

Atlantic States Marine Fisheries Commission

Winter Flounder Management Board

*October 19, 2020
11:00 a.m. – 12:00 p.m.
Webinar*

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.

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| 1. Welcome/Call to Order (<i>D. Borden</i>) | 11:00 a.m. |
| 2. Board Consent | 11:00 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2019 | |
| 3. Public Comment | 11:05 a.m. |
| 4. Review 2020 Assessment Updates for Gulf of Maine and Southern New England/Mid-Atlantic Winter Flounder Stocks | 11:15 a.m. |
| • Presentation of Gulf of Maine Stock Assessment Report (<i>P. Nitschke</i>) | |
| • Presentation of Southern New England/Mid-Atlantic Stock Assessment Report (<i>T. Wood</i>) | |
| 5. Elect Vice Chair (<i>D. Borden</i>) Action | 11:55 a.m. |
| 6. Other Business/Adjourn | 12:00 p.m. |

MEETING OVERVIEW

Winter Flounder Management Board

October 19, 2020

11:00 a.m. – 12:00 p.m.

Webinar

Chair: David Borden (RI)	Technical Committee Chair: Paul Nitschke (NEFSC)	LEC Representative: Kurt Blanchard
Vice Chair: Vacant	Advisory Panel Chair: Bud Brown	Previous Board Meeting: February 5, 2019
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2019

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 should use the webinar raise your hand function and the Board Chair will let you know when to speak. 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 Board 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. Review 2020 Assessment Updates for Gulf of Maine and Southern New England/Mid-Atlantic Winter Flounder Stocks (11:15 – 11:55 a.m.)

- The 2020 management track stock assessments were completed in September (**Supplemental Materials**)
- A peer review was held in September (**Supplemental Materials**)

Presentations

- Gulf of Maine assessment overview by P. Nitschke
- Southern New England/Mid-Atlantic assessment overview by T. Wood

5. Elect Vice Chair (11:55 a.m. – 12:00 p.m.) Action

- Vice Chair position is currently vacant.

6. Other Business/Adjourn

Winter Flounder Technical Committee Task List

Activity Level: Low

Committee Overlap Score: Low

Committee Task List

- There are no on-going tasks for this Winter Flounder TC at this time
- Annual state compliance reports are due December 1

TC Members

Paul Nitschke (NEFSC – Chair), Tony Wood (NEFSC), Dr. Robert Pomeroy (UCONN), Alex Hansell (MA DMF), Rebecca Heuss (NHFG), Timothy Daniels (NJ DEP), Paul Nunnenkamp (NYS DEC), Richard Balouskus (RI DEM), David Ellis (CT DEEP), Joseph Myers (ACCSP)

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

The Westin Crystal City
Arlington, Virginia
February 5, 2019

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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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve the 2019 Winter Flounder FMP Review and state compliance reports** (Page 4).
Motion by Emerson Hasbrouck; second by Bob Ballou. Motion carried (Page 4).
3. **Motion to adjourn** by consent (Page 7).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Justin Davis, CT (AA)
Steve Train, ME (GA)	Willian Hyatt, CT (GA)
Doug Grout, NH (AA)	Sen. Craig Miner, CT (LA)
G. Ritchie White, NH (GA)	Maureen Davidson, NY, proxy for J. Gilmore (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Emerson Hasbrouck, NY (GA)
Raymond Kane, MA (GA)	Joe Cimino, NJ, proxy for L. Herrighty (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
David Pierce, MA (AA)	Russ Allen, NJ, proxy for T. Fote (GA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Allison Murphy, NMFS
David Borden, RI (GA)	Mike Millard, USFWS
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	

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

Ex-Officio Members

Staff

Robert Beal	Kirby Rootes-Murdy
Toni Kerns	Jessica Kuesel
Megan Ware	

Guests

Peter Burns, NMFS	Melissa Smith, ME DMR
Rene Cloutier, ME Marine Police	Jack Travelstead, CCA
Heather Corbett, NJ DFW	Kevin Wark, Orsted, GSSA
Arnold Leo, E. Hampton, NY	Danny White, ME Marine Police
Kathleen Reardon, ME DMR	

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 5, 2018, and was called to order at 10:30 o'clock a.m. by Chairman Dr. David Pierce.

CALL TO ORDER

CHAIRMAN DR. DAVID PIERCE: It's the Winter Flounder Management Board; we're starting at 10:30. We're scheduled to go to 12:00 o'clock, but obviously that time is going to be changed. Good morning everyone. I had an option today to wear this sweatshirt or to wear the vest that I received last year at the annual meeting in New York City.

I chose not to wear the one from New York City; because of the pain that still is within my system, the New York Giants beating the Patriots twice in the Super Bowl. Anyways, with that said; oh by the way I did meet a gal in the elevator going up and she had a Philadelphia Eagles sweatshirt on, and I did give her nothing but praise for what the Eagles did last year. Patriot's fans are not as arrogant as some may think; even though I'm wearing the sweatshirt.

APPROVAL OF AGENDA

CHAIRMAN PIERCE: You have the agenda before you. Is there any desire to make modifications to the agenda? I see no desire to make any changes; therefore the agenda will be approved as written.

APPROVAL OF PROCEEDINGS

CHAIRMAN PIERCE: Proceedings are available. I'm assuming that many of you have had a chance to go over those proceedings; any desire or need to make a revision to those proceedings? All right, I see none; therefore without objection the proceedings from May, 2018, will be adopted.

PUBLIC COMMENT

CHAIRMAN PIERCE: Public comment, anyone in the audience care to make any reference, make any comment to an item specific to winter flounder management that is not on the agenda? I see none. This meeting is only scheduled to be about a half an hour. I expect that it won't take any more than a half an hour; maybe even 15 minutes; but we'll see.

CONSIDER SPECIFICATIONS FOR THE 2019 FISHING YEAR

CHAIRMAN PIERCE: Next on the agenda is consider specifications for the 2019 fishing year; final action. As noted in the documents giving us the blueprint for this meeting, per Addendum III, we can adjust through Board action the recreational limits, the size limit, the bag limit, the season. Commercial we can do the size limit, the season, the trip limit, the trigger-trip limit, area closures. We have all those options regarding the 2019 fishing year. I'm going to pause here and turn to Megan and have her provide an overview of the winter flounder specifications for 2019.

MS. MEGAN WARE: We're going to review winter flounder specifications, and then also our recent catch numbers. This slide here is our current management measures for both the Gulf of Maine and the Southern New England/Mid-Atlantic winter flounder stocks. These are the regulations that have been in effect since 2014. If no action is taken by the Board, then the management measures will roll over into 2019. For the Gulf of Maine we have a 500 pound commercial trip limit and an 8-fish recreational limit. Then in Southern New England/Mid-Atlantic it's a 50 pound commercial limit and a 2-fish recreational limit. That Southern New England/Mid-Atlantic fishery, those regulations are quite strict; because it's supposed to be a bycatch-only fishery.

As our Chairman noted, under Addendum III the Board can adjust a suite of measures through Board action. They're listed on the screen here. I won't read through all of those again. The 2017 fishing year provides the most recent information on our

catch estimates. I thought I would review those with the Board today.

This is the slide for Gulf of Maine catch estimates. On the top row there we have our total ACL; which was set as 776 metric tons. Then our catch was 308.1 metric tons. Overall we were well below that ACL. On the bottom there we have the state water subcomponent. I did want to draw the Board's attention to that.

It was set at 122 metric tons. Our catch was 185.3 metric tons; so we were above the state water subcomponent. There is no accountability measure associated with that; so there is not a payback or a penalty. But I did want to note that our 2018 to 2020 state water subcomponent is set at 67 metric tons. Then this slide is the fishing year 2017 catch estimates for Southern New England and Mid-Atlantic.

Again on the top we have our total ACL; which was set at 749 metric tons, and our catch was 550.5 metric tons. Again, we were below the ACL. For the state water subcomponent, it was set at 70 metric tons; 23.2 metric tons were caught, so we were well below that. The 2018 to 2020 state water subcomponent is set at 73 metric tons; so there is really not much of a difference moving forward there. With that I'll take any questions.

CHAIRMAN PIERCE: Questions for Megan. David.

MR. DAVID V. BORDEN: A couple of quick points. If anybody looks at the minutes from previous meetings, you know I have consistently complained about this; so I'm not going to belabor the point. I want to pick on the Southern New England portion of this. If you look at the document, and I'll just use the numbers right out of the document.

In Southern New England we're basically landing 1.2 million pounds from federal waters and 50,000 pounds from state waters. My

biggest complaint with this is we have two inconsistent management strategies in place for the two areas. The states are managing this; for right or wrong, and I'm not saying that the Commission is right on this.

I'm saying that we're managing this in an extremely conservative manner. The Council is not. The Council has a completely different extraction policy. I think my own view is these two extraction policies are inconsistent. At some point here we need to get technical review from our Committee basically; to ask them whether or not these two extraction policies are consistent. If they are consistent then they should continue. If they're not consistent then we should change them so that they are consistent. Otherwise it's a bit of a charade is what we've got going on here. I would hope; regardless of what we do today, even if it's just continue the measures that we would refer this to the Technical Committee, and ask them explicitly whether or not the extraction policy in federal waters is consistent with the extraction policy that the Commission maintains for the stock. If anybody wants to take the other side of the argument on this, I'm happy to be educated if I've misstated the facts.

CHAIRMAN PIERCE: Questions of Megan; yes, Emerson.

MR. EMERSON C. HASBROUCK: Relative to what the issues that Dave Borden just raised. I fully agree with Dave on that. Also, relative to that the table that's in our information packet and the slide that you put up about the commercial and recreational possession limits. I'm focusing really on the commercial possession limits there. Is my understanding correct that those are for the state fisheries only; to piggyback on what Dave was talking about? People with federal permits fishing in federal waters are fishing under totally different trip limits than state waters; is that correct?

MS. WARE: Correct. The trip limits in the table apply to non-federal permit holders, so state-only permit holders.

CHAIRMAN PIERCE: I'll highlight one thing, Emerson that in Massachusetts if a federally permitted fisherman is fishing in Massachusetts waters with the appropriate permits, they are still required to live with the state limit and not the federal limits. They can't come in and take large amounts in excess of what's being allowed for someone who just has a state permit.

CHAIRMAN PIERCE: Questions for Megan. I see no additional questions; therefore we go right to the specifications. It's indicated by Megan, unless there is a motion to make a change in the specifications for the 2019 fishing year, the specifications will rollover. Is there a motion to make any changes or revisions to the specifications that we have had for 2018 fishing year?

I see no motion for a revision; therefore the specifications, those that have been described by Megan in her presentation roll over to the 2019 fishing year. Next on the agenda is the Fishery Management Plan Review. State compliance reports were due on December 1, and now we'll have a presentation describing those reports. We'll see if any recommendation comes out of those.

**CONSIDER APPROVAL OF 2019 FMP REVIEW
AND STATE COMPLIANCE REPORTS**

MS. JESSICA KUESEL: Good morning, I'll be presenting on the Winter Flounder FMP Review for the 2017 fishing year. The 2017 Operational Stock Assessment determined that the Gulf of Maine winter flounder stock biomass status is unknown; and that overfishing is not occurring. The 2016 biomass for fish over 30 centimeters was estimated to be 2,585 metric tons. The exploitation rate was estimated to be 0.086; below the exploitation threshold of 0.23.

Significant sources of uncertainty include gear catchability, and deriving stock biomass from area-swept survey estimates. The 2017 Operational Stock Assessment concluded that the Southern New England/Massachusetts winter flounder stock is overfished; but

overfishing is not occurring. Specifically the 2016 spawning stock biomass was estimated to be 4,360 metric tons; well below the biomass threshold of 12,343.5 metric tons. In addition, fishing mortality was estimated to be 0.21 in 2016; below the threshold of FMSY 0.34. Notable sources of uncertainty include the estimate of natural mortality and the length distribution of recreational discards; given they represent a small portion of the catch. Commercial and recreational landings have declined since the 1980s; specifically commercial landings peaked at 40.3 million pounds in 1981, but have generally declined throughout the 1990s and 2000s.

In 2017, commercial landings were 2.3 million pounds; with the majority of landings about 80 percent taken in Massachusetts. Recreational harvest in 2017 was 138,477 pounds; and represents a significant decrease from the 16.4 million pounds caught in 1982. Between 2013 and 2016, Massachusetts, New Jersey, and New York comprised the majority of coastwide recreational winter flounder harvest.

In 2017, Massachusetts had the highest recreational harvest. Maine and New Hampshire recreationally harvested the second and third highest amounts of winter flounder; though the PSE values of the data are very high, and indicate very imprecise estimates. Winter flounder are currently managed under Amendment 1, and Addenda I to III. The management measures presented above for 2018 have not changed since 2014.

Under Amendment 1 the states of Massachusetts, Rhode Island, and New York are required to continue annual surveys of juvenile recruitment; to develop an annual juvenile abundance index for winter flounder. In addition the states of Massachusetts, Rhode Island, Connecticut and New Jersey, are required to continue annual surveys to develop an index of spawning stock biomass.

All states met this monitoring requirement. All state management programs are consistent with the FMP; and there were no requests for de minimis for the 2019 fishing season. The PRT recommends

the Board approve the 2019 FMP Review and State Compliance Reports. I will now take any questions, thank you.

CHAIRMAN PIERCE: All right, any questions of Jessica. All right no questions; I'm going to pause for one second. I have to consult with Megan. Thank you, Jess. **Do I have a motion from any member of the Board to accept the 2019 FMP Review and state compliance reports? Emerson, you make that motion, is there a second, and from Bob Ballou.**

The motion is on the floor. Is there any discussion on the motion? Is there any objection to the motion? Then it stands approved.

**DISCUSSION OF BELL ET AL. 2018 PAPER
"REBUILDING IN THE FACE OF
CLIMATE CHANGE"**

CHAIRMAN PIERCE: Next on the agenda is an item I thought would be useful to bring forward to the Board; to make everyone aware of this paper. You all have a copy of the paper; it was sent to you, it's on the web as one of our reading materials for today's meeting.

I'm the first one to admit that it's a bear of a paper; very difficult to read, and the best thing to focus on is the abstract and the discussion. Written by six scientists from the Northeast Fisheries Science Center out of New Jersey, out of Woods Hole, and out of Narragansett, and it is entitled "Rebuilding in the Face of Climate Change."

I just wanted to highlight for the benefit of the Board an issue that's of overarching concern to ASMFC as an organization; and that is the effect of climate change, ocean warming on these important resources that we manage that we regulate. Summary of the profile and conclusions that might also pertain, with further investigation, to fluke, black sea bass, maybe some other stocks. I'll only highlight a few points that are in this document; and then turn to you, Board members for your reaction, in

terms of the implications of this particular paper. This would be again in the discussion section, the next to last page.

They use winter flounder as an example to document the effects of ocean warming on stock size, on rebuilding efforts, and right at the top of the first paragraph it says: "In our winter flounder example there is evidence that winter conditions are driving changes in productivity. Warmer winter estuarine temperatures enable greater predation on the early life stages; decreasing the number of recruits expected per spawner, and the stock recruitment relationship."

It goes on to say: "In the northern hemisphere, increasing temperature is likely to negatively impact species at the southern extent of their range; with particular respect to Southern New England/Massachusetts, (I always say Massachusetts, sorry about that it's that parochial thing.) With particular respect to the Southern New England/Mid-Atlantic winter flounder example, however, the results are not without question."

They highlight some of the uncertainty. Then it goes on to say towards the end that "future projections of stock biomass, with the conditions over the last five years, suggest the stock will not be able to attain the spawning stock biomass MSY; while the exact estimate of biomass will vary with the explicit assumption made for the projection models." It goes on from there.

The reduction in recruitment (and here is the important factor) "with a reduction in recruitment due to changes in productivity as a function of temperature, or other factors, will likely make it challenging for Southern New England/Mid-Atlantic winter flounder to achieve, and more importantly sustain its biomass above the rebuilding target."

Again, I wanted to bring this to your attention; because it has implications for our further discussions about what to do with winter flounder management down the road, not too far down the road. Certainly with Southern New England and

Mid-Atlantic winter flounder, which we're all very familiar.

Are there any reactions to the paper; any suggestions as to how we might want to deal with the findings, with the conclusions reached by these very prominent scientists from Woods Hole, Narragansett, and New Jersey? By the way, Jonathan Hare of course is the Director of the Northeast Fisheries Science Center is one of the authors of the paper. Are there any thoughts regarding this particular paper and its findings? Bob Ballou.

MR. ROBERT BALLOU: Well, just to state the obvious. It strikes me that winter flounder is not in fact, at least Southern New England/Mid-Atlantic, not overfished, but rather depleted due to climate change. Just that sort of characterization is something that I think perhaps this Board, this Commission is going to need to come to terms with.

I know we talked a lot about how we characterize stock status. But having just heard the FMP review, and again seen that characterization of overfished. Hearing your report on this paper, it just strikes me that we need to change our terms of reference, in essence, based on what the science is suggesting. That is my immediate response. Thank you for the opportunity to comment on this.

CHAIRMAN PIERCE: Any further comment on the paper? David Borden.

MR. BORDEN: Thank you for bringing this forward. I think it's a useful document. My take away from the message is slightly different. My read of this is you can't necessarily rebuild a population to the levels that existed previously, historically. But that doesn't mean we can't improve the status of a population.

With a different management strategy I think it would be useful, kind of consistent with what I

said before; to ask the technical people to review the paper and see whether or not there are other strategies that the Commission could utilize to improve the chances of rebuilding, recognizing that we may never be able to rebuild to the levels that existed before.

CHAIRMAN PIERCE: With that said, David. Are you prepared to make a motion regarding the tasking of the Plan Development Team or TC; specific to a reviews paper?

MR. BORDEN: I wasn't prepared to make a motion, Mr. Chairman. I would suggest that we do that unless we have objections. If we have objections, I'll cobble together a motion.

CHAIRMAN PIERCE: Unless there is an objection to tasking the Plan Development Team and/or the Technical Committee to review this paper, we'll have them do that. Pat.

MR. PATRICK C. KELIHER: Not an objection; but are any of the authors on this paper on the PDT or the Technical Committee? I just want to ensure that we don't instill bias in anything that we get from those bodies.

MS. WARE: Yes, some of the authors are on the Technical Committee.

MR. KELIHER: Mr. Chairman, I think that is something that we – I don't object to the assertion that this should be done. I think it's important to have this review. I think we just need to understand that if there are authors in there, there may be some bias that we should make sure we take that into account.

CHAIRMAN PIERCE: All right thank you, plus they may be able to elaborate and clarify points that are not necessarily well made in the very difficult to understand document. Toni.

MS. TONI KERNS: The Plan Development Team would not be the right group to do this. One, we don't have a Plan Development Team currently for winter flounder. You only have plan development

teams when we initiate management action. The TC could be a group. The Assessment Science Committee or Management and Science Committee also may be a group that might be appropriate to look at it.

It depends on the complexity of the paper; which I do believe it is not a simple topic. In addition that it is looking at a lot of species; not just winter flounder. The other thing that I would want to hear the Board's thoughts on is; since this is one of the species that we manage complementary with the New England Council. Is it something that we would want to see some input from their SSC on or not?

CHAIRMAN PIERCE: That was going to be my suggestion then in addition; the TC reviewing the paper, and giving us their recommendations as to its usefulness, its implications. We would also request the New England Council to do pretty much the same thing with its SSC. If there is no objection to that approach, we will send this document to the Technical Committee, and we'll also engage conversation with the Council about them doing something similar. Doug.

MR. DOUGLAS E. GROUT: I think it is important that as there is communication with the Council, we also have communication with the Science Center about this; because ultimately how this comes about is if we have a different rebuilding target, as a result of this being new science that is suggesting that we can't rebuild to levels that we've had historically.

That may; when they do the next benchmark assessment, affect what our fishing mortality target is on this. That's really where you're going to get the change in management; because right now we have a certain F is the way I understand. We have a certain F, because we're trying to rebuild to a higher level, and if that is not possible. If the best science says that it's a different rebuilding level, it would change the target fishing mortality.

CHAIRMAN PIERCE: Dennis.

MR. DENNIS ABBOTT: I think it's just very important for us to continue to shine a light on what climate change is doing to fisheries management. Most important is it affects our ability to manage the fishery. We have to shine the light as much as we can.

CHAIRMAN PIERCE: David.

MR. BORDEN: A quick point, I agree with the Chair's suggestion on the way to proceed on this. But I would just add that if the Council is willing to do that; then it might be useful, at least in our case, to kind of have the staff develop some terms of reference that we want that process to look at, and then submit a written document so that we make sure that the questions that we're all talking about are clearly brought forth.

CHAIRMAN PIERCE: Justin.

DR. JUSTIN DAVIS: Following up on what Toni said. I would just advocate for including the Assessment Science Committee as one of the groups to review this; because to me what's not only interesting are the conclusions relative to winter flounder, but the modeling approach described in this paper.

I'm kind of curious as to what degree it might be applicable to other species; if stock assessments are at this point sort of routinely considering models that include these environmental parameters and stock recruitment functions. I think adding the Assessment Science Committee to the body that would review this paper would be a good idea.

CHAIRMAN PIERCE: Without objection, I'll work with the staff with Megan, to put together the request of the different groups that have been mentioned, the SSC the Assessment Science Committee, you know the Northeast Fisheries Science Center, and anyone else who can help us better understand the implications of this.

Without objection that is what I will do, working with staff.

ADJOURNMENT

CHAIRMAN PIERCE: All right that brings us to the conclusion of our meeting, except for one other thing, which is other business. Is there any other business to be brought forward to the Board for discussion? I see none; without objection we will adjourn.

(Whereupon the meeting adjourned at 11:00 o'clock a.m. on February 5, 2019)