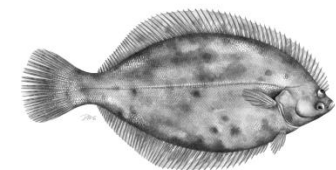




*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

Addendum I Regulatory Review

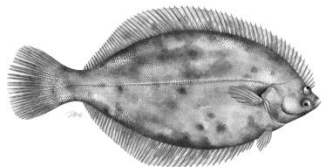
August 2012





Background

- Addendum I passed in 2009
 - Responded to the 2008 GARM III Assessment
 - Resulting Stock Status: likely overfished and overfishing probably occurring
 - Required an 11% reduction in F on GOM winter flounder to reach MSY

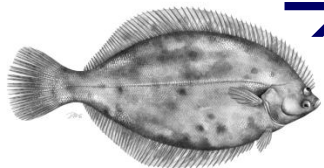




Addendum I Requirements

Commercial Measures

- 250 lb possession limit
 - Equated to a 31% reduction in harvest for state water vessels without federal permits
- Federal water fishermen were not subject to the same possession limits
 - The final federal interim rule was estimated to reduce F by 16% (DAS reductions)
 - Shifted to ACLs and sector management





Addendum I Requirements

Recreational Measures

➤ States implemented measures to reduce F by 11%

- Closed Season

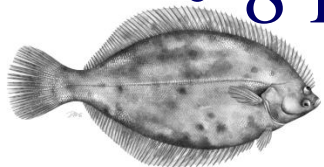
- ME: Oct 1-June 30

- NH: May 15-May 24

- MA: Sept 1-Oct 30

- 12" Minimum Size Limit

- 8 fish bag limit

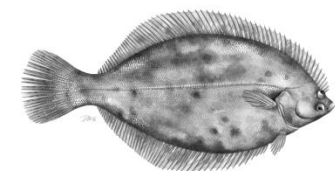




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GOM Winter Flounder Stock Status

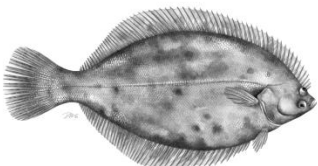
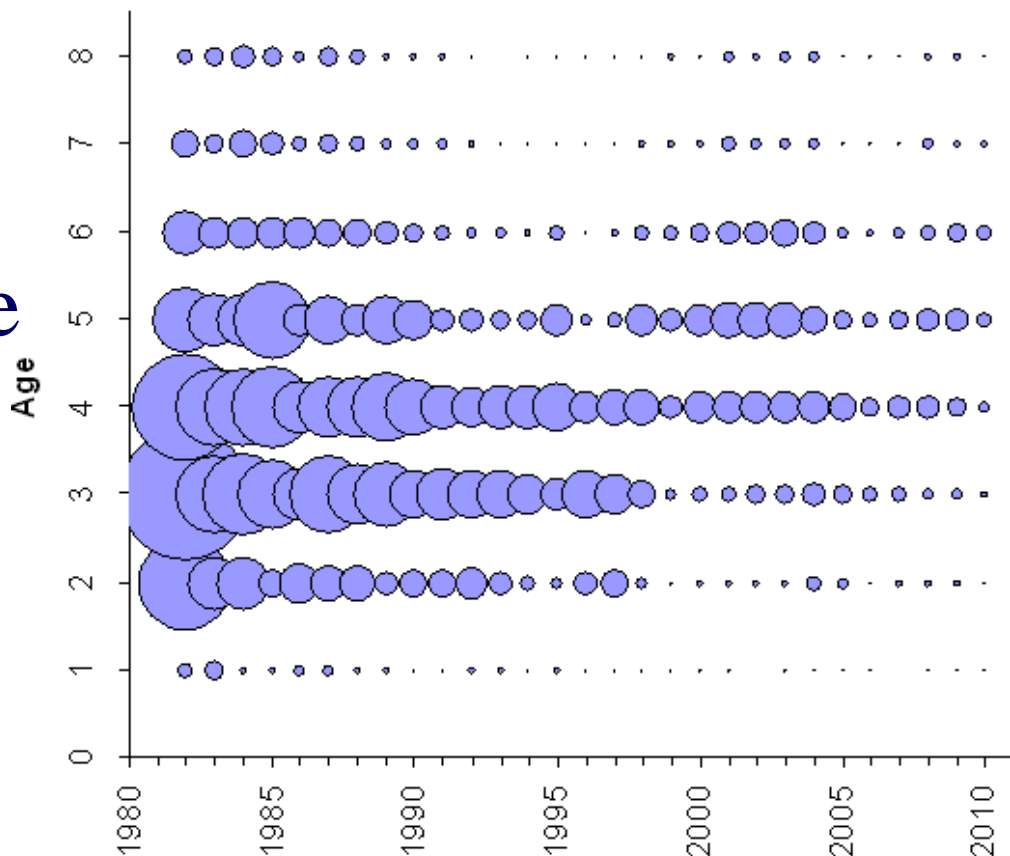
August 2012





SARC 52 GOM Stock

- Analytical model not accepted
 - Conflicting signals within the data
 - Catch declined while indices were flat and age structure did not expand



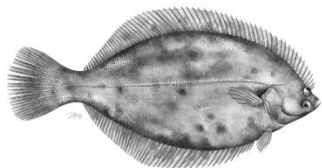


SARC 52 GOM Stock

- Use 30cm+ Area Swept biomass estimates to assesses stock
 - Produces F and exploitable biomass estimates

$$\textit{Exploitable Biomass} = \frac{\textit{30cm + Biomass per tow}}{\textit{Trawl efficiency} \times \textit{Area swept by trawl}} \times \textit{Total survey area}$$

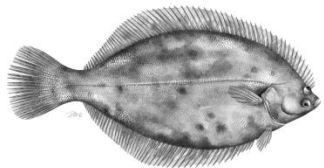
$$\textit{Exploitation rate} = \frac{\textit{Total Catch}}{\textit{Exploitable Biomass}}$$





Area Swept Assumptions

- No herding between the doors in the surveys.
- Fish are distributed similarly among habitats.
- Similar efficiencies among surveys.
- No movement of fish at the time when surveys are conducted.

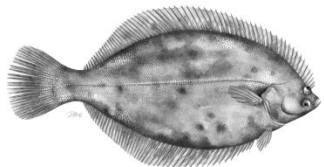




SARC 52 GOM Stock

➤ Biological Reference Points

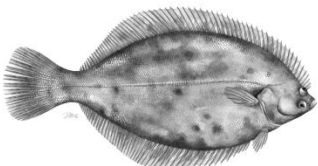
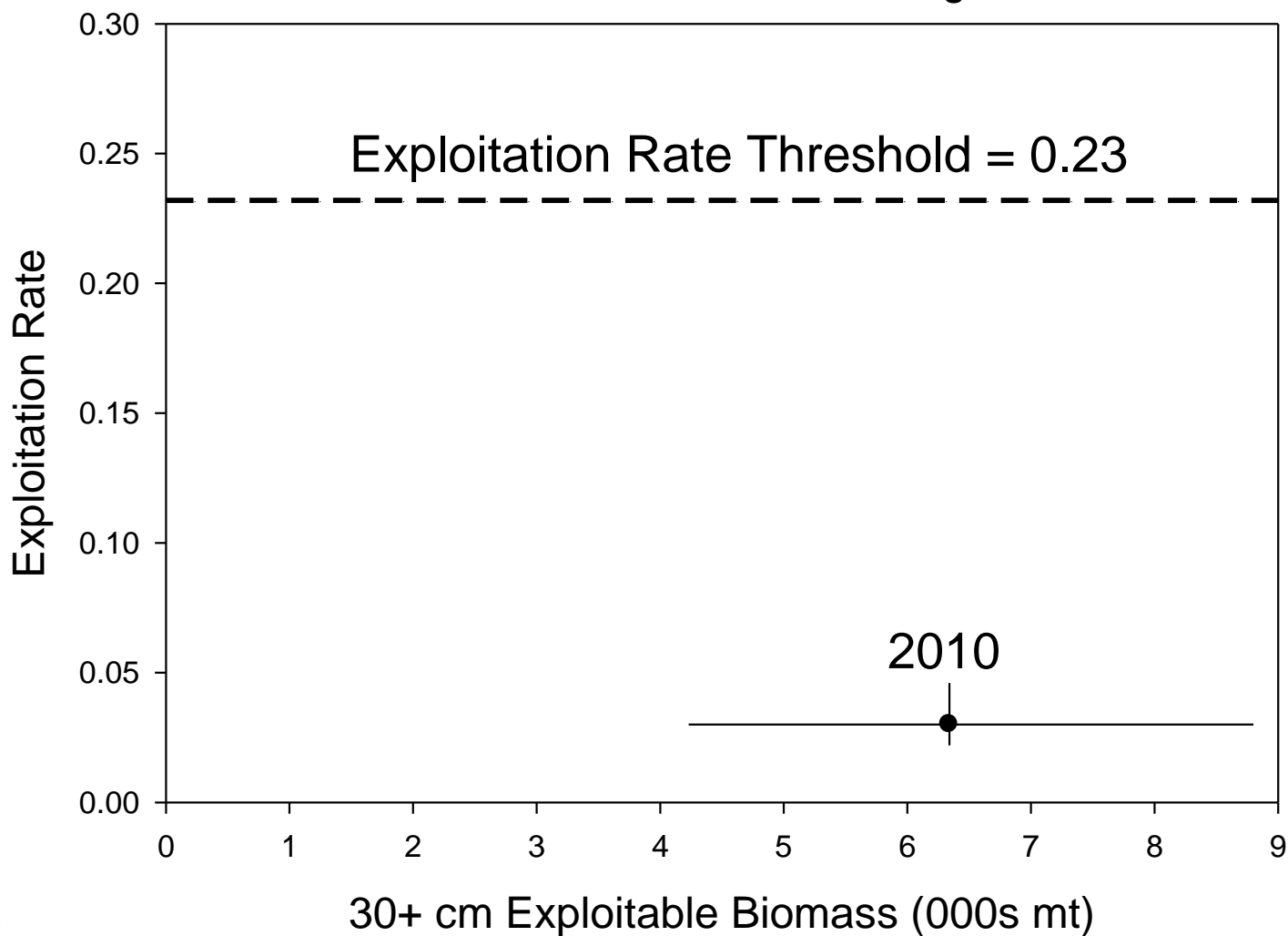
- $F_{40\%SPR}$ as the F_{MSY} proxy
- No biomass reference points





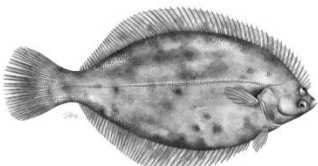
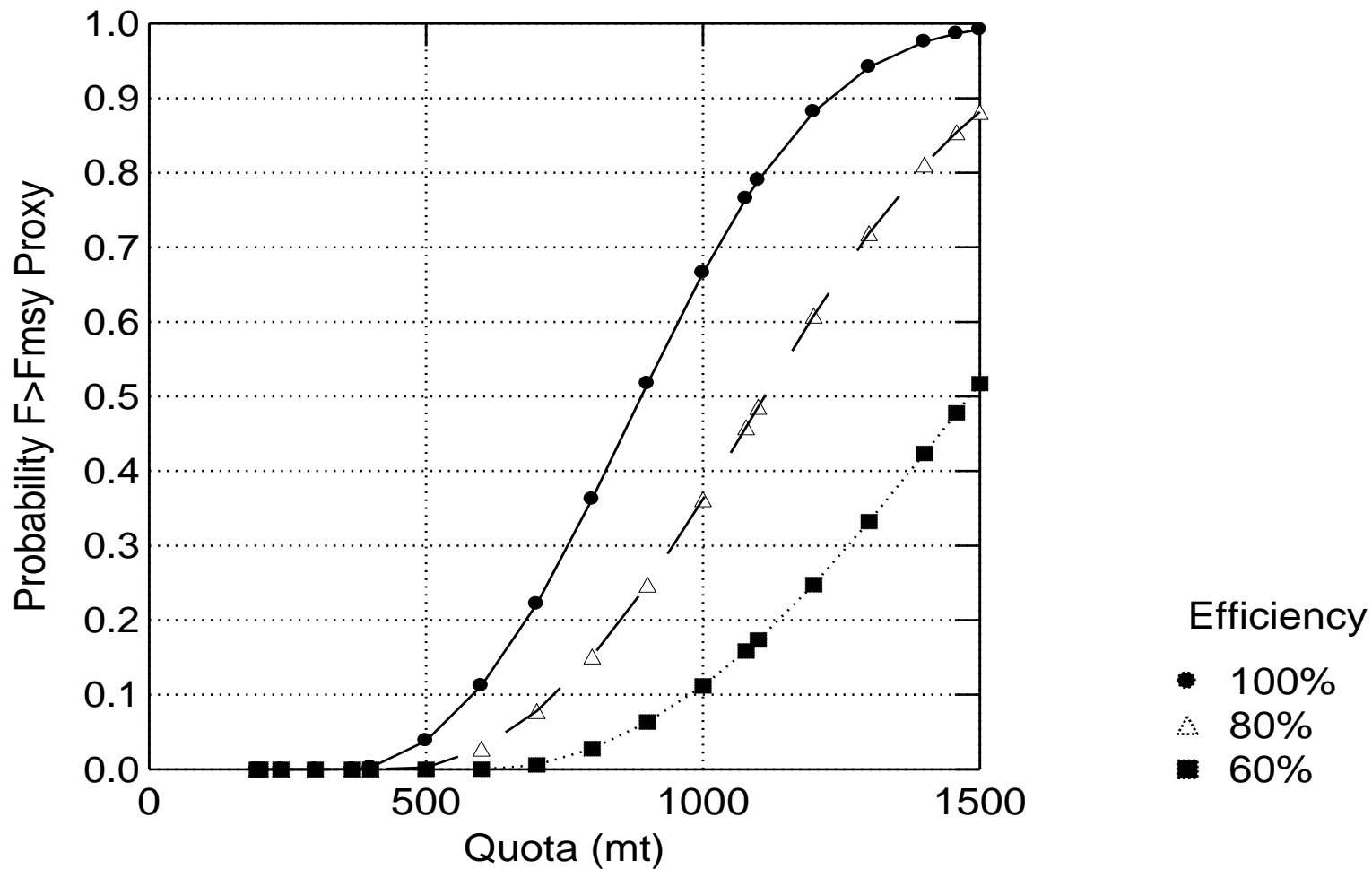
Overfishing Status

GOM Winter Flounder Overfishing status



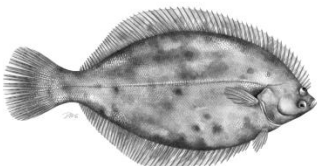
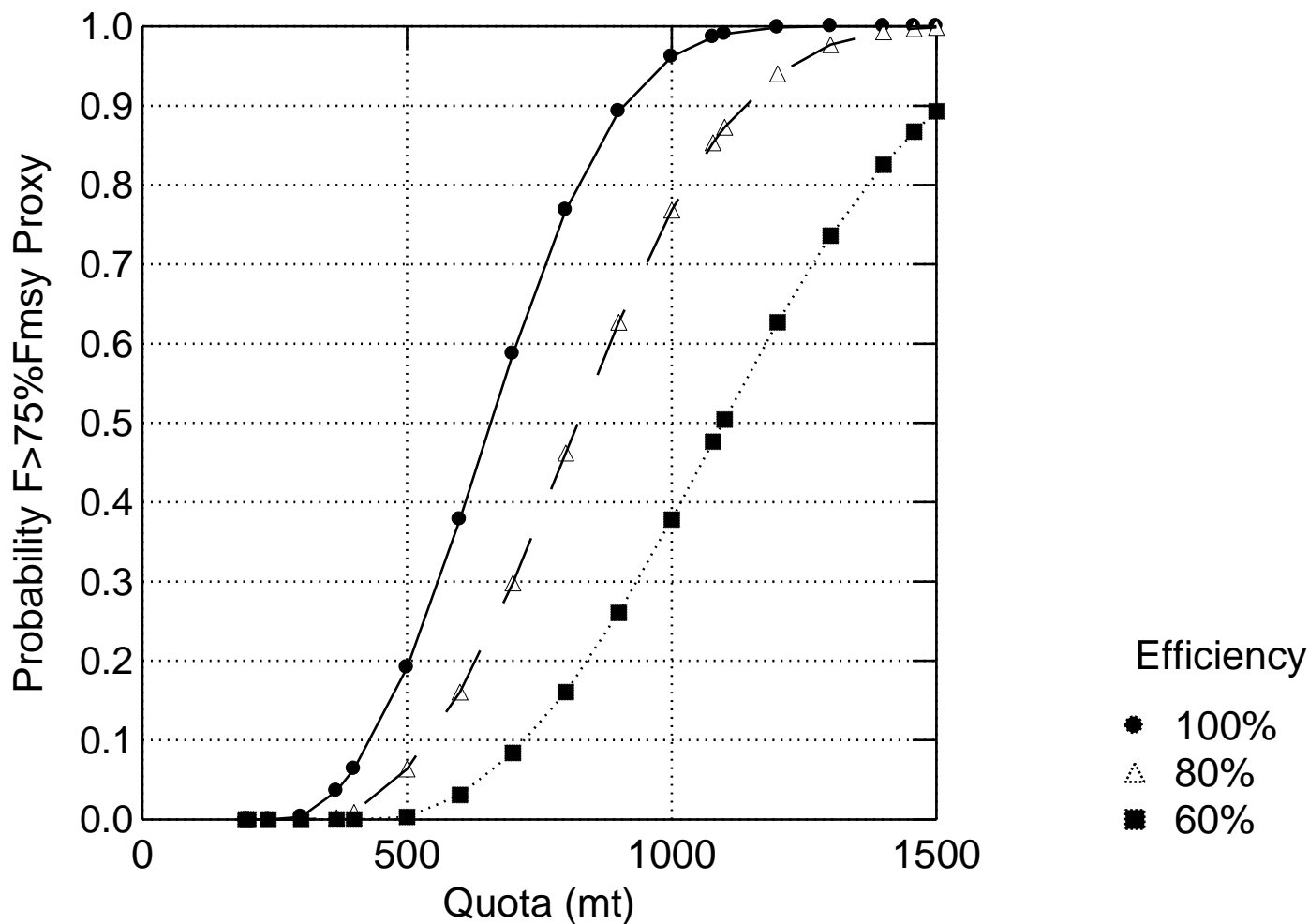


Probability of Exceeding Fmsy Proxy=0.23





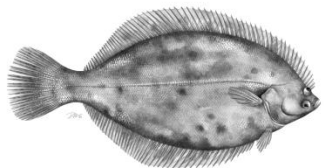
Probability of Exceeding 75% Fmsy Proxy=0.17





TC Concerns with large increases in the ABC

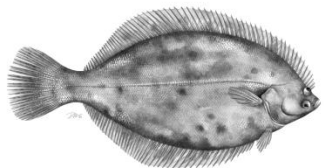
- Assessment is based on area swept survey indices
- ABC is conditional on the estimate of catchability
- Spatial distribution of the stock is truncated relative to its former distribution





Trip Limits

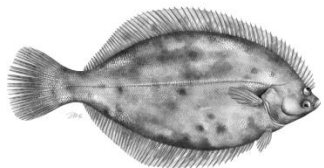
- Previous trip limit analysis were done to reduce the trip limit
- Concern there is not the data to support an analysis to increase the trip limit
- Uncertain if raising the trip limit from 250 to 500 will lead to targeted winter flounder trips





GOM ACLs

	Total ACL	Sector Sub- ACL	Common Pool Sub ACL	State Waters ACL Sub	Other ACL Sub
FY 2011 Emer revision	524 mt	313 mt	16mt	163 mt	32 mt
FY2012	1,040 mt	690 mt	25 mt	272 mt	54 mt



Gulf of Maine Winter Flounder Request

- Addendum I to Amendment 1 requirements be realigned to new federal management plan regulations.
- Conservative 500-pound commercial trip limit (currently 250 pounds).
- Remove the recreational fishery closures (MA, NH, and ME) to:
 - provide for consistent GOM measures between the states (12" minimum size, 8-fish bag, and open year-round) and
 - improve compatibility and fairness with federal measures (12" minimum size, unlimited retention, and open year-round).

Logic/Rationale

- Updated stock status information & NEFMC and NMFS action to increase the FY 2012 State Waters Annual Catch Limit (ACL) subcomponent by 450% (60 mt to 272 mt).
- This federal action made the 11% reduction in F required by Addendum I (May 2009) no longer necessary and inconsistent with Addendum I objective for complementary federal and interstate plans.
- Overfishing is no longer occurring.

Need for Timely Action

- Our state waters' fishermen harvest about 95% of their annual take of GOM winter flounder between May and September.
- Delaying implementation of any revision would:
 - take away any advantage to our fishermen (and those in NH and ME) of the increased FY 2012 sub-ACL;
 - have potential repercussions for federal re-allocation of any unused state waters sub-ACL in FY 2013; and
 - ignore fact that portion of state waters (and federal waters) will close in October and November for harbor porpoise protection.

Amendment 1 (November 2005)

- Written and adopted in response to SARC 36 indicating that the GOM winter flounder was **not** overfished and overfishing was **not** occurring, but the Southern New England/Mid-Atlantic (SNE/MA) complex was overfished and overfishing was occurring.
- One of the Amendment's objectives was to *"establish an interstate management program that compliments the management system for federal waters."*

Amendment 1 Requirement

- *"...states are required to obtain prior approval from the Board of any changes to their management program for which a compliance requirement is in effect..."*
- *A state can request permission to implement an alternative to any mandatory compliance measure only if that state can show to the Board's satisfaction that its alternative proposal will have the same conservation value as the measure contained in this amendment or any addenda...*
- *States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource (emphasis added)."*

Amendment 1 Section 4.3: Alternative State Management Regimes, 4.3.1. General Procedures

- A state may submit a proposal for a change to its regulatory program (emphasis added) or any mandatory compliance measure under this amendment to the Commission...
- The Winter Flounder Management Board will decide whether to approve the state proposal for an alternative management program if it determines that it is consistent with the 'target fishing mortality rate applicable' and the goals and objectives of this amendment (emphasis added)."

Adaptive Management?

- May be argued that Section 4.4 Adaptive Management should be used for any proposed change.
- However, adaptive management is to be used if the change is "*to conserve the winter flounder resource*" and "*prevent overfishing of the stock complex or any spawning component.*"
- Our request is in response to the scientific findings that:
 - we are no longer overfishing, and
 - the State Waters ACL subcomponent has increased significantly (450%).

Addendum I

- Addendum I to Amendment 1 was appropriately termed an Addendum because:
 - it adopted restrictions for GOM winter flounder "*to conserve the resource*" and
 - it dealt with an overfishing determination.
- Now situation is reversed.
- Requested change will:
 - lessen economic impact being felt now by commercial groundfish fishermen and
 - provide additional opportunities for recreational fishing.

Landings

- Massachusetts is only state with appreciable non-federal GOM winter flounder landings, i.e., about 45 mt in 2010 and 2011.
- 2012 State Waters ACL subcomponent is 271 mt.
- In 2010 and 2011 recreational landings for MA, NH, and ME were 34 and 38 mt, respectively).

With GOM states supporting this change and with no other state being affected by this action, we suspect non-GOM states will appreciate efficiency and effectiveness of this approach and rule changes complementing management system in federal waters and responding in a timely way to new assessment information.

Motion

Approve Massachusetts proposal to increase the GOM winter flounder commercial trip limit from 250 to 500 pounds and remove the MA, NH, and ME recreational fishery closures.

Two actions are consistent with the target fishing mortality rate and goals and objectives of this amendment 1, as well as being responsive to substantial increase in State Waters ACL subcomponent (450% increase).