

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

**Crowne Plaza Hotel - Old Town
Alexandria, Virginia
February 20, 2013**

Approved May 20, 2013

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INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of October 22, 2012 by consent** (Page 1).
3. **Move to approve the 2012 FMP review and state compliance reports and Delaware's request for *de minimis* status for both its commercial and recreational fisheries.**
Motion made by Pat Augustine; second by Bill Adler. Motion carries (Page 2).
4. **Move to add the Southern New England/Mid-Atlantic stock unit to the Draft Addendum.** Motion made by David Simpson; second by Pat Augustine. Motion carries unanimously (Page 4).
5. **Motion to adjourn** by consent (Page 4).

ATTENDANCE

Board Members

| | |
|---|---|
| Terry Stockwell, ME, proxy for P. Keliher (AA) | Rick Bellavance, RI, proxy for Rep. P. Martin (LA) |
| Rep. Walter Kumiega, ME (LA) | Bill McElroy, RI (GA) |
| Willis Spear, ME, proxy for S. Train (GA) | David Simpson, CT (AA) |
| Doug Grout, NH (AA) | Lance Stewart, CT (GA) |
| G. Ritchie White, NH (GA) | James Gilmore, NY (AA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Pat Augustine, NY (GA) |
| David Pierce, MA, proxy for P. Diodati (AA) | Russ Allen, NJ, proxy for D. Chanda (AA) |
| William Adler, MA (GA) | Tom Fote, NJ (GA) |
| Jocelyn Cary, MA, proxy for Rep. S. Peake (LA) | Roy Miller, DE (GA) |
| Mark Gibson, RI, proxy for R. Ballou (AA) | Davie Saveikis, DE (AA) |
| | John Clark, DE, Administrative proxy |
| | Peter Burns, NMFS |
| | Jaime Geiger, USFWS |

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

Ex-Officio Members

Harold Brown, Advisory Panel Chair

Staff

Toni Kerns
Melissa Yuen

Mark Robson

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 20, 2013, and was called to order at 12:05 o'clock p.m. by Chairman G. Ritchie White.

CALL TO ORDER

CHAIRMAN G. RITCHIE WHITE: I would like to call the Winter Flounder Board to order.

APPROVAL OF AGENDA

The first order of business is the agenda. Are there any additions or changes to the agenda? Seeing none; the agenda is accepted.

APPROVAL OF PROCEEDINGS

Are there any changes or additions to the proceedings from our October 2012 meeting? Seeing none; consider those approved. Is there any public input on issues that are not on the agenda? Seeing none; we will move on to the 2012 FMP review. Melissa.

2012 FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE

MS. MELISSA YUEN: I will now go over the Winter Flounder FMP and State Compliance for the 2011 fishing year. The commission manages the two inshore stock units in the Gulf of Maine and Southern New England. The third stock in Georges Bank is managed by the New England Fishery Management Council. I will focus on the first two.

The status of the stocks; the most recent stock assessment was in the Northeast Regional Stock Assessment Workshop 52

conducted in June of 2011. The Gulf of Maine stock is not experiencing overfishing. The overfished status is unknown because the model was not accepted. In Southern New England the stock has not experienced overfishing, but it is overfished.

The most recent estimated spawning stock biomass is 15.6 million pounds in 2010, which is only 16 percent of the target SSB level. Rebuilding of Southern New England stock continues to be a challenge because of low recruitment in recent years. The 2009 year class is only 12 percent of the peak estimate from the 1980 year class. Low recruitment may be due to warmer winter temperatures.

Moving on to fisheries, landings in the Gulf of Maine have generally declined since the time series starting in 1982. In the commercial sector 2010 had the lowest landings on record with just over 308,000 pounds. This is a 50 percent reduction from the previous year's landings and roughly 5 percent of the historic peak landings in 1982. Recreational landings have also been low; less than 71,000 pounds since 1994.

There are similar trends in Southern New England. In 2010 commercial landings fell to a record low of 383,000 pounds. This is less than 2 percent of the peak landings just three decades ago. Recreational landings also reached an all-time low in 2010 with anglers taking less than 62,000 pounds of winter flounder. Now, I will go over the management of inshore winter flounder. The 2011 fishing year spanned from May 2011 through April 2012.

Therefore, Amendment 1 and Addendum I applied to this FMP review. Addendum

II, which was implemented last October, would be implemented for the 2012 fishing year. These are the commercial management measures that were implemented for the Gulf of Maine in the 2011 fishing year.

I won't read through these in the interest of time, but the plan review team found that all states with an interest in winter flounder – these are the eight coastal states from Maine through Delaware – had management plans consistent with these FMP requirements. These are the commercial management measures for Southern New England. Again, the plan also found that all the states have regulations consistent with the FMP.

Recreational measures; again, all states have recreational measures in the Gulf of Maine and Southern New England consistent with the FMP. The Inshore Winter Flounder FMP also has state-specific requirements for monitoring and research, for the development of recruitment and spawning stock biomass indices. All states were consistent with these requirements.

Delaware was granted de minimis status for fishing year 2011, so it was exempted from the juvenile survey requirement. Amendment 1 to the FMP provided the criteria for de minimis status. A state must demonstrate that its three-year average commercial or recreational landings is less than 1 percent of the coast-wide landings.

The state must request de minimis status for each sector, commercial or recreational or both. Delaware is the only state that requested de minimis status. It was approved last year. The PRT recommends the board granting de minimis status to the state of Delaware based on their three-year average landings for commercial and recreational sectors, which is zero percent

for both. This concludes my presentation. Thank you, Mr. Chairman.

CHAIRMAN WHITE: Thank you, Melissa; very thorough report. Are there any questions for Melissa before I recognize Pat for a motion? Bill.

MR. WILLAIM A. ADLER: I think I have said this every time we bring this up about a chart that was for the Southern New England area that shows the target, which seemed to have never been reached; the threshold, which has never been reached, or something, and our stock is down there. As I said before, I go did somebody draw the line too high because it hasn't been reached, and it puts us into a panic situation.

The next thing I do question is why the stock hasn't improved given all the stuff that we have been doing and the federal council has been doing and everything else, and we still haven't seen the stock really recover. It doesn't seem to ever get up to the threshold and target. I just wanted to put that on the record again that it just doesn't seem to be a realistic goal. Thank you.

CHAIRMAN WHITE: Bill, I think this would be something that would be addressed in the next stock assessment. Pat, I'm going to be looking for a motion that would approve the 2012 FMP review as well as Delaware's request for de minimis.

MR. PATRICK AUGUSTINE: That is correct, Mr. Chairman. **I move that the board approve the 2012 FMP review and state compliance reports and Delaware's request for de minimis status for commercial and recreational fisheries.**

CHAIRMAN WHITE: Seconded by Bill Adler. Is there any discussion of the motion? Is there any opposition to the motion? **Seeing none; it carries unanimously.** Next I would like to recognize Toni to talk about Draft Addendum III.

MS. TONI KERNS: Some of you may be wondering why we have Draft Addendum III on the agenda since we approved it for public comment at the last meeting. Because of staff transitions, we ran out of time to take this document out for public comment, so we wanted to just go ahead and show you the changes that we had made to the document and make sure it is what the board wanted.

Then we will go ahead and Melissa will be taking this out for public comment this spring for final approval in May. This still will meet the timeline to do specifications if those are approved through this document in time for next year's fishery. The purpose of this document is to consider changes to the specification process for winter flounder, both the commercial and recreational fisheries, and consider in-season accountability measures for the commercial fishery.

This document was proposed for just the Gulf of Maine fishery only. As a reminder, the New England Fishery Management Council recommended to NOAA Fisheries that it set specifications for winter flounder for three years, which are all subject to review. They set sector and sub-sector ACLs. The federal ACLs are subject to accountability measures.

The state water landings are estimated to account for the state harvest. State water harvest is controlled by output controls through the commission. It can be done through trip limit, seasons and size and bag

limits. In order to respond to the changes in the federal ACLs, an addendum was initiated to change state water management measures.

This is so we can fully utilize state water harvest and to respond to changes through the federal system in a timely fashion. Currently there is no quota or accountability measures for state waters through the commission process. We use trip limits to control harvest for state water fisheries in the commercial fishery.

The technical committee had recommended accountability measures to control harvest to the federal estimated state water harvest. The proposed measures – again as a reminder, this is for Gulf of Maine only – is Option 1 for the commercial fishery and recreational measures is status quo; no changes to the measures.

Option 2 is to put forward a specification process which would allow the board to annually or through a multi-year specification set federally estimated state waters harvest. For annual specifications the board could adjust measures for the commercial fishery through board action on an annual basis. Those measures could be trip limits, season limits and size limits.

For the recreational fishery the board could set measures through an annual specification process for size limits, bag limits and seasons. For accountability measures the document proposes Option 1, status quo, which would be no accountability measures in place for state water harvest. Option 2 is to establish commercial accountability measures. In order to do so, the document proposes to establish a trigger for state water trip

limits that closes the state water fisheries when the trigger is reached.

A trigger is met when a certain percentage of the options below are harvested; and it is at 75 percent, 85 percent and 90 percent. It shouldn't say "close"; it should just say when the trigger is met then we would drop to a lower trip limit. That is an error in the presentation. Just to update the board, the New England Fishery Management Council Groundfish Oversight Committee recommended for the Southern New England stock unit, that an alternative strategy be put forward to rebuild that stock by 2023.

They have set allowable commercial and recreational landings of an ABC at 1,676 metric tons for the fishery year 2013. The plan review team asked the board if they still feel the same to not have the Southern New England stock included in this document. If it were to be included, it could just be to be able to respond to any changes that the council makes in that area's state water harvest quotas or not in a timely fashion.

CHAIRMAN WHITE: Thank you, Toni. Since we already approved this; we would only be looking for a motion if we wanted to alter the previous adoption; is that correct?

MS. KERNS: That is correct.

MR. DAVID SIMPSON: To that point and Toni's last point, **I think I would like to move to add the Southern New England and Mid-Atlantic stock area to the addendum** for the reasons that Toni just stated. It would provide the flexibility for us to respond in Southern New England the way the addendum proposes currently to respond to changes in state waters' allocations in the Gulf of Maine.

CHAIRMAN WHITE: Second by Pat Augustine. Is there any discussion on the motion?

MR. MARK GIBSON: I support the motion and I believe the council has in fact accepted the Groundfish Committee's recommendation and moved that recommendation on to the Service.

CHAIRMAN WHITE: Is there any further discussion? Seeing none; is there an opposition to this motion? **Seeing none; it passes unanimously.**

ADJOURNMENT

Motion to adjourn; but prior to that I want to make sure that A.C. Carpenter hears about how fast we went through this. Motion to adjourn, Pat Augustine; second, Tom Fote. We're adjourned.

(Whereupon, the meeting was adjourned at 12:20 o'clock p.m., February 20, 2013.)