feeling here just being the more SSB the higher the probability of improvements in recruitment.

If that is what the goal is then other management controls should be considered. We're talking about controls like closed areas, seasonal closures, days at sea or quotas. Of course the TC acknowledges these controls are now going to start reducing catch and revenue from other fisheries. As a caveat, these additional controls are no guarantee for improvements in recruitment, since we don't really know what is controlling recruitment at this point.

On the federal side the TC acknowledges a large reduction in the ABC. Further reductions in the actual catch could also occur through a reduction in the Southern New England yellowtail ABC. There was a very large reduction also in that stock, will have implications for winter flounder. On the federal side it is likely that further reductions in the ABC from the levels that were implemented, will also reduce catch and revenue from other fisheries; since it is going to start limiting landings of other stocks.

The TC encourages the board to strive to reduce fishing mortality rate, keep this as a bycatch fishery as much as possible, to increase the probability of improvements in recruitment. Similar action on the federal side could also have a positive effect on the resource, however once again that caveat, we're not really sure. It is no guarantee that recruitment will increase if additional measures are taken.

The TC also acknowledge this divergent management approaches between the state and federal fisheries, basically on one side you have input controls and on the other side we are using output controls. This last bullet here

is perhaps a little bit of an apple pie statement. Complementary management between state and federal fisheries moving forward could achieve a better outcome for the resource and ultimately to the fishery. I can take questions.

CHAIRMAN GIBSON: Are there questions for Paul? Dave Simpson.

MR. DAVID G. SIMPSON: Why is winter flounder modeled with a dome-shaped recruitment curve, which of course is leading to this so-called cryptic biomass? You know I think of dome-shape, we use it for Tautog, they become harder to catch. There is something different about them. Winter flounder I never would have imagined would become more difficult to catch, either in the fishery or in surveys; just because they are five or six or seven years old.

MR. NITSCHKE: It is a good question. We will spend many hours arguing that at the working group meetings. I usually want to have some reasoning for modeling it with a dome-shaped selectivity. In the case now with winter flounder the assessment diagnostics are getting so bad that perhaps modeling it with a dome relieves some of those issues. But it is a big assumption in the model.

CHAIRMAN GIBSON: Follow up, Dave?

MR. SIMPSON: The implication of that being that if dome shaped isn't correct, if it is actually more flat topped, we're probably overestimating the picture, stock biomass; so things are even worse than they appear.

MR. NITSCHKE: Yes, or you can't even really look at the assessment. The assessment is rejected.

MR. RITCHIE WHITE: Since this stock is not responding to lowering fishing mortality and the Technical Committee feels that it is

possible that it may not be able to recover. If the board tasks the Technical Committee to give advice back to the board as to, at what point would the Technical Committee say that it is not able to recover? How would the Technical Committee come to that decision? How many years of very little or no recruitment would it take to say, environmental is not allowing this fish to recover to historic levels and in all likelihood would never?

MR. NITSCHKE: That is a tough question to answer. We don't know what is causing the production problems. We can have the big long list of potential items, but we don't know what it really is. The only thing we could potentially say is if we have more SSB in the water, the likelihood of the stock overcoming those problems increases. Whether it actually does, I am not sure. I'm not sure we're going to know that.

CHAIRMAN GIBSON: Follow up, Ritchie.

MR. WHITE: But if we're not seeing any response now, why is it logical that more SSB would create more reproduction? I think at some point that that doesn't seem to follow if we're seeing no response to the extremely low fishing mortality now.

MR. NITSCHKE: Many species evolved to put lots of eggs out to overcome the uncertainty. When the population is low and stressed it can't overcome some of those environmental stressors and we'll never get out of it.

CHAIRMAN GIBSON: What might be helpful is to know when the next benchmark assessment is going to be and there has been some work in looking at environmental factors, principally winter water temperatures driving recruitment or keeping it at low levels. I don't know what the tour will be for the next benchmark, but to the extent that that evaluates directly, incorporating environmental factors into the assessment might shed some light on that question. I don't know if Paul knows or Jamie knows when that will happen.

MR. NITSCHKE: I have no idea.

MR. DAVID B. BORDEN: Thank you for the presentation, Paul. I asked you this question the last time. I'm going to ask it again, because I'm still a little bit uncomfortable with this. We spend enormous volumes of money doing the NEMAP Survey, which ideally fits. It takes up where the federal survey ends, and the state surveys are not surveying.

I just don't understand when we ask for an update why the NEMAP data doesn't get incorporated into the report. Maybe if you can't answer it, I would love to have somebody else answer that. If there is someone in the room that can answer it, and if not then I think we ought to get a written explanation of why that data just doesn't get used.

MR. NITSCHKE: I apologize; we probably should have looked at that for this round. We had a lot going on. We probably should have looked at that. Looking at the numbers on the website that index is also declining. It is similar to the other indices. Whether it got into the model itself I am not sure. It might be in there, I would have to look that up.

MR. BORDEN: Then Mr. Chairman if I might follow up. I would like to go back to Ritchie White's point. I wrote down what Paul said, and he was very careful about what he said about the SSB. He said the more SSB the higher the probability of enhanced recruitment, but no guarantee; is what you said. I think that is important.

I'll get into more details when we get into Doug Grout's Policy Board discussion of these types of situations. A parallel between what you are seeing with winter flounder here and Southern New England lobster is just stunning. You get this decoupling between SSB and recruitment. We don't know what is causing it.

We're almost like in a death spiral, in terms of the stock. The last question, Mr. Chairman, is my understanding, and Paul correct this if this is not correct; that we basically have an inshore stock of winter flounder but we also have an offshore stock of winter flounder, like a shoals stock, there is evidence of spawning in deeper water. Is that correct? Is that understanding correct?

MR. NITSCHKE: In terms of the assessment itself there is no break up between inshore and offshore for Southern New England. It is treated as one single unit, even though we know there are stock components in that complex.

MR. BORDEN: I guess the thing that leads me to the question of, if that is the case and we have rapid warming of the inshore areas and kind of an evacuation of those historic sites. Is there any evidence at all that the offshore stocks or that portion of the population that is in the offshore areas is improving?

MR. NITSCHKE: In the Gulf of Maine I saw some evidence that the fish seem to be deeper. I'm not sure in Southern New England if that is true.

MR. BORDEN: Okay thank you very much.

MR. PATRICK AUGUSTINE: Good presentation, Paul. It clarified a lot of things in my mind. Along with what Mr. Borden said, we have spent a tremendous amount of money on NEMAP, and from my point of view I think they've done an awesome job. The real question is, if we're spending a couple million dollars a year on that and their survey is either embedded in or a part of the offshore survey, the feds, or is not being used.

Would it not be appropriate to take what they do in the inshore, because I think they only go out to what; 60 foot of water. It is not real deep, I guess, but it has been consistent for the last four to five years. Take a look at that survey to see what the trend is in stock that way. The other part of it is, and I've been

concerned about winter flounder like everybody else.

We see a decline in the environment. We're talking about a decline in biomass, primarily based on, we think we know, but we don't know. But we do know anecdotally that we are seeing a very large increase in cormorants up and down the coast. We can't blame it all on them. We've seen a shift as I understand it, and I'm not sure that to the Technical Committee you're charged with looking at the implication of environmental change, water quality conditions and that sort of thing.

But it just seems that if we are going to go forward and try to save this specie from whatever is going to happen to it, there should be a meeting of three groups of people; which would be our Technical Committee and the environmental people and the migratory bird people. Somewhere in time we went through this with horseshoe crabs, wherein we blamed it on the fishermen overfishing and then it was the red knots and the shorebirds.

At the end of the day when you went and dug into it, the three groups that were assessing the various locations and the fly way, you found out that each one of those surveys showed there were other implications as to why the red knot population was failing. Here we're pointing to overfishing, and yet when you look at the trend that you presented to us, there is no increase in biomass; it's a blip.

Sooner or later I think we've got to take the bull by the horns and bring these three groups together, compare notes, and see if it is as simple as the environmental conditions; quality of the water and the environment. Then look at the migratory part of it. Birds have been controlled since 1975, protected of some sort. I thought it was through Fish and Wildlife, it turns out it is through a

Migratory Act. But we are just skirting the issue if we continue, and I'll only take one more minute, Mr. Chairman. We're skirting the issue and the solution to face into it. Either we're going to do something with it or just hands off. We're going to stay hands off. Fishermen will stop fishing when they can't catch any more fish. The commercial fishery will die of a natural death, and then we'll get on with our life.

Paul, I'm not sure you can respond to any of that. But in my humble opinion that is where it is at. As an old guy I can say all this stuff and not be ashamed of saying it. I speak from the heart, because I believe we are skirting the solutions to this specie and also lobster. Want to try, Paul? I'll let you have some cookies if you respond.

CHAIRMAN GIBSON: Paul, I just want to remind the board that we have a half hour left in the session and we haven't heard from the New England Council representative yet, nor discussed possible changes for specifications. With that I am going to go to Dan McKiernan.

MR. MCKIERNAN: I actually have a question, Paul. The Massachusetts Seine Survey has been going on, I think since the sixties. It is kind of the analogy or the analogous survey to the Section sampling in the cobble for lobsters in that we're really working on what we thought were the traditional nursery areas.

I think that index has tanked. We would be picking up young winter flounder, probably smaller than the cormorants would be consuming them, so I think there is a break in the productivity. But can you comment on how useful some of that young of the year index is within Massachusetts to sort of reveal the reason for the decline?

MR. NITSCHKE: The young of the year seine survey from Mass was actually the most positive one we had out of all of them. All those indices go into the model to predict what

incoming recruitment is. All that gets incorporated to determine the model trades off between indices that are on the positive side versus indices on the low side. But overall the model suggests that the recruitment is going down dramatically.

MR. FOTE: I was wondering, have you ever looked at, I'm trying to think of a name and Emerson probably could tell me, at Cornell University, which is looking at indicia disruptors and looked at winter flounder in Jamaica Bay, and when they were doing that the amount of females to male was like 16 to 1, 15 to 1, 14 to 1.

If you look at when we started putting a lot of chlorine, when the implementation of the clean water act and we started actually doing those sewer plants, and changed the way we dumped sewer into the ocean; butting a lot of ore in the bays and estuaries, started putting a lot of chlorine and also the increase of estrogen in the sewer outflows. I mean if you look at the history. I am wondering if there are any other studies but the Cornell studies that look specifically at winter flounder and estrogen and the effects on male to female.

MR. NITSCHKE: Has the TC looked at that? I am not aware of any of that work, really. We haven't really looked at that.

MR. FOTE: I just would find it interesting, because like small mouth bass in the Potomac River and other species that we're seeing like this. Since winter flounder unlike summer flounder actually spawn in the bays and estuaries at the real small size, when we can have the most effect of drugs on a species; whether it is human or fish that they basically will suffer the most consequences, so we should take a look at them probably.

MR. TERRY STOCKWELL: I will be very brief. There was some mention about the need for a benchmark, and I'm just looking at the

NRCCs schedule of stock assessments through 2018, and it is jam full.

CHAIRMAN GIBSON: Thank you for that. It doesn't surprise me; any other questions for Paul?

MR. FOTE: Yes, I just found the study and it was Dr. Anne McElroy from Cornell, so I will forward it to you later.

OVERVIEW OF FEDERAL MANAGEMENT MEASURES

CHAIRMAN GIBSON: Okay next we are going to go to Jamie Cournane, who has come down here from the New England Council to give us advice on or summary of federal management measures, recall last time this was an incomplete piece of information as Framework 55 was in development. I guess, has it been submitted?

DR. JAMIE COURNANE: It will be.

CHAIRMAN GIBSON: It will be it's close to being submitted. She's going to tell us what is in it.

DR. COURNANE: Good morning, my name is Jamie Cournane; I am the groundfish plan coordinator for the New England Fishery Management Council. This is my first time presenting in front of the board, so thank you for inviting us today. We'll be providing you with an update on just the winter flounder relevant sections in the action.

Just briefly, I just wanted to acknowledge that there is significant overlap between the council and the board, and that includes members or their alternates listed here on the screen. In addition, Paul Nitschke as the TC Chair is also a key member on our Groundfish Plan Development Team, so Paul and I work very closely on all the groundfish stocks, including the assessments and management recommendations.

Briefly, there are three stocks of winter flounder. As you know the two that are of most interest to the board are the Gulf of Maine stock and the Southern New England/Mid-Atlantic stock. In federal waters this is really a mixed fishery for other species. It is not principally for the winter flounder.

Management in federal waters has really two aims; one is optimum yield while staying within the biological limits. As you're fully aware, there are really two components to our federal program, there is the sector program and the common pool program. Generally the sectors are allocated a quota and they can leave some of that quota throughout the year on an annual basis.

The common pool is managed by limits on the number of days, or the number of landings; so a trip level limitation. Both are actually constrained by accountability measures, and these include potential fishery closures in-season, and this could include a part of the stock area or a subset for the full stock area; depending on the amount of quota that has been caught, and also year round and seasonal closures for groundfish species broadly. There are a number of different kinds of controls. It is not just a quota managed system. As Paul referred to in both his last presentation to, at your previous meeting and this meeting, there were assessments for all the groundfish stocks in 2015.

The resulting overall status of Gulf of Maine winter and Southern New England winter flounder remains unchanged. For winter flounder, not overfishing and overfished status continues to be unknown. For Southern New England/Mid-Atlantic, it is not overfishing but it continues to be overfished.

When the SSC deliberated last year to provide advice to our council on ABCs for the next three years, they looked at a number of

factors. Our technical team brought them a lot of the information that Paul presented to you at your last meeting. The SSC noted a number of things. For the Gulf of Maine winter flounder stock they did note that the stock does not appear to be responding to catches.

The ABC is generally much higher than catches have been. For Southern New England/Mid-Atlantic winter flounder, they discussed this recruitment issue and how if they applied their 75 percent Fmsy Control Rule in the second year, they would have actually reduced catches; so that the SSC used this information to provide some advice for ABCs for the next two years.

For the Gulf of Maine winter flounder stock they used the straight approach from the assessment, and suggested a constant approach as had been done previously. For the winter flounder stock they actually recommended a constant as well, but something that would have been lower than the 75 percent Fmsy.

It actually increases the buffer in both '17 and '18, instead of applying their default rule on how they apply catch advice. Here are the proposed ABCs and OFLs. The council has moved forward with these as well, and as was mentioned they would be submitted in Framework 55 to the agency for review.

In '16, '17, and '18 you will see the ABCs for winter flounder would be 810, and for the Southern New England stock they would be 780. You can see those OFLs in '17 and '18 are projected to increase, and that gap between the ABC and OFL that buffer also gets larger. That was something the SSC discussed about potentially allowing the stock some additional room.

Looking back at where we've been. Most recently looking at the 2015 ABCs you can see this increase for winter flounder and a substantial decrease for the Southern New England stock, more than half of that ABC would be reduced from previous years ABC. In

the next section I want to walk you through, I think something that you have in the past discussed it as a board.

Maybe it has been kind of a mystery, so what we do to figure out what we expect the states and the other subcomponents to catch. What we do is we start with the SSCs recommendation. We start with their ABC. In order to get down to what the federal fisheries or commercial sub-ACL is, there are a number of steps that occur. I am going to use just the example of winter flounder for the Gulf of Maine and Southern New England stocks. It is slightly different for some of the other stocks, depending on other catches. For both of these stocks what we first do is as a technical team we estimate expected catch from state waters and other subcomponents. These are not allocations, this is what we think the catch might be in the next year, based on the best information that we have in front of us. We look at recent catch information, we look at whether we think there is going to be management changes, we look at the history as best we can; to come up with an educated estimate of what we think those catches are going to be.

That ABC is then reduced by that expected catch from state waters and other components, and that remaining amount is what is distributed to the commercial fishery. It is not just that amount; it is then reduced by an additional buffer. Whatever amount is left, there is an additional 5 percent that is taken off, and that is distributed based on how the fishery aligns itself in either the common pool or sectors.

If there is 95 percent of the fishery in the sectors and 5 percent in the common pool, then it would be distributed as such. There are a number of steps to get to that commercial. But the first thing we do is try to determine what we think might be caught in the next year. To do that we as a technical

team, as the Plan Development Team, we look at your recent information.

In this example for Gulf of Maine winter flounder, we looked at state waters catches from 2010 to 2014. We have a history of trying to figure out what we think the state waters might catch and assigning a value to that; assigning a percentage. Back in 2010 when the ABC for Gulf of Maine winter flounder was 238, our first experience with this is 25 percent of the ABC was a guess at what we thought would be caught in 2010; and that was a value of 60 metric tons.

When we had the final information put in, it was slightly over that it was 64. Looking across all of that information, looking at the averages, looking at where we've been. We then decided to make a recommendation as a technical team to, because the ABC would be going up, to reduce that percentage of the ABC slightly by 2 percent; to get a value of 122, 122 is very close to the recent catch in 2014, which was 113.

It is above the average and it seems to be in line with some of the catches we had seen in recent years. That is the approach that was done by the technical team. Then the council then reviews that approach and they recommended adopting it for the species. A similar approach is taken for Southern New England/Mid-Atlantic winter flounder.

In this case the ABC is declining. It is declining by 50 percent. We looked at the history of catches for this stock. We looked at the history of how we had estimated some of these values. Looking at the most recent catch we see that it was about 71 metric tons. There is no reason that we thought that that value would increase, and there is no indications that we would expect that the states would necessarily liberalize their measures on winter flounder.

In this case we actually increased the percentage of the ABC, because the ABC is actually going down to more align with a value

that we expected the state water component to be catching. That value is 70 metric tons. This is something that is done on an annual basis, and so due to time constraints in some years we haven't been able to do it.

But we anticipate also evaluating this going forward for 2017, and there might be an additional adjustment when we have additional information in front of us for '15s final year catch information. In state waters the proposed changes would be an increase in what we expect the states to catch from 87 to 122 metric tons, and in Southern New England/Mid-Atlantic a decrease from 117 to 70. Again that is the expected catch, not the actual catch. Likewise when we start from that ABC, reduce expected catch, reduce for that management uncertainty buffer. What the commercial fishery is left to access is what is shown here.

This is the difference between the values in '15 and moving forward for '16. In '15 for Gulf of Maine winter flounder, the commercial fishery could access up to 392 metric tons, and that would increase to 639. For Southern New England/Mid-Atlantic winter it would go from roughly 1,300 to less than 600 metric tons; and Mr. Chairman, that concludes my presentation. I'll take any questions.

CHAIRMAN GIBSON: Thank you, questions for Jamie. Bud.

MR. HAROLD BROWN: Thanks for that Jamie. I hadn't seen your report, but I looked at Paul's report, and the one thing that jumped out at me is in Table 1 of his report the ACL, and I scratched out my own assessments here and combined the federal and state waters. The Gulf of Maine ACL increased by 57 percent, but the Southern New England ACL decreased by 50 percent.

In this Table 2, I did the same thing and only 24 percent of the Gulf of Maine ACL was caught while 43 percent of the southern New England ACL was caught. There is a 50 pound trip limit in Southern New England and a 500 pound trip limit in the Gulf of Maine. That makes me think it is upside down. Why, if people are not catching fish in the Gulf of Maine, is the ACL going to go up? Well, they are catching fish in Southern New England and the ACL goes down.

DR. COURNANE: I'll try to answer this and I may have to turn it over to Paul, so thank you for your question. One of the reasons why the Gulf of Maine winter flounder ABC is increasing is because of the way the assessment is conducted. It is tied to the fall surveys, and it is an index-based assessment.

If the fall surveys show an increase in recent years, then that increase is actually, you proportionally increase that ABC as well. The only other component in that index that is really meaningful is the catchability coefficient. If you know a little bit more information about the ability of the survey to catch winter flounder, maybe you could fine tune that.

But because it is based on that fall index, and the fall index increased, we were tracking that information to show that uptick. Most recently we also looked at Gulf of Maine winter flounder; in the previous year we had a round of assessments that were independent of the full groundfish assessments. That showed a drop in the ABC, and now we've kind of returned up.

We're kind of tracking that survey index in that one, where when we look at the Southern New England/Mid-Atlantic winter flounder stock we're tracking multiple sources of information in a single assessment model to show that decline. When that catch advice is being based off of that it is less sensitive to wide swings in one specific index or something like that; because of the way the index is developed.

Now the SSC did look at this information. They didn't have any reason at the time to deviate from their previous approach to setting catch advice, and so they did not recommend a decrease in the ABC; instead they actually recommended going with their default approach to applying catch advice for the Gulf of Maine winter flounder stock.

REVIEW AND SET 2016-2018 SPECIFICATIONS

CHAIRMAN GIBSON: Any other questions for Jamie? Seeing none; we'll move on to the final agenda item of the meeting; Review and Set 2016-2018 Specifications. It is my understanding that if there is no action by this board that the existing measures would remain in place. Thank you, Ashton.

MS. ASHTON HARP: Good morning. I am just going to review the current regulations that are in place. The board can adjust via Addendum 3 to the fisheries management plan for recreational measures. They can adjust the size limit, the bag limit and the season. For commercial measures the size limit, season, trip limit, trigger trip limit and area closures can be adjusted for the winter flounder fishery.

Just as a review, I know that we've seen this in Paul's presentation, but I want to review it one more time. The 2015 recreational measures are a possession limit of eight fish for the Gulf of Maine, and for Southern New England recreational possession limit is two fish, the size limit in the recreational and commercial fishery is 12 inches.

The Southern New England and Mid-Atlantic season is from March 1st, to December 31st. For the commercial measures, in the Gulf of Maine the maximum trip limit is 500 pounds per trip per day, in Southern New England/Mid-Atlantic trip limit is a maximum of 50 pounds per trip per day, and this was intended to be a bycatch trip limit. That

pretty much summarizes the 2015 regulations. Last year we went with status quo, so we just kind of kept the 2014 regulations for 2015. That can be done this year or any kind of changes can be made.

CHAIRMAN GIBSON: Are there questions for Ashton? Dave Simpson.

MR. SIMPSON: I didn't really see any need for us to make any change, but I'm looking at the gear and 6.5 inch mesh that is only required when you catch more than what our trip limit is. I guess I'm just wondering what other states have in place. Do we need to address cut and mesh size for winter flounder?

I guess I'm just looking for a sense of what other states would allow in the fishery that would take winter flounder. For example, in Connecticut probably a summer flounder mesh would kick in but otherwise we would have a 5 inch minimum size. In other words, I am trying to get a sense of what states in the Southern New England area would be fishing on two inch mesh for winter flounder, or are there other backstops?

CHAIRMAN GIBSON: I can't answer that because I don't know what the other state's regulations were; but if anyone wants to volunteer in response to Dave, Dan.

MR. McKIERNAN: Yes David, we just have two mesh seasons. We have a squid season, which is late April through mid-June with small mesh, and then after that it is 6.5 inches throughout the net throughout the rest of the year.

CHAIRMAN GIBSON: Does anyone else want to provide feedback to Dan? Seeing none; were there any other questions for Ashton or anyone wishing to make a motion that would start discussion on changing specification? Seeing none; that concludes our agenda.

OTHER BUSINESS

CHAIRMAN GIBSON: Is there any other business to come before the Winter Flounder Board? Bud.

MR. BROWN: One thing. We still don't have AP people, and when I looked at Paul's report, the Ground Fish Committee, if the council is looking to integrate the advisory panels into the assessment process. I guess maybe I'll address it to Bob Beal. Maybe Bob can tweak people to try to get some people on the Advisory Panel. I've been making this plea for years, I swear and we're getting nowhere.

CHAIRMAN GIBSON: Toni, do you have any thoughts on how to populate the AP?

MS. TONI KERNS: We will send requests out to the states and make those requests for you guys to look at folks to populate the AP with. It is dependent on the states to nominate folks to the advisory panel, so we need those recommendations.

ADJOURNMENT

CHAIRMAN GIBSON: Any other business to come before this board? Seeing none; is there a motion to adjourn? Seconded by everyone. Thank you we stand adjourned.

(Whereupon the meeting was adjourned on February 4, 2016 at 10:07 o'clock a.m.)

Briefing Document—Winter Flounder Specifications for the 2017 Fishing Year

I. Winter Flounder State Sub-Component

The state sub-component remains unchanged from those established as of May 1, 2016 for FY 2016-FY2018.

The NEFMC Groundfish PDT developed recommended changes to the 2017 state water components based on recent catch information (FY 2010-2015), expected ACL changes and management measures for 2016, stock abundance and availability, and other information. The Council reviewed the adjustments and approved a motion for the sub-components to remain status quo.

Motion at the NEFMC Groundfish Meeting, November 2016

Mr. Terry Alexander moved to and Mr. Kendall seconded:

Modify Section 4.1.2.2 Option 2: Revised Annual Catch Limit Specifications to utilize Framework 55 percentages (i.e. status quo, as reflected in Table 4 of the PDT memo dated 11/10/2016 Document #3c) for the state water and other subcomponent for all stocks except for witch and northern windowpane flounder.

The motion **carried** on a show of hands (15/0/1/1).

Table 1. Summary of Winter Flounder ABC Distribution to State Sub-Component (as percent of ABC)

| Stock | ABC | State sub-Component | | | | |
|------------------------------|-----------|---------------------|--------------------|----------------|-------------------|-------------------|
| | | FW 47 (FY 12) | FW 50 (FY13-14) | FW51 (FY14) | FW53 (FY15-17) | FW55 (FY16-18) |
| GOM Winter Flounder | 810 mt | 0.25 | 0.25 | 0.25 | 0.17 | 0.15 (122 mt) |
| SNE/MA Winter Flounder | 780 mt | 0.28 | 0.14 | 0.14 | 0.07 | 0.09 (70 mt) |

Note: Highlighted cells indicate changes from the previous specifications (RED = increase to sub-component percentage; GREEN = decrease to sub-component percentage).

II. Current Regulations

The current GOM and SNE/MA regulations have been in effect since 2014 (Table 2).

Table 2. ASMFC Management Measures for Winter Flounder

| Stock | Sector | Trip Limit/ Possession Limit | Size Limit | Season | Gear |
|--------|--------------|-------------------------------------|---------------|--------------------------|---|
| GOM | Commerical | 500 lbs per trip per day | 12" | Maintain closures | Minimum 6.5" square or diamond mesh in cod-end |
| | Recreational | 8 fish | 12" | NA | |
| SNE/MA | Commerical | 50 lbs/ 38 fish per trip per day | 12" | Maintain closures | Minimum 6.5" square or diamond mesh in cod-end. 100-lb mesh trigger. |
| | Recreational | 2 fish | 12" | March 1 – December 31 | |

| | |
|--|---|
| | Implemented in Amendment 1 in 2005 |
| | Implemented in Addendum I in 2009 |
| | Implemented in Addendum II in 2012; GOM trip limit increased from 250 lbs (via Addendum I) to 500 lbs. |
| | Varying closure dates were in place via Amendment 1, the new dates became effective through Board Action on February 2014 |